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THE
REVISED STATUTES
OF
CANADA, 1906

PROCLAIMED AND PUBLISHED UNDER THE AUTHORITY OF THE
ACT 3 EDWARD VII., CHAP. 61 (1903).

VOL. I.

OTTAWA
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1906
# TABLE OF CONTENTS

## VOLUME I

<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Revised Statutes of Canada, 1906, Act.</td>
<td>ix</td>
</tr>
<tr>
<td></td>
<td>Proclamation</td>
<td>xiii</td>
</tr>
<tr>
<td>1.</td>
<td>Interpretation Act.</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Publication of Statutes Act.</td>
<td>15</td>
</tr>
<tr>
<td>3.</td>
<td>Governor General’s Act.</td>
<td>19</td>
</tr>
<tr>
<td>4.</td>
<td>Salaries Act.</td>
<td>21</td>
</tr>
<tr>
<td>5.</td>
<td>Representation Act.</td>
<td>23</td>
</tr>
<tr>
<td>6.</td>
<td>Dominion Elections Act.</td>
<td>57</td>
</tr>
<tr>
<td>7.</td>
<td>Dominion Controverted Elections Act.</td>
<td>153</td>
</tr>
<tr>
<td>8.</td>
<td>Corrupt Practices Inquiries Act.</td>
<td>183</td>
</tr>
<tr>
<td>9.</td>
<td>Disfranchising Act.</td>
<td>191</td>
</tr>
<tr>
<td>10.</td>
<td>Senate and House of Commons Act.</td>
<td>197</td>
</tr>
<tr>
<td>11.</td>
<td>House of Commons Act.</td>
<td>207</td>
</tr>
<tr>
<td>12.</td>
<td>Speaker of the Senate’s Act.</td>
<td>213</td>
</tr>
<tr>
<td>15.</td>
<td>High Commissioner’s Act.</td>
<td>219</td>
</tr>
<tr>
<td>16.</td>
<td>Civil Service Act.</td>
<td>221</td>
</tr>
<tr>
<td>17.</td>
<td>Civil Service Superannuation and Retirement Act.</td>
<td>245</td>
</tr>
<tr>
<td>18.</td>
<td>Civil Service Insurance Act.</td>
<td>253</td>
</tr>
<tr>
<td>19.</td>
<td>Public Officers Act.</td>
<td>257</td>
</tr>
<tr>
<td>20.</td>
<td>Contingencies Act.</td>
<td>269</td>
</tr>
<tr>
<td>21.</td>
<td>Department of Justice Act.</td>
<td>273</td>
</tr>
<tr>
<td>22.</td>
<td>Solicitor General’s Act.</td>
<td>275</td>
</tr>
<tr>
<td>23.</td>
<td>Department of Finance and Treasury Board Act.</td>
<td>277</td>
</tr>
<tr>
<td>24.</td>
<td>Consolidated Revenue and Audit Act.</td>
<td>281</td>
</tr>
</tbody>
</table>

R.S., 1906.
Table of Contents.

<table>
<thead>
<tr>
<th>CHAP.</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>Currency Act</td>
<td>311</td>
</tr>
<tr>
<td>26.</td>
<td>Ottawa Mint Act</td>
<td>315</td>
</tr>
<tr>
<td>27.</td>
<td>Dominion Notes Act</td>
<td>317</td>
</tr>
<tr>
<td>28.</td>
<td>Provincial Subsidies Act</td>
<td>321</td>
</tr>
<tr>
<td>29.</td>
<td>Bank Act</td>
<td>327</td>
</tr>
<tr>
<td>30.</td>
<td>Savings Bank Act</td>
<td>333</td>
</tr>
<tr>
<td>31.</td>
<td>Penny Bank Act</td>
<td>395</td>
</tr>
<tr>
<td>32.</td>
<td>Quebec Savings Bank Act</td>
<td>407</td>
</tr>
<tr>
<td>33.</td>
<td>Savings Deposits Returns Act</td>
<td>421</td>
</tr>
<tr>
<td>34.</td>
<td>Insurance Act</td>
<td>423</td>
</tr>
<tr>
<td>35.</td>
<td>Department of Railways and Canals Act</td>
<td>465</td>
</tr>
<tr>
<td>36.</td>
<td>Government Railways Act</td>
<td>473</td>
</tr>
<tr>
<td>37.</td>
<td>Railway Act</td>
<td>493</td>
</tr>
<tr>
<td>38.</td>
<td>Passenger Tickets Act</td>
<td>647</td>
</tr>
<tr>
<td>39.</td>
<td>Public Works Act</td>
<td>651</td>
</tr>
<tr>
<td>40.</td>
<td>Government Works Tolls Act</td>
<td>663</td>
</tr>
<tr>
<td>41.</td>
<td>Militia Act</td>
<td>669</td>
</tr>
<tr>
<td>42.</td>
<td>Militia Pension Act</td>
<td>699</td>
</tr>
<tr>
<td>43.</td>
<td>Royal Military College Act</td>
<td>707</td>
</tr>
<tr>
<td>44.</td>
<td>Department of Marine and Fisheries Act</td>
<td>711</td>
</tr>
<tr>
<td>45.</td>
<td>Fisheries Act</td>
<td>715</td>
</tr>
<tr>
<td>46.</td>
<td>Deep Sea Fisheries Act</td>
<td>741</td>
</tr>
<tr>
<td>47.</td>
<td>Customs and Fisheries Protection Act</td>
<td>743</td>
</tr>
<tr>
<td>48.</td>
<td>Customs Act</td>
<td>751</td>
</tr>
<tr>
<td>49.</td>
<td>Customs Tariff</td>
<td>827</td>
</tr>
<tr>
<td>50.</td>
<td>Export Act</td>
<td>889</td>
</tr>
</tbody>
</table>

VOLUME II.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>51.</td>
<td>Inland Revenue Act</td>
<td>893</td>
</tr>
<tr>
<td>52.</td>
<td>Weights and Measures Act</td>
<td>1001</td>
</tr>
<tr>
<td>53.</td>
<td>Electrical Units Act</td>
<td>1025</td>
</tr>
</tbody>
</table>

R.S., 1906.
<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
<th>Page.</th>
</tr>
</thead>
<tbody>
<tr>
<td>54</td>
<td>Department of Interior Act.</td>
<td>1029</td>
</tr>
<tr>
<td>55</td>
<td>Dominion Lands Act.</td>
<td>1031</td>
</tr>
<tr>
<td>56</td>
<td>Dominion Forest Reserves Act.</td>
<td>1103</td>
</tr>
<tr>
<td>57</td>
<td>Public Lands Grants Act.</td>
<td>1113</td>
</tr>
<tr>
<td>58</td>
<td>Ordnance and Admiralty Lands Act.</td>
<td>1115</td>
</tr>
<tr>
<td>59</td>
<td>Railway Belt Act.</td>
<td>1125</td>
</tr>
<tr>
<td>60</td>
<td>Rocky Mountains Park Act.</td>
<td>1127</td>
</tr>
<tr>
<td>61</td>
<td>Irrigation Act.</td>
<td>1131</td>
</tr>
<tr>
<td>62</td>
<td>Northwest Territories Act.</td>
<td>1151</td>
</tr>
<tr>
<td>63</td>
<td>Yukon Act.</td>
<td>1175</td>
</tr>
<tr>
<td>64</td>
<td>Yukon Placer Mining Act.</td>
<td>1197</td>
</tr>
<tr>
<td>65</td>
<td>Geological Survey Act.</td>
<td>1221</td>
</tr>
<tr>
<td>66</td>
<td>Post Office Act.</td>
<td>1225</td>
</tr>
<tr>
<td>67</td>
<td>Department of Agriculture Act.</td>
<td>1263</td>
</tr>
<tr>
<td>68</td>
<td>Census and Statistics Act.</td>
<td>1265</td>
</tr>
<tr>
<td>69</td>
<td>Patent Act.</td>
<td>1277</td>
</tr>
<tr>
<td>70</td>
<td>Copyright Act.</td>
<td>1297</td>
</tr>
<tr>
<td>71</td>
<td>Trade Mark and Design Act.</td>
<td>1311</td>
</tr>
<tr>
<td>72</td>
<td>Timber Marking Act.</td>
<td>1323</td>
</tr>
<tr>
<td>73</td>
<td>Experimental Farm Stations Act.</td>
<td>1327</td>
</tr>
<tr>
<td>74</td>
<td>Quarantine Act.</td>
<td>1331</td>
</tr>
<tr>
<td>75</td>
<td>Animals Contagious Diseases Act.</td>
<td>1335</td>
</tr>
<tr>
<td>76</td>
<td>Department of State Act.</td>
<td>1347</td>
</tr>
<tr>
<td>77</td>
<td>Naturalization Act.</td>
<td>1349</td>
</tr>
<tr>
<td>78</td>
<td>Oaths of Allegiance Act.</td>
<td>1371</td>
</tr>
<tr>
<td>79</td>
<td>Companies Act.</td>
<td>1373</td>
</tr>
<tr>
<td>80</td>
<td>Public Printing and Stationery Act.</td>
<td>1435</td>
</tr>
<tr>
<td>81</td>
<td>Indian Act.</td>
<td>1445</td>
</tr>
<tr>
<td>82</td>
<td>Department of Trade and Commerce Act.</td>
<td>1501</td>
</tr>
<tr>
<td>83</td>
<td>Manitoba Grain Act.</td>
<td>1503</td>
</tr>
<tr>
<td>84</td>
<td>Cullers Act.</td>
<td>1537</td>
</tr>
<tr>
<td>85</td>
<td>Inspection and Sale Act.</td>
<td>1555</td>
</tr>
</tbody>
</table>

R.S., 1906.
Table of Contents.

<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>86</td>
<td>Petroleum and Naphtha Inspection Act</td>
<td>1643</td>
</tr>
<tr>
<td>87</td>
<td>Gas Inspection Act</td>
<td>1655</td>
</tr>
<tr>
<td>88</td>
<td>Electric Light Inspection Act</td>
<td>1669</td>
</tr>
<tr>
<td>89</td>
<td>Water Meters Inspection Act</td>
<td>1677</td>
</tr>
<tr>
<td>90</td>
<td>Gold and Silver Marking Act</td>
<td>1683</td>
</tr>
<tr>
<td>91</td>
<td>Royal Northwest Mounted Police Act</td>
<td>1689</td>
</tr>
<tr>
<td>92</td>
<td>Dominion Police Act</td>
<td>1707</td>
</tr>
<tr>
<td>93</td>
<td>Immigration Act</td>
<td>1709</td>
</tr>
<tr>
<td>94</td>
<td>Immigration Aid Societies Act</td>
<td>1729</td>
</tr>
<tr>
<td>95</td>
<td>Chinese Immigration Act</td>
<td>1735</td>
</tr>
<tr>
<td>96</td>
<td>Conciliation and Labour Act</td>
<td>1743</td>
</tr>
<tr>
<td>97</td>
<td>Alien Labour Act</td>
<td>1753</td>
</tr>
<tr>
<td>98</td>
<td>Wages Liability Act</td>
<td>1757</td>
</tr>
<tr>
<td>99</td>
<td>Manitoba Supplementary Provisions Act</td>
<td>1761</td>
</tr>
<tr>
<td>100</td>
<td>Saskatchewan and Alberta Roads Act</td>
<td>1771</td>
</tr>
<tr>
<td>101</td>
<td>Demise of the Crown Act</td>
<td>1773</td>
</tr>
<tr>
<td>102</td>
<td>Public Documents Act</td>
<td>1775</td>
</tr>
<tr>
<td>103</td>
<td>Satisfied Securities Act</td>
<td>1777</td>
</tr>
<tr>
<td>104</td>
<td>Inquiries Act</td>
<td>1779</td>
</tr>
<tr>
<td>105</td>
<td>Marriage Act</td>
<td>1783</td>
</tr>
<tr>
<td>106</td>
<td>Dominion Day Act</td>
<td>1785</td>
</tr>
<tr>
<td>107</td>
<td>Victoria Day Act</td>
<td>1787</td>
</tr>
<tr>
<td>108</td>
<td>Ferries Act</td>
<td>1789</td>
</tr>
<tr>
<td>109</td>
<td>Bridges Act</td>
<td>1793</td>
</tr>
<tr>
<td>110</td>
<td>Land Titles Act</td>
<td>1799</td>
</tr>
</tbody>
</table>

VOLUME III.

<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>111</td>
<td>Government Vessels Discipline Act</td>
<td>1871</td>
</tr>
<tr>
<td>112</td>
<td>Government Harbours and Piers Act</td>
<td>1877</td>
</tr>
<tr>
<td>113</td>
<td>Canada Shipping Act</td>
<td>1881</td>
</tr>
<tr>
<td>114</td>
<td>United States Wreckers Act</td>
<td>2123</td>
</tr>
</tbody>
</table>

R.S., 1906.
<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>115.</td>
<td>Navigable Waters Protection Act</td>
<td>2125</td>
</tr>
<tr>
<td>116.</td>
<td>Dry Docks Subsidies Act</td>
<td>2133</td>
</tr>
<tr>
<td>117.</td>
<td>Quebec Harbour and River Police Act</td>
<td>2137</td>
</tr>
<tr>
<td>118.</td>
<td>Bills of Lading Act</td>
<td>2141</td>
</tr>
<tr>
<td>119.</td>
<td>Bills of Exchange Act</td>
<td>2143</td>
</tr>
<tr>
<td>120.</td>
<td>Interest Act</td>
<td>2187</td>
</tr>
<tr>
<td>121.</td>
<td>Pawnbrokers Act</td>
<td>2191</td>
</tr>
<tr>
<td>122.</td>
<td>Money Lenders Act</td>
<td>2195</td>
</tr>
<tr>
<td>123.</td>
<td>Pension Fund Societies Act</td>
<td>2197</td>
</tr>
<tr>
<td>124.</td>
<td>Boards of Trade Act</td>
<td>2201</td>
</tr>
<tr>
<td>125.</td>
<td>Trade Unions Act</td>
<td>2211</td>
</tr>
<tr>
<td>126.</td>
<td>Telegraphs Act</td>
<td>2221</td>
</tr>
<tr>
<td>127.</td>
<td>San José Scale Act</td>
<td>2233</td>
</tr>
<tr>
<td>128.</td>
<td>Seed Control Act</td>
<td>2235</td>
</tr>
<tr>
<td>129.</td>
<td>Seed Grain Sureties Act</td>
<td>2241</td>
</tr>
<tr>
<td>130.</td>
<td>Live Stock Shipping Act</td>
<td>2243</td>
</tr>
<tr>
<td>131.</td>
<td>Live Stock Pedigree Act</td>
<td>2247</td>
</tr>
<tr>
<td>132.</td>
<td>Fertilizers Act</td>
<td>2251</td>
</tr>
<tr>
<td>133.</td>
<td>Adulteration Act</td>
<td>2257</td>
</tr>
<tr>
<td>134.</td>
<td>Canned Goods Act</td>
<td>2273</td>
</tr>
<tr>
<td>135.</td>
<td>Public Works Health Act</td>
<td>2275</td>
</tr>
<tr>
<td>136.</td>
<td>Leprosy Act</td>
<td>2277</td>
</tr>
<tr>
<td>137.</td>
<td>Canada Medical Act</td>
<td>2283</td>
</tr>
<tr>
<td>138.</td>
<td>Judges Act</td>
<td>2293</td>
</tr>
<tr>
<td>139.</td>
<td>Supreme Court Act</td>
<td>2305</td>
</tr>
<tr>
<td>140.</td>
<td>Exchequer Court Act</td>
<td>2329</td>
</tr>
<tr>
<td>141.</td>
<td>Admiralty Act</td>
<td>2349</td>
</tr>
<tr>
<td>142.</td>
<td>Petition of Right Act</td>
<td>2355</td>
</tr>
<tr>
<td>143.</td>
<td>Expropriation Act</td>
<td>2359</td>
</tr>
<tr>
<td>144.</td>
<td>Winding-up Act</td>
<td>2371</td>
</tr>
<tr>
<td>145.</td>
<td>Canada Evidence Act</td>
<td>2407</td>
</tr>
<tr>
<td>146.</td>
<td>Criminal Code</td>
<td>2419</td>
</tr>
</tbody>
</table>

R.S., 1906.
**Table of Contents.**

<table>
<thead>
<tr>
<th>CHAP.</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.</td>
<td>Penitentiary Act</td>
<td>2781</td>
</tr>
<tr>
<td>148.</td>
<td>Prisons and Reformatories Act</td>
<td>2807</td>
</tr>
<tr>
<td>149.</td>
<td>Identification of Criminals Act</td>
<td>2841</td>
</tr>
<tr>
<td>150.</td>
<td>Ticket of Leave Act</td>
<td>2843</td>
</tr>
<tr>
<td>151.</td>
<td>Northwest Game Act</td>
<td>2849</td>
</tr>
<tr>
<td>152.</td>
<td>Canada Temperance Act</td>
<td>2857</td>
</tr>
<tr>
<td>153.</td>
<td>Lord’s Day Act</td>
<td>2917</td>
</tr>
<tr>
<td>154.</td>
<td>Fugitive Offenders’ Act</td>
<td>2923</td>
</tr>
<tr>
<td>155.</td>
<td>Extradition Act</td>
<td>2929</td>
</tr>
<tr>
<td>Schedule A.—Acts and parts of Acts repealed</td>
<td>2941</td>
<td></td>
</tr>
</tbody>
</table>

**VOLUME IV.**

Appendix I.—History and disposal of Acts | 2961 |
Appendix II.—Table of Acts and parts of Acts consolidated | 3001 |
Appendix III.—Containing:
The British North America Act, 1867 | 3089 |
Rupert’s Land Act, 1868 | 3125 |
The British North America Act, 1871 | 3129 |
The Parliament of Canada Act, 1875 | 3131 |
The British North America Act, 1886 | 3133 |
The Manitoba Act, 23 Victoria, Chapter 3 (Canada) | 3135 |
Her Majesty’s Order in Council admitting Rupert’s Land and the Northwest Territory | 3143 |
Her Majesty’s Order in Council admitting British Columbia | 3165 |
Her Majesty’s Order in Council admitting Prince Edward Island | 3175 |
The Alberta Act, 4-5 Edward VII., Chapter 3 (Canada) | 3183 |
The Saskatchewan Act, 4-5 Edward VII., Chapter 42 (Canada) | 3201 |

Index.

R.S., 1906.
6-7 EDWARD VII.

An Act respecting the Revised Statutes, 1906.

[Assented to 30th January, 1907.]

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

SHORT TITLE.

1. This Act may be cited as the Revised Statutes of Canada, 1906, Act.

INTERPRETATION.

2. This Act shall be subject to the same rules of construction as The Revised Statutes, 1906.

SANCTION.

3. The Revised Statutes of Canada, 1906, are hereby confirmed and declared to have and to have had, on, from and after the thirty-first day of January, 1907, the force of law as if herein enacted.

2. The marginal notes thereon, the reference to former enactments at the foot of the sections, and the explanatory notes and tables inserted by the Commissioners, shall form no part of the said Revised Statutes, and shall be held to have been inserted for convenience only, and may be corrected or omitted.

REPEAL.

4. The several Acts enumerated in schedule A to the said Revised Statutes are hereby declared to be and to have been, on, from and after the last mentioned date, repealed to the extent mentioned in the said schedule.

5. The repeal of the said Acts or parts of Acts shall not,—
   \( (a) \) revive any Act or provision of law repealed by them; or,
   \( (b) \) prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts, or parts of Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

6. The repeal of the said Acts and parts of Acts shall not affect,—
   \( (a) \) R.S., 1906.
(a) any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;

(b) any indictment, information, conviction, sentence or prosecution, had, done, completed or pending at the time of such repeal;

(c) any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatsoever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;

(d) any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing, had, done, made, acquired established or existing at the time of such repeal; or,

(e) any office, appointment, commission, salary, allowance, security or duty, or any matter or thing appertaining thereto at the time of such repeal.

2. Such repeal shall not defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal:

(a) penalty, forfeiture, liability and proceeding;

(b) indictment, information, conviction, sentence and prosecution;

(c) action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing;

(d) act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing; and,

(e) office, appointment, commission, salary, allowance, security, duty, matter or thing;

Continuance thereof under R.S., 1906.

R.S., 1906, not to be deemed new laws.

Construction where they differ from repealed enactments.

7. The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted.

2. If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then, as respects R.S., 1906.
respects all transactions, matters and things subsequent to the
time when the said Revised Statutes take effect, the provisions
contained in them shall prevail, but, as respects all transactions,
matters and things anterior to the said time, the provisions of
the said repealed Acts and parts of Acts shall prevail.

8. Any reference in any former Act remaining in force, or
in any proclamation, order in council, instrument or document,
to any Act or enactment so repealed, shall, after the said Revised
Statutes take effect, be held, as regards any subsequent trans-
action, matter or thing, to be a reference to the enactments in
the said Revised Statutes, having the same effect as such
repealed Act or enactment.

9. The insertion of any Act in the said schedule A shall
not be considered as a declaration that such Act or any part
of it was or was not in force immediately before the coming
into force of the said Revised Statutes.

FRENCH VERSION.

10. The Governor in Council may appoint two or more
competent persons to prepare the French version of the said
Revised Statutes, and they shall proceed as speedily as possible
to make and complete such version and report the same to the
Governor in Council.

2. The Governor General shall thereupon cause a printed
Roll of the version so made and reported, attested under
the signature of the Governor General and that of the Clerk
of the Parliaments, to be deposited in the office of the said
Clerk, and such Roll shall be deemed to be the authentic
original French version of the said statutes, and as such shall
have the force of law as if herein enacted.

EVIDENCE.

11. Copies of the said Revised Statutes, either in the
English or French language, purporting to be printed by the
King's Printer, shall be evidence of the said Revised Statutes
and of their contents.

DISTRIBUTION.

12. The laws relating to the distribution of the printed
copies of the statutes shall not apply to the said Revised
Statutes, but the same shall be distributed in such numbers and
to such persons only as the Governor in Council directs.

CITATION.

13. Any chapter of the said Revised Statutes may be cited
and referred to in any Act or proceeding whatsoever, either by
its

R.S., 1906.

As to references to repealed Act in former Acts, etc.

As to effect of insertion of an Act in Schedule A.

Governor in Council to appoint translators.

Report.

Deemed authentic and to have force of law.

Copies by King's Printer to be evidence.
its title as an Act, or by its short title, or by using the expression \textit{The Revised Statutes, 1906}, respecting—, adding the remainder of the title given at the beginning of the particular chapter, or by using the expression \textit{The Revised Statutes of Canada, 1906, chapter} 
adding the number of the particular chapter in the copies printed by the King's Printer.

\textbf{PRINTING.}

\textbf{14.} This Act shall be printed with the said Revised Statutes.

\textbf{COMMENCEMENT.}

\textbf{31st January, 1907.} \textbf{15.} This Act shall come into force on the thirty-first day of January, 1907.

\textbf{FORMER LEGISLATION CORRECTED AND REPEALED.}

\textbf{16.} The preamble of the Act respecting the Revised Statutes of Canada, 3 Edward VII., chapter 61, shall be read as having included, and shall be deemed to have always included, the words "and The Revised Statutes of 1886," immediately after the words "1886," in the fourth line thereof.

\textbf{2.} The last mentioned Act, and the Act amending it, 4 Edward VII., chapter 36, are hereby repealed.
PROCLAMATION.

GREY.

[L.S.]

CANADA.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

A PROCLAMATION.

A. B. AYLESWORTH, Attorney General, } WHEREAS in and by an Act of the Parliament of Canada passed in the session thereof held in the third year of Our Reign, chaptered sixty-one, and intituled 'An Act respecting the Revised Statutes of Canada,' it is recited that it has been found expedient to revise, classify and consolidate the public general statutes of Canada; and that such revision, classification and consolidation are being made by Commissioners appointed by a certain Commission under the Great Seal of Canada bearing date the 21st day of November, 1902; and that it is expedient to provide for the incorporation therewith of the public general statutes passed during the said session and subsequent thereto, and for giving the force of law to the body of the Revised Statutes to result from such incorporation.

And Whereas it is thereupon by the said Act, as it is amended by an Act of the said Parliament passed in the next following session thereof, chaptered thirty-six, and intituled 'An Act to amend chapter 61 of the Statutes of 1903, respecting the Revised Statutes of Canada,' amongst other things in effect enacted as follows:

That so soon as the said Commissioners or a majority of them shall report in writing the completion of the said consolidation, including therein such Acts or parts of Acts passed during the said session held in the third year of Our reign and subsequent thereto as the Governor General may deem advisable to be so included, the Governor General may cause a printed Roll thereof, attested under his signature and that of the Clerk of the Parliaments to be deposited in the office of such Clerk; and that such Roll shall be held to be the original of the said statutes so revised, classified and consolidated; but that the marginal notes thereon, the reference to former enactments at the foot of the sections, and the explanatory notes and tables inserted by the Commissioners, shall form no part of the said statutes, and shall be held to have been inserted for convenience only, and may be corrected or omitted:

xiii

And

R.S., 1906.
And that there shall be appended to the said Roll a Schedule A similar in form to Schedule A appended to the Revised Statutes of Canada, 1886; and that the Commissioners may include in the said Schedule all Acts and parts of Acts which, though not expressly repealed, are superseded by the Acts so consolidated, or are inconsistent therewith, and all Acts and parts of Acts which were for a temporary purpose, the force of which is spent;

And that the said Commissioners in consolidating the said statutes and in incorporating therewith the Acts or parts of Acts passed subsequent thereto and selected for inclusion therein as above provided may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of Parliament or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors;

And that the Governor in Council, after such deposit of the said Roll may, by proclamation, declare the day on, from and after which the same shall come into force and have effect as law, by the designation of 'The Revised Statutes of Canada, 190.';

And that on, from and after such day, the same shall accordingly come into force and effect as, and by designation of, 'The Revised Statutes of Canada, 190,' to all intents as if the same were expressly embodied in and enacted by the said Act to come into force and have effect on, from and after such day;

And that on, from and after such day, all the enactments in the several Acts and parts of Acts in such Schedule A mentioned shall stand and be repealed to the extent mentioned in the third column of the said Schedule A, and subject to the provisions of sections six and seven of the said Act;

And whereas Our said Commissioners, so appointed as aforesaid, have completed the said consolidation and have included therein certain Acts and parts of Acts passed during the sessions of the said Parliament held respectively in the third, the fourth, the fourth and fifth, and the sixth sessions of Our reign, and have reported in writing the completion of the said consolidation;

And whereas Our Governor General in Council has approved of and deems advisable the inclusion of the Acts and parts of Acts so included as aforesaid;

And whereas Our Governor General has caused a printed Roll of the said consolidation, attested under His signature and that of the Clerk of the Parliaments, to be deposited in the office of the said Clerk of the Parliaments;

And whereas there is appended to the said Roll a Schedule A conforming to the prescription of the said Act, so amended as aforesaid;

And whereas Our said Commissioners have otherwise complied with the provisions of the said Act as so amended;

Now know ye that, by and with the advice of Our Privy Council for Canada, We do, by these presents, proclaim and declare that on, from and after the thirty-first day of January, 1907, the said Roll so attested

R.S., 1906.
and deposited as aforesaid shall come into force and have effect as law by the designation of 'The Revised Statutes of Canada, 1906.'

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Right Well-Beloved Cousin the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this Twenty-fifth day of January, in the year of Our Lord one thousand nine hundred and seven, and in the seventh year of Our Reign.

By Command,

R. W. Scott,
Secretary of State.
CHAPTER 1.

An Act respecting the Form and Interpretation of Statutes.

SHORT TITLE.

1. This Act may be cited as the Interpretation Act. R.S., Short title. c. 1, s. 1.

APPLICATION.

2. Every provision of this Act shall extend and apply to every Act of the Parliament of Canada, now or hereafter passed, except in so far as any such provision,—
   (a) is inconsistent with the intent or object of such Act; or, Exceptions.
   (b) would give to any word, expression or clause of any such Act an interpretation inconsistent with the context; or,
   (c) is in any such Act declared not applicable thereto.

3. The omission in any Act of a declaration that this Act applies thereto, shall not be construed to prevent its so applying, although such a declaration is expressed in some other Act of the same session. R.S., c. 1, s. 2.

4. Nothing in this Act shall exclude the application to any Act of any rule of construction applicable thereto, and not inconsistent with this Act. R.S., c. 1, s. 7.

R.S., 1906.
4. The provisions of this Act shall apply to the construction thereof, and to the words and expressions used therein. R.S., c. 1, s. 9.

**Form of Enacting.**

5. The enacting clause of a statute may be in the following form:—'His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.' R.S., c. 1, s. 3.

6. The enacting clause shall follow the preamble, if any, and the various clauses within the purview or body of the statute shall follow in a concise and enunciative form. R.S., c. 1, s. 4.

**Time of Commencement.**

7. The Clerk of the Parliaments shall endorse on every Act, immediately after the title thereof, the day, month and year when the Act was, by the Governor General, assented to in His Majesty's name, or reserved by him for the signification of His Majesty's pleasure thereon; and in the latter case, the Clerk shall also endorse thereon the day, month and year when the Governor General signified, either by speech or message to the Senate and House of Commons, or by proclamation, that such Act had been laid before His Majesty in Council, and that His Majesty had been pleased to assent to the same.

2. Such endorsement shall be taken to be a part of the Act, and the date of such assent or signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement is therein provided. R.S., c. 1, s. 5.

**Amendment or Repeal.**

8. Any Act may be amended, altered or repealed by an Act passed in the same session of the Parliament. R.S., c. 1, s. 6.

**Rules of Construction.**

9. Every Act of the Parliament of Canada shall, unless the contrary intention appears, apply to the whole of Canada.

2. No Act amending a previous Act which does not apply to all the provinces of Canada, and no enactment in any such amending Act, although of a substantive nature or form, shall apply to any province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such province, or to all the provinces of Canada. R.S., c. 1, s. 7.

R.S., 1906.
10. The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same shall be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof, according to its spirit, true intent and meaning. R.S., c. 1, s. 7.

11. Where an Act, or any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, made, granted, or issued, under a power conferred by any Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day. 6 E. VII., c. 21, s. 1.

12. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, so far as may be necessary or expedient for the purpose of making the Act effective at the date of the commencement thereof, be exercised at any time after the passing of the Act, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for making the Act effective from its commencement, come into operation until the Act comes into operation. 6 E. VII., c. 21, s. 2.

13. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act. R.S., c. 1, s. 7.

14. The preamble of every Act shall be deemed a part of the Act. R.S., c. 1, s. 7.

15. Every Act and every provision and enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of any thing which Parliament deems to be for the public good, or to prevent or punish the doing of any thing which it deems contrary to the public good; and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning and spirit. R.S., c. 1, s. 7.

16. No provision or enactment in any Act shall affect, in any manner whatsoever, the rights of His Majesty, his heirs or successors, unless it is expressly stated therein that His Majesty shall be bound thereby. R.S., c. 1, s. 7.

Private Acts. 17. No provision or enactment in any Act of the nature of a private Act shall affect the rights of any person, save only as therein mentioned or referred to. R.S., c. 1, s. 7.

Powers of Parliament reserved. 18. Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person, whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament to be required for the public good.

2. Unless it is otherwise expressly provided in any Act passed for the chartering of any bank, it shall be in the discretion of Parliament, at any time thereafter, to make such provisions and impose such restrictions, with respect to the amount and description of notes which may be issued by such bank, as to Parliament appears expedient. R.S., c. 1, s. 7.

Effect of repeal. 19. Where any Act or enactment is repealed, or where any regulation is revoked, then, unless the contrary intention appears, such repeal or revocation shall not, save as in this section otherwise provided,—

(a) revive any Act, enactment, regulation or thing not in force or existing at the time at which the repeal or revocation takes effect; or,

(b) affect the previous operation of any Act, enactment or regulation so repealed or revoked, or anything duly done or suffered thereunder; or,

(c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, enactment or regulation so repealed or revoked; or,

(d) affect any offence committed against any Act, enactment or regulation so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or,

(e) affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Act or regulation had not been repealed or revoked.

2. If other provisions are substituted for those so repealed or revoked, then, unless the contrary intention appears,—

(a) all officers and persons acting under the Act, enactment or regulation so repealed or revoked shall continue to act, as if appointed under the provisions so substituted, until others are appointed in their stead; and,

(b)
(b) all proceedings taken under the Act, enactment or regulation so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be; and,

(c) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, enactment or regulation so repealed or revoked, or in any other proceedings in relation to matters which have happened before the repeal or revocation, the procedure established by the substituted provisions shall be followed as far as it can be adapted; and,

(d) if any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act or regulation whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly. R.S., c. 1, s. 7.

20. Whenever any Act or enactment is repealed, and other provisions are substituted by way of amendment, revision or consolidation,—

(a) all regulations, orders, ordinances, rules and by-laws made under the repealed Act or enactment shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead; and,

(b) any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject-matter as such repealed Act or enactment; and, if there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder. R.S., c. 1, s. 7.

21. The repeal of any Act or enactment shall not be deemed to be or to involve a declaration that such Act or enactment was, or was considered by Parliament to have been, previously in force.

2. The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by Parliament to have been, different from the law as it has become under such Act as so amended.

R.S., 1906.
3. The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law.

4. Parliament shall not, by re-enacting any Act or enactment, or by revising, consolidating or amending the same, be deemed to have adopted the construction which has, by judicial decision or otherwise, been placed upon the language used in such Act, or upon similar language. 53 V., c. 7, s. 1.

22. An amending Act shall, so far as is consistent with the tenor thereof, be construed as one with the Act which it amends. 6 E. VII., c. 21, s. 3.

23. When the Governor General is authorized to do any act by proclamation, such proclamation is understood to be a proclamation issued under an order of the Governor in Council; but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order. R.S., c. 1, s. 7.

24. All officers now appointed or hereafter appointed by the Governor General, whether by commission or otherwise, shall remain in office during pleasure only, unless it is otherwise expressed in their commissions or appointments. R.S., c. 1, s. 7.

25. Whenever by any Act of Parliament, or by a rule of the Senate or House of Commons, or by an order, regulation or commission made or issued by the Governor in Council, under any law authorizing him to require the taking of evidence under oath, evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered, may be given by any one authorized by the Act, rule, order, regulation or commission to take the evidence, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered. R.S., c. 1, s. 7.

26. If any sum of the public money is, by any Act, appropriated for any purpose, or directed to be paid by the Governor General, and no other provision is made respecting it, such sum shall be payable under warrant of the Governor General directed to the Minister of Finance and Receiver General, out of the Consolidated Revenue Fund of Canada.

2. All persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Governor General directs. R.S., c. 1, s. 7.

27. If, in any Act, any person is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the

R.S., 1906.
the common gaol of the locality in which the order for such imprisonment is made, or if there is no common gaol there, then in or to that common gaol which is nearest to such locality.

2. The keeper of any such common gaol shall receive such person, and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed, in cases in which bail may, by law, be taken. R.S., c. 1, s. 7.

28. Every Act shall be read and construed as if any offence for which the offender may be,—

(a) prosecuted by indictment, howsoever such offence may Indictable be therein described or referred to, were described or re- offences, ferred to as an indictable offence; and,

(b) punishable on summary conviction, were described or Offences, referred to as an offence; and,

all provisions of the Criminal Code relating to indictable Criminal offences, or offences, as the case may be, shall apply to every such offence.

2. Every commission, proclamation, warrant or other docu- Proclama- ment relating to criminal procedure, in which offences which Proclama- tions, etc., construc- are indictable offences, or offences, as the case may be, are de- Proclama- scribed or referred to by any names whatsoever, shall be read Proclama- tions, etc., construc- and construed as if such offences were therein described and Proclama- tions, etc., construc- referred to as indictable offences, or offences, as the case may Proclama- tions, etc., construc- be. 55-56 V., c. 29, s. 536.

29. Unless the context otherwise requires, a reference in References to any Act to,—

(a) The Summary Convictions Act shall be construed as a Summary reference to Part XV. of the Criminal Code; Convictions Act.

(b) The Summary Trials Act shall be construed as a refer- Summary reference to Part XVI. of the Criminal Code; Trials Act.

(c) The Speedy Trials Act shall be construed as a reference Speedy Trials Act. to Part XVIII. of the Criminal Code. 55-56 V., c. 29, s. 537.

30. In every Act, unless the contrary intention appears, Incorpora- words making any association or number of persons a corpora- tion, effect of tion, or body politic and corporate shall,—

(a) vest in such corporation power to sue and be sued, to Incorpora- contract and be contracted with by their corporate name, tion, effect of to have a common seal, to alter or change the same at Incorpora- their pleasure, to have perpetual succession, to acquire tion, effect of and hold personal property or moveables for the purposes Incorpora- for which the corporation is constituted, and to alienate tion, effect of the same at pleasure; and,

(b) vest in a majority of the members of the corporation the power to bind the others by their acts; and,

(c) exempt individual members of the corporation from Incorpora- personal liability for its debts or obligations or acts, if tion, effect of they R.S., 1906.
they do not violate the provisions of the Act incorporating them.

2. No corporation shall be deemed to be authorized to carry on the business of banking unless such power is expressly conferred upon it by the Act creating such corporation. R.S., c. 1, s. 7.

31. In every Act, unless the contrary intention appears,—

(a) if anything is directed to be done by or before a magistrate or a justice of the peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done;

(b) whenever power is given to any person, officer or functionary, to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing;

(c) when any act or thing is required to be done by more than two persons, a majority of them may do it;

(d) whenever forms are prescribed, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them;

(e) if a power is conferred or a duty imposed the power may be exercised and the duty shall be performed from time to time as occasion requires;

(f) if a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed by the holder for the time being of the office;

(g) if a power is conferred to make any rules, regulations or by-laws, the power shall be construed as including a power, exercisable in the like manner, and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, regulations or by-laws and make others;

(h) if the time limited by any Act for any proceeding, or the doing of any thing under its provisions, expires or falls upon a holiday, the time so limited shall be extended to, and such thing may be done on the day next following which is not a holiday;

(i) words importing the masculine gender include females;

(j) words in the singular include the plural, and words in the plural include the singular;

(k) words authorizing the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him, re-appointing or re-instating him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested:

R.S., 1906.
(l) words directing or empowering a minister of the Crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy;

(m) words directing or empowering any other public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy. R.S., c. 1, s. 7.

32. Whenever in any Act of the Parliament of Canada heretofore passed, or that may be passed before the bringing into force of the Act of the Legislature of the province of New Brunswick, passed in the sixth year of His Majesty's reign, chapter thirty-seven, relating to the establishment of a Supreme Court of Judicature and to the practice and proceedings therein, the Supreme Court of the said province is named, such Act of the Parliament of Canada shall, after the said provincial Act is brought into force, be construed as if the Court therein named was the Court established by the said Act.

2. Whenever in or under any such Act of the Parliament of Canada or otherwise any powers, rights or duties are conferred or imposed upon, or vested in or incumbent upon, the said Supreme Court of the said province, or any judge or judges thereof, such powers, rights or duties, after the said provincial Act has been brought into force, shall, so far as the Parliament of Canada has legislative authority to so enact, be deemed to have been conferred or imposed upon, or to be vested in and incumbent upon, the Court established as aforesaid, or any judge or judges thereof.

3. Any jurisdiction or authority heretofore vested in the Supreme Court of the said province which has been exercised or is exerciseable by the said Court when sitting in banc, shall, after the said provincial Act is brought into force, so far as the Parliament of Canada has legislative authority to so enact, be vested in and exerciseable by the division of the Court established by the said provincial Act which is called the Court of Appeal. 6 E. VII., c. 51, ss. 1, 2 and 3.

33. Definitions or rules of interpretation contained in any Act shall, unless the contrary intention appears, apply to the construction of the sections of the Act which contain those definitions or rules of interpretation, as well as to the other provisions of the Act. 6 E. VII., c. 21, s. 4.

DEFINITIONS.

34. In every Act, unless the context otherwise requires,—

(1.) 'Act' as meaning an Act of a legislature, includes an 'Act' ordinance of the Northwest Territories as now or heretofore—

R.S., 1906.
fore constituted, or of the district of Keewatin, or of the Yukon Territory;

(2.) 'commencement' when used with reference to an Act means the time at which the Act comes into operation;

(3.) 'county' includes two or more counties united for purposes to which the enactment relates;

(4.) 'county court' in its application to the province of Ontario, includes 'district court';

(5.) 'fiscal year' or 'financial year' means, as respects moneys provided by Parliament, or any moneys relating to the Consolidated Revenue Fund of Canada, or to Dominion accounts, taxes or finance, the twelve months ending the thirty-first day of March;

(6.) 'Governor,' 'Governor of Canada,' or 'Governor General,' means the Governor General for the time being of Canada, or other the chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title he is designated;

(7.) 'Governor in Council,' or 'Governor General in Council' means the Governor General of Canada, or person administering the Government of Canada for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the King's Privy Council for Canada;

(8.) 'Great Seal' means the Great Seal of Canada;

(9.) 'herein' used in any section shall be understood to relate to the whole Act, and not to that section only;

(10.) 'His Majesty,' 'the King,' or 'the Crown,' or other reference to the sovereign reigning at the time of the passing of the Act, means the Sovereign of the United Kingdom of Great Britain and Ireland, his heirs and successors;

(11.) 'holiday' includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, and any day appointed by proclamation for a general fast or thanksgiving;

(12.) 'legislature,' 'legislative council' or 'legislative assembly' includes the Lieutenant Governor in Council and also the Legislative Assembly of the Northwest Territories, as constituted previously to the first day of September, one thousand nine hundred and five, the Lieutenant Governor in Council of the district of Keewatin; the Commissioner in Council of the Northwest Territories as now constituted, and the Commissioner in Council of the Yukon Territory;

R.S., 1906.
Chap. 1. Interpretation.

11

(13.) 'lieutenant governor' means the lieutenant governor for the time being, or other chief executive officer or administrator for the time being, carrying on the government of the province indicated by the Act, by whatever title he is designated;

(14.) 'lieutenant governor in council' means the lieutenant governor, or person administering the government of the province indicated by the Act, for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the executive council of such province;

(15.) 'magistrate' means a justice of the peace;

(16.) 'month' means a calendar month;

(17.) the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, or thing, means such country, place, body, corporation, society, officer, functionary, person or thing, although such name is not the formal and extended designation thereof;

(18.) 'now' or 'next' shall be construed as having reference to the time when the Act was presented for the Royal Assent;

(19.) 'oath' includes a solemn affirmation or declaration, whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression 'sworn' includes the expression 'affirmed' or 'declared';

(20.) 'person' includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;

(21.) 'proclamation' means a proclamation under the Great Seal;

(22.) 'province' includes the Northwest Territories as now or heretofore constituted, the district of Keewatin, and the Yukon Territory;

(23.) 'registrar' or 'register' means and includes indiscriminately registrars or registers in the several provinces of Canada;

(24.) 'shall' is to be construed as imperative, and 'may' as permissive;

(25.) 'statutory declaration' means a solemn declaration made by virtue of the Canada Evidence Act;

(26.) 'superior court' means,—

(a) in the province of Ontario, the Court of Appeal for Ontario, and the High Court of Justice for Ontario;

(b) in the province of Quebec, the Court of King's Bench, and the Superior Court for the said province;

(c) in the provinces of Nova Scotia, New Brunswick, British Columbia and Prince Edward Island, the Supreme Court for each of the said provinces respectively;

(d) R.S., 1906.
(d) in the province of Manitoba, His Majesty's Court of King's Bench for the said province;
(e) in the province of Saskatchewan, the Supreme Court of the Northwest Territories, or, after the abolition of the said Court in the said province, such court as may be established by the legislature of the said province in lieu thereof;
(f) in the province of Alberta, the Supreme Court of the Northwest Territories, or, after the abolition of the said Court in the said province, such court as may be established by the legislature of the said province in lieu thereof; and,
(g) in the Yukon Territory, the Territorial Court;

'Sureties,' (27.) 'sureties' means sufficient sureties, and the expression 'security' means sufficient security; and, whenever these words are used, one person shall be sufficient therefor, unless otherwise expressly required;
'Two justices.' (28.) 'two justices' means two or more justices of the peace, assembled or acting together;
'United Kingdom.' (29.) 'the United Kingdom' means the United Kingdom of Great Britain and Ireland;
'United States.' (30.) 'the United States' means the United States of America;
'Writing.' (31.) 'writing,' 'written,' or any term of like import, includes words printed, painted, engraved, lithographed or otherwise traced or copied. R.S., c. 1, s. 7; 56 V., c. 30, s. 1; 57-58 V., c. 55, s. 1; 1 E. VII., c. 11, s. 1, c. 12, s. 3, and c. 41, s. 12.

'Minister of Finance.' 35. The expression 'Minister of Finance' or 'Receiver General' in any Act, or in any document, means the Minister of Finance and Receiver General, and the expression 'Deputy Minister of Finance' or 'Deputy Receiver General' in any Act or document means the Deputy Minister of Finance and Receiver General. R.S., c. 28, s. 1.

'Telegraph.' 36. The expression 'telegraph' and its derivatives in any Act of the Parliament of Canada, or in any Act of the legislature of any province now forming part of Canada, passed before such province entered into the Union, on any subject which is within the legislative powers of the Parliament of Canada, shall not be deemed to include the word 'telephone' or its derivatives. R.S., c. 132, s. 10.

Expressions in instruments to have same meaning. 37. Where any Act confers power to make, grant or issue any instrument, that is to say, any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, expressions used in the instrument shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. 6 E. VII., c. 21, s. 5.
Interpretation. Chap. 1. 13

FISCAL YEAR—POWERS OF THE GOVERNOR IN COUNCIL.

38. Whenever in any Act of the Parliament of Canada, Change of passed previously to the thirteenth day of July, one thousand dates. nine hundred and six, a day or time is designated for any purpose, and the Governor in Council is of opinion that the day or time so designated was fixed because of its relation to the fiscal year as then constituted, or that the day or time designated for such purpose should bear a corresponding relation to the fiscal year as constituted by the Act passed in the sixth year of His Majesty’s reign, intituled An Act respecting the Fiscal Year, chapter twelve, the Governor in Council may, by proclamation, declare that the day or the time fixed for such purpose shall be changed so that it shall bear to the fiscal year, as constituted by the said Act, the same relation as the day or time previously designated bore to the said previous fiscal year. 6 E. VII., c. 12, ss. 1 and 4.

CITATION OF ACTS.

39. In any Act, instrument or document, an Act may be cited by reference to its short title, if any, either with or without reference to the chapter, or by reference to the regnal year, or the year of our Lord in which it was passed.

2. Any such citation of or reference to any Act, shall, unless the contrary intention appears, be deemed to be a citation of or reference to such Act as amended. R.S., c. 1, s. 8; 6 E. VII., c. 21, s. 6.

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CHAPTER 2.

An Act respecting the publication of the Statutes.

SHORT TITLE.

1. This Act may be cited as the Publication of Statutes Act. Short title.

THE CLERK OF THE PARLIAMENTS.

2. All the original Acts passed by the Legislatures of the late provinces of Upper or Lower Canada, or of the late province of Canada, transferred to and deposited of record in the office of the Clerk of the Senate, and also all original Acts of the Parliament of Canada heretofore assented to, or hereafter assented to by the Governor General, and all Bills reserved for the signification of the King's pleasure, and assented to or disallowed by the King in Council, shall be and continue to remain of record in the custody of the Clerk of the Senate of Canada, who shall be known and designated as the Clerk of the Parliaments. R.S., c. 2, s. 1.

3. The Clerk of the Parliaments shall have a seal of office, and shall affix the same to certified copies of all Acts intended for the Governor General or Registrar General of Canada, or required to be produced before courts of justice, either within or beyond the limits of Canada, and in any other case in which the said Clerk deems it expedient. R.S., c. 2, s. 2.

4. All copies of the Acts hereinbefore referred to, so certified by the Clerk of the Parliaments, shall be held to be duplicate originals, and also to be evidence of such Acts and of their contents, as if printed under the authority of Parliament by the King's Printer. R.S., c. 2, s. 3.

5. As soon as practicable after the prorogation of every session of Parliament, the Clerk of the Parliaments shall obtain from the King's Printer a sufficient number of bound copies of the Statutes of Canada passed during such session of Parliament, and shall deliver to the Governor General one copy duly certified, for transmission to one of His Majesty's Principal Secretaries of State, as required by The British North America Act, 1867, together with certified copies of all Bills reserved for the signification of the King's pleasure, and he shall also deliver one R.S., 1906.
one like copy of the said Acts in the English and French languages to the Registrar General of Canada. R.S., c. 2, s. 4.

6. The Clerk of the Parliaments shall also furnish certified copies of any of the Acts hereinbefore mentioned to any person applying therefor, and upon every such certified copy, shall, before delivering it, receive from such person a fee of two dollars, in addition to the cost of the printed copy, if a printed copy is furnished, or in addition to a fee of ten cents for every hundred words in such copy, if the copy furnished is not printed. 3 E. VII., c. 65, s. 1.

7. All certified copies required for the public service shall be obtained from the Clerk of the Parliaments through the Secretary of State of Canada. R.S., c. 2, s. 6.

8. The Clerk of the Parliaments shall insert at the foot of every such copy so required to be certified, a written certificate, duly signed and authenticated by him, to the effect that it is a true copy of the Act passed by the Parliament of Canada, or by the Legislature of the late province of Canada, or of the late province of Upper Canada or Lower Canada (as the case may be) in the session thereof held in the year of His Majesty's reign, and assented to in His Majesty's name, by the Governor General, or (as the case may be), on the day of , or reserved for the signification of His Majesty's pleasure thereon, and assented to by His Majesty in Council, on the day of . R.S., c. 2, s. 7.

PRINTING AND DISTRIBUTION OF THE STATUTES.

9. The Clerk of the Parliaments shall furnish the King's Printer with a certified copy of every Act of the Parliament of Canada as soon as the same has received the Royal Assent, or if the Bill has been reserved, as soon as the Royal Assent thereto has been proclaimed in Canada. R.S., c. 2, s. 8.

10. The Acts of the Parliament of Canada shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such orders in council and proclamations or other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada, and directs to be inserted in the said volume, and the second volume shall contain the remaining Acts of the session, and shall be printed after the first volume.

2. Copies of the said volumes shall be printed in the English and French languages respectively, by the King's Printer, who shall, as soon after the close of each session as is practicable, deliver, or send by post or otherwise, in the most economical manner, the proper number of copies of either one or of both volumes

R.S., 1906.
volumes to the persons hereinafter mentioned, respectively, and in either or both languages as he is directed, that is to say:—

(a) The members of the two Houses of Parliament respectively, who shall each be entitled to receive such number of copies as is, from time to time, directed by joint resolution of the said Houses, or, in default of such resolution, as is directed by the Governor in Council;

(b) Such public departments, administrative bodies and officers throughout Canada as the Governor in Council, from time to time, directs. 50-51 V., c. 2, s. 1.

11. Whenever any Bill receives the Royal Assent during and before the termination of any session of Parliament, the King’s Printer shall, if so directed by the Secretary of State of Canada, cause distribution of such Act to be made, to the same persons and in like manner and numbers as hereinbefore provided with respect to the Acts of any session; or such Act may, by order of the Governor in Council, be published in the Canada Gazette, and printed afterwards in the proper volume of the Statutes. R.S., c. 2, s. 10.

12. The Secretary of State of Canada shall, within fifteen days after the close of each session of Parliament, transmit to the King’s Printer a list of the public departments, administrative bodies and officers to whom the first and second volumes respectively, of the Statutes of such session are to be transmitted as aforesaid, and shall also, as occasion requires, furnish him with copies of all orders in council made under the provisions of this Act. R.S., c. 2, s. 11.

13. If, after the distribution of the printed Acts, any copies remain in the hands of the King’s Printer, he may deliver any number thereof, to any person, by order of the Governor in Council, on notice thereof by the Secretary of State of Canada, or to the members of the Senate or of the House of Commons, on the order of the Speaker of the said Houses respectively. R.S., c. 2, s. 12.

14. The Statutes shall be printed in royal octavo form, on fine paper, in small pica type, thirty-two ems by fifty-five ems, including marginal notes in minion, such notes referring to the year and chapter of previous Statutes, whenever the text amends, repeals or changes the enactments of former years; and shall be half-bound in cloth with backs of white sheep skin and lettered, with the exception of a certain number to be named by the Standing Committee on Printing, which shall be bound in half-saf and gilt-lettered, and they shall be arranged for distribution in such manner, either by the binding of the public general Acts and Acts of a local or private character in separate volumes, or by binding them together in

R.S., 1906.
in the same volumes, with separate indexes, or otherwise, as the Governor in Council deems expedient. R.S., c. 2, s. 13.

15. The King's Printer shall, before the opening of each session of Parliament, make a report in triplicate to the Governor General showing,—

(a) the number of copies of the Acts of each session which have been printed and distributed by him since the then last session;
(b) the departments, administrative bodies, officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority;
(c) the number of copies of the Acts of each session then remaining in his hands;
(d) a detailed account of the expenses by him actually incurred in carrying this Act into effect, so that provision may be made for defraying the same after such account has been duly audited and allowed.

2. Such report shall be laid before each House of Parliament within fifteen days after the opening of each session thereof. R.S., c. 2, s. 14.

PAYMENT FOR THE PRINTING OF PRIVATE BILLS.

16. Every person who obtains an Act of a private or personal character shall pay to the King's Printer the cost of printing five hundred copies of such Act in the English language, and two hundred and fifty copies thereof in the French language. R.S., c. 2, s. 15.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 3.

An Act respecting the Governor General.

1. This Act may be cited as the Governor General's Act. Short title.

2. The Governor General of Canada for the time being, or Governor General to be a corporation sole.

3. All bonds, recognizances and other instruments by law required to be taken to the Governor General in his public capacity, shall be taken to him and his successors by his name of office, and may be sued for and recovered by him or his successors by his or their name of office as such.

4. There shall be payable yearly, and pro rata for any period less than a year, to the Governor General of Canada for the time being, a salary of ten thousand pounds sterling, equal to the value of forty-eight thousand six hundred and sixty-six dollars and sixty-three cents.

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CHAPTER 4.

An Act respecting the Salaries of certain Public Functionaries.

1. This Act may be cited as the Salaries Act. Short title.

2. There shall be payable yearly, and pro rata for any less period than a year, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the salaries and sums of money mentioned in the following sections of this Act, to the persons and for the purposes therein specified.

R.S., c. 4, s. 1.

3. The salaries of the lieutenant governors of the several provinces shall be as follows, that is to say:—

The Lieutenant Governor of Ontario... $10,000 per annum.
The Lieutenant Governor of Quebec... 10,000 "
The Lieutenant Governor of Nova Scotia... 9,000 "
The Lieutenant Governor of New Brunswick... 9,000 "
The Lieutenant Governor of Manitoba... 9,000 "
The Lieutenant Governor of British Columbia... 9,000 "
The Lieutenant Governor of Prince Edward Island... 7,000 "
The Lieutenant Governor of Saskatchewan... 9,000 "
The Lieutenant Governor of Alberta... 9,000 "
R.S., c. 4, s. 2; 4-5 E. VII., c. 20, s. 1.

4. The salaries of the following ministers, members of the King’s Privy Council for Canada, shall be as follows, that is to say:—

The Minister of Justice and Attorney General... $7,000 per annum.
The Minister of Militia and Defence... 7,000 "
The Minister of Customs... 7,000 "
The Minister of Finance... 7,000 "
The Minister of Railways and Canals... 7,000 "
The Minister of Public Works... 7,000 "
The Minister of Inland Revenue... 7,000 "

R.S., 1906.
Chap. 4. *Civil List, Etc.*

The Minister of the Interior... $7,000 per annum.
The President of the King's Privy Council for Canada... 7,000 "
The Minister of Marine and Fisheries... 7,000 "
The Postmaster General... 7,000 "
The Minister of Agriculture... 7,000 "
The Secretary of State of Canada... 7,000 "
The Minister of Trade and Commerce... 7,000 "

2. The member of the King's Privy Council holding the recognized position of first minister shall receive, in addition, five thousand dollars per annum. R.S., c. 4, s. 3; 50-51 V., c. 10, s. 1; 62-63 V., c. 23, s. 3; 4-5 E. VII., c. 12, s. 1.

5. The salary of the Solicitor General of Canada shall be five thousand dollars per annum. 50-51 V., c. 14, s. 2.

6. The salary of the Secretary of the Governor General shall be two thousand four hundred dollars per annum. R.S., c. 4, s. 4.

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CHAPTER 5.

An Act respecting the Representation in the House of Commons.

SHORT TITLE.

1. This Act may be cited as the Representation Act. 3 E. Short title. VII., c. 60, s. 1.

INTERPRETATION.

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

(a) 'electoral district' means a place entitled to return a member or members to the House of Commons; 'Electoral district.'

(b) where counties and territorial districts in the province of Ontario are referred to they shall be deemed to be such counties and territorial districts respectively as constituted or defined by chapter three of the Revised Statutes of Ontario, 1897, intituled An Act respecting the Territorial Division of Ontario for Municipal and Judicial Purposes;

(c) where counties in the province of Quebec are referred to they shall be deemed to be such counties as constituted or defined on the thirty-first day of January, one thousand eight hundred and sixty-one, by chapter seventy-five of The Consolidated Statutes for Lower Canada;

(d) where counties in the province of Nova Scotia are referred to they shall be deemed to be such counties as constituted or defined on the first day of July, one thousand eight hundred and sixty-seven;

(e) in the descriptions of the electoral districts of the provinces of Manitoba, Saskatchewan and Alberta and that part of the provisional district of Saskatchewan not included in the province of Saskatchewan, where meridians between ranges and boundaries of townships are referred to as the boundaries of electoral districts, these expressions mean the meridians and boundaries of townships in accordance with the Dominion lands system of surveys, and include the extension thereof in accordance with the said system;

(f) where provincial electoral districts in the province of British Columbia are referred to they shall be deemed to be:

R.S., 1906.
be such provincial electoral districts as constituted or defined by the Redistribution Act, 1902, chaptered fifty-eight of the British Columbia statutes of the year one thousand nine hundred and two;

\( g \) where provincial districts are referred to the districts intended are those mentioned in The Revised Statutes of Canada, chapter seven, respecting the representation of the Northwest Territories in the Parliament of Canada;

\( h \) except as hereinbefore otherwise provided, whenever any word or expression is used to denote the name of any territorial division such word or expression shall be held to refer to such territorial division as it existed and was defined on the twenty-fourth day of October, one thousand nine hundred and three:

\( i \) wherever a municipality or place is referred to as a city or a town or a village, and there was on the twenty-fourth day of October, one thousand nine hundred and three, within the territorial limits of the electoral district in the description of which such reference occurs, a municipality or place of the same name which then was a city or a town or a village, but not of the class,—city, town or village, as the case may be,—specified, the reference shall be taken to be to that municipality or place. 3 E. VII., c. 60, ss. 5, 6 and sch.; 4 E. VII., c. 35, s. 3.

\section*{Constitution of the House of Commons.}

\( 3 \). The House of Commons shall consist of two hundred and fourteen members, of whom eighty-six shall be elected for the province of Ontario, sixty-five for the province of Quebec, eighteen for the province of Nova Scotia, thirteen for the province of New Brunswick, ten for the province of Manitoba, seven for the province of British Columbia, four for the province of Prince Edward Island, ten for the provinces of Saskatchewan and Alberta and that part of the provincial district of Saskatchewan not included in the province of Saskatchewan, and one for the Yukon Territory. 2 E. VII., c. 37, s. 2; 3 E. VII., c. 60, s. 2; 4-5 E. VII., c. 3, s. 5, and c. 42, s. 5.

\section*{Electoral Districts and Representation.}

\( 4 \). The several provinces and the Yukon Territory respectively shall for the purposes of the election of members to serve in the House of Commons be divided into electoral districts, represented as hereinafter provided. 2 E. VII., c. 37, s. 2; 3 E. VII., c. 60, s. 3.

\( 5 \). Each of the electoral districts enumerated or defined or constituted in or by the schedule to this Act shall return one member, except the electoral districts of Ottawa, Halifax and Queen's,
Queen's, Prince Edward Island, which shall each return two members. 2 E. VII., c. 37, s. 2; 3 E. VII., c. 60, sch.

6. Every town, village, township, parish or place lying within the territorial limits of any electoral district, and not by the schedule to this Act, specifically included in any other electoral district, shall be and be taken to be part of the electoral district in which it is so situated. 3 E. VII., c. 60, s. 4.

SCHEDULE.

ONTARIO.

There shall be, in the province of Ontario, eighty-five electoral districts, defined as follows:——

I.

1. The county of Brant, exclusive of the electoral district of Brantford, as hereinafter defined, shall form and constitute the electoral district of Brant.

2. The county of Carleton, exclusive of the city of Ottawa and the townships of Gloucester and Osgoode, shall form and constitute the electoral district of Carleton.

3. The county of Dufferin shall form and constitute the electoral district of Dufferin.

4. The county of Dundas shall form and constitute the electoral district of Dundas.

5. The county of Durham shall form and constitute the electoral district of Durham.

6. The county of Frontenac, exclusive of the city of Kingston and the village of Portsmouth, shall form and constitute the electoral district of Frontenac.

7. The county of Glengarry shall form and constitute the electoral district of Glengarry.

8. The county of Grenville shall form and constitute the electoral district of Grenville.

9. The county of Haldimand shall form and constitute the electoral district of Haldimand.

10. The county of Halton shall form and constitute the electoral district of Halton.

11. The county of Leeds, exclusive of the electoral district of Brockville as hereinafter defined, shall form and constitute the electoral district of Leeds.

12. The county of Lennox and Addington shall form and constitute the electoral district of Lennox and Addington.

13. The county of Lincoln shall form and constitute the electoral district of Lincoln.

R.S., 1906.
14. The county of Norfolk shall form and constitute the electoral district of Norfolk.
15. The county of Peel shall form and constitute the electoral district of Peel.
16. The county of Prescott shall form and constitute the electoral district of Prescott.
17. The county of Prince Edward shall form and constitute the electoral district of Prince Edward.
18. The county of Russell, with the townships of Gloucester and Osgoode, and Rideau Ward of the city of Ottawa, shall form and constitute the electoral district of Russell.
19. The county of Stormont shall form and constitute the electoral district of Stormont.
20. The county of Victoria, with the provisional county of Haliburton, shall form and constitute the electoral district of Victoria.
21. The county of Welland shall form and constitute the electoral district of Welland.
22. The county of Wentworth, exclusive of the city of Hamilton, shall form and constitute the electoral district of Wentworth.
23. The territorial district of Muskoka shall form and constitute the electoral district of Muskoka.
24. The territorial district of Nipissing, with the townships of Clara, Head and Maria, shall form and constitute the electoral district of Nipissing.
25. The territorial district of Parry Sound shall form and constitute the electoral district of Parry Sound.
26. The territorial district of Thunder Bay, the eastern boundary thereof being shifted westerly to the meridian of eighty-five degrees twenty minutes west, as provided by section two of chapter twelve of the statutes of Ontario of 1901, and the territorial district of Rainy River, shall form and constitute the electoral district of Thunder Bay and Rainy River.
27. The city of Brantford, with the township of Oakland, and that part of the township of Brantford south and west of the Grand River, shall form and constitute the electoral district of Brantford.
28. The town of Brockville, the township of Elizabethtown, the township of Yonge and Escott, Front, the township of Yonge and Escott, Rear, and the village of Athens shall form and constitute the electoral district of Brockville.
29. The city of Kingston, including the village of Portsmouth, shall form and constitute the electoral district of Kingston.
30. The city of London shall form and constitute the electoral district of London.
31. The city of Ottawa, exclusive of Rideau Ward, shall form and constitute the electoral district of Ottawa.

R.S., 1906.
II.

The following counties, cities, and territorial districts, with additions and exceptions as and where indicated, shall be divided as follows, each riding to be an electoral district:

32. The territorial district of Algoma, the western boundary thereof being shifted westerly to the meridian of eighty-five degrees twenty minutes west, as provided by section two of chapter twelve of the statutes of Ontario of 1901, and the territorial district of Manitoulin, into two ridings, to be called respectively the east and west ridings of Algoma.

(a) The east riding shall consist of the tract of territory described as follows: The whole of the territorial district of Manitoulin and all that portion of the territorial district of Algoma which lies to the east of a line described as follows: Commencing at a point in the southerly limit of the territorial district of Algoma where it is intersected by the production in a straight line southerly of the limit between the townships of Lefroy and Plummer Additional; thence north along the said production and along the said limit to the northwest corner of the said township of Lefroy; thence due north to the northerly limit of the said territorial district of Algoma.

(b) The west riding shall consist of the tract of territory described as follows:—All the remaining portion of the territorial district of Algoma lying west of the line described in the next preceding paragraph, the western boundary being shifted westerly as aforesaid.

33. The county of Bruce, into two ridings, to be called respectively the north and the south ridings of Bruce.

(a) The north riding shall consist of the townships of Albermarle, Amabel, Arran, Bruce, Eastnor, Kincardine, Lindsay, Saugeen and St. Edmunds, the towns of Kincardine and Wiarton, and the villages of Port Elgin, Southampton, Tara and Tiverton;

(b) The south riding shall consist of the townships of Brant, Carrick, Culross, Elderslie, Greenock, Huron and Kinloss, the town of Walkerton, and the villages of Chesley, Lucknow, Paisley and Teeswater.

34. The county of Elgin, into two ridings, to be called respectively the east and the west ridings of Elgin.

(a) The east riding shall consist of the townships of Bayham, Dorchester South, Malahide and Yarmouth, the town of Aylmer, and the villages of Port Stanley, Springfield and Vienna.

(b) The west riding shall consist of the townships of Aldborough, Dunwich and Southwold, the city of St. Thomas, and the town of Dutton.

35. The county of Essex, into two ridings, to be called respectively the north and the south ridings of Essex.
(a) The north riding shall consist of the townships of Maidstone, Rochester, Sandwich East, Sandwich South and Sandwich West, the city of Windsor, the towns of Sandwich and Walkerville, and the village of Belle River.

(b) The south riding shall consist of the townships of Anderson, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea, Pelée, Tilbury North, Tilbury West, the towns of Amherstburg, Essex, Kingsville and Leamington, and that portion of the village of Tilbury lying in the county of Essex.

36. The county of Grey, into three ridings, to be called respectively the east, the north and the south ridings of Grey.

(a) The east riding shall consist of the townships of Artemesia, Collingwood, Euphrasia, Holland, Osprey and Proton, the town of Thornbury, and the villages of Dundalk and Markdale.

(b) The north riding shall consist of the townships of Derby, Keppel, Sarawak, St. Vincent and Sydenham, and the towns of Meaford and Owen Sound.

(c) The south riding shall consist of the townships of Bentinck, Egremont, Glenelg, Normalby and Sullivan, the town of Durham, and the village of Hanover.

37. The county of Hastings, into two ridings, to be called respectively the east and the west ridings of Hastings.

(a) The east riding shall consist of the townships of Carlow, Cashel, Dungannon, Elzevir and Grimsthorpe, Hungerford, Limerick, Madoc, Mayo, Monteagle, Thurlow, Tudor and Tyendinaga, the town of Deseronto, and the villages of Madoc and Tweed.

(b) The west riding shall consist of the townships of Bangor, Faraday, Herschel, Huntingdon, Marmora and Lake, McClure, Rawdon, Sydney, Wicklow and Wollaston, the city of Belleville, the town of Trenton, and the villages of Marmora and Sterling.

38. The county of Huron, into three ridings, to be called respectively the east, the south and the west ridings of Huron.

(a) The east riding shall consist of the townships of Grey, Howick, Morris, Turnberry and Wawanosh East, the town of Wingham, and the villages of Blyth, Brussels and Wroxeter.

(b) The south riding shall consist of the townships of Hay, McKillop, Stanley, Stephen, Tuckersmith and Usborne, the town of Seaforth, and the villages of Bayfield, Exeter and Hensall.

(c) The west riding shall consist of the townships of Ashfield, Colborne, Goderich, Hullett and Wawanosh West, and the towns of Clinton and Goderich.

39. The county of Kent, into two ridings, to be called respectively the east and the west ridings of Kent.

(a) R.S., 1906.
(a) The east riding shall consist of the townships of Camden, Chatham, Howard, Orford and Zone, the towns of Bothwell, Dresden, Ridgetown and Wallaceburg, and the village of Thamesville.

(b) The west riding shall consist of the townships of Dover East, Dover West, Harwich, Raleigh, Romney and Tilbury East, the city of Chatham, the town of Blenheim, and all that part of the village of Tilbury lying in the county of Kent.

40. The county of Lambton, into two ridings, to be called respectively the east and the west ridings of Lambton.

(a) The east riding shall consist of the townships of Bosanquet, Brooke, Enniskillen, Euphemia and Warwick, the towns of Forest and Petrolea, and the villages of Alvinston, Arkona, Oil Springs, Thedford and Watford.

(b) The west riding shall consist of the townships of Dawn, Moore, Plympton, Sarnia and Sombra, the town of Sarnia, and the villages of Point Edward and Wyoming.

41. The county of Lanark, into two ridings, to be called respectively the north and south ridings of Lanark.

(a) The north riding shall consist of the townships of Dalhousie, Darling, Lanark, Lavant, Pakenham, Ramsay and Sherbrooke North, the town of Almonte and Carleton Place, and the village of Lanark.

(b) The south riding shall consist of the townships of Bathurst, Beekwith, Burgess North, Drummond, Elmsley North, Montague and Sherbrooke South, and the towns of Perth and Smith’s Falls.

42. The county of Middlesex, exclusive of the city of London, into three ridings, to be called respectively the east, the north and the west ridings of Middlesex.

(a) The east riding shall consist of the townships of Dorchester North, London, Nissouri West and Westminster.

(b) The north riding shall consist of the townships of Adelaide, Biddulph, Lobo, McGillivray, Williams East and Williams West, the town of Parkhill, and the villages of Ailsa Craig and Lucan.

(c) The west riding shall consist of the townships of Caradoc, Delaware, Ekfrid, Metcalfe and Mosa, the town of Strathroy, and the villages of Glencoe, Newbury and Wardsville.

43. The county of Northumberland, exclusive of the township of Monaghan South, into two ridings, to be called respectively the east and the west ridings of Northumberland.

(a) The east riding shall consist of the townships of Brighton, Cramahe, Murray, Percy and Seymour, and the villages of Brighton, Campbellford, Colborne and Hastings.

(b) The west riding shall consist of the townships of Alvwick, Haldimand and Hamilton, and the town of Cobourg.

44. The county of Ontario, into two ridings, to be called respectively the north and the south ridings of Ontario.

(a) R.S., 1906.
(a) The north riding shall consist of the townships of Brock, Mara, Rama, Scott, Thorah and Uxbridge, the town of Uxbridge, and the villages of Beaverton and Cannington.

(b) The south riding shall consist of the townships of Pickering, Reach, Scugog, Whitby and Whitby East, the towns of Oshawa and Whitby, and the village of Port Perry.

45. The county of Oxford, into two ridings, to be called respectively the north and south ridings of Oxford.

(a) The north riding shall consist of the townships of Blandford, Blenheim, Nissouri East, Zorra East and Zorra West, the city of Woodstock, and the village of Embro.

(b) The south riding shall consist of the townships of Dereham, Norwich North, Norwich South, Oxford East, Oxford North, and Oxford West, the towns of Ingersoll and Tilsonburg, and the village of Norwich.

46. The county of Perth, into two ridings, to be called respectively the north and south ridings of Perth.

(a) The north riding shall consist of the townships of Easthope North, Ellice, Elma, Mornington and Wallace, the city of Stratford, the town of Listowel, and the village of Milverton.

(b) The south riding shall consist of the townships of Blanchard, Downie, Easthope South, Fullarton, Hibbert and Logan, and the towns of Mitchell and St. Mary's.

47. The county of Peterborough, with the township of Monaghan South, into two ridings, to be called respectively the east and west ridings of Peterborough.

(a) The east riding shall consist of the townships of Anstruther, Asphodel, Belmont, Burleigh, Chandos, Douro, Dummer, Methuen and Otonabee, and the villages of Havelock, Lakefield and Norwood.

(b) The west riding shall consist of the townships of Cavendish, Ennismore, Galway, Harvey, Monaghan North, Monaghan South and Smith, the town of Peterborough, and the village of Ashburnham.

48. The county of Renfrew, exclusive of the townships of Clara, Head and Maria, into two ridings, to be called respectively the north and south ridings of Renfrew.

(a) The north riding shall consist of the townships of Algona North, Algona South, Alice, Bromley, Buchanan, Fraser, McKay, Pembroke, Petawawa, Rolph, Ross, Stafford, Westmeath, Wilberforce and Wylie, the town of Pembroke, the village of Cobden, and so much of the village of Eganville as lies within the township of Wilberforce.

(b) The south riding shall consist of the townships of Admaston, Bagot, Blithfield, Brougham, Brudenell, Burns, Grattan, Griffith, Hagarty, Horton, Jones, Lyndoch, Matawatchan, McNab, Radcliffe, Raglan, Richards, Sebastopol and Sherwood, the towns of Arnprior and Renfrew, 30 and

R.S., 1906.
and so much of the village of Eganville as lies within the township of Grattan.

49. The county of Simcoe, into three ridings, to be called respectively the east, the north and the south ridings of Simcoe.

(a) The east riding shall consist of the townships of Matchedash, Medonte, Orillia North, Orillia South, Tay and Tiny, and the towns of Midland, Orillia and Penetanguishene.

(b) The north riding shall consist of the townships of Flos, Nottawasaga, Oro, Sunnidale and Vespra, the towns of Collingwood and Stayner, and the village of Creemore.

(c) The south riding shall consist of the townships of Adjala, Essa, Gwillimbury West, Innisfil, Tecumseh and Tossorontio, the towns of Alliston and Barrie, and the villages of Beeton, Bradford and Tottenham.

50. The county of Waterloo, into two ridings, to be called respectively the north and the south ridings of Waterloo.

(a) The north riding shall consist of the townships of North Waterloo, Wellesley and Woolwich, the towns of Berlin and Waterloo, and the village of Elmira.

(b) The south riding shall consist of the townships of North Dumfries, South Waterloo and Wilmot, and the towns of Ayr, Galt, Hespeler, New Hamburg and Preston.

The township of Waterloo shall be divided, for the purpose of representation, into two townships, to be called respectively the township of North Waterloo and the township of South Waterloo: The township of North Waterloo shall include and consist of that part of the township of Waterloo lying within the following limits, that is to say:—Commencing at the south-west angle of lot number forty-six in said township, thence easterly along the southerly limits of said lot, and of lots numbers forty-seven, forty-eight, fifty, fifty-one and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said river against the stream to the prolongation of the limit between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said lots numbers one hundred and thirteen and one hundred and fourteen, and along the limit between said lots numbers one hundred and thirteen and one hundred and fourteen, northerly and easterly; thence along the westerly limit of said lot number one hundred and seven; thence along the westerly limit of said lot number one hundred and seven, northerly, to the northerly limit thereof; thence along the northerly limits of said lot number one hundred and seven, and of lots numbers one hundred and six, eighty-four and ninety-six, easterly to the easterly boundary of said township; thence along the easterly, northerly and westerly boundaries of said township, in a northerly, westerly and southerly direction respectively, to the place of beginning: And the township of South Waterloo

R.S., 1906.
Waterloo shall include and consist of all the remaining part of the said township of Waterloo.

51. The county of Wellington, into two ridings, to be called respectively the north and south ridings of Wellington.

(a) The north riding shall consist of the townships of Arthur, Garafraxa West, Luther West, Maryborough, Minto and Peel, the towns of Harriston, Mount Forest and Palmerston, and the villages of Arthur, Clifford and Drayton.

(b) The south riding shall consist of the townships of Eramosa, Erin, Guelph, Nichol, Pilkington and Puslinch, the city of Guelph, and the villages of Elora, Erin and Fergus.

52. The county of York, exclusive of the city of Toronto, into three ridings, to be called respectively the centre, the north and the south ridings of York.

(a) The centre riding shall consist of the townships of Etobicoke, Markham, Scarborough and Vaughan, and the villages of Markham, Richmond Hill, Weston and Woodbridge.

(b) The north riding shall consist of the townships of Georgina, Gwillimbury East, Gwillimbury North, King and Whitchurch, the towns of Aurora and Newmarket, and the villages of Holland Landing, Stouffville and Sutton.

(c) The south riding shall consist of the township of York, and the towns of East Toronto, North Toronto, and Toronto Junction.

53. The city of Hamilton, into two electoral districts, to be called respectively Hamilton East and Hamilton West.

(a) The electoral district of Hamilton East shall consist of wards 1, 6 and 7 of the said city.

(b) The electoral district of Hamilton West shall consist of wards 2, 3, 4 and 5 of the said city.

54. The city of Toronto, into five electoral districts, as follows:

(a) The electoral district of Toronto Centre shall consist of all that portion of the city of Toronto described as follows:—Commencing at the point of intersection of the centre line of Queen Street West by the centre line of Palmerston Avenue, thence northerly along the said centre line of Palmerston Avenue to the centre line of College Street; thence easterly along the centre line of College Street to the centre line of Spadina Avenue; thence southerly along the centre line of Spadina Avenue to the centre line of College Street; thence easterly along the centre line of College Street to the centre line of Yonge Street; thence southerly along the centre line of Yonge Street to the centre line of Carleton Street; thence easterly along the centre line of Carleton Street to the centre line of.
of Sherbourne Street; thence southerly along the centre line of Sherbourne Street to the centre line of Queen Street East; thence westerly along the centre line of Queen Street, East and West, to the point of commencement.

(b) The electoral district of Toronto East shall consist of all that portion of the city of Toronto bounded towards the west by a line described as follows:—Commencing at the southern limit of the city of Toronto where it is intersected by the production southerly of the centre line of the River Don Roadway on the west side of the river Don; thence northwesterly along said production and said centre line to the centre line of Queen Street East; thence westerly along the centre line of Queen Street East to the centre line of Sherbourne Street; thence northerly along the centre line of Sherbourne Street to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street produced easterly to the city limits at Castle Frank Avenue.

(c) The electoral district of Toronto North shall consist of all that portion of the city of Toronto described as follows:—Commencing at the intersection of the north limit of the said city of Toronto by the centre line of Palmerston Avenue; thence southerly along the centre line of Palmerston Avenue to the centre line of College Street; thence easterly along the centre line of College Street to the centre line of Spadina Avenue; thence southerly along the centre line of Spadina Avenue to the centre line of College Street; thence easterly along the centre line of College Street to the centre line of Yonge Street; thence southerly along the centre line of Yonge Street to the centre line of Carleton Street; thence easterly along the centre line of Carleton Street to the centre line of Sherbourne Street; thence northerly along the centre line of Sherbourne Street to the centre line of Bloor Street; thence easterly along the centre line of Bloor Street produced easterly to the city limits at Castle Frank Avenue; thence in a northerly and westerly direction following the north limits of the city of Toronto to the point of commencement.

(d) The electoral district of Toronto South shall consist of all that portion of the city of Toronto, including Toronto Island, which lies to the south and west of a line described as follows:—Commencing at the southern limit of the city of Toronto where it is intersected by the production southerly of the centre line of the River Don Roadway on the west side of the river Don; thence northwesterly along the said production and the said centre line to the centre line of Queen Street East; thence westerly along the centre line of Queen Street, East and West, and its production westerly to the south limit of the said city of Toronto.

(e) The electoral district of Toronto West shall consist of all...
all that portion of the city of Toronto bounded towards the east and south by a line described as follows:—Commencing at the intersection of the north limit of the said city of Toronto by the centre line of Palmerston Avenue to the centre line of Queen Street West; thence westerly along the centre line of Queen Street West and its production westerly to the southern limits of the said city of Toronto. 3 E. VII., c. 60, s. 3; 4 E. VII., c. 35, s. 2.

QUEBEC.

There shall be in the province of Quebec sixty-five electoral districts, defined as follows:—

1. The counties of Bonaventure, Témiscouata, Kamouraska, L’Islet, Lévis, Montmorency, Charlevoix, Dorchester, Compton, Stanstead, Shefford, Brome, Huntingdon, Beauharnois, Soulanges, Vaudreuil, Pontiac and Maskinongé shall each, under their respective names, form and constitute an electoral district. R.S., c. 6, s. 3.

2. The county of Gaspé shall, together with the Magdalen Islands, and also with that portion of the parish of St. Norbert du Cap Chat, canonically erected by decree bearing date the tenth day of May, one thousand eight hundred and sixty-four, which, on and prior to the eighteenth day of September, one thousand eight hundred and sixty-five, formed part of the township of Romieux, in the county of Rimouski, form and constitute the electoral district of Gaspé. R.S., c. 6, s. 3.

3. The counties of Chicoutimi and Saguenay which include the island of Anticosti, shall together form and constitute the electoral district of Chicoutimi and Saguenay. R.S., c. 6, s. 3.

4. The county of Rimouski, exclusive of all that portion of the parish of St. Norbert du Cap Chat, as canonically erected by decree bearing date the tenth day of May, one thousand eight hundred and sixty-four, which, on or prior to the eighteenth day of September, one thousand eight hundred and sixty-five, formed part of the township of Romieux, in the county of Rimouski, shall form and constitute the electoral district of Rimouski. R.S., c. 6, s. 3.

5. The county of Montmagny, as affected by section one of the Act of the Legislature of the late province of Canada, passed in the twenty-eighth year of the reign of Her late Majesty Queen Victoria and chaptered nine, shall, together with all that northeastern part of the township of Armagh, in the county of Bellechasse, extending from lot number one to lot number thirty, inclusively, in the first and second ranges southeast of the Rivière du Sud and all that part of the township of Mailloux, lying to the northeast of the northeast range of the Mailloux Road, including lots numbers forty to forty-six, inclusively, in the first, second and third ranges, and lots numbers thirty-four to forty-six, inclusively, in the fourth, fifth and sixth ranges of the said township of Mailloux, which, on and prior to the seventeenth

R.S., 1906.
teenth day of May, one thousand eight hundred and eighty-two, formed part of the county of Bellechasse, form and constitute the electoral district of Montmagny. R.S., c. 6, s. 3.

6. The county of Bellechasse, as affected by the Act of the Legislature of the late province of Canada, passed in the twenty-eighth year of the reign of Her late Majesty Queen Victoria, and chaptered nine, excepting thereout all that northeastern part of the township of Armagh extending from lot number one to lot number thirty, inclusively, in the first and second ranges southeast of the Rivière du Sud, and all that part of the township of Mailloux lying to the northeast of the northeast range of the Mailloux road, including lots numbers forty to forty-six, inclusively, in the first, second and third ranges, and lots numbers thirty-four to forty-six, inclusively, in the fourth, fifth and sixth ranges of the said township of Mailloux, which, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, formed part of the said county of Bellechasse, shall form and constitute the electoral district of Bellechasse. R.S., c. 6, s. 3.

7. The electoral district of Quebec West, in the city of Quebec, shall consist of St. Peter's ward, Champlain ward, and so much of Montcalm ward as lies south of the centre of Artillery Street and its prolongation parallel to La Grande Allée to the city limits, with so much of the Banlieue as lies south of the said line prolonged to the western line of the said Banlieue, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty. R.S., c. 6, s. 3.

8. The electoral district of Quebec Centre, in the city of Quebec, shall consist of Palace ward, St. Louis ward, St. John's ward and so much of Montcalm ward and of the Banlieue as is not within Quebec West or Quebec East, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty. R.S., c. 6, s. 3.

9. The electoral district of Quebec East, in the city of Quebec, shall consist of St. Roch's ward and Jacques Cartier ward, and that portion of the Banlieue to the north of a line prolonged towards the southwest, from the southern extremity of Jacques Cartier ward, along the Cime du Cap to the southwestern limit of the Banlieue, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty. R.S., c. 6, s. 3.

10. The county of Quebec, shall, together with the portion of the fourth and fifth ranges of the seigniory of Belair, comprised between the seigniory of Gaudarville, on one side, and on the other side the land of Joseph Laurin, in the fourth range, and the land of Jean Cliche, in the fifth range, both lands included, which, by an Act passed by the Legislature of the province of Quebec in the thirty-first year of the reign of Her late Majesty Queen Victoria, chaptered twenty-nine, was R.S., 1906.
was annexed to and made to form part of the parish of St. Ambroise and of the county of Quebec, for provincial purposes, and, also, together with such portion of the parish of St. Felix du Cap Rouge (erected for civil purposes), as was, on and prior to the fourteenth day of June, one thousand eight hundred and seventy-two, included in the county of Portneuf, and constitute the electoral district of the county of Quebec. R.S., c. 6, s. 3.

11. The county of Portneuf, excepting thereout such portion of the parish of St. Felix du Cap Rouge (erected for civil purposes), as was, on and prior to the fourteenth day of June, one thousand eight hundred and seventy-two, included in the said county, shall, together with that portion of the fourth and fifth ranges of the seigniory of Belair, comprised, on and prior to the twenty-second day of May, one thousand eight hundred and sixty-eight, between the lands of Joseph Laurin, in the fourth range, and Jean Cliche, in the fifth range, exclusively; on one side, and the seigniory of Fossambault on the other side, and which, by an Act passed by the Legislature of the province of Quebec, in the thirty-first year of the reign of Her late Majesty Queen Victoria, chapter twenty-nine, was annexed to and made to form part of the parish of Ste. Catherine, and of the county of Portneuf, for provincial purposes, form and constitute the electoral district of Portneuf. R.S., c. 6, s. 3.

12. The county of Beauce shall, together with the township of Broughton, and that portion of the parish of St. Sévrin, which, on and prior to the twelfth day of April, one thousand eight hundred and seventy-six, formed part of the county of Lotbinière, and constitute the electoral district of Beauce. R.S., c. 6, s. 3.

13. The county of Lotbinière, excepting thereout that portion of the municipality of the parish of St. Sévrin, which, on and prior to the twelfth of April, one thousand eight hundred and seventy-six, formed part of the said county, shall form and constitute the electoral district of Lotbinière. R.S., c. 6, s. 3.

14. The county of Megantic, excepting thereout the township of Broughton, shall, together with the first twelve lots in the first three ranges of the township of Stanfold, which form part of the parish of Notre Dame de Lourdes, also the lots in the fourth, fifth, sixth and seventh ranges of the said township forming part of the municipality of Somerset South, and constituting the electoral district of Megantic. R.S., c. 6, s. 3; 3 E. VII., c. 60, s. 3.

15. The counties of Drummond and Arthabaska, excepting thereout that part of the parish of St. Cyrille de Wendover annexed to the parish of St. Joachim de Courval, the thirteenth and fourteenth ranges of the township of Wendover, the township of Aston, the parishes of St. Guillaume d'Upton and St. Bonaventure d'Upton, the first twelve lots, in the first three ranges

R.S., 1906.
ranges of the township of Stanfold, which form part of the parish of Notre Dame de Lourdes and the lots in the fourth, fifth, sixth and seventh ranges of the said township, forming part of the municipality of Somerset South, shall, together with that part of the parish of Ste. Hélène, already municipally detached from the said parish to form part of the parish of St. Eugène de Grantham, form and constitute the electoral district of Drummond and Arthabaska. R.S., c. 6, s. 3; 3 E. VII., c. 60, s. 3.

16. The counties of Richmond and Wolfe shall together form and constitute the electoral district of Richmond and Wolfe. R.S., c. 6, s. 3.

17. The county of Champlain, excepting thereout the parish of Ste. Flore, shall form and constitute the electoral district of Champlain. R.S., c. 6, s. 3; 3 E. VII., c. 60, s. 3.

18. The city of Three Rivers, as it was constituted on the fifth day of September, one thousand eight hundred and fifty-nine, by section five of chapter two of the Consolidated Statutes for Canada, together with that portion of the parish of Three Rivers, from the south line of the township of Saint Maurice to the river St. Lawrence, and the county of St. Maurice, shall, with the parish of Ste. Flore, together form and constitute the electoral district of Three Rivers and St. Maurice. R.S., c. 6, s. 3; 55-56 V., c. 11, s. 2; 3 E. VII., c. 60, s. 3.

19. The county of Nicolet, excepting thereout that part of the parish of La Visitation de la Bienheureuse Vierge Marie, which was detached from the parish of Ste. Monique, shall together with the parishes of Ste. Brigitte, Ste. Eulalie, Ste. Perpétue and St. Samuel, the thirteenth and fourteenth ranges of the township of Wendover and the township of Aston, form and constitute the electoral district of Nicolet. R.S., c. 6, s. 3; 3 E. VII., c. 60, s. 3.

20. The county of Yamaska shall, together with the parishes of St. Guillaume d'Upton, St. Bonaventure d'Upton, that part of the parish of La Visitation de la Bienheureuse Vierge Marie, detached from the parish of Ste. Monique, and that part of the parish of St. Cyrille de Wendover, annexed to the parish of Saint Joachim de Courval, form and constitute the electoral district of Yamaska. R.S., c. 6, s. 3; 3 E. VII., c. 60, s. 3.

21. The electoral district of Richelieu shall consist of the city of Sorel, the town of St. Ours, and the parishes of St. Roch, St. Joseph de Sorel, St. Ours, St. Louis de Bouchecours, St. Pierre de Sorel, St. Robert, Ste. Victoire, St. Aimé, St. Marcel and Ste. Anne de Sorel. 56 V., c. 9, s. 8; 3 E. VII., c. 60, s. 3.

22. The electoral district of Chambly and Verchères shall consist of the town of Longueuil, the villages of Verchères, Boucherville, Chambly Basin, Chambly Canton and Varennes, the municipality of St. Lambert, and the parishes of Boucherville, Chambly, Longueuil, St. Basile le Grand, St. Bruno, St.
Hubert, Varennes, Ste. Julie, Verchères, Contrecœur, Ste. Théodosie, St. Antoine, St. Marc and Belœil. 56 V., c. 9, s. 6.

23. The electoral district of Bagot shall consist of the town of Acton, the village of Upton, and the parishes of St. André d'Acton, St. Ephrem d'Upton, Ste. Hélène, excepting thereout that part of said parish of Ste. Hélène municipally detached therefrom to form part of the said parish of St. Eugène de Grantham, St. Hugues, St. Liboire, St. Pie, Ste. Rosalie, Ste. Simon, St. Théodore d'Acton, St. Dominique, St. Nazaire and Ste. Christine. 3 E. VII., c. 60, s. 3.

24. The electoral district of Rouville shall consist of the villages of St. Césaire, Marieville, Richelieu and Canrobert, and the parishes of St. Paul, L'Ange Gardien, St. Césaire, Notre Dame de Bonsecours, St. Michel de Rougemont, St. Jean Baptiste, St. Hilaire, Ste. Angèle, Ste. Marie de Monnoir and St. Mathias. 56 V., c. 9, s. 5; 3 E. VII., c. 60, s. 3.

25. The electoral district of St. Johns and Iberville shall consist of the towns of St. Johns and Iberville, and the parishes of St. Jean l'Évangéliste, St. Luc, Ste. Marguerite de Blairfindie, (L'Acadie), St. Alexandre, Ste. Anne de Sabrevois, St. Athanase, Ste. Brigitte, St. George de Henriville, St. Grégoire le Grand, St. Sébastien, St. Valentin et Lacolle, together with the islands situate in the river Richelieu opposite the parishes forming part of the said electoral district. 55-56 V., c. 11, s. 2; 3 E. VII., c. 60, s. 3.

26. The electoral district of St. Hyacinthe shall consist of the city of St. Hyacinthe, and the parishes of St. Hyacinthe le Confesseur, Notre Dame de St. Hyacinthe, St. Damase, La Présentation, St. Barnabé, St. Jude, St. Charles, St. Denis and Ste. Marie Madeleine. 56 V., c. 9, s. 9.

27. The town of Sherbrooke shall form and constitute the electoral district of the town of Sherbrooke. R.S., c. 6, s. 3.

28. The electoral district of Missisquoi shall consist of the parishes of Notre Dame de Stanbridge and Notre Dame des Anges de Stanbridge, St. Thomas de Foucault, St. George de Clarenceville which includes the village of Clarenceville, that of St. Armand East which includes the village of Frelighsburg, that of St. Armand West which includes the village of Philipsburg, the parish of St. Ignace de Stanbridge, the township of Stanbridge, the town of Bedford, the municipality of Stanbridge Station, the township of Dunham which includes the villages of Dunham, Cowansville and Sweetsburg, the west part of the township of Farnham and the town of Farnham. 55-56 V., c. 11, s. 2; 3 E. VII., c. 60, s. 3.

29. The electoral district of Laprairie and Napierville shall consist of the villages of Laprairie, St. Rémi and Napierville, the Indian village and reserve of Caughnawaga, and the parishes of Laprairie, St. Constant, St. Isidore, St. Jacques le Mineur, St. Philippe, St. Michel Archange, St. Patrice de Sherrington, St. Edouard, St. Cyprien and St. Rémi. 55-56 V., c. 11, s. 2; 3 E. VII., c. 60, s. 3.

R.S., 1906.
30. The electoral district of Chateauguay shall consist of the villages of Ormstown and St. Louis, and the parishes of St. Joachim de Chateauguay, Ste. Philomène, Ste. Martine, St. Urbain Premier, St. Malachie d’Ormstown, Très Saint Sacrement, St. Antoine Abbé, Ste. Clothilde and St. Jean Chrysostôme. 55-56 V., c. 11; 3 E. VII., c. 60, s. 3.

31. The electoral district of Berthier shall consist of the town of Berthier, the parishes of Berthier, Lanoraie, St. Barthélémi, St. Cuthbert, St. Damien, St. Gabriel de Brandon, St. Michel des Saints, Lavaltrie, St. Norbert, and La Visitation de l'Île de Pads, and the township of Prévois. 58-59 V., c. 10, s. 1; 3 E. VII., c. 60, s. 3.

32. The electoral district of L’Assomption shall consist of the towns of L’Assomption and Laurentides, and the parishes of Lachenais, L’Assomption, L’Epiphanie, Repentigny, St. Henri de Mascouche, St. Lin, St. Paul l’Hermite, St. Roch de l’Achigan and St. Sulpice. 55-56 V., c. 11; 3 E. VII., c. 60, s. 3.

33. The county of Joliette, excepting thereout that part of the township of Kildare, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Alphonse de Liguori, and was included in the said county, and excepting also the territory comprising the lots of lands numbers one, two and three, in the first range of the township of Kildare, shall, together with that part of the township of Brandon, which, on and prior to the twenty-second day of June, one thousand eight hundred and sixty-nine, formed part of the parishes of St. Félix de Valois, and St. Jean de Matha, and was included in the county of Berthier, the township of Courcelles and the northeast part of the township of Joliette, form and constitute the electoral district of Joliette. R.S., c. 6, s. 3; 58-59 V., c. 10, s. 2.

34. The electoral district of Laval shall consist of the village of Ste. Rose, and the parishes of Ste. Dorothee, St. François de Sales, St. Martin, Ste. Rose, St. Vincent de Paul, Sault-au-Recollet, St. Joseph de la Rivière des Prairies, St. Léonard de Port Maurice, Longue Pointe and Pointe-aux-Trembles. 55-56 V., c. 11, s. 2.

35. The electoral district of Hochelaga shall consist of the cities of Ste. Cunégonde, St. Henri and Côte St. Antoine and of St. Gabriel ward in the city of Montreal. 56 V., c. 9, s. 4.

36. The electoral district of Maisonneuve shall consist of the towns of Maisonneuve and Côte St. Louis, of the villages of Côte de la Visitation and Mile End, and of Hochelaga and St. Jean Baptiste wards in the city of Montreal. 55-56 V., c. 11, s. 2.

37. The electoral district of St. Mary shall consist of St. Mary’s ward in the city of Montreal. 55-56 V., c. 11, s. 2.

38. The electoral district of St. James shall consist of St. James ward and the east ward in the city of Montreal. 55-56 V., c. 11, s. 2.
39. The electoral district of St. Lawrence shall consist of St. Louis and St. Lawrence wards in the city of Montreal. 55-56 V., c. 11, s. 2.

40. The electoral district of St. Antoine shall consist of St. Antoine ward in the city of Montreal. 55-56 V., c. 11, s. 2.

41. The electoral district of Ste. Anne shall consist of the Centre, West and Ste. Anne's wards in the city of Montreal. 55-56 V., c. 11, s. 2.


43. The county of Montréal, excepting thereout the township of Doncaster and that part of the parish of L'Épiphanie, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Jacques, and was included in the said county, and also excepting thereout that part of the township of Wexford, called Ste. Marguerite, shall, together with the territory comprising the lots of land numbers one, two and three of the first range of the township of Kildare, which form part of the parish of St. Alphonse de Liguori, and also with the portion of the parish of St. Esprit called St. Louis, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Roch and was included in the county of L'Assomption, and also with all that part of the parish of St. Liguori which, on and prior to the date last mentioned, formed part of the township of Kildare and was included in the county of Joliette, form and constitute the electoral district of Montréal. R.S., c. 6, s. 3.

44. The county of Two Mountains shall, together with that part of the parish of Ste. Monique, which, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, formed part of the county of Terrebonne, form and constitute the electoral district of Two Mountains. R.S., c. 6, s. 3.

45. The county of Terrebonne, excepting thereout that part of the parish of Ste. Monique, included in said county of Terrebonne, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, shall together with the townships of Doncaster, Wolfe, Salaberry and Grandison, and that part of the township of Wexford, known as Ste. Marguerite, form and constitute the electoral district of Terrebonne. R.S., c. 6, s. 3.

46. The county of Argenteuil, excepting thereout the townships of Wolfe, Salaberry and Grandison, shall form and constitute the electoral district of Argenteuil. R.S., c. 6, s. 3.

R.S., 1906.
47. The electoral district of Wright shall consist of the townships of Aumond, Aylwin, Baskatong, Bouchette, Cameron, Denholm, Eardley, Egan, Hineks, Hull, Kensington, Low, Lytton, Maniwaki, Masham, Northfield, Sicotte, Templeton, Wakefield and Wright, together with the villages and other municipal subdivisions of the said townships, the city of Hull, the town of Aylmer, and all the unorganized territory bounded on the northeast by the county of Montcalm and on the east by a line formed by the production northwards of the eastern boundary line of the township of Baskatong. 3 E. VII., c. 60, s. 3.

48. The electoral district of Labelle shall consist of the townships of Addington, Anherst, Bidwell, Bigelow, Blake, Bouthillier, Bowman, Boyer, Buckingham, Campbell, Clyde, Derry, Dudley, Gagnon, Gravel, Hartwell, Joly, Kiamika, Killaly, Labelle, Lathbury, Lesage, Locharber, Loranger, La Minerve, Marchand, McGill, Montigny, Moreau, Mulgrave, Ponsonby, Pope, Portland (east and west), Preston, Ripon, Robertson, Rocheon, Suffolk, Turgeon, Villeneuve, Wabasee, Wells and Wurtele, the town of Buckingham, the seigniory of La Petite Nation, together with the villages and other municipal subdivisions of the said townships and seigniory, and all the unorganized territory south of the townships of Kiamika and Montigny and also that bounded on the northeast by the county of Montcalm and on the west by a line formed by the production of the eastern boundary line of the township of Baskatong. 3 E. VII., c. 60, s. 3.

NOVA SCOTIA.

There shall be in the province of Nova Scotia seventeen electoral districts defined as follows:—

1. That portion of the northern part of the county of Cape Breton consisting of the districts of Boisdale, Boularderie, East Bay (north), French Vale, George's River, Grand Narrows, and Little Bras d'Or, and the towns of North Sydney and Sydney Mines, shall, together with the county of Victoria, form and constitute the electoral district of North Cape Breton and Victoria.

2. The southern part of the county of Cape Breton, consisting of the districts of Balls Creek, Bateston, Big Pond, Bridgeport, Catalone, Dominion No. 1 and Reserve Mines, East Bay (South), Gabarus, Grand Mira, Hillside, Loch Lomond, Louisbourg, Main-à-Dieu, Port Morien, Sydney Forks, Trout Creek, Victoria Mines and Lingan, and the towns of Glace Bay, Louisbourg and Sydney, shall form and constitute the electoral district of South Cape Breton.

3. The county of Shelburne and the county of Queen's shall together form and constitute the electoral district of Shelburne and Queen's.
4. Except the counties aforesaid each of the counties shall, under their respective names, form and constitute an electoral district. 3 E. VII., c. 60, s. 3.

NEW BRUNSWICK.

There shall be in the province of New Brunswick thirteen electoral districts defined as follows:—

1. The city of St. John shall form and constitute the electoral district of the city of St. John.

2. The city of St. John and the county of St. John shall together form and constitute the electoral district of the city and county of St. John.

3. The county of Sunbury and the county of Queen's shall together form and constitute the electoral district of Sunbury and Queen's.

4. The county of King's and the county of Albert shall together form and constitute the electoral district of King's and Albert.

5. The counties of Victoria and Madawaska shall together form and constitute the electoral district of Victoria.

6. Except the counties aforesaid each of the other counties of the province shall, under their respective names, form and constitute an electoral district. 3 E. VII., c. 60, s. 3; 4 E. VII., c. 35, s. 4.

MANITOBA.

There shall be in the province of Manitoba ten electoral districts defined as follows:—

1. The electoral district of Brandon, bounded as follows:—Commencing at the intersection of the west boundary of the province of Manitoba by the north boundary of the sixth township; thence easterly along the north boundary of the sixth townships to the meridian between the sixteenth and seventeenth ranges west of the principal meridian; thence northerly along said meridian between the sixteenth and seventeenth ranges to the north boundary of the twelfth township; thence westerly along the north boundary of the twelfth townships to said west boundary of the province of Manitoba; thence southerly along said west boundary of the province of Manitoba to the point of commencement.

2. The electoral district of Dauphin, bounded as follows:—Commencing at the intersection of the west boundary of the province of Manitoba by the north boundary of the twenty-eighth township; thence easterly along the north boundary of the twenty-eighth townships to the meridian between the twenty-fifth and twenty-sixth ranges, west of the principal meridian; thence southerly along said meridian to the north boundary of the twenty-second township; thence easterly along the north boundary of the twenty-second townships to the meridian between

R.S., 1906.
between the twenty-second and twenty-third ranges west of the principal meridian; thence southerly along said meridian between the twenty-second and twenty-third ranges to the north boundary of the twentieth township; thence easterly along the north boundary of the twentieth townships to the meridian between the seventeenth and eighteenth ranges west of the principal meridian; thence southerly along said meridian between the seventeenth and eighteenth ranges to the north boundary of the eighteenth township; thence easterly along the north boundary of the eighteenth township to the meridian between the sixteenth and seventeenth ranges west of the principal meridian; thence southerly along said meridian between the sixteenth and seventeenth ranges to the north boundary of the fifteenth township; thence easterly along the north boundary of the fifteenth townships to lake Manitoba; thence easterly and along the south shore of lake Manitoba to where it is intersected by the north boundary of the seventeenth township in the fifth range west of the principal meridian; thence easterly along said north boundary of the seventeenth township to the north boundary of the settlement of Oak Point; thence northeasterly along said north boundary of the settlement of Oak Point to the northeast corner thereof; thence southeasterly along the east boundary of said settlement to where it is intersected by the north boundary of the seventeenth townships; thence easterly along the north boundary of the seventeenth townships to the principal meridian; thence northerly along said principal meridian to the north boundary of the province of Manitoba; thence westerly along said north boundary of the province of Manitoba to the northwest corner of said province; thence southerly along the west boundary of said province to the point of commencement.

3. The electoral district of Lisgar, bounded as follows:—
Commencing at the intersection of the south boundary of the province of Manitoba by the meridian between the twelfth and thirteenth ranges west of the principal meridian; thence northerly along said meridian between the twelfth and thirteenth ranges to the northeast corner of section twelve in the third township, in the thirteenth range west of the principal meridian; thence easterly and along the north boundary of section seven in the third township in the twelfth range to the northeast corner of said section seven; thence northerly along the east boundary of section eighteen, in said third township in the twelfth range to the northeast corner of the southeast quarter of said section eighteen; thence easterly along the north boundary of the south half of section seventeen and along the north boundary of the south half of section sixteen both in said township in the twelfth range to the east boundary of said section sixteen; thence northerly along the east boundary of section sixteen and along the east boundary of section twenty-one, both in said third township in the twelfth range to the northeast corner of said section twenty-one; thence easterly
along the north boundary of section twenty-two, in said third township in the twelfth range, to the northeast corner of said section twenty-two; thence northerly along the east boundary of section twenty-seven and along the east boundary of section thirty-four, both in said third township, in the twelfth range, and along the east boundary of section three in the fourth township in the twelfth range west of the principal meridian to the northeast corner of said section three; thence easterly along the north boundary of section two, in said fourth township, in the twelfth range, to the northeast corner of said section two; thence northerly along the east boundary of section eleven in said fourth township in the twelfth range to the northeast corner of said section eleven; thence easterly along the north boundary of section twelve in said fourth township in the twelfth range to the northeast corner of the northwest quarter of said section twelve; thence northerly along the east boundary of the west half of section thirteen and along the east boundary of the west halves of sections twenty-four and twenty-five, all in said fourth township, in the twelfth range, to the northwest corner of the northeast quarters of said section twenty-five; thence easterly along the north boundary of said northwest quarter of section twenty-five to the northeast corner of said section twenty-five; thence northerly along the meridian between the eleventh and twelfth ranges west of the principal meridian to the north boundary of said fourth township; thence easterly along the north boundary of the fourth townships to the meridian between the second and third ranges west of the principal meridian; thence southerly along said meridian between the second and third ranges to the north boundary of the third township; thence easterly along the north boundary of the third townships to said principal meridian; thence southerly along said principal meridian to the north boundary of the first township; thence easterly along the north boundary of the first township to the meridian between the first and second ranges east of the principal meridian; thence southerly along said meridian between the first and second ranges east of the principal meridian to the south boundary of the province of Manitoba; thence westerly along said south boundary of the province of Manitoba to the point of commencement.

4. The electoral district of *taecdonald, bounded as follows:—Commencing at the intersection of the meridian between the twelfth and thirteenth ranges west of the principal meridian by the north boundary of the fourth township; thence northerly along said meridian between the twelfth and thirteenth ranges to the north boundary of the ninth township; thence easterly along said north boundary of the ninth township to the meridian between the fifth and sixth ranges, west of the principal meridian; thence northerly along said meridian between the fifth and sixth ranges to the north bank of the Assiniboine River; thence along said north bank of the Assiniboine River up to the intersection of the meridian between the twelfth and thirteenth ranges west of the principal meridian by the north boundary of the fourth township; thence northerly along said meridian to the point of commencement.
stream to where it is intersected by the line between lots forty-five and forty-six in the parish of High Bluff; thence northerly along said line between said lots forty-five and forty-six to the northwest corner of the said lot forty-six; thence easterly along the north limit of said lot forty-six to said meridian between the fifth and sixth ranges; thence northerly along said meridian between the fifth and sixth ranges to lake Manitoba; thence easterly and northerly along the south and east shore of lake Manitoba to where it is intersected by the north boundary of the seventeenth township in the fifth range west of the principal meridian; thence easterly along said north boundary of the seventeenth township to the north boundary of the settlement of Oak Point; thence northeasterly along said north boundary of the settlement of Oak Point to the northeast corner thereof; thence southeasterly along the east boundary of said settlement to where it is intersected by the north boundary of the seventeenth township; thence easterly along the north boundary of the seventeenth townships to the principal meridian; thence southerly along the principal meridian to the north boundary of the eleventh township; thence easterly along the north boundary of the eleventh townships to the rear line of lots in the outer two miles of the parish of Kildonan on the west side of the Red River; thence in a southerly direction along said rear line to the northwest corner of the city of Winnipeg; thence in a southerly direction and along the west limit of said city of Winnipeg to the southwest corner thereof; thence southerly along the south limits of said city of Winnipeg to the rear line of lots in the parish of St. Boniface fronting on the west side of the Red River; thence southerly along said last mentioned rear line to the north limit of lots in the outer two miles of the parish of St. Vital; thence southwesterly along said north limit to the rear line of said lots in the outer two miles of the parish of St. Vital; thence in a southerly direction along said last mentioned rear line and along the rear line of lots in the outer two miles in the parish of St. Norbert to the south limit of said lots in the outer two miles of the parish of St. Norbert; thence northeasterly along said south limit to the rear line of lots fronting on the west side of the Red River in said parish of St. Norbert; thence in a southerly direction along said last mentioned rear line and along the rear line of lots fronting on the west side of the Red River in the parish of Ste. Agathe to the north boundary of the sixth township; thence westerly along the north boundary of the sixth township to the meridian between the second and third ranges west of the principal meridian; thence southerly along said meridian between the second and third ranges to the north boundary of the fourth township; thence westerly along the north boundary of the fourth township to the point of commencement.

5. The electoral district of Marquette, bounded as follows:—
Commencing at the west boundary of the province of Manitoba where

R.S., 1906.
where it is intersected by the north boundary of the twelfth township; thence easterly along the north boundary of the twelfth townships to the meridian between the sixteenth and seventeenth ranges, west of the principal meridian; thence northerly along said meridian between the sixteenth and seventeenth ranges to the north boundary of the eighteenth township; thence westerly along said north boundary of the eighteenth township to the meridian between the seventeenth and eighteenth ranges, west of the principal meridian; thence northerly along said meridian between the seventeenth and eighteenth ranges to the north boundary of the twentieth township; thence westerly along the north boundary of the twentieth townships to the meridian between the twenty-second and twenty-third ranges west of the principal meridian; thence northerly along said meridian between the twenty-second and twenty-third ranges to the north boundary of the twenty-second township; thence westerly along the north boundary of the twenty-second township to the meridian between the twenty-fifth and twenty-sixth ranges, west of the principal meridian; thence northerly along said meridian between the twenty-fifth and twenty-sixth ranges to the north boundary of the twenty-eighth township; thence westerly along the north boundary of the twenty-eighth township to said west boundary of the province of Manitoba; thence southerly along said west boundary of the province of Manitoba to the point of commencement.

6. The electoral district of Portage la Prairie bounded as follows:—Commencing at the point where the meridian between the sixteenth and seventeenth ranges, west of the principal meridian, intersects the north boundary of the sixth township, thence easterly along the north boundary of the sixth townships to its intersection with the meridian between the twelfth and thirteenth ranges west of the principal meridian; thence northerly along the meridian between the twelfth and thirteenth ranges to its intersection with the north boundary of the ninth township; thence easterly along the north boundary of the ninth townships to its intersection with the meridian between the fifth and sixth ranges west of the principal meridian; thence northerly along said meridian between the fifth and sixth ranges to the north bank of the Assiniboine River; thence along said north bank of the Assiniboine River up stream to where it is intersected by the line between lots forty-five and forty-six in the parish of High Bluff; thence northerly along said line between said lots forty-five and forty-six to the northwest corner of said lot forty-six; thence easterly along the north limit of said lot forty-six to the meridian between said fifth and sixth ranges; thence northerly along said last mentioned meridian to its intersection with the south shore of lake Manitoba; thence southwesterly and northwesterly following the shore of lake Manitoba to its point of intersection with the north boundary of the fifteenth township in the ninth range west of the principal meridian;
meridian; thence westerly along the north boundary of the fifteenth townships to its intersection with the meridian between the sixteenth and seventeenth ranges west of the principal meridian; thence southerly along said meridian between the sixteenth and seventeenth ranges to the point of commencement.

7. The electoral district of Provencher, bounded as follows:—Commencing at the east boundary of the province of Manitoba where it is intersected by the north boundary of the ninth township, thence southerly along said east boundary of the province of Manitoba to the southeast corner thereof; thence westerly along the south boundary of said province of Manitoba to where it is intersected by the meridian between the first and second ranges east of the principal meridian; thence northerly along said meridian between the first and second ranges east of the principal meridian to the north boundary of the first township; thence westerly along the north boundary of the first township to the principal meridian; thence northerly along the principal meridian to the north boundary of the third township; thence westerly along the north boundary of the third townships to the meridian between the second and third ranges west of the principal meridian; thence northerly along said meridian between the second and third ranges to the north boundary of the sixth township; thence easterly along the north boundary of the sixth townships to the rear line of lots fronting on the west side of the Red River in the parish of Ste. Agathe; thence in a northerly direction along said rear line and along the rear line of lots in the parish of St. Norbert to the south limit of lots in the outer two miles of said parish of St. Norbert; thence southwesterly along said south limit to the rear line of said lots in the outer two miles of the parish of St. Norbert; thence in a northerly direction along said last mentioned rear line and along the rear line of lots in the outer two miles of the parish of St. Vital to the north limit of said lots in the outer two miles of the parish of St. Vital; thence northeasterly along said last mentioned north limit to the rear line of lots fronting on the west side of the Red River in the parish of St. Boniface; thence northerly along said last mentioned rear line to the south limit of the city of Winnipeg; thence northeasterly along the south limit of the city of Winnipeg to the Red River; thence along the Red River down stream to where it is intersected by the production in a straight line westerly of the line between lots seventy-one and seventy-two of the parish of St. Boniface; thence southeasterly along said lines between lots seventy-one and seventy-two of the parish of St. Boniface to the rear line thereof; thence southerly along said last mentioned rear line to the south boundary of lot seventy-five of said parish of St. Boniface; thence easterly along the south boundary of lot seventy-five in the outer two miles of the parish of St. Boniface and its production in a straight line easterly to the north boundary.
ary of the tenth township; thence easterly along the north boundary of the tenth township to where it is intersected by a line drawn due north from the northeast corner of the southeast quarter of section seven in the tenth township in the fourth range east of the principal meridian; thence south along said due north line and along the east boundary of said southeast quarter of said section seven and along the east boundary of section six in said tenth township to the north boundary of the ninth township; thence easterly along the north boundary of the ninth township to the point of commencement.

8. The electoral district of Selkirk, bounded as follows:— Commencing at the intersection of the principal meridian by the north boundary of the eleventh township; thence easterly along the north boundary of the eleventh townships to the rear line of lots in the outer two miles of the parish of Kildonan on the west side of the Red River; thence southerly and along said rear line to the northwest corner of the city of Winnipeg; thence easterly along the north limit of the city of Winnipeg to the Red River; thence along the Red River up stream to where it is intersected by the production in a straight line westerly of the line between lots seventy-one and seventy-two in the parish of St. Boniface; thence southeasterly along said line between lots seventy-one and seventy-two of the parish of St. Boniface to the rear line thereof; thence southerly along the rear line of lots in the parish of St. Boniface to the south boundary of lot seventy-five of said parish of St. Boniface; thence easterly along the south boundary of lot seventy-five in the outer two miles of the parish of St. Boniface and its production in a straight line easterly to the north boundary of the tenth township; thence easterly along the north boundary of the tenth township to where it is intersected by a line drawn due north from the northeast corner of the southeast quarter of section seven in the tenth township, in the fourth range east of the principal meridian; thence south along said due north line and along the east boundary of said southeast quarter of said section seven and along the east boundary of section six in said tenth township in the fourth range east to the north boundary of the ninth township; thence easterly along the north boundary of the ninth township to the east boundary of the province of Manitoba; thence northerly along the said east boundary of the province of Manitoba to the northeast corner of said province; thence westerly along the north boundary of said province to where it is intersected by the extension northerly of the principal meridian; thence southerly along the principal meridian to the point of commencement.

9. The electoral district of Souris, bounded as follows:— Commencing at the southwest corner of the province of Manitoba being the point of intersection of the meridian between the twenty-ninth and thirtieth ranges west of the principal meridian, with the international boundary; thence easterly following
ing the international boundary line, being the south boundary of the province of Manitoba, to its intersection by the meridian between the twelfth and thirteenth ranges west of the principal meridian; thence northerly along said meridian between the twelfth and thirteenth ranges to the northeast corner of section twelve in the third township in the thirteenth range west of the principal meridian; thence easterly and along the north boundary of section seven in the third township in the twelfth range to the northeast corner of said section seven; thence northerly along the east boundary of section eighteen in said third township and twelfth range to the northeast corner of the southeast quarter of said section eighteen; thence easterly along the north boundary of the south halves of sections seventeen and sixteen in said third township in the twelfth range to the east boundary of said section sixteen; thence northerly along the east boundary of said section sixteen and along the east boundary of section twenty-one, both in said third township in the twelfth range, to the northeast corner of said section twenty-one; thence easterly along the north boundary of section twenty-two in said third township and twelfth range to the northeast corner of said section twenty-two; thence northerly along the east boundaries of sections twenty-seven and thirty-four in said third township and twelfth range, and along the east boundary of section three in the fourth township in said twelfth range, to the northeast corner of said section three; thence easterly along the north boundary of section two in said fourth township to the northeast corner of said section two; thence northerly along the east boundary of section eleven, in said fourth township to the northeast corner of said section eleven; thence easterly along the north boundary of section twelve, in said fourth township, to the northeast corner of the northwest quarter of said section twelve; thence northerly along the east boundary of the west half of section thirteen and along the east boundary of the west halves of sections twenty-four and twenty-five all in said fourth township to the northwest corner of the northeast quarter of said section twenty-five; thence easterly along the north boundary of said northeast quarter of section twenty-five to the northeast corner of said section twenty-five; thence northerly along the meridian between the eleventh and twelfth ranges, west of the principal meridian, to the north boundary of said fourth township; thence westerly along the north boundary of said fourth township to its intersection by the meridian between the twelfth and thirteenth ranges, west of the principal meridian; thence northerly along said meridian between the twelfth and thirteenth ranges to its intersection with the north boundary of township six; thence westerly along the north boundary of township six to its intersection with the meridian between the twenty-ninth and thirtieth ranges west of the principal meridian, being the west boundary of the province of Manitoba; thence following southerly along the west boundary of said province to the point of commencement.
10. The electoral district of the city of Winnipeg, which shall continue to be constituted as at present. 3 E. VII., c. 60, s. 3.

BRITISH COLUMBIA.

There shall be in the province of British Columbia, seven electoral districts defined as follows:—

1. The electoral district of Comox-Atlin, comprising the provincial electoral districts of Alberni, Atlin, Comox and Skeena, and all that portion of the provincial electoral district of Richmond bounded on the east by a line forming the east boundary of the provincial electoral district of Richmond from the northeast corner thereof southerly to the northwest corner of the provincial electoral district of Dewdney, and from that point running southerly; in a direct course to the mouth of the Squamish River at the head of Howe Sound, and thence in a southerly direction along the east shore of Howe Sound to Burrard Inlet.

2. The electoral district of Kootenay, comprising the provincial electoral districts of Cranbrook, Columbia, Fernie, Kaslo, Nelson, Revelstoke, Rossland, Slocan and Ymir.

3. The electoral district of Nanaimo, comprising the provincial electoral districts of Cowichan, Esquimalt, Nanaimo City, Newcastle, Saanich and The Islands.

4. The electoral district of New Westminster, comprising the provincial electoral districts of Chilliwack, Delta, Dewdney and New Westminster City, all that portion of the provincial electoral district of Richmond lying south of Burrard Inlet excepting the municipality of South Vancouver, and all that portion of the provincial electoral district of Yale adjoining the provincial electoral district of Dewdney, and lying west of a line commencing at the northeast corner of the provincial electoral district of Chilliwack; thence following the Fraser River to a point one mile beyond the village of Yale, and thence running in a direct course to the northeast corner of the provincial electoral district of Dewdney.

5. The electoral district of Vancouver City, comprising the provincial electoral district of Vancouver City, and the municipalities of South Vancouver and North Vancouver, and all that portion of the provincial electoral district of Richmond which lies east of the following described limit:—Commencing at the northwest corner of the provincial electoral district of Dewdney, thence in a straight line southerly to the mouth of the Squamish River at the head of Howe Sound, thence in a southerly direction along the east shore of Howe Sound to Burrard Inlet; thence, in an easterly direction along the north shore of Burrard Inlet and in a northerly direction along the west shore of the North Arm of the said Burrard Inlet to the northern extremity of the said North Arm.

R.S., 1906.
6. The electoral district of Victoria City, comprising the provincial electoral district of Victoria City.

7. The electoral district of Yale-Cariboo, comprising the provincial electoral districts of Cariboo, Greenwood, Grand Forks, Kamloops, Lillooet, Okanagan and Similkameen, and all that portion of Yale county not included by this Act in the electoral district of New Westminster. 3 E. VII., c. 60, s. 3.

PRINCE EDWARD ISLAND.

There shall be in the province of Prince Edward Island three electoral districts defined as follows:—

1. The county of King’s shall form and constitute the electoral district of King’s.

2. The county of Prince shall form and constitute the electoral district of Prince.

3. The county of Queen’s shall form and constitute the electoral district of Queen’s. 3 E. VII., c. 60, s. 3, sch.

SASKATCHEWAN AND ALBERTA.

There shall be in the provinces of Saskatchewan and Alberta and that part of the provisional district of Saskatchewan not included in the province of Saskatchewan, ten electoral districts defined as follows:—

1. The electoral district of Alberta, bounded as follows:—Commencing at the southeast corner of the provisional district of Alberta; thence westerly along the south boundary of said provisional district of Alberta to the southwest corner thereof; thence northerly along the west boundary of said provisional district of Alberta to where it is intersected by the north boundary of the seventeenth township; thence easterly along the north boundary of the seventeenth townships to the east boundary of the provisional district of Alberta; thence southerly along said east boundary of the provisional district of Alberta to the point of commencement.

2. The electoral district of Assiniboia East, bounded as follows:—Commencing at the southeast corner of the provisional district of Assiniboia; thence northerly along the east boundary of said provisional district of Assiniboia to the north boundary of the twenty-fourth township; thence westerly along said north boundary of the twenty-fourth township to the meridian between the sixth and seventh ranges west of the second meridian; thence southerly along the said meridian between the sixth and seventh ranges to the south boundary of the provisional district of Assiniboia; thence easterly along said south boundary of the provisional district of Assiniboia to the point of commencement.

3. The electoral district of Assiniboia West, bounded as follows:—Commencing at the south boundary of the provisional 4 1/2

51 51

R.S., 1906.
district of Assiniboia where it is intersected by the meridian between the twenty-third and twenty-fourth ranges west of the second meridian; thence northerly along said meridian between the twenty-third and twenty-fourth ranges to the north boundary of the fourteenth township; thence easterly along the north boundary of the fourteenth township to the meridian between the sixteenth and seventeenth ranges west of the second meridian; thence northerly along said meridian between the sixteenth and seventeenth ranges to the north boundary of the twenty-fourth township; thence westerly along the north boundary of the twenty-fourth townships to the South Saskatchewan River; thence along said South Saskatchewan River down stream to where it is intersected by the north boundary of the thirty-fourth township; thence westerly along the north boundary of the thirty-fourth townships to the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian; thence southerly along said meridian between the twenty-fifth and twenty-sixth ranges to the South Saskatchewan River; thence along said South Saskatchewan River up stream to its junction with the Red Deer River; thence along said Red Deer River up stream to where it is intersected by the west boundary of the provisional district of Assiniboia; thence southerly along said west boundary of the provisional district of Assiniboia to the south boundary thereof; thence easterly along said south boundary to the point of commencement.

4. The electoral district of Calgary, bounded as follows:—
Commencing at the intersection of the east boundary of the provisional district of Alberta by the north boundary of the seventeenth township; thence northerly along said east boundary of the provisional district of Alberta to the Red Deer River; thence along said Red Deer River down stream to its junction with the South Saskatchewan River; thence along said South Saskatchewan River down stream to where it is intersected by the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian; thence northerly along said meridian between the twenty-fifth and twenty-sixth ranges to the north boundary of the thirty-fourth township; thence westerly along the north boundary of the thirty-fourth townships to the west boundary of the provisional district of Alberta; thence southerly and along said western boundary of the provisional district of Alberta to the north boundary of the seventeenth township; thence easterly along the north boundary of the seventeenth townships to the point of commencement.

5. The electoral district of Edmonton, bounded as follows:—
Commencing at the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian where it is intersected by the north boundary of the fifty-second township; thence northerly along said meridian between the twenty-fifth and twenty-sixth ranges to the north boundary of the provisional district of Saskatchewan; thence westerly and along said north boundary
boundary of the provisional district of Saskatchewan and along the north boundary of the provisional district of Alberta to the west boundary of said provisional district of Alberta; thence southerly along the said west boundary of the provisional district of Alberta to where it is intersected by a line drawn due west from the source of the Brazeau River; thence east along said line to said source of the Brazeau River; thence along the Brazeau River down stream to the Saskatchewan River; thence along the Saskatchewan River down stream to where it is intersected by the north boundary of the fifty-second township; thence easterly along the north boundary of the fifty-second township to the point of commencement.

6. The electoral district of Humboldt, bounded as follows:—Commencing at the meridian between the twelfth and thirteenth ranges west of the second meridian where it is intersected by the north boundary of the twenty-fourth township; thence westerly along said north boundary of the twenty-fourth township to the South Saskatchewan River; thence along said South Saskatchewan River down stream to where said river is first intersected by the north boundary of the Indian Reserve Chief Musk-O-Day; thence westerly along said north boundary of the Indian Reserve to where it is intersected by the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence northerly along said meridian between the twenty-fourth and twenty-fifth ranges to the north boundary of the provisional district of Saskatchewan; thence easterly along said north boundary of the provisional district of Saskatchewan to where it is intersected by the meridian between the twelfth and thirteenth ranges west of the second meridian; thence southerly along said meridian between the twelfth and thirteenth ranges to the point of commencement.

7. The electoral district of Mackenzie, bounded as follows:—Commencing at the intersection of the east boundary of the provisional district of Assiniboia by the north boundary of the twenty-fourth township; thence northerly along said east boundary of the provisional district of Assiniboia, and along the east boundary of the provisional district of Saskatchewan, to the northwest corner of the province of Manitoba; thence easterly along the north boundary of the province of Manitoba to the east boundary of the provisional district of Saskatchewan; thence northerly along said east boundary of the provisional district of Saskatchewan to the north boundary thereof; thence westerly along said north boundary of the provisional district of Saskatchewan to the meridian between the twelfth and thirteenth ranges west of the second meridian; thence southerly along said meridian between the twelfth and thirteenth ranges to the north boundary of the twenty-fourth township; thence easterly along the north boundary of the twenty-fourth townships to the point of commencement.

8. The electoral district of Qu'Appelle, bounded as follows:—Commencing at the intersection of the south boundary
of the provisional district of Assiniboia by the meridian between the sixth and seventh ranges west of the second meridian; thence northerly along said meridian between the sixth and seventh ranges to the north boundary of the twenty-fourth township; thence westerly along the north boundary of the twenty-fourth townships to the meridian between the sixteenth and seventeenth ranges west of the second meridian; thence southerly along said meridian, between the sixteenth and seventeenth ranges to the north boundary of the fourteenth township; thence westerly along the north boundary of the fourteenth townships to the meridian between the twenty-third and twenty-fourth ranges west of the second meridian; thence southerly along said meridian between the twenty-third and twenty-fourth ranges to the south boundary of the provisional district of Assiniboia; thence easterly along said south boundary of the provisional district of Assiniboia to the point of commencement.

9. The electoral district of Saskatchewan, bounded as follows:—Commencing at the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian where it is intersected by the north boundary of the thirty-fourth township; thence easterly along the north boundary of the thirty-fourth townships to the South Saskatchewan River; thence along said South Saskatchewan River down stream to where said river is first intersected by the north boundary of the Indian reserve, Chief Musk-O-Day; thence westerly along said north boundary of the Indian reserve to where it is intersected by the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence northerly along said meridian between the twenty-fourth and twenty-fifth ranges to the north boundary of the provisional district of Saskatchewan; thence westerly along said north boundary of the provisional district of Saskatchewan to where it is intersected by the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian; thence southerly along said meridian between the twenty-fifth and twenty-sixth ranges to the point of commencement.

10. The electoral district of Strathcona, bounded as follows:—Commencing at the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian where it is intersected by the north boundary of the thirty-fourth township; thence westerly along the north boundary of the thirty-fourth townships to the west boundary of the provisional district of Alberta; thence in a northerly direction and along said west boundary of the provisional district of Alberta to where it is intersected by a line drawn due west from the source of the Brazeau River; thence east along said line to said source of the Brazeau River; thence along the Brazeau River down stream to the Saskatchewan River; thence along said Saskatchewan River down stream to where it is intersected by the north boundary of the fifty-second township; thence easterly along the

R.S., 1906.
the north boundary of the fifty-second townships to the meridian between the twenty-fifth and twenty-sixth ranges west of the third meridian; thence southerly along said meridian between the twenty-fifth and twenty-sixth ranges to the point of commencement. 3 E. VII., c. 60, s. 3; 4-5 E. VII., c. 3 and c. 42.

YUKON TERRITORY.

The Yukon Territory as bounded or described in the schedule to the Act passed in the first year of His Majesty's reign, chapter forty-one, shall form and constitute the electoral district of Yukon. 2 E. VII., c. 37, s. 2; 3 E. VII., c. 60, s. 3; 4 E. VII., c. 35, s. 5.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 6.

An Act respecting the election of members of the House of Commons and the Electoral Franchise.

SHORT TITLE.

1. This Act may be cited as the Dominion Elections Act. Short title. 63-64 V., c. 12, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'election' or 'Dominion election' means an election of
       a member or members to serve in the House of Commons;
   (b) 'provincial election' means an election of a member to
       serve in the legislative assembly or house of assembly or
       general assembly of a province, and, in the province of
       Prince Edward Island, an election of an assemblyman;
   (c) 'electoral district' means any place or territorial area
       in Canada entitled to return a member or members to serve
       in the House of Commons;
   (d) 'elector' or 'voter' means any person entitled to vote
       at an election under the provisions of this Act;
   (e) 'voters' list, or 'list of voters,' includes any official list
       of persons entitled to vote at an election, and, when pro-
       vincial lists are referred to, includes any official list of
       persons entitled to vote at a provincial election;
   (f) 'polling division' includes any polling subdivision, poll-
       ing district or subdistrict or other territorial area for which
       there is a separate voters' list, or in which a poll may be
       held;
   (g) 'candidate at an election,' or 'candidate,' means any
       person elected to serve in the House of Commons at such
       election, and any person who is nominated as a candidate
       at such election, or is declared by himself or by others to
       be a candidate, on or after the day of the issue of the writ
       for such election, or after the dissolution of Parliament,
       or the occurrence of a vacancy in consequence of which
       such writ has been issued;
   (h) 'member' means a member of the House of Commons
       of Canada;
   (i) 'election petition' means a petition presented in pursu-
       ance of the Dominion Controverted Elections Act;
   (j) R.S., 1906.
'Judge.'  
(j) 'judge' includes chief justice, and, when used with reference to the province of Ontario, also includes the Chancellor;

'Personal expenses.'  
(k) 'personal expenses,' as used herein, with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election, and all other expenses, which by this Act, he may lawfully incur and pay;

'Official agent.'  
(l) 'official agent' means the agent appointed by any candidate and specially charged with paying all the legal expenses on account of the election, and whose name and address have been declared in writing on or before nomination day, as by this Act required;

'Form.'  
(m) 'form' means a form in schedule one to this Act;

'Province of Saskatchewan.'  
(n) the 'province of Saskatchewan' shall be taken to include that part of the provisional district of Saskatchewan which is not included therein. 61 V., c. 14, s. 4; 63-64 V., c. 12, ss. 3, 108, 143.

No one a candidate unless he has given consent.

3. Nothing in this Act shall be construed to impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration, or has been elected. 63-64 V., c. 12, s. 3.

4. Whenever in this Act any expressions are used requiring or authorizing any act to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done. 63-64 V., c. 12, s. 55.

PART I.

ELECTORAL FRANCHISE IN THE PROVINCES.

Application.  
5. This Part does not apply to the provinces of Saskatchewan and Alberta or to the Yukon Territory. 61 V., c. 14, s. 2.

Voters' Lists.  
6. For the purposes of any Dominion election held within the limits of a province, the voters' lists shall, except as herein otherwise provided, be those prepared for the several polling divisions established, and which, on the sixtieth day next preceding the day fixed for the nomination of candidates for such

R.S., 1906.
Dominion election, were in force, or were last in force, under the laws of that province, for the purposes of provincial elections. 61 V., c. 14, s. 5.

7. Where, under the laws of a province, the voters' lists for any provincial electoral district or division or any of them are prepared not at regular intervals, but at such times as are fixed by the Lieutenant Governor in Council or some other provincial or local authority, or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used for the purpose of any Dominion election in the territory comprised in such provincial electoral district or division, or the parts thereof for use in which they were prepared, if such lists have been prepared not more than one year before the date of the writ for such Dominion election. 1 E. VII., c. 15, s. 2.

8. In case the lists mentioned in the last preceding section have been prepared for more than one year, new voters' lists shall be prepared, and the Governor in Council may, for the purpose of preparing and giving effect to such new voters' lists, appoint all necessary officers and confer upon them all necessary powers.

2. In the preparation of such lists, the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed and followed. 1 E. VII., c. 15, s. 2.

9. If any voters' lists have been prepared under the section last preceding not more than one year before the date of the writ for election, such lists shall be used, unless there are lists of a later date prepared under the provincial law, and new lists shall not be prepared. 1 E. VII., c. 15, s. 2.

Qualification.

10. The qualifications necessary to entitle any person to vote at a Dominion election in any province shall, except as herein otherwise provided, be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election. 61 V., c. 14, s. 5.

Provincial Disqualifications not applying to Dominion Elections.

11. No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law.
law disqualifying from having his name on the list or from voting,—

(a) the holder of any office; or,
(b) any person employed in any capacity in the public service of Canada or of the province; or,
(c) any person belonging to or engaged in any profession, calling, employment or occupation; or,
(d) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are, by such law, declared to be disqualified by reason of their belonging to such class. 61 V., c. 14, s. 6.

Transmission of Lists to the Clerk of the Crown in Chancery.

12. Within ten days after the final revision of every list of voters for the purposes of provincial elections, and within ten days after any change or alteration in or substitution for any such list under the provincial law, it shall be the duty of the custodian thereof to transmit to the Clerk of the Crown in Chancery, by registered mail, a copy of such list or change or alteration therein, or substituted list, as the case may be, certified under the hand of such custodian, and having every alteration, addition or erasure therein identified by his initials. 1 E. VII., 15, s. 3.

13. The fees to be paid for such certified copies shall be those fixed by the provincial law for furnishing such copies to applicants therefor, and, if there is no fee fixed by the provincial law, the fee shall be twenty-five cents for each one hundred names, including additions and descriptions, and fifty cents for the certificate. 1 E. VII., c. 15, s. 3.

14. For the purposes of Dominion elections, such certified copy shall be deemed to be the original and legal list of voters for the polling division for which the list of which it is a copy was prepared, so long as that list remains in force, subject, however, to such changes and additions as are, subsequent to revision, made in such list under the provisions of the provincial law. 61 V., c. 14, s. 10.

Printing of Voters’ Lists.

15. It shall be the duty of the Clerk of the Crown in Chancery, immediately upon receipt by him of any such certified copy of a list of voters, to cause it to be printed by the King’s Printer, and he shall thereafter retain such certified copy of record in his office. 61 V., c. 14, s. 10.

16. Immediately after printing such list, the King’s Printer shall send by registered mail twenty copies thereof to the sitting member

R.S., 1906.
member for the electoral district to which the list belongs, and twenty copies to the defeated candidate at the last Dominion election therein.

2. The Governor in Council may, by regulation, provide for the issue to members and candidates of such additional copies as are thought proper. 61 V., c. 14, s. 10.

17. The Clerk of the Crown in Chancery and the King’s Printer shall supply copies of any lists so printed to any person applying therefor and paying for them a price proportionately sufficient to cover the cost of printing them; but such price shall not exceed ten cents for each copy of the list for a polling division. 61 V., c. 14, s. 10.

18. All voters’ lists so printed by the King’s Printer shall be authenticated by his imprint in the same manner as other parliamentary documents, and every copy of a voters’ list purporting to bear such imprint shall be deemed to be for all purposes an authentic copy of the original list of record in the office of the Clerk of the Crown in Chancery, and evidence of such original list may be given by the production of a copy thereof purporting to be printed by the King’s Printer and to bear his imprint. 4-5 E. VII., c. 13, s. 1.

Alterations in Printed Lists.

19. If, under the provincial law, any changes in or additions to a list of voters have been made since the final revision, it shall, upon the request of any person presenting, for the purpose, any such printed copy of the list, and paying or tendering the sum of fifty cents, be the duty of the official having a record of such changes and additions, to make corresponding changes in and additions to such printed copy, and to certify under his hand as to the correctness of such changes and additions; and such printed copy, with such changes and additions so certified, shall be deemed to be, for all purposes, an authentic copy of the list of voters as it exists and is in force at the time of such certification. 61 V., c. 14, s. 10.

King’s Printer to keep Lists of Voters standing in Type.

20. The King’s Printer shall keep standing in type every list of voters so printed by him, until he is furnished by the Clerk of the Crown in Chancery with a duly certified copy of a later list for the same polling division, or of a later list or lists showing some change in the polling division; whereupon he shall correct such list so that it shall correspond with such later list or lists or shall make such other changes as are necessary; and he shall then keep standing in type such list so corrected, or any new resulting list or lists, until he has been furnished with a certified copy of a later list or lists affecting the same, 61 and R.S., 1906.
and so on, so that there shall always, so far as practicable, be kept standing in type a correct copy of every finally revised provincial list of voters. 61 V., c. 14, s. 10.

Provincial Voters' Lists to be used at Dominion Elections until revised.

21. So long as and whenever, for any reason, a certified copy of any list of voters as finally revised has not been transmitted to or received by the Clerk of the Crown in Chancery, pursuant to the provisions of this Act, the original and legal list for Dominion elections shall be the same as that for provincial elections. 61 V., c. 14, s. 10.

Polling Divisions and Voters' Lists.

22. The returning officer shall, forthwith after the receipt of the writ for an election, obtain from the officers who are the legal custodians of any by-laws, orders, proclamations or other documents or proceedings defining provincial polling divisions or duly certified duplicates or copies thereof,—

(a) such certified copies of the said by-laws, orders, proclamations or other documents or proceedings as are necessary or as he deems necessary for the performance of his duties; and,

(b) such provincial voters’ lists or certified copies thereof or extracts therefrom as he requires in addition to the lists supplied by the Clerk of the Crown in Chancery.

2. The legal custodian from whom any such document is so obtained shall be paid therefor the same fees, if any, as in the case of such document being obtained by a returning officer for the purposes of a provincial election. 63-64 V., c. 12, s. 22.

23. The legal custodian of any voters’ list shall deliver certified copies thereof or of any part thereof, as last revised and corrected, to any person applying therefor, on payment therefor of a fee not exceeding the fee, if any, allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list and one cent for every two names in writing, if the list or part of the list is written. 63-64 V., c. 12, s. 22.

24. The polling divisions shall, except as herein otherwise provided, be those established by or under the laws of the province for the purposes of provincial elections within the territory comprised in the electoral district for which the election is held. 61 V., c. 14, s. 5.

25. Where any provincial polling division, as constituted at the time of the receipt by the returning officer of the writ for an election, lies only partly within the electoral district for which such election is to be held, the part thereof within such electoral district

District shall, for the purpose of that election, form a separate polling division, or it may be attached by the returning officer to an adjoining polling division; and the returning officer shall, as soon as possible after the receipt of the writ, prepare from the existing voters' lists a separate voters' list containing the names of the persons entitled to have their names placed on the list for such part of such polling division. 61 V., c. 14, s. 8.

26. Where, for any part of any province, polling divisions are not established by or under the laws of the province, but, by or under such laws, places are fixed where polls shall be opened and held at provincial elections and lists of the voters entitled to vote at such places at such elections have been prepared and are or have been in force, polls shall be opened and held in that part of the province at the same places, and the voters' lists so prepared and which are or were last in force shall be the voters' lists for the purposes of a Dominion election. 61 V., c. 14, s. 5.

27. Where, under the laws of the province, there are no polling divisions for the purpose of provincial elections, the returning officer shall forthwith after the receipt of the writ subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors, adopting, so far as he deems it expedient, the polling divisions, if any there were, at the last Dominion election, and so that, as far as is possible, a polling division shall contain not more than three hundred and not fewer than two hundred qualified voters' names; and he shall number or otherwise designate such polling divisions, and fix upon a suitable polling station in each.

2. It shall be the duty and shall be within the power of the returning officer appointed by the Governor in Council to constitute polling divisions, and to appoint and fix polling places and polling stations in all cases where, under the laws of the province, it is respectively the duty or within the power of the returning officer or any other officer or person at provincial elections to do so; and the returning officer shall, in all cases, indicate such polling places and polling stations in the election proclamation. 61 V., c. 14, s. 5; 63-64 V., c. 12, s. 23.

28. Where a polling division has more than three hundred qualified voters according to the voters' list, the returning officer shall provide separate and additional polling stations according to the total number of qualified voters on the voters' list, near to one another, for the polling of the votes in such polling division, and so that not more than three hundred, and, when practicable, not less than two hundred qualified voters' names shall be on the list for each polling station. 61 V., c. 14, s. 7.

29. The returning officer in such cases shall prepare, or cause to be prepared, from the voters' list for the polling division, a separate list to be prepared in such case. R.S., 1906.

Provincial polling places to be used where polling divisions are not established.
Where there are no polling divisions, returning officer to divide electoral district into divisions.
separate list for each polling station, made up in alphabetical order according to the initial letter of the surname of each voter.

2. Each separate polling station shall be designated by the initial letters of the voters on the list who are to vote in such station, in the following manner, that is to say:—From A to K, and from L to R, and from S to Z, or as the case may be.

3. Every voter, the initial letter of whose name is included within the letters of the alphabet designating a polling station and contained in such list, shall vote in the station so designated.

4. The returning officer shall appoint a deputy returning officer for each such station, and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the voters' list whose surnames commence with the letters of the alphabet included within the letters by which such polling station is designated. 61 V., c. 14, s. 7.

Non-resident Electors.

30. The provisions of the law of the province as to the places where non-resident electors shall vote shall apply mutatis mutandis to any Dominion election, and the returning officer at such election shall have the powers and be charged with the duties of the sheriff or returning officer under such provisions; but nothing herein shall enable any person to vote by schedule or otherwise than by appearing personally. 61 V., c. 14, s. 5.

PART II.

PROVINCES OF SASKATCHEWAN AND ALBERTA AND YUKON TERRITORY.

Application.

31. This Part applies exclusively to the provinces of Saskatchewan and Alberta and the Yukon Territory.

Franchise.

32. In the provinces of Saskatchewan and Alberta, except as in this Act otherwise provided, every male person shall be qualified to vote at the election of a member under this Act, who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in either of the said provinces for at least twelve months, and, in the electoral district where he seeks to vote, for at least three months, immediately preceding the issue of the writ of election: Provided that, except as hereinafter provided, an elector may only vote at the polling

R.S., 1906.
polling station of the polling division in which he is a resident at the time of voting. 58-59 V., c. 11, s. 1; 4-5 E. VII., c. 28, s. 1.

33. In the Yukon Territory, save as in this Act otherwise provided, every male person shall be qualified to vote at the election of a member under this Act, who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in such territory for at least twelve months immediately preceding the issue of the writ of election. 2 E. VII., c. 37, s. 4.

Returning Officer.

34. In the provinces of Saskatchewan and Alberta and the Yukon Territory, one copy of this Act and of such instructions approved by the Governor in Council, as are necessary to carry out the elections according to this Act, with a copious alphabetical index prefixed, for the returning officer, and one for each of his deputies, shall be transmitted, with the writ of election, to the returning officer. 57-58 V., c. 15, s. 9; 2 E. VII., c. 37, s. 49.

35. In the provinces of Saskatchewan and Alberta, at least eight days before the day fixed in the writ for the nomination of candidates, the returning officer shall cause to be posted up in a conspicuous position in at least ten of the most public places in the electoral district a proclamation in form G, in which proclamation shall be set forth,—

(a) the place and time fixed for the nomination of candidates;

(b) the day on which the poll for taking the votes of the electors is to be held in case a poll is demanded;

(c) the several polling stations fixed by him, and the territorial limits to which they respectively apply; and,

(d) the time when and the place where the returning officer will sum up the number of votes given to the several candidates. 51 V., c. 10, s. 1.

36. In the provinces of Saskatchewan and Alberta and the Yukon Territory, the Governor General shall fix the place and the day for the nomination of candidates at each election; and the place and the day so fixed shall be specified in the writ of election for the electoral district to which such day applies. R.S., c. 7, s. 6; 2 E. VII., c. 37, s. 6.

37. In the provinces of Saskatchewan and Alberta and the Yukon Territory, immediately upon the receipt by the returning officer of the writ for the election, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and 5

65

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R.S., 1906.
In Yukon Territory.

Advertising in newspapers in Yukon Territory.

Proclamation to be also posted up.

Other day may be fixed by returning officer.

Nomination paper.

he shall number or otherwise designate them, and fix upon a suitable polling station in each such division.

2. In the Yukon Territory, each such polling division shall include not more than two hundred and not less than twenty-five qualified voters. 51 V., c. 10, s. 2; 2 E. VII., c. 37, s. 25.

38. At least two weeks before the date fixed in the writ for the nomination of candidates, in the Yukon Territory, the returning officer shall cause to be inserted in at least one of the daily newspapers published in Dawson, and in a newspaper published in Whitehorse, if any, a proclamation in form G setting forth,—

(a) the place and time fixed for the nomination of candidates;

(b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

(c) the several polling stations fixed by him, and the territorial limits to which they respectively apply; and,

(d) the time when and the place where the returning officer will sum up the number of votes given to the several candidates.

2. The said proclamation shall also be published at least two weeks before the nomination, by posting up in conspicuous places throughout the territory, at sufficient distances from each other to ensure general and sufficient notice throughout the said electoral district, at least fifty copies thereof. 2 E. VII., c. 37, s. 15.

39. In the Yukon Territory, whenever from unforeseen accident, delays or otherwise, the proclamation cannot be published so as to leave the required delay between the publishing of the same and the nomination day appointed by the Governor General, or whenever any candidate dies after being nominated, and before the close of the polls, the returning officer may fix another day for the nomination of candidates, which day shall be the nearest day possible after allowing the number of days required by the last preceding section between the publishing of the proclamation and the nomination day; and shall give the same notice on the day fixed for such later nomination in the newspapers and by proclamation as is required by the last preceding section.

2. In every such case, the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. 2 E. VII., c. 37, s. 16.

40. At any time after the date of the publication of the aforesaid notice, and before two of the clock in the afternoon of the day fixed for the nomination,—

(a)
(a) in the provinces of Saskatchewan and Alberta, any four or more electors; and,
(b) in the Yukon Territory, any fifteen or more electors; may nominate a candidate by affirming to and signing, before a justice of the peace or police magistrate, or before the returning officer, and causing to be filed with the returning officer, a nomination paper in form H. R.S., c. 7, s. 17; 2 E. VII., c. 37, s. 17.

41. In the Yukon Territory, immediately after having granted a poll, the returning officer shall cause to be posted up at all places where he has fixed polling stations for the taking of the votes at the election and in four other of the most conspicuous places in each polling division, an election proclamation in form L.

Publication in newspapers.

2. Such proclamation shall be published for at least two weeks immediately preceding the holding of such poll, in at least one of the daily newspapers published in Dawson and in a newspaper published in Whitehorse, if any, and by posting up in conspicuous places throughout the territory, at sufficient distances from each other to ensure general and sufficient notice throughout the said electoral district, at least fifty copies thereof. 2 E. VII., c. 37, s. 26 and 27.

Voters' Lists.

42. In the provinces of Saskatchewan and Alberta, the Governor in Council may appoint enumerators to make lists of the electors in the electoral district.

In Saskatchewan and Alberta enumerators appointed by Governor to make electors' lists.

2. If such appointments have not been made before the issue of a writ for the election, the returning officer, immediately upon his receiving such writ, conjointly with any two justices of the peace, or with any one justice of the peace and a notary public, or with any one of them, resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hands a competent and reliable person to be enumerator for any one or more polling divisions of such district.

3. The returning officer shall see that no polling division is omitted to be included in some one of such appointments. 51 V., c. 10, s. 3; 57-58 V., c. 15, s. 3.

43. In the Yukon Territory, the returning officer shall, immediately upon receipt of the writ, notify the Chief Justice of the Territorial Court of its receipt, or, if there be no chief justice, the senior judge of the court, or if the Chief Justice or the senior judge, as the case may be, is, by reason of illness or absence from the territory, or other cause, unable to act, the judge next in seniority, as the case may be, and the Chief Justice or judge so notified, shall forthwith appoint an enumer-
ator in each polling subdivision to make a list of electors for such polling subdivision. 2 E. VII., c. 37, s. 28.

Oath of enumerator

44. Every enumerator shall, before acting as such, take the oath of office in form Σ. 51 V., c. 10, s. 3; 2 E. VII., c. 37, s. 28.

Notice of appointment posted up.

45. In the Yukon Territory, the enumerator, forthwith after taking the said oath, shall post up in six of the most public places within each polling division a notice that he has been appointed enumerator for the polling division, and that he will proceed forthwith to compile, and within thirty days will complete, the voters' list for the polling division, and designating the office or place where he may in the meantime be found, and the hours during which he will attend at such office on each day not being a holiday.

2. Such hours of attendance shall be from not later than ten o'clock in the forenoon, until four o'clock or later in the afternoon. 2 E. VII., c. 37, s. 28.

List of voters by enumerator.

46. Each such enumerator shall immediately upon his having taken the oath of office, compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions for which he has been appointed; and he shall make three plainly written copies thereof with the names of the voters alphabetically arranged, giving the occupation and residence of each voter in form F. 51 V., c. 10, s. 3; 2 E. VII., c. 37, s. 29.

In Yukon Territory, list of voters to be prepared.

47. In the Yukon Territory, in the compilation of such list, the enumerator may only enter therein the names of such persons as are, by statutory declaration of such persons or some agent having a personal knowledge of the facts, filed with him, declared to possess the qualifications necessary to entitle to vote under the provisions of this Act. 2 E. VII., c. 37, s. 29.

In Saskatchewan, Alberta and Yukon, list to be posted up.

48. Each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list or lists as aforesaid, in the provinces of Saskatchewan and Alberta, eight days before the polling day, and, in the Yukon Territory, fifteen days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision.

2. In either of the said provinces, one of the places where copies of the lists are to be so posted up shall be the post office nearest to the place appointed as the polling station for the polling division, or, if there is no such post office, a conspicuous place outside and adjoining the main entrance to such polling station.

R.S., 1906.
3. The enumerator in either of said provinces shall attach to each of the two copies posted up by him a written notice signed by him designating a place and time where and when electors may conveniently find him during at least two consecutive hours on every day, except Sunday, of the eight days next before the polling day; and the enumerator shall attend for that purpose at the time and place so designated for at least two consecutive hours on each of the said eight days. R.S., c. 7, s. 30; 2 E. VII., c. 37, s. 30; 4-5 E. VII., c. 28, s. 2.

49. If any enumerator, at any time after posting up any voters' list, and two days before the polling day, in the provinces of Saskatchewan and Alberta, and seven days before the polling day in the Yukon Territory, is fully satisfied, from representations made to him by any credible person, that the name of any qualified voter has been omitted from the voters' list of the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature, and shall attest such addition by his initials.

2. If the enumerator, in like manner, is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling division, he may draw erasing lines through such name, and write his own initials opposite thereto in the column for remarks.

3. If the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner. R.S., c. 7, s. 31; 57-58 V., c. 15, s. 4; 2 E. VII., c. 37, s. 31.

50. Every enumerator, having revised and corrected such retained copy of each voters' list compiled by him, if he deems such correction necessary, as provided in the next preceding section, shall write at the foot of such copy and close to the last name thereon, two days before the polling day, a certificate in the form of the second certificate contained in form F. R.S., c. 7, s. 32; 57-58 V., c. 15, s. 5; 2 E. VII., c. 37, s. 32.

51. The enumerator shall deliver the voters' list so certified forthwith, or before eight o'clock in the morning of the polling day, to the deputy returning officer for the polling division to which it relates; and such list, as received by such deputy returning officer, shall be the voters' list for such polling division, subject to be further corrected on the polling day as hereinafter provided. R.S., c. 7, s. 33; 57-58 V., c. 15, s. 6; 60 V., c. 5, s. 5; 2 E. VII., c. 37, s. 33.

52. Except as provided in this Part, it shall not be necessary to prepare new voters' lists for the purpose of any election to be held under this Act, when there has been in the said electoral district a previous election, the voters' lists prepared for which are

\[69\]

\[\text{New lists not necessary if less than a year between elections.}\]

\[\text{R.S., 1906.}\]
are of record in the office of the Clerk of the Crown in Chancery,
and there is an interval of less than twelve months between the
dates of the writs for the two elections. 60 V., c. 5, s. 1; 2 E.
VII., c. 37, s. 51.

Lists which shall be used.

53. In the event of an election, it shall be the duty of the
Clerk of the Crown in Chancery to forward to the returning
officer, with the writ of such election, three certified copies of
each of the voters' lists so of record in his office. 60 V., c. 5,
s. 2; 2 E. VII., c. 37, s. 52.

Duties of the enumerator.

54. Such certified copies shall be delivered by the returning
officer to the enumerator, to be appointed as in this Part pro-
vided, and the enumerator shall post up two of such copies of
each list, retaining the third for revision, and shall revise and
correct the list so retained, and otherwise deal with it in all
respects as if such certified copies were voters' lists completed
and signed by him as provided by this Part.

2. The copy so retained, as revised and certified and as
received by the deputy returning officer from the enumerator,
shall be the voters' list for the polling division to which it
relates. 60 V., c. 5, s. 3; 2 E. VII., c. 37, s. 53.

Revised and certified copy to be voters' list.

55. Should there be in any electoral district a polling divi-
sion for which a voters' list is not of record in the office of
the Clerk of the Crown in Chancery, a list for such polling division
shall, for the purposes of any election, be prepared in the man-
er provided in this Part. 60 V., c. 5, s. 4; 2 E. VII., c. 37,
s. 54.

List for polling division for which no list is of record.

56. In the provinces of Saskatchewan and Alberta and the
Yukon Territory, if the returning officer sees fit to act in the
capacity of deputy returning officer for any polling division, he
may dispense with appointing a deputy for such division, and
himself perform the duties of deputy returning officer therein,
without taking any oath of office other than that which he is
required to take as returning officer. R.S., c. 7, s. 36; 2 E. VII.,
c. 37, s. 35.

Appointment of deputy returning officer.

57. In the provinces of Saskatchewan and Alberta and the
Yukon Territory, the returning officer shall,—

(a) furnish each deputy returning officer with a poll book
and at least five copies of the notice in form P for the
information to electors; and,

(b) cause to be posted up with the election proclamation
such notice of information to electors.

2. The deputy returning officer shall post up on the polling
day, before nine o'clock in the forenoon, in conspicuous places
near the polling station, at least three copies of such notice.
R.S., c. 7, s. 34; 57-58 V., c. 15, ss. 7, 8; 2 E. VII., c. 37,
ss. 34, 37, 39.
Poll.

58. In the Yukon Territory, the poll shall be held on the twenty-eighth day next after the expiration of the day fixed for the nomination of candidates, that is, on the same or corresponding day of the week as that on which the nomination has taken place, or, if such twenty-eighth day is a statutory holiday, then on the next following day not being a Sunday or statutory holiday. 2 E. VII., c. 37, s. 26.

59. In the provinces of Saskatchewan and Alberta and the Yukon Territory, any deputy returning officer, candidate, agent or poll clerk who belongs to a polling division other than the one at which he is employed on the polling day shall be permitted to vote at the polling station where he is so employed, provided he produces a certificate from the enumerator of the polling division to which he belongs that he is a qualified voter in such polling division, which certificate such enumerator shall give gratis to any qualified elector who is so stationed outside of his polling division.

2. In the provinces of Saskatchewan and Alberta, in issuing such certificates, every enumerator,—
   
   (a) shall not issue more than three certificates for use in any one polling division to the agents of any candidate;
   
   (b) shall mention on such certificate the date of issue and sign such certificate;
   
   (c) shall number consecutively in the order of issue any such certificate; and,
   
   (d) shall not issue in blank any such certificate.

3. Each such certificate, in the provinces of Saskatchewan and Alberta, shall contain in writing the name of the person to whom it is issued, and shall state that such person is a qualified elector, the polling division in which he is entitled to vote, and, if he is a deputy returning officer, agent or poll clerk, the polling station for which he is appointed. R.S., c. 7, s. 48; 2 E. VII., c. 37, s. 43; 4-5 E. VII., c. 28, s. 3.

60. In the provinces of Saskatchewan and Alberta and the Yukon Territory, in case any vote is recorded, as provided in the next preceding section, in a polling division other than that in which the voter resides, the voter shall file with the deputy returning officer the certificate provided for in said section; and there shall be entered in the poll book opposite the voter’s name in the column for remarks, a memorandum stating that he has voted under such certificate, giving, except in the Yukon Territory, the number of such certificate, and stating the particular office or position which the voter is filling at the polling station. 2 E. VII., c. 37, s. 44; 4-5 E. VII., c. 28, s. 4.

61. Every deputy returning officer in the provinces of Saskatchewan and Alberta and the Yukon Territory, may, in the name of oath to electors. R.S., 1906.
and shall, when he is required so to do by any candidate or agent of a candidate, administer to any elector either one or both of the oaths set forth in form Z. R.S., c. 7, s. 43; 2 E. VII., c. 37, s. 40.

62. In the provinces of Saskatchewan and Alberta, the deputy returning officer shall, while the poll is open, if required by any person whose name is not on the voters' list, administer to such person oath number one in form Z, and, such oath having been taken, the deputy returning officer shall at once cause such person's name to be added to the voters' list, with the word Sworn written thereafter. 60 V., c. 5, s. 6.

63. Every person whose name is on the voters' list, unless sworn as in the next preceding section provided, shall before being permitted to vote, if required by any candidate, agent or elector, take the oath number one in form Z, and, if he refuses to take the same, erasing lines shall be drawn through his name on the voters' list and in the poll book, if such name has been entered in the said book, and the words Refused to be sworn written thereafter; and any person whose name is so erased shall not be permitted to vote at the said election. R.S., c. 7, ss. 45, 46; 2 E. VII., c. 37, s. 41.

64. The poll clerk shall make such additions, alterations and erasures in the voters' list, and such entries in the poll book, as the deputy returning officer directs him to make, as is required by any provision of this Part. R.S., c. 7, s. 52; 2 E. VII., c. 37, s. 46.

65. Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in accordance with the foregoing provisions of this Part. R.S., c. 7, s. 46; 2 E. VII., c. 37, s. 42.

PART III.

GENERAL.

Application.

66. This Part, except as therein otherwise specially provided, applies to the provinces including Saskatchewan and Alberta and to the Yukon Territory.

Disqualification of Voters.

67. The following persons shall be disqualified and incompetent to vote at any election:—

(a) The judges of every court whose appointment rests with the Governor in Council;

R.S., 1906.
(b) Persons disfranchised for corrupt practices under this Act;
(c) Persons disfranchised under the Disfranchising Act;
(d) Any person who, at the time of an election, is a prisoner in a gaol or prison undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal poor house or house of industry, or is an inmate receiving charitable support in any institution receiving aid from the government of the province under any statute in that behalf.

2. Any person hiring any horse, cab, cart, wagon, sleigh, carriage, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from any polling place, shall, *ipso facto*, be disqualified from voting at such election. 57-58 V., c. 15, s. 1; 61 V., c. 14, ss. 2, 6; 63-64 V., c. 12, ss. 7, 9, 113; 2 E. VII., c. 37, s. 3.

68. The following persons shall be disqualified and incompetent to vote at an election for the electoral district for which or for a portion of which they hold their offices or positions:—

(a) Returning officers and election clerks, but not deputy returning officers, poll clerks or constables whether appointed by the returning officer or by a deputy returning officer, employed in connection with the election;
(b) Any person who, at any time, either before or during the election, has been or is employed at the same election or in reference thereto, by any person as counsel, attorney, solicitor, agent or clerk at any polling place at any such election or in any other capacity, and who has received or expects to receive, either before, during or after the said election, from any person for acting in any such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security for any sum of money, fee, office, place or employment.

2. The returning officer may nevertheless, as by this Act provided, vote in the case of an equality of votes between candidates. R.S., c. 7, s. 14; 63-64 V., c. 12, s. 8; 2 E. VII., c. 37, s. 14.

Qualification of Candidates.

69. Except as in this Act otherwise provided, any British subject may be a candidate in an election for a seat in the House of Commons.

2. No qualification in real estate shall be required of any candidate. 63-64 V., c. 12, s. 4.
Disqualifications.

70. The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at any election, namely:

(a) Every person as a candidate at any election proved guilty on the trial of an election petition of any corrupt practice, or convicted before any competent court of the corrupt practice of bribery or undue influence at his election, during the period of seven years from the time of his having been so proved guilty or convicted;

(b) Every candidate or other person found by the report of the trial judge on the trial of an election petition to have by himself or his agents with his actual knowledge and consent aided, abetted, counselled or procured the commission of the offence of personation at an election, during the continuance of the parliament for which the election was held and during the term of the next ensuing parliament;

(c) Every person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, during the eight years next after the time at which he is so found guilty;

(d) Every person directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement expressed or implied with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid, during the time he is so holding, or enjoying, undertaking or executing;

(e) Every person who is a member of the legislature of any province, during the time he is such member;

(f) Every person holding the office of sheriff, registrar of deeds, clerk of the peace or county Crown attorney, during the time he is holding such office;

(g) Every person accepting or holding any office, commission or employment permanent or temporary in the service of the Government of Canada at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, during the time he is so holding any such office, commission or employment: Provided that this section shall not apply to the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General, Minister of Agriculture,
71. The election of any person declared to be ineligible by this Act shall be void.

2. If a member of the legislature of any province, notwithstanding his disqualification, receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible. R.S., c. 13, s. 2; 57-58 V., c. 15, s. 2; 63-64 V., c. 12, s. 6; 2 E. VII., c. 37, s. 55.

Oaths.

72. Any affidavit required to be made for any of the purposes of this Act may be sworn before any commissioner for taking affidavits in a superior court of any province. 63-64 V., c. 12, s. 154.

73. Any person before whom it is herein provided that any oath is to be taken, or any affirmation made, shall have power to administer it, and shall administer it gratuitously. 63-64 V., c. 12, s. 154.

74. The returning officer at any election shall have power to administer any oath or affirmation required by this Act with respect to such election; and the deputy returning officer or poll clerk may administer any such oath or affirmation, except such as is required to be administered to the returning officer. 63-64 V., c. 12, s. 154.

Writs of Election.

75. Every writ for an election shall be in form A and shall be dated and be returnable on such days as the Governor General determines, and shall be addressed and forwarded by the Clerk of the Crown in Chancery to the person appointed by the Governor General, as hereinafter provided, and shall be transmitted to such person by mail, unless otherwise ordered by the Governor General. R.S., c. 7, ss. 5, 7; 63-64 V., c. 12, s. 10; 2 E. VII., c. 37, ss. 5, 7.

Returning Officer.

76. The person to whom a writ for an election is so addressed shall be the returning officer at such election: Provided R.S., 1906.
vided that, if such person refuses or is disqualified or unable to act, another person may be appointed by the Governor General to be such returning officer. R.S., c. 7, s. 5; 63-64 V., c. 12, s. 11; 2 E. VII., c. 37, s. 5.

77. None of the following persons shall be appointed returning officer or deputy returning officer, election clerk or poll clerk, that is to say:

(a) Members of the King's Privy Council for Canada or of the executive council of any province of Canada;
(b) Members of the Senate or of the legislative council of any province of Canada;
(c) Members of the House of Commons, or of the legislative assembly of any province of Canada, or of the Yukon Territorial Council;
(d) Ministers, priests or ecclesiastics of any religious faith or worship;
(e) Judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or insolvent court, and any local judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;
(f) Persons who have served in the Parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;
(g) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this Act or any provincial Act relating to elections, or under the Disfranchising Act;
(h) Persons convicted of any indictable offence. R.S., c. 7, s. 8; 63-64 V., c. 12, s. 12; 2 E. VII., c. 37, s. 8.

78. Except as to the provinces of Saskatchewan and Alberta and the Yukon Territory, no person shall be appointed deputy returning officer or election clerk or poll clerk who is not a resident of the electoral district within which he is to act. 63-64 V., c. 12, s. 13; 1 E. VII., c. 16, s. 1; 2 E. VII., c. 37, s. 55.

79. None of the following persons, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as returning officer, deputy returning officer, election clerk or poll clerk, that is to say:

(a) Professors in any university, college, high school or academy;
(b) Physicians or surgeons;
(c) Millers;
(d) Postmasters, Customs officers, or clerks in post offices or Customs offices;

R.S., 1906.
(e) Persons of sixty years of age or upwards;

(f) Persons who have previously served as returning officers at a Dominion election. R.S., c. 7, s. 9; 63-64 V., c. 12, s. 14; 2 E. VII., c. 37, s. 9.

 Transmission to the Returning Officer of the Voters' Lists.

80. Except as to elections in the provinces of Saskatchewan and Alberta and the Yukon Territory, the Clerk of the Crown in Chancery shall immediately after the issue of the writ for the election, transmit to the returning officer,—

(a) a sufficient number of copies of voters' lists, if there are any;

(b) one copy of this Act, and of such instructions approved by the Governor in Council as are required to carry out the election according to the provisions of this Act, with a copious alphabetical index prefixed, for the returning officer himself, one copy for the election clerk, and one for each of the deputy returning officers;

(c) for each deputy returning officer a blank poll-book and all the blank forms necessary for the purposes of such election, except forms G, K and T, which the returning officer shall himself cause to be printed. 63-64 V., c. 12, s. 21.

81. The said instructions shall contain forms of the oaths of qualification which under the laws of the province electors may in like cases be required to take at a provincial election, and also of the oath in form Y.

2. Such forms shall be made applicable where necessary to the election being held, and, in the case of returning officers in the province of Prince Edward Island, they shall be accompanied by the sections of the provincial law relating to the qualification of voters. 63-64 V., c. 12, s. 21.

Proceedings after Receiving the Writ.

Oath by Returning Officer.

82. The returning officer shall, on receiving the writ of the election, forthwith endorse thereon the date on which he receives it, and, before taking any further action thereon, he shall take the oath of office in form B. R.S., c. 7, s. 10; 63-64 V., c. 12, s. 15; 2 E. VII., c. 37, s. 10.

Election Clerk.

83. The returning officer, by a commission under his hand in form C, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to act.
unable to perform his duties as such clerk. R.S., c. 7, s. 11; 63-64 V., c. 12, s. 16; 2 E. VII., c. 37, s. 11.

84. The election clerk shall, before acting as such, take the oath of office in form D. R.S., c. 7, s. 13; 63-64 V., c. 12, s. 17; 2 E. VII., c. 37, s. 13.

85. The election clerk shall assist the returning officer in the performance of his duties and act in his stead as returning officer whenever the returning officer refuses or is disqualified or unable to perform his duties and has not been replaced by another. R.S., c. 7, s. 12; 63-64 V., c. 12, s. 18; 2 E. VII., c. 37, s. 12.

Proclamation by Returning Officer.

86. Within the shortest possible time after the reception of the writ, in the electoral districts of Chicoutimi and Sagnay and Gaspé, in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia, and, except as otherwise provided in the cases of the provinces of Saskatchewan and Alberta and the Yukon Territory by Part II. of this Act, within eight days after its reception in the other electoral districts of Canada, the returning officer shall, except in the Yukon Territory, by a proclamation, in form G, under his hand, issued in the English and French languages, in every electoral district, in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate,—

(a) the place and time fixed for the nomination of candidates;
(b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;
(c) the several polling stations fixed by him, and the territorial limits to which they respectively apply;
(d) the time when and the place where the returning officer will add up the number of votes given to the several candidates. 4 E. VII., c. 12, s. 1.

87. Such proclamation shall be posted up in all the electoral districts, at least eight days before the day fixed for the nomination of candidates, neither the last day of posting it up nor the day of nomination being reckoned. 63-64 V., c. 12, s. 25.

88. The returning officer shall, except in the provinces of Saskatchewan and Alberta and the Yukon Territory, cause such proclamation to be posted up within the electoral district for which the election is to take place, at four of the most prominent and conspicuous places in each city, town and village, or ward of such city, town or village, when it is subdivided into wards, and at four of the most prominent and conspicuous places in each
Part III.  

*Dominion Elections.*  

Chap. 6.  

23

each parish, township or division of parish or township. 63-64 V., c. 12, s. 26.

The Nomination.

89. The Governor General shall fix the day for the nomination of candidates at the election: Provided that, at every general election, he shall, except as to the Yukon Territory, fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Chicoutimi and Saguenay, and Gaspé in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia.

2. The day so fixed by the Governor General shall be named in the writs of election for the several electoral districts respectively to which such day applies. R.S., c. 7, s. 6; 63-64 V., c. 12, s. 28; 4 E. VII., c. 12, s. 2.

90. In the electoral districts of Chicoutimi and Saguenay, and Gaspé in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than eight days after the proclamation hereinbefore required has been posted up, neither the last day of posting it up nor the day of nomination being reckoned; and the day for holding the polls shall be at as early a date thereafter as possible, but not less than seven days after nomination, and at a general election it shall, if possible, be the same day as that fixed by the Governor General for the other electoral districts but not sooner. 4 E. VII., c. 12, s. 3.

91. Except as to the Yukon Territory, whenever from unforeseen accident, delays or otherwise, the proclamation aforesaid cannot be posted up so as to give the required time between the posting up of the proclamation and the nomination day appointed by the Governor General, or by the returning officer, as the case may be, the returning officer shall fix another day for the nomination of candidates, which shall be the nearest day possible after allowing the number of days required between the posting up of the proclamation and the nomination day, and, in every such case, the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. R.S., c. 7, s. 16; 63-64 V., c. 12, s. 30.

92. The place fixed for the nomination of candidates shall be the court house, city or town hall, or some other public or private building, in the most central or most convenient place for nomination.

R.S., 1906.
Chap. 6.  
Dominion Elections.  
Part III.

for the majority of the electors of each electoral district. 63-64 V., c. 12, s. 31.

Hours for nomination.  
93. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, the time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose, and, during such time, the returning officer and the election clerk shall remain at the place fixed in the notice for the purpose of receiving the nomination papers. 63-64 V., c. 12, s. 32.

Nomination Papers.  
94. Any twenty-five electors, except in the provinces of Saskatchewan and Alberta and the Yukon Territory, may nominate a candidate, or as many candidates as are required to be elected for the electoral district for which the election is held, by signing a nomination paper in form II, stating therein the name, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate and by causing such nomination paper to be produced to the returning officer at the time and place indicated in the proclamation, or to be filed with the returning officer at any other place, and at any time between the date of the proclamation and the day of nomination. 63-64 V., c. 12, s. 33.

Each candidate separately.  
95. Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected. 63-64 V., c. 12, s. 33.

Consent of candidate.  
96. No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by,—

(a) the consent in writing of the person therein nominated, except where such person is absent from the province in which the election is to be held, when such absence shall be stated in the nomination paper; and,

(b) a deposit of two hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque for that amount drawn upon and accepted by such bank. R.S., c. 7, s. 18; 54-55 V., c. 56, s. 1; 1 E. VII., c. 16, s. 2; 2 E. VII., c. 37, s. 18.

Deposit by candidate.  
97. The returning officer shall give to the candidate or his agent a receipt for such deposit which shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment therein mentioned. R.S., c. 7, s. 18; 63-64 V., c. 12, s. 34; 2 E. VII., c. 37, s. 18.

Receipt for such deposit.  
98. 

R.S., 1906.
98. The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Canada, and shall be applied by the returning officer towards the payment of the election expenses, and an account thereof shall be rendered by him to the Auditor General of Canada.

In case of death of candidate returned.

2. The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate. R.S., c. 7, s. 18; 63-64 V., c. 12, ss. 34, 39; 2 E. VII., c. 37, s. 18.

99. The returning officer shall require the person, or one or more of the persons producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that,—

(a) the several persons who have signed such nomination paper are electors duly entitled to vote;

(b) they have signed it in his or their presence; and,

(c) the consent of the candidate was signed in his or their presence, or as the case may be, that the person named as candidate is absent from the province or territory.

2. Such oath may be in form I, and the fact of its having been taken shall be stated on the back of the nomination paper. R.S., c. 7, s. 19; 63-64 V., c. 12, s. 35; 2 E. VII., c. 37, s. 19.

100. At the close of the time for nominating the candidates, the returning officer shall deliver to every candidate or agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated. R.S., c. 7, s. 24; 63-64 V., c. 12, s. 33; 2 E. VII., c. 37, s. 24.

101. Any votes given at the election for any other candidates than those nominated in the manner provided by this Act shall be null and void. R.S., c. 7, s. 17; 63-64 V., c. 12, s. 33; 2 E. VII., c. 37, s. 17.

102. Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held, have been nominated within the time fixed for that purpose, the returning officer shall forthwith make his return to the Clerk of the Crown in Chancery, in form J, that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected. R.S., c. 7, s. 20; 63-64 V., c. 12, s. 36; 2 E. VII., c. 37, s. 20.

103. R.S., 1906.
103. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. R.S., c. 7, s. 21; 63-64 V., c. 12, s. 37; 2 E. VII., c. 37, s. 21.

Withdrawal of Candidates.

104. Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void.

2. If, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal is filed on the polling day. R.S., c. 7, s. 22; 63-64 V., c. 12, s. 38; 2 E. VII., c. 37, s. 22.

Death of a Candidate.

105. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, if a candidate dies after being nominated and before the closing of the poll, the returning officer may fix another day for the nomination of candidates, which shall be the nearest day possible after allowing the number of days required by this Act between the posting up of the proclamation and the nomination day in that part of Canada where the election is being held.

2. In such case, the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the death of the candidate having occasioned the postponement of the election. 63-64 V., c. 12, s. 39.

The Granting of a Poll.

106. If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this Act, the returning officer shall grant a poll for taking the votes of the electors. R.S., c. 7, s. 22; 63-64 V., c. 12, s. 40; 2 E. VII., c. 37, s. 23.

107. On a poll being granted, the returning officer shall cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers.
2. Except in the Yukon Territory, such notices shall, as soon notice of as possible after the nomination, be placarded at all the places poll where the proclamation for the election was posted up.

3. Such notices shall be in form K, except in the provinces form of Saskatchewan and Alberta, where they shall be in form L.

4. In Prince Edward Island, the returning officer shall, in P. E. I. addition to such notices, cause to be placarded at the same time and places such notice or advertisement regarding the qualification of voters as is required under the provincial law to be posted. R.S., c. 7, s. 27; 1 E. VII., c. 16, s. 3; 2 E. VII., c. 37, s. 27.

**Deputy Returning Officers.**

**108.** The returning officer shall appoint, by a commission under his hand, in form M, one deputy returning officer for each polling division in the electoral district who shall, before acting as such, take the oath of office in form N. R.S., c. 7, ss. 36, 37; 63-64 V., c. 12, s. 41; 2 E. VII., c. 37, ss. 35, 36.

**109.** On a poll being granted, the returning officer shall furnish each deputy returning officer with a copy,—

(a) of this Act;

(b) of the voters' list for the polling division for which he is appointed, if there is such a list, certified by him; and,

(c) of the instructions approved by the Governor in Council, as provided by this Act. 63-64 V., c. 12, s. 41.

**110.** The returning officer shall deliver to each deputy returning officer, two days at least before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes, sealing wax and a ballot box, and also a screen, if one is required. 63-64 V., c. 12, s. 41.

**111.** The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the number of voters on the list of such polling division, and a certificate of the number of such ballot papers with the necessary materials for voters to mark their ballot papers.

2. All ballots shall be of the same description and as nearly uniform alike as possible.

3. Every ballot paper so furnished by the returning officer shall be stamped by him with a stamp furnished to him for that purpose by the Clerk of the Crown in Chancery, the stamp being so placed on the ballot paper that, when the latter is folded by a voter, the stamp can be seen without the ballot paper being opened. 63-64 V., c. 12, s. 41.

**112.** Such stamp shall be specially designed and made for the purposes of each election, and shall be forwarded by the R.S., 1906.
Chap. 6.  

Dominion Elections.  

Part III.

Clerk of the Crown in Chancery to the returning officer, so as to reach him on or about the day of the nomination of candidates.

2. It shall show the name of the electoral district and the year of the election, and shall be of such design that an impression made from it shall be readily recognizable. 63-64 V., c. 12, s. 41.

Description.

Directions in form O.

113. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, the returning officer shall furnish each deputy returning officer with at least ten copies of printed directions, in form O, for the guidance of voters in voting, and the deputy returning officer shall before or at the opening of the poll, on the day of polling, cause such printed directions to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station. 57-58 V., c. 15, ss. 7, 8; 63-64 V., c. 12, s. 41; 2 E. VII., c. 37, s. 39.

List of deputy returning officers to each candidate.

114. The returning officer shall, at least two days before the day fixed for polling, furnish to each candidate or his agent, a list of all deputy returning officers appointed to act in such election, with the name or number of the polling station at which each of them is to act. 63-64 V., c. 12, s. 41.

Poll clerks appointed.

115. Each deputy returning officer shall forthwith appoint by commission under his hand, in form Q, a poll clerk, who, before acting as such clerk, shall take the oath in form R. R.S., c. 7, s. 39; 63-64 V., c. 12, s. 42; 2 E. VII., c. 37, s. 38.

Information as to poll clerks.

116. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, each deputy returning officer shall, if practicable, furnish to the returning officer, not later than nine o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of such poll clerk; and the returning officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the deputy returning officers and poll clerks, with the occupation or addition of each, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least six o'clock in the evening of the same day. 63-64 V., c. 12, s. 42; 1 E. VII., c. 16, s. 1; 2 E. VII., c. 37, s. 55.

When deputy dies or cannot act, and not replaced.

117. Whenever a deputy returning officer dies, refuses or is unable to act, the returning officer may appoint another person in his place as deputy returning officer; and, if no such appointment is made, the poll clerk, without taking another oath

R.S., 1906.
oath of office, shall act as deputy returning officer. R.S., c. 7, s. 50; 63-64 V., c. 12, s. 43; 2 E. VII., c. 37, s. 45.

118. Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in form S, appoint a poll clerk, a poll clerk, to act in his stead, who shall take the oath in form R. 63-64 V., c. 12, s. 43; 2 E. VII., c. 37, s. 45.

**Ballots and Ballot Boxes.**

119. The Clerk of the Crown in Chancery may cause to be made for each electoral district such number of ballot boxes as are required; or may give to the returning officers such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape, such instructions being first approved by the Governor in Council. 63-64 V., c. 12, s. 44.

120. The sheriff of the county or district, or the registrar of the county or registration division, or the postmaster of the locality in which the nomination has been held, shall, immediately after the granting of the poll, deliver to the returning officer the ballot boxes deposited in his custody in accordance with this Act. 63-64 V., c. 12, s. 45.

121. Whenever the returning officer fails to furnish the ballot box and screen, or either of them, to the deputy returning officer for any polling division within the time prescribed by this Act, such deputy returning officer shall cause them or either of them wanting to be made. 63-64 V., c. 12, s. 46.

122. The ballot boxes shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked. 63-64 V., c. 12, s. 47.

123. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; the ballot paper shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in form T. 1 E. VII., c. 16, s. 4.

124. Where two members are to be elected for the electoral division and there are more than two candidates, the candidates may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names R.S., 1906.
names arranged accordingly on the ballot paper. 63-64 V., c. 12, s. 48.

125. The ballot shall be printed upon thick writing paper of the following weight: if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream. 63-64 V., c. 12, s. 48.

126. The paper required for the printing of the ballot papers shall be furnished to the returning officer by the King’s Printer, when the writ for the election is transmitted to him or as soon thereafter as possible. 1 E. VII., c. 16, s. 4.

127. The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots, as may be most suitable for supplying the polling divisions proportionately to the number of voters in each. 1 E. VII., c. 16, s. 4.

128. The ballot papers shall bear the name of the printer who prints them. 63-64 V., c. 12, s. 48.

129. The printer shall, upon delivering the ballot papers to the returning officer, file in his hands an affidavit setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any one else. 63-64 V., c. 12, s. 48.

130. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in His Majesty. 63-64 V., c. 12, s. 49.

The Polling.

131. Except as hereinbefore provided, the day for holding the poll shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is, on the same or corresponding day of the week next after that on which the nomination has taken place, or, if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday. 51 V., c. 10, s. 2; 63-64 V., c. 12, s. 50.

132. The poll shall be held in each polling division in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through
through which they may leave after having voted. 63-64 V., Compart-
c. 12, s. 51.

133. One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper. 63-64 V., c. 12, s. 51.

134. In such compartment, a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper; and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots. 63-64 V., c. 12, s. 51.

135. The Clerk of the Crown in Chancery may give to the returning officers such instructions as are deemed necessary as to the mode of making the compartments, such instructions being first approved by the Governor in Council. 63-64 V., c. 12, s. 51.

136. The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day; and each deputy returning officer shall, during that time, in the polling station assigned to him receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling station. 63-64 V., c. 12, s. 52.

137. In addition to the deputy returning officer and the poll clerk, the candidates and their agents, not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open. 63-64 V., c. 12, s. 53.

138. Any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this Act. 63-64 V., c. 12, s. 53.

139. Any person producing to the returning officer or deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate, within the meaning of this Act. 63-64 V., c. 12, s. 54.

140. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist R.S., 1906.
assist his agent in the performance of such duties and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

2. The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done. 63-64 V., c. 12, ss. 55, 56.

141. Agents and electors entitled to be present in the room of the polling station during polling hours shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll, provided such agents or electors are in attendance at least fifteen minutes before the hour fixed for opening the poll. 1 E. VII., c. 16, s. 5.

142. One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, on being admitted to the polling station, shall take an oath in form U. to keep secret the names of the candidates for whom any of the voters has marked his ballot paper in his presence. 63-64 V., c. 12, s. 58.

143. Where there is a voters’ list, each elector shall, subject to the provisions of the next following section, except,—

(a) in the provinces of Saskatchewan and Alberta and the Yukon Territory; and,

(b) in case of non-resident electors provided for in Part I. of this Act;

be entitled to vote at the polling station of the polling division or one of the polling divisions upon the list of voters for which his name is entered as such voter, and at no other.

2. In the province of Prince Edward Island, subject to the provisions relating to officers and agents employed at an election, every elector qualified to vote in the electoral district in which he resides shall vote in such district in the electoral division, or, in case such electoral division is subdivided, in the polling division thereof in which he resides, and not elsewhere; and every elector qualified to vote in an electoral district in which he does not reside shall vote in the polling division thereof in which is situate the property on which he claims to vote, and not elsewhere. 63-64 V., c. 12, s. 60.

144. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, the returning officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning officer or poll clerk, or who

R.S., 1906.
is named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning officer, poll clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day, and, on the production of such certificate, such deputy returning officer, poll clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote: Provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer, poll clerk or agent during the day of polling and that no more than two agents of any candidate shall have the right to vote at any one polling place under such certificate.

2. The returning officer shall not grant such certificate for more than two agents for each candidate at or for each polling station.

3. Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in form V.

4. Such oath, with the corresponding certificate of the oath to be taken, shall be filed with the deputy returning officer at the polling station where the person taking it has voted. 63-64 V., c. 12, s. 61.

145. At the hour fixed for opening the poll, the deputy returning officer and the poll clerk, shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof. 63-64 V., c. 12, s. 62.

146. Immediately after the ballot box is so locked, the deputy returning officer shall call upon the electors to vote.

2. The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station. 63-64 V., c. 12, s. 63.

147. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector, upon so entering, shall declare his name and addition, and, in the province of Prince Edward Island, his qualification also, which particulars shall be entered in the poll book by the poll clerk, a number being prefixed to the name.

2. The poll book shall be kept in form W. 63-64 V., c. 12, Poll book. s. 64.
148. If the elector's name is found on the list of voters for the polling division of the polling station, he shall, subject to the provisions hereinafter contained, be entitled to vote. 63-64 V., c. 12, s. 64.

149. If such person is qualified in any polling division where, by or under the provincial law, no list of voters is required, or provided, he shall be entitled to vote. 63-64 V., c. 12, s. 64.

150. Any person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election, whose name has been omitted from the list of voters on account only of,—

(a) being the holder of any office; or,
(b) being employed in any capacity in the public service of Canada or of the province; or,
(c) belonging to or being engaged in any profession, calling, employment or occupation; or,
(d) belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are by such law declared to be disqualified by reason of their belonging to such class; may, nevertheless, if not otherwise disqualified under the provisions of this Act, be entitled to vote at a Dominion election, on his taking or offering to take before the deputy returning officer or the poll clerk the oath in form X, in addition to any oath, so far as such oath is applicable, which he might have been required to take if his name had been on the list. 1 E. VII., c. 15, s. 1; 1 E. VII., c. 16, s. 6.

151. If the name of any person is found on the manhood suffrage registration list to be used at any polling station of an electoral district situate wholly or partly within the limits of a city or incorporated town in the province of Ontario to which the Manhood Suffrage Registration Act applies, and, if, between the time when such list came into force for the purposes of a Dominion election and the polling day at such election, such person has changed his residence from a part of such city or town comprised in such electoral district to a part thereof not so comprised, then, notwithstanding anything to the contrary in the provincial law as applicable, under this Act, to such election, such person shall not be disqualified from voting at such polling station. 1 E. VII., c. 16, s. 6.

152. From any oath which any such person offering his vote at any election may be required to take there shall be omitted any statements as to residence which he cannot, by reason of such change of residence as is mentioned in the next preceding section,
tion, truthfully make, and, instead of such statements, the fol-
lowing paragraph may be added to such oath:—

‘That you have resided in the city (or town) of
of which this polling division is a part, continuously from the
said day of 19 (insert here the day of
the first sitting held for the registration of manhood suffrage
voters; and, if the voter has been temporarily absent for any of
the purposes allowed by law, insert the words following:—
except occasionally or temporarily in the prosecution of your
occupation as,—mentioning, as the case may be,—a lumberman.
or mariner, or fisherman, or in attendance as a student in an
institution of learning in the Dominion of Canada,—(naming
the institution)—and that you are now actually a resident of
and domiciled in the said city (or town).’ 1 E. VII., c. 16, s. 6.

153. Except in the provinces of Saskatchewan and Alberta Oath by
and the Yukon Territory, an elector, if required by the deputy
elector, the returning officer, the poll clerk, one of the candidates, or an
agent of a candidate, or by any elector present, shall, before
receiving his ballot paper, take such oath of qualification as by
the law of the province he may in the like case at a provincial
election be required to take, such changes having been made in
the form of oath as are necessary to make it applicable to the
election being held, and shall also, if so required, take the oath
in form Y. 63-64 V., c. 12, s. 65; 1 E. VII., c. 16, s. 1.

154. In the province of Prince Edward Island, an elector, Oaths, etc.,
if required by the deputy returning officer, the poll clerk, one
of the candidates, or an agent of a candidate, or by any elector
present, shall, before receiving his ballot paper, answer such
questions and produce such certificate or receipt, or, in case such
certificate or receipt cannot be produced, take the oath in such
cases prescribed, and take such other oath of qualification as by
the law of the province he may, in the like case, at a provincial
election, be required to answer, produce, or take, such changes
having been made in the form of oaths as are necessary to make
them applicable to the election being held. 63-64 V., c. 12, s. 66.

155. In the province of Prince Edward Island, if any per Objections to
son desires to vote whose right to vote is objected to on the
ground of want of qualification, and if a candidate, or any agent
of a candidate, or, in the absence of such agent, any elector ac-
ting in the interest of a candidate, so objects in the presence of
the elector, the deputy returning officer, in addition to placing his
initials on the back of the ballot paper, as provided by this Act,
shall also place on the back thereof a number corresponding to
that placed opposite the voter’s name in the poll book; and such
person having taken, if required, the oaths prescribed by this
Act and the laws of the province, and having otherwise com-
plied
plied with the requirements of the law, shall be entitled to receive such ballot paper and to vote. 63-64 V., c. 12, s. 67.

156. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, no voter who has refused to take the oath or affirmation, or to answer questions or produce evidence as to qualification as by this Act required, or to take the oath in form Y, when required to do so, shall receive a ballot paper or be admitted to vote. 63-64 V., c. 13, s. 68; 1 E. VII., c. 16, s. 1; 2 E. VII., c. 37, s. 55.

157. Notwithstanding anything contained in any Act of Parliament or in any Act of a provincial legislature, no person otherwise qualified to vote at an election of a member to serve in the House of Commons shall be incompetent to vote at such election by reason only of his having been absent from the electoral district in which such election is held, on account of his serving with or being attached to any corps despatched from Canada for military service, or performing military service within Canada, whether as an officer, a non-commissioned officer or a private, or in any other capacity, or while serving His Majesty in any military capacity, or acting as a war correspondent in connection with any war in which a Canadian contingent is serving. 63-64 V., c. 12, s. 69.

158. From any oath which any person tendering his vote at such an election may be required to take, there shall, in the case of any person within the meaning of the preceding section, be omitted any statements as to residence which such person cannot by reason of such absence as aforesaid truthfully make, and there may be added to any such oath one of the following paragraphs:

"That you served with (or were attached to) the corps known as (an officer, non-commissioned officer or private, or otherwise, as the case may be),—or

"That you served His Majesty in connection with the war in a military capacity as ,—or

"That in connection with the war you acted as a war correspondent and that you were in consequence absent from this electoral district from the day of to the day of ." 63-64 V., c. 12, s. 69.

159. If the name of any such person is not upon the list of voters, and it might have been put thereon had he not been so absent, such person shall nevertheless be entitled to vote upon his offering to take, and taking, if so requested, before the deputy returning officer or other person in charge of R.S., 1906.
of the polling station, any oath he might otherwise have been required to take, omitting statements therein as to his name being upon the list which he cannot by reason of such absence truthfully make, and one of the paragraphs prescribed in the last preceding section being added thereto as well as the following paragraph:

'That you were qualified to have your name upon the list of voters at the time such list was prepared, except for the fact of your absence from Canada as aforesaid.' 63-64 V., c. 12, s. 69.

Manner of Voting.

160. The votes shall be given by ballot, and each elector who is entitled to vote shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed, as indicated in form T, that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. 1 E. VII., c. 16, s. 7.

161. The deputy returning officer shall instruct the elector how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote, except in the case herein provided for of any voter who is unable to read, or is incapacitated by blindness or any physical cause, from voting in the manner prescribed by this Act. 63-64 V., c. 12, s. 71.

162. The elector, on receiving the ballot paper, shall forth with proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross with a black lead pencil within the white space containing the name of the candidate, or of each of the candidates for whom he intends to vote, and shall then fold up the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain, by examining his initials and the stamp and the number on the counterfoil, that it is the same paper he furnished to the elector, and shall then, in full view of all present, including the elector, remove the counterfoil and destroy it and place the ballot paper in the ballot box, which box shall be placed on the table in full view of all present. 63-64 V., c. 12, s. 72.

163. A voter who has inadvertently dealt with the ballot paper given him in such manner that it cannot conveniently be used shall return it to the deputy returning officer who shall deface it.
Elector in whose name another has already voted.

164. If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, he shall be entitled to receive a ballot paper and to vote after taking the oath,—

(a) in form AA, if his name is on the list of voters;
(b) in form X, if his name is not on the list of voters; or,
(c) in the form required by the provincial law, if there is no list of voters; and,
(d) otherwise establishing his identity to the satisfaction of the deputy returning officer. 63-64 V., c. 12, s. 74.

Ballot paper initialled and numbered.

165. In such case, the deputy returning officer shall put on the back of the ballot paper his initials together with a number corresponding to the number entered on the poll book opposite the name of such voter.

2. The name of such voter shall be entered in the poll book and a note shall be made of his having voted on a second ballot paper issued under the same name, and of the fact of the oath of qualification having been required and taken, as well as of any objections made on behalf of any and which of the candidates. 63-64 V., c. 12, s. 74.

Entry in poll book.

Voter unable to mark his ballot paper.

166. The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by,—

(a) marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing the candidates in the polling station, and of no other person; and,
(b) placing such ballot in the ballot box.

2. The deputy returning officer shall require the voter making such application, before voting, to make oath in form BB of his incapacity to vote without assistance. 63-64 V., c. 12, s. 75.

Oath of voter.

Entry in poll book.

167. Whenever any voter has had his ballot paper marked as provided in the next preceding section, the deputy returning officer shall enter in the poll book opposite the voter's name in addition to any other requisite entry, the reason why such ballot paper was marked by him. 63-64 V., c. 12, s. 75.

Interpreter to be sworn in certain cases.

168. Whenever the deputy returning officer does not understand the language spoken by any such elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote, and in case no

R.S., 1906.
interpreter is found, such elector shall not be allowed to vote. If the interpreter cannot be found.

169. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box. 63-64 V., c. 12, s. 76.

170. No person shall vote more than once in the same electoral district at the same election, but each elector may vote for as many candidates as are required to be elected to represent the electoral district for which the election is held. 63-64 V., c. 12, s. 77.

171. The poll clerk shall enter in the poll book to be kept by him as aforesaid, opposite the name of each elector voting, the word Voted, as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word Sworn or Affirmed opposite the name of each elector to whom the oath or affirmation as to qualification has been administered, and the words Refused to be sworn or Refused to affirm or Refused to answer opposite the name of each elector who has refused to take any oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer, and, in Prince Edward Island, the words Objected to opposite the name of persons voting, whose right has been objected to on the ground of want of qualification.

2. The poll clerk shall also enter in the poll book the words Idem. Provincial disqualifications oath taken opposite the name of each elector to whom the oath in form X has been administered, and the words Refused to take provincial disqualifications oath opposite the name of each such elector who has refused to take that oath. 63-64 V., c. 12, s. 78.

Counting of the Vote.

172. Immediately after the close of the poll, the deputy returning officer shall first place all the spoiled ballots in an envelope and seal it up, and shall then count the number of votes by counting votes by the voters whose names appear on the poll book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus:—The number of voters who voted at this election in this polling division is (stating the number), and he shall sign his name thereto; then, in the presence of and in full view of the poll clerk and the candidates or their agents, and, if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors, he shall
shall open the ballot box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine each ballot. 63-64 V., c. 12, s. 80.

**Rejecting of ballots.**

**173.** In counting the votes, the deputy returning officer shall reject all ballot papers,—

(a) which have not been supplied by him; or,

(b) by which votes have been given for more candidates than are to be elected; or,

(c) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for. 63-64 V., c. 12, s. 80.

**Objections to ballot papers.**

**174.** The deputy returning officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; and the decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return.

2. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

3. This section shall not apply, in the province of Prince Edward Island, to the determination of the qualification or non-qualification of any voter whose ballot paper has been numbered and initialled under this Act. 63-64 V., c. 12, s. 81.

**Duties of deputy returning officer after counting the votes.**

**175.** All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels.

2. All rejected, spoiled and unused ballot papers shall be put respectively into separate envelopes or parcels and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and shall be marked with the signatures of any agents present in the polling station who are willing to do so, by writing their signatures across the flap thereof, and such agents, if they desire to do so, may affix their seals on the flap. 63-64 V., c. 12, s. 82.

**Disposition of ballot papers.**

**176.** In the province of Prince Edward Island, the deputy returning officer shall also, in counting the ballots, place all ballot papers numbered and initialled under this Act counted for the candidate for whom respectively they have been cast, in a separate envelope or parcel. 63-64 V., c. 12, s. 82.

R.S., 1906.
177. The deputy returning officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in forms CC and DD, which shall remain attached to the poll book. 63-64 V., c. 12, s. 83.

178. The deputy returning officer shall make out a statement in triplicate, in form EE, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer, and the third copy to be inclosed by him in a special envelope supplied for the purpose, which envelope he shall seal and deposit in the ballot box. 63-64 V., c. 12, s. 83.

179. The deputy returning officer shall then deliver to each of the candidates, or to their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate in form FF, of the number of votes given for each candidate, and of the number of rejected ballot papers; and he shall also, forthwith after the close of the poll, mail to each candidate, by registered letter to their addresses stated in the ballot paper, a like certificate. 63-64 V., c. 12, s. 83.

180. The poll book, the envelopes containing the ballot papers, the envelope containing the voters' lists, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, and this large envelope shall then be sealed and placed in the ballot box. 63-64 V., c. 12, s. 83.

181. The ballot box shall then be locked and sealed with the seal of the deputy returning officer, and shall be forthwith delivered by the deputy returning officer to the returning officer, or to the election clerk, or to one or more persons specially appointed for that purpose by the returning officer, who shall receive the same; and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in form GG. 63-64 V., c. 12, s. 83.

Proceedings of Returning Officer after return of Ballot Boxes.

182. The returning officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto, and shall immediately upon the receipt of each ballot box seal it under his own seal in such a way that it cannot be opened without the seal being broken, and this he shall do without effacing or covering the seals thereto affixed. 63-64 V., c. 12, s. 84.

183. R.S., 1906.
183. The returning officer, at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall proceed to open them, in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the deputy returning officers of the ballot papers counted by them. 63-64 V., c. 12, s. 85.

184. The candidate who, on the addition of the votes is found to have a majority of votes shall then be declared elected. 63-64 V., c. 12, s. 85.

185. Whenever, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more candidates, and an additional vote would entitle any of such candidates to be declared elected, the returning officer shall give such additional or casting vote. 63-64 V., c. 12, s. 86.

186. If the ballot boxes are not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of adding up the votes. 63-64 V., c. 12, s. 87.

187. In case any deputy returning officer has not duly inclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, the returning officer may thereupon adjourn to a future day and hour the said adding up of the number of votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. 63-64 V., c. 12, s. 87.

188. If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming within the time fixed by this Act, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having them, for the lists, statements and certificates or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act, the whole verified on oath. 63-64 V., c. 12, s. 88. 98

189. R.S., 1906.
189. If such lists or statements, or any of them, or copies thereof cannot be obtained, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations; and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question. 63-64 V., c. 12, s. 88.

190. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling division of such deputy returning officer, and, to that end, shall have the powers set out in the next preceding section. 63-64 V., c. 12, s. 88.

191. In any case arising under the two last preceding sections, the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate. 63-64 V., c. 12, s. 88.

192. After the close of the election, the returning officer shall cause to be deposited in the custody of the sheriff of the county or district, or of the registrar of deeds in the county or registration division, or of the postmaster in the locality, in which the nomination was held, the ballot boxes used at the election; and the sheriff, registrar or postmaster shall, at the next ensuing election, deliver such ballot boxes to the returning officer named for such election. 63-64 V., c. 12, s. 89.

Recount by Judge.

193. If within four days after that on which the returning officer has made addition of the votes for the purpose of declaring the candidate or candidates elected, it is made to appear on the affidavit of a credible witness, to the judge of the county court of the county or union of counties, or to the judge of the judicial district in which the electoral district or any part thereof is situated, or, in the province of Quebec, to a judge of the Superior Court ordinarily discharging his duties in the judicial district in which the electoral district or any part thereof

R.S., 1906.
thereof is situated, or, in the province of Saskatchewan or Alberta, to a judge of the Supreme Court of the Northwest Territories pending the abolition of that Court by the legislature of the province, and, thereafter, to a judge of such superior court of justice as, in respect of the civil jurisdiction of the said Court, is established in the province in lieu thereof, or, in the Yukon Territory, to a judge of the Territorial Court, that a deputy returning officer at an election in such electoral district, in counting the votes, has,—

(a) improperly counted; or,
(b) improperly rejected any ballot papers at such election; or,
(c) made an incorrect statement of the number of ballot papers cast for any candidate; or,
(d) improperly added up the votes; and,

if the applicant deposits within the said time with the clerk of the county or district court or, in the province of Quebec, with the prothonotary of the Superior Court in the said judicial district, or, in the province of Saskatchewan or Alberta, with the clerk of the Supreme Court of the Northwest Territories, pending the abolition of that Court by the legislature of the province, or thereafter, with the clerk of such superior court of justice, as in respect of the civil jurisdiction of the said Court, is established for the province in lieu thereof, for the judicial district in which such electoral district or any part thereof is situated, or, in the Yukon Territory, with the clerk of the Yukon Territorial Court, as the case may be, the sum of one hundred dollars in legal tender, or in the bills of any chartered bank doing business in Canada, as security for the costs in connection with the recount or final addition, of the candidate appearing by the addition to be elected, the said judge shall appoint a time within four days after the receipt of the said affidavit by him, to recount the votes or to make the final addition thereof, as the case may be. 57-58 V., c. 15, s. 11; 63-64 V., c. 12, s. 90; 2 E. VII., c. 37, s. 50; 4-5 E. VII., c. 3, s. 16, c. 42, s. 16.

194. The judge shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be; and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit. 63-64 V., c. 12, s. 90.

195. The judge shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballot papers used at such election, or the original statements of the deputy returning officers, as the case may...
may be, with respect to or in consequence of which such recount or final addition is to take place, which command the returning officer and election clerk shall obey. 63-64 V., c. 12, s. 90.

196. At such recount of votes or final addition by the judge, the returning officer and his election clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires.

2. In case any candidate is not represented, then any three electors may declare their desire to attend in his behalf, and shall be entitled to attend.

3. Except with the sanction of the judge, no other person shall be present at such recount or final addition. 63-64 V., c. 12, s. 90.

197. At the time and place appointed, and in the presence of the said persons, the judge shall proceed to make such final addition from the statements contained in the several ballot boxes returned by the several returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed packets containing,—

(a) the used ballot papers which have been counted;
(b) the rejected ballot papers;
(c) the spoiled ballot papers;
and he shall open no other ballot papers. 63-64 V., c. 12, s. 90.

198. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshment, and excluding, except so far as he and the persons aforesaid agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

2. During such excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election closed under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. 63-64 V., c. 12, s. 90.

199. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth for every deputy returning officer at the close of the poll, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate. 1 E. VII., c. 16, s. 8.

200. Upon the completion of such recount, or as soon as he has so ascertained the result of the poll, the judge shall seal up all the said ballot papers in separate packets. 1 E. VII., c. 16, s. 8.
201. The judge shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein.

2. For the purpose of arriving at the facts, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses. 63-64 V., c. 12, s. 90.

202. The judge shall forthwith certify the result of the recount or final addition to the returning officer, who shall then declare to be elected the candidate having the highest number of votes.

2. In case of an equality of votes, the returning officer shall give the casting vote. 63-64 V., c. 12, s. 90.

203. If the recount or final addition does not so alter the result of the poll as to affect the return, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant. 63-64 V., c. 12, s. 90.

204. The judge shall tax the costs on giving his decision; and shall, as nearly as may be, follow the tariff of costs to be allowed with respect to proceedings in the court in which the judge ordinarily presides. 63-64 V., c. 12, s. 90.

205. The moneys deposited as security for costs shall be paid out to the said candidate on account thereof, so far as necessary.

2. If the deposit is insufficient, the party in whose favour costs are awarded shall have his action for the balance. 63-64 V., c. 12, s. 90.

Procedure if the Judge fails to comply.

206. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect of the recount or final addition therein provided for, or to proceed therewith, then any party aggrieved may, within eight days thereafter, make application,—

(a) in the province of Ontario, to a judge of any division of the High Court of Justice;
(b) in the province of Quebec, to a judge of the Court of King’s Bench;
(c) in the province of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, to a judge of the Supreme Court of the province:
(d) in the province of Manitoba, to a judge of the Court of King’s Bench;
in the province of Saskatchewan or Alberta, to the
Supreme Court in banc of the Northwest Territories pend-
ing the abolition of that Court by the legislature of the
province, and thereafter, to such superior court of justice,
as in respect of the civil jurisdiction of the said Court, is
established for the province in lieu thereof;

(f) in the Yukon Territory, to the Territorial Court in
banc;

for an order commanding the judge to comply with such direc-
tions and to proceed with and complete such recount or final
addition. 57-58 V., c. 15, s. 11; 63-64 V., c. 12, s. 91; 2 E.
VII., c. 37, s. 50; 4-5 E. VII., c. 3, s. 16, c. 42, s. 16.

207. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the
facts relating to such omission, refusal or neglect.

2. The judge or court, as the case may be, to which the
application is made shall, if it appears that there is such
omission, refusal or neglect, make an order appointing a time,
within eight days, and a place for the consideration of such
application, and directing the attendance of all parties interested
at such time and place, and giving such directions for the service
of the order and of the affidavit or affidavits upon which the
order was granted, upon the judge so alleged to be in default,
and upon the other parties interested, as he thinks proper.

3. If the circumstances appear to the judge or court, as the case may be, to warrant it, the judge or the court may
direct that service upon any of such parties may be substitu-
tional, or may be made by mail or by posting, or in such other
manner as he thinks fit. 63-64 V., c. 12, s. 91.

208. The judge complained of, or any of the parties in-
terested, may file in the office of the clerk, registrar or pro-
thonaty of the court to which or to a judge of which the
application is made, as the case may be, affidavits in reply to
those filed by the applicant, and, upon demand, shall furnish
him with copies thereof. 63-64 V., c. 12, s. 91.

209. At the time and place appointed by the judge or court,
as the case may be, or at any other time and place to which the
hearing may be adjourned, after hearing the parties, or such
of them as are present or their counsel, the judge or some other
judge of the same court, or the court shall make such order as
the facts of the case, in the opinion of the judge or court, war-
rant, either dismissing the application or commanding the
judge in default to take such action as is necessary in order to
a compliance with the requirements of this Act in respect of
the recount or final addition of votes by a judge, and to proceed
with and complete such recount or final addition, and may
make such order as to costs as the judge or court thinks proper.
63-64 V., c. 12, s. 91.
Judge to obey order.

210. A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases in the same court. 63-64 V., c. 12, s. 91.

Election Return.

211. The returning officer shall immediately after the sixth day after the final addition or the ascertainment by him of the number of votes given for each candidate, unless, before that time, he receives notice that he is required to attend before a judge for the purpose of a recount or final addition by such judge of the votes given at the election, and, where there has been a recount or final addition by the judge, immediately thereafter, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof, and such return shall be in form III. R.S., c. 7, s. 60; 63-64 V., c. 12, s. 92; 2 E.-VII., c. 37, s. 47.

Form of return.

212. The returning officer shall, after the receipt of notice from the judge or court that a recount or final addition will be had, delay transmitting his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such recount or final addition; and, upon receipt of such certificate, he shall proceed to make his return. 63-64 V., c. 12, s. 90.

Report by returning officer.

213. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. 63-64 V., c. 12, s. 92.

Certain documents to be sent with return.

214. The returning officer shall also transmit to the Clerk of the Crown in Chancery the writ, with his return, the stamp furnished him for stamping the ballot papers and all the ballot papers, including those unused, the original statements of the several deputy returning officers, together with the lists of voters and the poll books used in the several polling divisions, and all other lists and documents used or furnished for the election, or which have been transmitted to him by the deputy returning officers. 63-64 V., c. 12, s. 92.

How sent.

215. Such return and report shall be sent through the post office, after being registered. 63-64 V., c. 12, s. 92.

If return is irregular.

216. In the event of the returning officer making a return and report to the Clerk of the Crown in Chancery not comply-
ing with the provisions of the five sections last preceding, or making a return and report pending an application before a judge or court for an order commanding the judge to comply with the foregoing provisions for a recount or final addition, the Clerk of the Crown in Chancery shall return the said report and return, together with all ballot papers, to the returning officer on presentation of an order of a judge or court having jurisdiction in respect of such application. 63-64 V., c. 12, s. 92.

217. The Clerk of the Crown in Chancery shall, on receiving Notice of the return of any member elected to serve in the House of Commons, enter it in a book to be kept by him for such purpose in the order in which such return is received by him, and thereupon immediately give notice in the ordinary issue of the Canada Gazette of the name of the candidate so elected and in the order in which it was received. 63-64 V., c. 12, s. 94.

Custody of Election Papers.

218. The Clerk of the Crown in Chancery shall, subject to the provisions of this Act, retain in his possession the papers transmitted to him by any returning officer, with the return, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contestation. 63-64 V., c. 12, s. 95.

Secrecy.

219. Every candidate, officer, clerk and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting at such polling station; and no such candidate, officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not applied for a ballot paper or voted at that polling station. 63-64 V., c. 12, s. 96.

220. No candidate, officer, clerk, agent or other person shall interfere with, or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any voter at such polling station is about to vote or has voted. 63-64 V., c. 12, s. 96.

221. No elector shall, except when unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known. 63-64 V., c. 12, s. 96.

222. No person shall, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has R.S., 1906.
has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote. 63-64 V., c. 12, s. 96.

223. No candidate, officer, clerk, agent, or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, except to a court or judge lawfully requiring him so to do, or attempt to ascertain at the counting of the votes the number on the back of any ballot paper. 63-64 V., c. 12, s. 96.

224. No candidate, officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any voter at such polling station is about to vote or has voted. 63-64 V., c. 12, s. 96.

225. Every candidate, officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, clerk or agent shall attempt to obtain at such counting any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. 63-64 V., c. 12, s. 96.

226. No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted. 63-64 V., c. 12, s. 97.

Inspection of Ballot Papers.

227. No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery except under the rule or order of a superior court or a judge thereof. 63-64 V., c. 12, s. 98.

228. Such rule or order may be granted by such court or judge being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition which has been filed questioning an election or return.

2. Any such rule or order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge thinks expedient.

3. The Clerk of the Crown in Chancery shall obey such rule or order. 63-64 V., c. 12, s. 98.

R.S., 1906.
Part III.  

Dominion Elections.  
Chap. 6.  

51

PEACE AND GOOD ORDER AT ELECTIONS.

229. Each returning officer and each deputy returning officer, from the time he takes the oath of office until the day after the closing of the election, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace. 63-64 V., c. 12, s. 99.

230. Every returning officer or deputy returning officer may require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary. 63-64 V., c. 12, s. 100.

231. Every returning officer or deputy returning officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the poll. 63-64 V., c. 12, s. 101.

232. The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person. 63-64 V., c. 12, s. 102.

233. Except the returning officer, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election, shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like; and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus, armed, approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority. 63-64 V., c. 12, s. 103.

234. No person shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral district on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by any R.S., 1906.
any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election or polling or within eight days before such day, or during the continuance of such election. 63-64 V., c. 12, s. 104.

235. No person shall furnish or supply any ribbon, label or like favour to or for any person with intent that it be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any ribbon, label, or other favour, as such badge, within such electoral district on the day of any such election or polling, or within eight days before such day, during the continuance of such election. 63-64 V., c. 12, s. 105.

236. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election. 63-64 V., c. 12, s. 107.

ELECTION EXPENSES.

237. Every candidate shall appoint an official agent or agents whose name or names and address or addresses shall be declared in writing to the returning officer, on or before the nomination day.

2. No payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of any candidate at any election before or during or after such election, on account of such election, otherwise than through his official agent or agents.

3. The returning officer shall publish, on or before the nomination day, the name and address or the names and addresses of the official agent or agents appointed in pursuance of this section. 63-64 V., c. 12, s. 143.

238. In the event of the death or legal incapacity of any such agent, the candidate shall forthwith appoint another agent in his place, giving notice to the returning officer of the name and address of the person so appointed which shall be forthwith published by the returning officer as herein provided. 63-64 V., c. 12, s. 143.

R.S., 1906.
239. All persons who have any bills, charges or claims upon any candidate for or in relation to any election shall send in such bills, charges or claims within one month after the day of the declaration of the election, to the official agent of the candidate; otherwise such persons shall be barred of the right to recover such claims or any part thereof. 63-64 V., c. 12, s. 144.

240. In the event of the death, within such month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in the bill, charge or claim within one month after his obtaining probate or letters of administration, or of his becoming otherwise able to act as legal representative, otherwise the right to recover such claim shall be barred as aforesaid. 63-64 V., c. 12, s. 144.

241. Such bills, charges and claims may be sent in to the candidate during such month, if the agent is dead or legally incapable. 63-64 V., c. 12, s. 144.

242. No such bill, charge or claim shall be paid without the authority of the candidate, as well as the approval of the official agent. 63-64 V., c. 12, s. 144.

243. Notwithstanding anything in the four sections last preceding, a claim for lawful election expenses which would have been payable, if sent within the time limited by said sections, may be paid by the candidate through his official agent after that time, if it is approved by a judge competent to reconvene or make a final addition of the votes at the election, and the judge makes an order for the payment thereof.

2. All sums so allowed by the judge shall, within one week thereafter, be advertised in the same papers as the statement of the other election expenses. 63-64 V., c. 12, s. 145.

244. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election, or, whenever, by reason of the death of the creditor, no bill has been sent in within such period of two months, then within one month after such bill has been sent in, be made out and signed by the official agent, or, if there is more than one, by every official agent who has paid such expenses, including the candidate, in case of payments made by him, and delivered with the bills and vouchers relative thereto to the returning officer. 63-64 V., c. 12, s. 146.

245. The returning officer for the time being shall, at the expense of the candidate, within fourteen days after receiving such statement, insert or cause to be inserted an abstract thereof, with the signature of the official agent thereto, in some newspaper to be published by returning officer.
paper published or circulating in the electoral district where the election was held. 63-64 V., c. 12, s. 146.

Bills, etc., to be preserved. 246. The returning officer shall preserve all such bills and vouchers, and, during the six months next after they have been delivered to him, shall permit any voter to inspect them on payment of a fee of twenty cents. 63-64 V., c. 12, s. 146.

OFFENCES AND PENALTIES.

General.

247. If, under any provincial law, any changes in or additions to a list of voters have been made since the final revision thereof, and if the officer or person who, under the provincial law, has the official record of such changes or additions, refuses or omits upon the request of any person presenting for the purpose any copy of such list printed by the King's Printer, and paying or tendering the sum of fifty cents, to make corresponding changes in and additions to such printed copy, and to certify under his hand the correctness of such changes and additions, he is guilty of an indictable offence, and shall for each such refusal or omission incur a penalty of not more than one thousand dollars and not less than one hundred dollars. 61 V., c. 14, s. 10.

248. Every officer or person who, under any provincial law, is the custodian of any list of voters who refuses or omits, within ten days after the final revision for provincial purposes of any such list, to transmit to the Clerk of the Crown in Chancery by registered mail a copy thereof, certified under the hand of such custodian, and having every addition or alteration therein identified by his initials, is guilty of an indictable offence, and, for each such refusal or omission, shall incur a penalty of not more than one thousand dollars, and not less than one hundred dollars. 61 V., c. 14, s. 10.

249. Every officer or clerk who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Act shall forfeit to any person aggrieved by such misfeasance, act or omission, a sum not exceeding five hundred dollars in addition to the amount of all actual damages thereby occasioned to such person. 63-64 V., c. 12, s. 19; 4-5 E. VII., c. 28, s. 6.

250. Every election officer or clerk or poll clerk who refuses or neglects to perform any of the obligations or formalities required of him by this Act shall, for each such refusal or neglect, forfeit the sum of two hundred dollars to any person who sues therefor. 63-64 V., c. 12, s. 20; 4-5 E. VII., c. 28, s. 7.

251. Every officer who is the legal custodian of any by-laws, orders, proclamations or other documents or proceedings defining...
ing the several provincial polling divisions situate either wholly or partially within the territory comprised in any electoral district for which an election is to be held, or who is the legal custodian of any provincial voters' list, who omits or refuses to furnish to the returning officer, within a reasonable time after demand made therefor, a copy of any such by-law, order, proclamation or other document or proceeding, or any such provincial voters' list or copy thereof, or extract therefrom, is guilty of an indictable offence, and shall incur a penalty not exceeding two thousand dollars, and not less than two hundred dollars. 63-64 V., c. 12, s. 22.

252. Every returning officer or deputy returning officer of an electoral district, and every partner or clerk of either of them, who acts as agent for any candidate in the management or conduct of his election for such electoral district, is guilty of an indictable offence. 63-64 V., c. 12, s. 57.

253. If any deputy returning officer or other person presiding at a polling station, in administering to any person possessed of the qualifications generally required by the provincial law to entitle him to vote at provincial elections the oath in form X, mentions as a disqualification under the provincial law any fact or circumstance which is not a disqualification within the meaning of that form and the corresponding provisions of this Act, he shall be liable to a penalty not exceeding fifty dollars and not less than ten dollars. 1 E. VII., c. 16, s. 6.

254. In Prince Edward Island, if the deputy returning officer refuses a ballot and the right to vote to any person who is entitled to vote and is willing to take the oaths prescribed by this Act and the provincial law, and has otherwise complied with the requirements of the law, or gives a ballot to and allows to vote any person who refuses to take such oaths or to otherwise comply with the requirements of the law, he shall, for such offence, be liable, to any person who sues therefor, to a penalty of two hundred dollars. 63-64 V., c. 12, s. 67.

255. Every one who,—

(a) forges, counterfeits, fraudulently alters, defaces, or destroys a ballot paper or the initials of the deputy returning officer signed thereon; or,

(b) without authority supplies a ballot paper to any person; or,

(c) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in; or,

(d) fraudulently takes a ballot paper out of the polling station; or,

111

R.S., 1906.

(c) without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election; or,

(f) forges or counterfeits any legal or authorized stamp for the stamping of ballot papers, or uses any such stamp for any purpose other than the stamping of ballot papers; or, not being a returning officer, has in his possession any such stamp or any counterfeit or imitation thereof; or,

(g) being a deputy returning officer, fraudulently puts otherwise than as authorized by this Act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or,

(h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or,

(i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent, prints more ballot papers than he is authorized to print; or,

(j) attempts to commit any offence specified in this section; is guilty of an indictable offence and shall be liable, if he is a returning officer, deputy returning officer or other officer engaged in the election, to a fine not exceeding one thousand dollars and not less than three hundred dollars, or to imprisonment for a term not exceeding five years and not less than one year, with or without hard labour, in default of paying such fine, and, if he is any other person, to a fine not less than one hundred dollars and not exceeding five hundred dollars, or to imprisonment for any term not exceeding two years and not less than six months, with or without hard labour, in default of paying fine. 63-64 V., c. 12, s. 79.

256. Any person refusing or neglecting to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming, and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations, shall be guilty of an indictable offence and liable to a penalty of two hundred dollars, or to imprisonment for a term not exceeding two years, with or without hard labour, or to both. 63-64 V., c. 12, s. 88.

257. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, sue the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the province in which such electoral district is situate,
situaté, and recover from him a sum of five hundred dollars, Penalty, together with all damages he has sustained by reason thereof and costs.

2. Notwithstanding anything in the Criminal Code, such Proviso. action shall be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election. 63-64 V., c. 12, s. 93.

258. (a) Every candidate, officer, clerk and agent in attend-
ance at a polling station, who shall not aid in maintaining, and, so far as he can, maintain the secrecy of the voting at such polling station, or who, before the poll is closed, shall communicate to any person any information as to whether any person on the list of voters has or has not applied for a ballot paper or voted at that polling station; and,

(b) Every candidate, officer, clerk, agent or other person who shall interfere with or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any voter at such polling station is about to vote or has voted; and,

(c) Any voter capable without assistance of marking his ballot paper, who shall show his ballot paper, when marked, to any person so as to allow the name of the candidate for or against whom he votes to be known; and,

(d) Every person who shall directly or indirectly induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote; and,

(e) Every candidate, officer, clerk, agent or other person who shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, except to a court or judge lawfully requiring him so to do, or attempt to ascertain at the counting of votes the number on the back of any ballot paper; and,

(f) Any candidate, officer, clerk, agent or other person who shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any voter at such polling station is about to vote or has voted; and,

(g) Every candidate, officer, clerk, and agent in attendance at the counting of the votes who shall not aid in main-
ing, and, so far as he can, maintain the secrecy of the voting, or who shall attempt to obtain at such counting any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper;
is guilty of an indictable offence, and liable to a penalty not exceeding two hundred dollars, and, in default of payment, to imprisonment for any term not exceeding six months with or without hard labour. 63-64 V., c. 12, s. 96.

259. Every person who, being within half a mile of the place of nomination on nomination day, or of the polling station on the day of election, refuses to deliver to the returning officer or deputy returning officer when required by any such officer so to do, any firearm, sword, stave, bludgeon or other offensive weapon in his hands, or in his personal possession, shall be liable to a penalty not exceeding one hundred dollars, and, in default of payment of such penalty, to imprisonment for a term not exceeding three months. 63-64 V., c. 12, s. 102.

260. (a) Every person, except the returning officer, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, who has not had a stated residence in the polling division for at least six months next before the day of such election, who shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like, or, being in such polling division, shall arm himself during any part of the day with any such offensive weapon, and, thus armed, approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority; and,

(b) Every person who furnishes or supplies to or for any person any ensign, standard, or set of colours or any other flag with intent that it be carried or used in any electoral district on the day of election or within eight days before such day, or during the continuance of such election or the polling by any person as a party flag to distinguish the bearer thereof or those who follow it as the supporters of any candidate or of the political or other opinions entertained or supposed to be entertained by such candidate; and,

(c) Every person who, for any reason, carries or uses any ensign, standard, set of colours or other flag as a party flag, within such electoral district, on the day of such election or polling, or within eight days before such day or during the continuance of such election; and,

(d) Every person who furnishes or supplies any ribbon, label or like favour to or for any person with intent that it be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election by any person, as

R.S., 1906.
a party badge to distinguish the wearer as the supporter of any candidate or of the political or other opinions entertained or supposed to be entertained by such candidate; and,

(e) Every person who uses or wears any such ribbon, label, Wearing any or other favour as such badge, within such electoral district on the day of election or polling, or within eight days before such day during the continuance of the election; is guilty of an offence and liable upon indictment, or summarily, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 63-64 V., c. 12, s. 106.

261. Every person who shall sell or give spirituous or fermented liquors or strong drinks at any hotel, tavern, shop or other place within the limits of any polling division, during the polling day, whole of the polling day at an election, shall be liable, on summary conviction, for each offence, to a penalty of one hundred dollars, and to imprisonment for a term not exceeding six months in default of payment of such penalty. 63-64 V., c. 12, s. 107.

262. Every person, including the candidate, who shall make any payment except with respect to the personal expenses of the candidate, or any advance, loan or deposit, on behalf of the candidate, at an election, before or during or after the election, on account of such election, otherwise than through the official agent of such candidate, is guilty of an indictable offence. 63-64 V., c. 12, s. 143.

263. Any official agent or candidate who makes default in Default of delivering to the returning officer the statements of election expenses incurred by or on behalf of any candidate the delivery of which is by this Act required of such agent or candidate, shall incur a penalty not exceeding twenty dollars for every day during which he so makes default. 63-64 V., c. 12, s. 146.

264. Any official agent or candidate who wilfully furnishes to the returning officer any untrue statement of any such expenses is guilty of an indictable offence. 63-64 V., c. 12, s. 146. Penalty.

Corrupt Practices and Other Illegal Acts.

265. Every person who,—

(a) directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, giving money, etc., to procure votes, or R.S., 1906.
or corruptly does any such act on account of such voter having voted or refrained from voting at any election; or,

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election; or,

(c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election; or,

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any voter at an election; or,

(e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election; or,

(f) directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or,

(g) before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or,

(h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting.
voting, or for having induced any other person to vote or refrain from voting at an election; or, 

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw, if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or endeavours to procure any office, place or employment for such person, is guilty of the indictable offence of bribery, and liable to imprisonment for a term not exceeding six months, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs: Provided that the actual personal expenses of any candidate, his expenses for actual professional services performed, and bona fide payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this Act. 63-64 V., c. 12, s. 108.

266. Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf, at any time, either before or during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, is guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who sues therefor, with costs in addition to any other penalty to which he is liable therefor under any other provision of this Act. 63-64 V., c. 12, s. 110.

267. Every candidate or other person who, at an election, either provides or furnishes drink or other refreshment at the expense of such candidate to an elector during such election, or pays for, procures or engages to pay for any such drink or other refreshment, is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 63-64 V., c. 12, s. 109.

268. The giving of or causing to be given to any voter on the nomination day or day of polling, on account of such voter having voted or being about to vote, any meat, drink or other refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of ten dollars for each offence to any person who sues therefor, with costs. 63-64 V., c. 12, s. 111.

269. R.S., 1906.
269. Every one who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens the infliction, by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote for any candidate, or to refrain from voting, or on account of such person having voted for any candidate or refrained from voting at an election, or who, by abduction, duress, or any false or fraudulent pretense, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, or induces or prevails upon any voter either to vote for any candidate or to refrain from voting at an election, shall be deemed to have committed the offence of undue influence, and is guilty of an indictable offence, and shall, in addition to any penalty thereby incurred, forfeit the sum of two hundred dollars, to any person who sues therefor, with costs.

2. It shall be deemed a false pretense within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 3 E. VII., c. 19, s. 1.

270. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle by any candidate or by any person on his behalf to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are unlawful acts.

2. Every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor. 63-64 V., c. 12, s. 113.

271. Every voter hiring any horse, cab, cart, wagon, sleigh, carriage or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from any polling place or places, shall, ipso facto, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues therefor. 63-64 V., c. 12, s. 113.

272. Every person is guilty of personation and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and to imprisonment for a term not exceeding two years and not less than three months, who, at an election,—

(a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or,

(b)
(b) having voted once at any such election, applies at the same election for a ballot paper in his own name. 63-64 V., c. 12, s. 114.

273. Every person who aids, abets, counsels or procures the commission by any person of the offence of personation shall be liable to a penalty not exceeding two hundred dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months. 63-64 V., c. 12, s. 115.

274. Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of an indictable offence, and shall, in addition to any other punishment to which he is liable for such offence, forfeit the sum of two hundred dollars to any person who sues therefor. 63-64 V., c. 12, s. 116.

275. Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs; and, in any suit for the recovery of the penalty, the burden of the proof of such person being entitled to vote at the election shall be upon him and not upon the person suing. 63-64 V., c. 12, s. 117.

276. Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs. 63-64 V., c. 12, s. 118.

277. A candidate shall not be liable, nor shall his election be voided, for any unlawful act under the two sections next preceding committed by his agent other than his official agent. 63-64 V., c. 12, s. 119.

278. Any wilful offence against any of the thirteen last preceding sections of this Act is a corrupt practice within the meaning of this Act. 63-64 V., c. 12, s. 120.

279. Every executory contract, or promise, or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses, or contracts or promises relating to elections void. R.S., 1906.
or the doing of some lawful act, shall be void in law. 63-64 V., c. 12, s. 121.

280. If, on the trial of an election petition, it is proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if such candidate is convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and he shall during the seven years next after the date of his being so proved or found guilty, be incapable of being elected to or of sitting in the House of Commons, or of voting at any election of a member of that House, or of holding an office in the nomination of the Crown or of the Governor General in Canada. 63-64 V., c. 12, s. 126.

281. If, on the trial of an election petition, a candidate or other person is found by the report of the judge, by himself or by his agent, with his actual knowledge and consent, to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, he shall be incapable of being elected to or of sitting in the House of Commons for any electoral district during the continuance of the Parliament for which the election is held, and during the then next Parliament. 63-64 V., c. 12, s. 128.

282. Every person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is found guilty, be incapable of being elected to or of sitting in the House of Commons, or of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor General in Canada. 63-64 V., c. 12, s. 129.

283. If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine; and it shall cease and determine accordingly. 63-64 V., c. 12, s. 130.

Procedure.

284. All penalties and forfeitures, except in cases of indictable offences and offences made punishable on summary conviction, imposed by this Act shall be recoverable or enforceable with full costs of suit by any person who sues therefor by action of

R.S., 1906.
of debt or information, in any court of competent jurisdiction in the province in which the cause of action arises.

2. In default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid. 63-64 V., c. 12, s. 131.

285. No action or information for the recovery of any such penalty or forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs. 63-64 V., c. 12, s. 131.

286. It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof. 63-64 V., c. 12, s. 133.

287. In any such civil action, suit or proceeding, the parties thereto, and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits in the same province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it. 63-64 V., c. 12, s. 134.

288. No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election: Provided that no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal. 63-64 V., c. 12, s. 135.

289. It shall not be necessary, on the trial of a suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence. 63-64 V., c. 12, s. 139.
290. If the original ballot papers or other papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery to produce them on the day fixed for the trial; and the said Clerk of the Crown in Chancery shall, on or before the said day, deposit them with such clerk or registrar, taking his receipt therefor. 63-64 V., c. 12, s. 139.

291. Any criminal court before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution.

2. The court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance, with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted. 63-64 V., c. 12, s. 136.

292. In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given. 63-64 V., c. 12, s. 137.

293. In an indictment or prosecution for a corrupt practice, and in any action or proceeding for a penalty for a corrupt practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice, describing it by the name given to it by this Act, or otherwise, as the case requires.

2. In any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat. 63-64 V., c. 12, s. 138.

294. If a person is charged at a polling station with having committed the offence of personation, the deputy returning officer at such polling station may, and, if requested so to do on behalf of a candidate, shall take the information on oath of the person making the charge; and such information may be made in form II. 63-64 V., c. 12, s. 132.

R.S., 1906.
295. If the person against whom it is proposed to lay the information has not left the polling station, the deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay such information, detain or direct the detention of such person until a written information can be drawn up. 63-64 V., c. 12, s. 132.

296. Upon receiving the information, the deputy returning officer may, on the polling day, but not afterwards, issue his warrant, in form JJ, for the arrest of the person charged, in order that he may be brought before the magistrate, or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law. 63-64 V., c. 12, s. 132.

297. Such warrant shall be sufficient authority for any peace officer, as defined by the Criminal Code, to detain such person until he is brought before the magistrate. 63-64 V., c. 12, s. 132.

298. If the correct name of the person charged is unknown to the informant, it shall be sufficient, in the information and other proceedings, to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other manner as will suitably identify him; and, when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding. 63-64 V., c. 12, s. 132.

299. Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act respecting summary proceedings in cases of personation; and every deputy returning officer may appoint such special constables as he deems necessary for the like purpose who shall have full power to act without taking any oath. 63-64 V., c. 12, s. 132.

300. The magistrate named in any such warrant shall be the nearest such magistrate available in the county or judicial district. 63-64 V., c. 12, s. 132.

301. The provisions of the said Part XVI. of the Criminal Code shall apply to all proceedings under this Act against any person or persons accused of personation under the seven sections last preceding. 63-64 V., c. 12, s. 132.

302. Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of the Act, the court may order such person to be tried. 63-64 V., c. 12, s. 132.
sions of this Act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge. 63-64 V., c. 12, s. 140.

Disobeying summons.

303. If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty, to the imprisonment prescribed in such case by this Act. 63-64 V., c. 12, s. 140.

Trial.

304. If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains. 63-64 V., c. 12, s. 140.

Appropriation of fines.

305. All fines and penalties recovered under the three next preceding sections shall belong to His Majesty for the public uses of Canada, but no fine or penalty shall be imposed thereunder if it appears to the court or judge that the person has already been sued to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it. 63-64 V., c. 12, s. 140.

Quarter sessions court incompetent.

306. Notwithstanding anything in the Criminal Code, no indictment for corrupt practices shall be tried before any court of quarter sessions or general sessions of the peace. 63-64 V., c. 12, s. 141.

Limitation of time for prosecutions and suits.

307. Notwithstanding anything in the Criminal Code, every prosecution for an indictable offence under this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing therefor shall, when commenced, be proceeded with and carried on without wilful delay, and shall be commenced within the space of one year next after the act committed, and not afterwards, unless the prosecution is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, in which case such prosecution may be commenced within one year after his return. 63-64 V., c. 12, s. 142.

FEES AND EXPENSES.

Schedule 2. 308. The fees and expenses in schedule two to this Act mentioned, and no others, shall be allowed to the several officers

R.S., 1906.
Dominion Elections.

309. If it appears to the Governor in Council that the provisions made in the next preceding section are inadequate or insufficient for the purposes of a fair and just but economical remuneration for the services performed, the Governor in Council may make a tariff of fees, costs and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff.

2. Such tariff, when so revised and amended, shall then be substituted for the tariff in the said schedule as respects any election held after the making or revising or amending thereof.

3. A copy of any such tariff and of any amendment thereof shall be laid before the House of Commons within the first fifteen days of the next ensuing session of Parliament. 63-64 V., c. 12, s. 147.

310. Such fees, allowances and disbursements shall be paid to the returning officer by warrant of the Governor General, and shall be distributed by such returning officer to the several officers and persons entitled thereto under the provisions of this Act, which distribution he shall report to the Governor General through the Secretary of State.

2. The returning officer shall certify the correctness of the accounts of his deputy returning officers. 63-64 V., c. 12, s. 148.

311. Whenever it appears to the Governor in Council that the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, the Governor in Council may authorize the payment of such additional sum for such services as is considered just and reasonable. 63-64 V., c. 12, s. 149.

GENERAL.

312. When a returning officer or a deputy returning officer is by this Act required or authorized to give a public notice, and no special mode of giving it is mentioned, he may give it by advertisement, placards, handbills or such other means as he thinks best calculated to give the information to the electors. 63-64 V., c. 12, s. 150.

313. Whenever it appears to the satisfaction of the Governor in Council, at the time when an election of a member to represent either of the electoral districts of Gaspé or of Chicoutimi and Saguenay in the House of Commons is about to be held, that communication by water between the Magdalen Islands and certain places in Quebec.

R.S., 1906.
Islands and the mainland in the electoral district of Gaspé, and by water or by land between the polling divisions to the east of Bersimis, in the electoral district of Chicoutimi and Saguenay, or between such polling divisions and the place of nomination, will probably be interrupted during such election by the severity of the season, he may direct that all necessary instructions and information relating to such election may be transmitted by telegraph by the returning officer to the deputy returning officers, and by them to the returning officer, so that the returning officer may be informed of the number of votes given for each candidate, and of all other matters relating to the election, and be enabled to return the candidate having the majority or to make such other return as the case requires.

2. The Governor in Council may make such order as to the details of the proceedings at or relating to such election to be so transmitted by telegraphic communication as to him seems proper for the best attaining the purpose of this section. 63-64 V., c. 12, s. 151.

314. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing a nomination paper received by the returning officer under the provisions of this Act, or of any mistake in the use of the forms contained in schedule one of this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election. 63-64 V., c. 12, s. 152.

315. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election. 63-64 V., c. 12, s. 153.
SCHEDULE ONE—FORMS.

A

Writ of Election.

Edward VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To the sheriff, (registrar or other returning officer as the case may be) of the county (or as the case may be),

Greeting:

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next, (omit this preamble, except in the case of a general election), We command you that notice of the time and place of election being duly given, you do cause election to be made according to law of a member (or as the case may be) to serve in the House of Commons of Canada, for the electoral district of (except in case of a general election, insert here in the place of deceased, or otherwise, stating the cause of vacancy) and (except in the electoral districts mentioned in section 86) that you do cause the nomination of candidates at such election to be held on the day of next, (at if in the province of Saskatchewan or Alberta or the Yukon Territory) and do cause the name (or names) of such member or members when so elected, whether he is (or they are) present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-loved, etc., Governor General (or Administrator of the Government) of our Dominion of Canada, at our city of Ottawa, the day of in the year of our Reign and in the year of Our Lord 19

Endorsement.

Received the within Writ on the day of 19 .

A.B.,

Sheriff of (or as the case may be) Returning Officer.

R.S., c. 7, form A; 63-64 V., c. 12, form A; Royal Proc. 23rd Dec., 1901 (2 E. VII., p. XLVII.); 2 E. VII., c. 37, form A.

127 B

R.S., 1906.
Oath of the Returning Officer.

I, the undersigned, A. B., returning officer for the electoral district of , do swear (or solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

A. B.
Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 19 , A. B., the returning officer for the electoral district of took and subscribed before me, the oath (or affirmation) of office, in such case required of a returning officer, by section 82 of the Dominion Elections Act.

In testimony whereof, I have delivered to him this certificate.

C. D.,
Justice of the Peace.

R.S., c. 7, form B; 63-64 V., c. 12, form B; 2 E. VII., c. 37, form B.

Commission of an Election Clerk.

To E. F. (set forth his legal addition and residence).

Know you that, in my capacity of returning officer for the electoral district of , I do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the electoral district of , which election will be opened by me, on the day of the month of .

Given under my hand this day of , in the year 19 .

A. B.,
Returning Officer.

R.S., c. 7, form C; 63-64 V., c. 12, form C; 2 E. VII., c. 37, form C.
Oath of the Election Clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , do swear (or solemnly affirm) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

E. F.,
Election Clerk.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that, on the day of 19 , E. F., election clerk for the electoral district of , took and subscribed before me the oath (or affirmation) of office required in such case of an election clerk by section 84 of the Dominion Elections Act.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

R.S., c. 7, form D; 63-64 V., c. 12, form D; 2 E. VII., c. 37, form D.

Oath of Enumerator.

I, the undersigned, I. J., appointed enumerator for the polling district No. , (or, as the case may be) of the electoral district of in the province of Saskatchewan, or Alberta, or the Yukon Territory, (or as the case may be), do solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity ofenumerator, without partiality, fear, favour, or affection. So help me God.

I. J.,
Enumerator.

Certificate

R.S., 1906.
Certificate of an Enumerator having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , I. J., enumerator for the polling district No. , (or as the case may be) of the electoral district of in the province of Saskatchewan, or Alberta, or Yukon Territory (or as the case may be), took and subscribed the oath (or affirmation) of office, required in such case of an enumerator, by section 44 of the Dominion Elections Act.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

R.S., c. 7, form J; 2 E. VII., c. 37, form J.

F

List of Voters.

Electoral district of
Polling division No. (or as the case may be).

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I certify that the foregoing is a true copy of the voters' list in polling division No. (or as the case may be) of the electoral district of , as prepared by me for use in the election of a member (or members, as the case may be) of the House of Commons for the said electoral district, now pending.

I. J.,
Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

I certify that the foregoing is a correct list of the voters in polling division No. (or as the case may be) of the electoral district of as revised (or, if no correction is

R.S., 1906.
Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral district of

to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to His Majesty's writ to me directed, and bearing date the day of 19 , I require the presence of the said electors at (describe the place where the nomination is to take place), in the county (or township, or in the city or town) of , on the day of the month of , from noon until two of the clock in the afternoon, for the purpose of nominating a person (or persons, as the case may be), to represent them in the House of Commons of Canada; and that, in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the month of in the year from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling divisions, that is to say:

For the polling division No. 1, consisting of (or bounded as follows, or otherwise describing it clearly) at (describing the polling station and so continuing for all the other polling divisions and stations in the electoral district).

And further, that on the day of , I shall open the ballot boxes, add up the votes given for the several candidates and return as elected the one (or as the case may be) having the majority of votes.

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at , this day of , in the year 19 .

A. B.,
Returning Officer.

51 V., c. 10, s. 4, form E; 63-64 V., c. 12, form E; 2 E. VII., c. 37, form E.

H R.S., 1906.
Chap. 6. Dominion Elections. Sch.

H

Nomination Paper, etc.

We, the undersigned electors of the electoral district of , hereby nominate (names, residence and additions or description of person or persons nominated) as a candidate at the election now about to be held of a member (or two members, as the case may be) to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral district, this day of 19 .

Signed by the said electors, in presence of (additions) 

Signatures with residence and additions.

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at , this day of 19 .

Signed by the said nominee, in presence of (additions) 

J. K.

R.S., c. 7, form F; 63-64 V., c. 12, form F; 2 E. VII., c. 37, form F.

I

Oath of Attestation of the Nomination Paper.

I, N. O., of (addition), swear (or solemnly affirm) that I know (mentioning the names of the signers known to him), and that they are duly qualified as electors of the electoral district of , to vote at an election of a member (or members, as the case may be) to serve in the House of Commons of Canada, and that they respectively signed the foregoing (or within) nomination paper in my presence; and further (if the case be so), that I know the said thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (or affirmed) before me, at , this day of 19 .

C. D., Justice of the Peace.

R.S. c. 7, form G; 63-64 V., c. 12, form G; 2 E. VII., c. 37, form G.

R.S., 1906.

(Note.)
(Note.)—This Form may be varied according to circumstances, the intention of the Act being complied with; and the assent of the candidate may be sworn to by a separate elector, if the facts require it.

J

Return where there are no more Candidates than Members to be elected.

I hereby certify that the member (or members) elected for the electoral district of , in pursuance of the within written writ, is (or are) J. K., of in (and L. M., of (as in the nomination paper), no other candidate having been nominated (or the other or all other candidates having withdrawn, as the case may be).

Dated at , this day of , 19 .

A. B.,
Returning Officer.

R.S., c. 7, form H; 63-64 V., c. 12, form H; 2 E. VII., c. 37, form H.

K

Notice of Poll being granted, and of Candidates nominated.

Electoral district of , to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been demanded at the election now pending for the said electoral district, and that I have granted such poll; and further, that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are,—

1. John Doe, of the township of Nepean, county of Carleton, yeoman.
2. Richard Roe, of the town of Prescott, county of Grenville, merchant.
3. Geoffrey Stiles, of 10 Sparks Street Ottawa, physician.
4. John Stiles, of 3 Elgin Street, Ottawa, barrister-at-law. (as in the nomination paper.)

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at this day of , in the year 19 .

A. B.,
Returning Officer.

63-64 V., c. 12, form I.

133
Election Notice.

To wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said district, and that such poll will be open on , the day of , 19 , from the hour of nine in the forenoon till the hour of five in the afternoon, in each of the following divisions, that is to say:—

For the polling division No. 1 (or other designation) consisting of (or bounded as follows, or as the case may be) at (describe the polling station; and so continue for all the other polling divisions and polling stations in the electoral district).

Further, that the persons duly nominated, and for whom only votes will be received, are,—

1. (Insert the names and additions of each candidate as given in the nomination papers.)

2. 

3. 

And further, that unless the election is otherwise terminated before the time above named for closing the poll, I will, on , the day of , 19 , open the ballot boxes, sum up the votes given for the several candidates, and return as elected the one having the majority of votes.

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at , this day of , 19 .

A. B.,
Returning Officer.

R.S., c. 7, form I; 57-58 V., c. 15, s. 12; 2 E. VII., c. 37, form I.

Commission of a Deputy Returning Officer.

To G. H. (insert his legal addition and residence).

Know you, that in my capacity of returning officer for the electoral district of , I hereby appoint you to be deputy returning officer for the polling division number , of the said electoral district of , there to take the votes of the electors by ballot according to law, at the polling station to be by you opened

R.S., 1906.
opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said polling division on the
day of , at nine o'clock in the forenoon, at (here describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, list of voters, poll book, and other documents required by law, together with this commission.

Given under my hand, at , this day of , in the year 19 .

A. B.,
Returning Officer.

63-64 V., c. 12, form J.

N

Oath of Deputy Returning Officer.

I, the undersigned G. H., appointed deputy returning officer for the polling division No. of the electoral district of , swear (or solemnly affirm), that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection. So help me God.

G. H.,
Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , G.H., deputy returning officer for the polling division No. of the electoral district of , took and subscribed the oath (or affirmation) of office, required in such case of a deputy returning officer, by section 108 of the Dominion Elections Act.

In R.S., 1908.
In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

R.S., c. 7, form M; 63-64 V., c. 12, form K; 2 E. VII., c. 37, form M.

Directions for the Guidance of Electors in Voting.

The voter is to vote only for one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and, with a black lead pencil there provided, place a cross or crosses within the white space containing the name of the candidate or of each of the candidates for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who shall give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper, by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine not exceeding five hundred dollars and not less than one hundred dollars, or by imprisonment for a term not exceeding two years and not less than six months, with or without hard labour, in default of payment.

R.S., 1906.
In the following form of ballot paper, given for illustration, the candidates are William R. Brown, Frank Hamon, Joseph O’Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith.

1. WILLIAM R. BROWN
   of the city of Ottawa, Barrister.

2. FRANK HAMON
   of the city of Ottawa, Artist.

3. JOSEPH O’NEIL
   of the city of Ottawa, Gentleman.

4. JOHN R. SMITH
   of the city of Ottawa, Merchant.

63-64 V., c. 12, form L; 1 E. VII., c. 16, s. 9.
P

Information for Electors.

The following is the qualification of electors as prescribed by the Parliament of Canada:

Every male person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and who has resided in the [province of Saskatchewan or Alberta, or the Yukon Territory (or as the case may be), for at least twelve months immediately preceding the issue of the writ of election, (and in the province of Saskatchewan or Alberta add the following), and in the electoral district, for at least three months, immediately preceding the issue of the writ of election].

If any elector finds that his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator, not later than two days before the polling day, to have his name added to the said list.

Each elector may vote only at one polling station and for one candidate within the same electoral district.

The elector will go into one of the compartments, and, with a pencil there provided, place a cross within the white space containing the name of the candidate or of each of the candidates, for whom he votes, thus X.

The elector shall then fold the ballot paper so as to show a portion of the back only with the initials of the deputy returning officer thereon and the number on the counterfoil, and also in such a manner as to permit the counterfoil to be detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall place it in the ballot box, after having detached the counterfoil. The elector shall then forthwith quietly leave the polling station.

If an elector inadvertently spoils a ballot paper he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If an elector votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote shall be void, and will not be counted.

If an elector takes a ballot paper out of the polling station or fraudulently puts into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollars or by imprisonment for a term not exceeding six months, with or without hard labour.

Dated at this day of , 19 .
(Signed) A. B., Returning Officer.

57-58 V., c. 15, s. 13; 58-59 V., c. 11, ss. 1, 2; 60 V., c. 5, s. 7; 2 E. VII., c. 37, form L. 138

R.S., 1906.
Q

Commission of a Poll Clerk.

To I. J. (insert his legal addition and residence).

Know you, that in my capacity of deputy returning officer for the polling division No. , of the electoral district of , I hereby appoint you to be poll clerk for the said polling division.

Given under my hand, at , this day of , in the year 19 .

G. H.,
Deputy Returning Officer.

63-64 V., c. 12, form M.

R

Oath of Poll Clerk.

I, the undersigned, I. J., appointed poll clerk for the polling division No. , of the electoral district of , swear (or solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No. marks his ballot paper in my presence at this election. So help me God.

I. J.,
Poll Clerk.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify that on the day of the month of , I. J., poll clerk, for the polling division No. , of the electoral district of , took and subscribed before me the oath (or affirmation) of office required of a poll clerk in such cases by section 115 of the Dominion Elections Act.

139

In R.S., 1906.
In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

or G. H.,
Deputy Returning Officer.

R.S., c. 7, form O; 63-64 V., c. 12, form N; 2 E. VII., c. 37, form N.

S
Commission of a Poll Clerk acting as Deputy Returning Officer.

To of (insert his residence and legal addition).

Know you, that in my capacity of acting deputy returning officer for the polling division No. of the electoral district of , in consequence of the decease (or incapacity to act, or as the case may be) of the deputy returning officer for the said polling division whose poll clerk I was, I hereby appoint you to be poll clerk for the said polling division No. , of the said electoral district.

Given under my hand at , in the year 19 .

I. J.,
Poll Clerk, acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.

63-64 V., c. 12, form O.
Form of Ballot Paper.

Front.

The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper.

1 WM. R. BROWN
of the city of Ottawa, Barrister.

2 FRANK HAMON
of the city of Ottawa, Artist.

3 JOSEPH O'NEIL
of the city of Ottawa, Gentleman.

4 JOHN R. SMITH
of the city of Ottawa, Merchant.
Form T.—Continued.

Form of Ballot Paper.

Back.
U

Oath of Agent of a Candidate, or Elector Representing Candidate.

I, the undersigned, P. Q., agent for (or elector representing) J.-K., one of the candidates at the election now pending for the electoral district of , do swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No. marks his ballot paper in my presence at this election. So help me God.

P. Q.,

Sworn (or affirmed) before me, at , this day of 19 .

A. B.,
Returning Officer,
or C. D., Justice of the Peace.

63-64 V., c. 12, form Q.

V

Oath by Deputy Returning Officer, Poll Clerk or Agent wishing to vote.

I, G. H., of etc., deputy returning officer (or poll clerk, or agent for J. K., one of the candidates at the election for the House of Commons for the electoral district of (or as the case may be) do swear (or solemnly affirm) that I am actually entitled to vote for a member of the said House of Commons, for this electoral district at the present election;

That I have not voted before at this election, either at this or any other polling place;

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith:

That I have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

G. H.

Sworn (or affirmed) before me, at , this day of , A.D. 19 .

A. B.,
Returning Officer,
or C. D., Justice of the Peace.

63-64 V., c. 12, form R.

143
### Form of Poll Book

<table>
<thead>
<tr>
<th>Number of the voters</th>
<th>Names of the voters</th>
<th>Addition or occupation</th>
<th>Place of residence</th>
<th>Qualification of voters</th>
<th>Objections</th>
<th>Sworn or affirmed</th>
<th>Voter refusing to be sworn or to affirm, or to answer</th>
<th>Voter voting after another has voted in his name</th>
<th>Remarks</th>
</tr>
</thead>
</table>

63-64 V., c. 12, form S.

### Oath of Qualification of Voter whose Name is omitted on Account of Provincial Disqualification

You swear (or solemnly affirm) that you are legally qualified to vote at this election, and that you verily believe that your name was omitted from the list of voters by reason of your being (here name the office the holder of which, or the capacity in the public service of Canada or the province, the employment in which, or the profession, calling, employment or occupation, the belonging to or engagement in which, or the class of persons the belonging to which disqualified or disqualifies the voter from having his name on the list or from voting at a provincial election) at the time such list was prepared, and for no other reason. So help you God. 1 E. VII., c. 16, s. 11.
Y

Oath that Voter is not disqualified under the Dominion Elections Act.

You swear (or solemnly affirm),—
That you have not been disfranchised under the provisions of the Disfranchising Act, or for corrupt practices under the Dominion Elections Act;
That you have not voted before at this election, either at this or at any other polling station;
That you have not received anything, that you do not expect anything, nor has anything been promised you directly or indirectly, to induce you to vote at this election, either for loss of time, travelling expenses, hire of team, or for any other service connected therewith;
That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election;
That you are not otherwise disqualified from voting at this election. So help you God. 1 E. VII., c. 16, s. 12.

Z

Oaths to be taken by Electors.

No. 1.

You do swear that you are of the male sex and a British subject, that you are not an Indian, that you are of the full age of twenty-one years, and that you have resided in the province of Saskatchewan or Alberta or the Yukon Territory (as the case may be) for at least twelve months, and (in case of the provinces of Saskatchewan and Alberta) in this electoral district for at least three months, immediately preceding the issue of the writ of election, and that you are now resident in this polling division, (the last ten words shall be omitted from the oath in the case of a person voting under section 59 or in Yukon Territory). So help me God.

No. 2.

You do swear that you have not received any money or other reward, nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election in this electoral district, either at this or any other polling station. So help you God. 58-59 V., c. 11, s. 3; 2 E. VII., c. 37, form O; 4-5 E. VII., c. 28, s. 5.

R.S., 1906.
AA

Oath of Identity by Voter receiving a Ballot Paper, after another has voted in his Name.

You swear (or solemnly affirm) that you are (name), of (as on the list of voters), whose name is entered on the list of voters now shown you. So help you God. 63-64 V., c. 12, form V.

BB

Oath of Voter unable to mark his Ballot Paper.

You swear (or solemnly affirm) that you are unable to read and understand the ballot paper so as to mark it, (or that you are incapacitated by blindness or other physical cause, as the case may be), from voting without assistance. So help you God. 63-64 V., c. 12, form W.

CC

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, deputy returning officer for the polling division No. , of the electoral district of , do swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book kept for the said polling division, under my direction, has been so kept correctly; that the total number of votes polled in the said poll book is , and that it contains a true and exact record of the votes given at the polling station in the said polling division, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, poll book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box, R.S., 1906.
box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

G. H.,
Deputy Returning Officer.

Sworn before me at , in the county of , 19 .

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or I. J.,
Poll Clerk.

63-64 V., c. 12, form X.

DD

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, poll clerk for the polling division No. , of the electoral district of , do swear (or do solemnly affirm) that the poll book in and for the said (as the case may be), under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of votes polled in the said poll book is , and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in the said polling division (as the case may be) as the said votes were taken at the said poll by the said deputy returning officer.

I. J.,
Poll Clerk.

Sworn (or affirmed) and subscribed before me, at this day of , in the year 19 .

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

63-64 V., c. 12, form Y.

10½ 147 EE
R.S., 1906.
EE

Statement of the Poll, after counting the Ballots.

Polling Division No..............................

Electoral District of..............................

<table>
<thead>
<tr>
<th>Number of Ballot Papers received from the Returning Officer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Ballot Papers cast for</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot;</td>
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<td>&quot; &quot;</td>
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<td>&quot; &quot;</td>
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<tr>
<td>&quot; &quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; spoiled</td>
<td></td>
</tr>
<tr>
<td>&quot; rejected</td>
<td></td>
</tr>
<tr>
<td>&quot; not used and returned</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the above statement is correct.

Dated at......................................

...........................................19

G. H., Deputy Returning Officer.

63-64 V., c. 12, form Z.

FF

Certificate to be delivered to Candidates, etc.

I, the undersigned, deputy returning officer for polling division No. , in the electoral district of , in the province of , do hereby certify that, at the election held this day, for a member to serve in the House of Commons, the

R.S., 1906.
the hereinafter mentioned candidates received the number of ballot papers set opposite their respective names, viz.:—

<table>
<thead>
<tr>
<th>NAMES OF CANDIDATES</th>
<th>NUMBER OF BALLOT PAPERS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

and also that ballot papers were rejected.

Dated at 
this day of 19

G. H., Deputy Returning Officer.

63-64 V., c. 12, form AA.

GG

Oath of Messenger sent to collect the Ballot Boxes.

I, R.S., of , messenger appointed by A. B., returning officer for the electoral district of , in the province of , do swear (or solemnly affirm) that the several boxes, to the number of , now delivered by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (or by—here insert the names of the deputy returning officers who have delivered the said boxes); that they have not been opened by me, or any other person; and that they are in the same state as they were in when they came into my possession. (If any change has taken place, the deponent shall vary his deposition by fully stating the circumstances.)

R. S.

Sworn (or affirmed) and subscribed before me, at this day of , in the year 19.

C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

or G. H.,
Deputy Returning Officer.

63-64 V., c. 12, form BB.
Return after a Poll has been taken.

I hereby certify that the member (or members) elected for the electoral district of , in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or are) A. B., etc., (names, etc., in the nomination papers).

Dated at , this day of , 19

A. B.,
Returning Officer.

R.S., c. 7, form R; 63-64 V., c. 12, form CC.

Information for Personation.

The information of P. Q., of , taken this day of in the year , before the undersigned, a deputy returning officer at a polling station in the of for an election being held for the electoral district of of a member of the House of Commons.

The said informant says that he believes that T. U. (or that a person whose name is to the informant unknown but who is now detained in the said polling station under my order, (or as the case may be), on this day at the said polling place did commit the offence of personation by (describing the offence).

Taken and sworn before me at the said polling station, the day and year above mentioned.

G. H.,
Deputy Returning Officer.

63-64 V., c. 12, form DD.

Warrant for Arrest of Person charged with Personation.

To all or any of the constables and other peace officers in the county of

Whereas, before the undersigned, a deputy returning officer at a polling station in the of for an election

R.S., 1906.
election being held for the electoral district of ..., has this day been charged upon oath with having committed the offence of personation on this day and at the said polling place by (describing the offence).

These are therefore to command you in His Majesty's name forthwith to apprehend the said ..., and to bring him before to answer unto the said charge, and to be further dealt with according to law.

Given under my hand and seal, under the Dominion Elections Act, this day of, in the year 19 .

G. H.,
Deputy Returning Officer.

63-64 V., c. 12, form EE.

SCHEDULE TWO.

FEES OF RETURNING OFFICERS AND OTHERS.

To Returning Officer, when no Poll is taken.

1. For the personal services of the returning officer, forty dollars;
2. For the personal services of the election clerk, four dollars;
3. For one constable, if considered necessary, one dollar;
4. For printing proclamations, actual cost;
5. For posting proclamations, not less than four in each polling division, for each mile necessarily travelled from place to place, twelve and one-half cents;
6. For each mile necessarily travelled by returning officer and election clerk in going to and returning from the place of nomination, twelve and one-half cents;
7. For use, when a public building is not obtainable, of a private building for nomination, actual outlay, not exceeding four dollars;
8. For necessary disbursements under sections 22-23, the fees to be paid for copies of documents furnished to the returning officer thereunder to be those provided for similar services under the provincial law, and where no provision is made by the provincial law, ten cents per folio of one hundred words, and for the certificate of the custodian, fifty cents.

To Returning Officer when Polls are taken.

9. For the personal services of the returning officer, sixty dollars as a minimum allowance, two dollars a poll when there are more than thirty polls in a riding;
10. For the personal services of the election clerk, eight dollars;
11. For services of one constable, if considered necessary at the nomination, one dollar;
12. For printing proclamations and lists of candidates, actual cost;
13. For posting proclamations (as in item five), per mile, twelve and one-half cents;
14. For each mile necessarily travelled posting up any advertisement to be so posted up, in appointing and swearing the deputy returning officers, and furnishing them with ballot boxes, ballot papers, envelopes, printed directions for the guidance of voters and lists of voters, twelve and one-half cents;
15. For each mile necessarily travelled for collecting the ballot boxes, and lists of voters used at each poll, and for swearing the deputy returning officers after the close of the poll, twelve and one-half cents;
16. For each mile necessarily travelled by returning officer and election clerk in going to and returning from the place of nomination, twelve and one-half cents;
17. For making up and transmitting returns to the Clerk of the Crown in Chancery, postage and telegrams, actual disbursements;
18. For services necessary under sections 188, 189, 190 a reasonable sum to be determined by the Governor in Council;
19. For use, when a public building is not obtainable, of private buildings for nomination, outlay, not exceeding four dollars;
20. For ballot boxes, when furnished by him, and for ballot papers and envelopes, and for any other disbursements absolutely required and not hereinbefore provided for, actual disbursements;
21. Screens for use in polling room, actual cost;
22. For swearing the poll clerk before and after the polls, one dollar;
23. For taking the polls, four dollars, (to deputy returning officers);
24. For services of poll clerk, two dollars;
25. For services of one constable, if considered necessary, one dollar;
26. For mileage of deputy returning officer and poll clerk going to and returning from the polling station, and delivering ballot boxes, each mile twelve and one-half cents;
27. Actual expenses incurred for the use of polling stations, not exceeding ten dollars in cities, or four dollars in other electoral districts, this fee to cover fuel, light and furniture.

63-64 V., c. 12, sch. 2.
CHAPTER 7.

An Act respecting Controverted Elections of Members of the House of Commons.

SHORT TITLE.

1. This Act may be cited as the Dominion Controverted Elections Act. R.S., c. 9, s. 1.

INTERPRETATION.

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

(a) 'Speaker' means the Speaker of the House of Commons; and, when the office of Speaker is vacant, or when the Speaker is absent from Canada or is unable to act, means the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the said House;

(b) 'member' means a member of the House of Commons of Canada;

(c) 'election' means an election of a member to serve in the House of Commons of Canada;

(d) 'electoral district' means an electoral district entitled to return a member or members;

(e) 'candidate' means any person elected to serve as a member, and any person who has been nominated as a candidate at an election;

(f) 'corrupt practices' means acts in reference to elections which are declared to be corrupt practices by the Dominion Elections Act, or any other Act of the Parliament of Canada, or recognized as such by the common law of Parliament;

(g) 'rules of court' means rules made as hereinafter provided;

(h) 'prescribed' means prescribed by this Act, or by the rules of court made under this Act;

(i) 'clerk' or 'clerk of the court' means the clerk of the Crown, chief clerk, or registrar of the court, or, in Ontario, the registrar of any division of the High Court of Justice, or the prothonotary, or any other officer of the court prescribed for the purpose in question;

(j) 'the court,' as respects elections in the several provinces hereinafter mentioned, means respectively the courts hereinafter mentioned, or any judge thereof, that is to say:—

R.S., 1906.
(i) In the province of Ontario, the High Court of Justice;
(ii) In the province of Quebec, the Superior Court;
(iii) In the province of Nova Scotia, the Supreme Court;
(iv) In the province of New Brunswick, the Supreme Court;
(v) In the province of Manitoba, the Court of Appeal;
(vi) In the province of British Columbia, the Supreme Court;
(vii) In the province of Prince Edward Island, the Supreme Court of Judicature;
(viii) In the province of Saskatchewan or Alberta, the Supreme Court of the Northwest Territories pending the abolition of that Court by the legislature of the province, and thereafter such superior court of justice as, in respect of the civil jurisdiction of the said Court, is established for the province in lieu thereof;
(ix) In the Yukon Territory, the Territorial Court;

(k) 'trial judges' means the two judges trying an election petition or performing any duty to which the enactment in which the expression occurs has reference;

(l) 'petition' or 'election petition' means a petition complaining of an undue return, or undue election of a member, or of no return, or of a double return, or of matters contained in a special return made, or of any unlawful act by any candidate not returned by which he is alleged to have become disqualified to sit in the House of Commons;

(m) 'election list' means the list of petitions presented under this Act required by this Act to be made out by the clerk of the court;

(n) 'summary trial court' means a court for the summary trial of any person charged with having committed corrupt practices at an election.

2. Each of the said courts shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to an election petition and the proceedings thereon, as if such petition were an ordinary cause within its jurisdiction.

3. In respect of proceedings relating to or affecting an election for an electoral district partly in the province of Saskatchewan and partly in the province of Alberta, the court shall be the Supreme Court of the Northwest Territories pending the abolition of that Court by the legislature of the province of Alberta, and thereafter such superior court as, in respect of the civil jurisdiction of that Court, is established for that province in lieu thereof.

4. Proceedings under this Act which are pending in the Supreme Court of the Northwest Territories in the province of Saskatchewan or the province of Alberta at the time of the
abolition of the said Court in the province may be continued in such superior court of justice, as, in respect of the civil jurisdiction of the said Court, is established for the province in lieu thereof in all respects as if such proceedings had been instituted in such latter court: Provided that if such proceedings relate to or affect an election for any electoral district which is partly in one and partly in the other of the said provinces, the proceedings shall be continued in the superior court so established in the province of Alberta. R.S., c. 9, ss. 2, 5, 29, 75; 50-51 V., c. 7, s. 1; 54-55 V., c. 20, s. 1; 4-5 E. VII., c. 8, ss. 1 and 2; 6 E. VII., c. 4, s. 2.

VENUE.

3. In the province of Quebec, the cause of action shall be held to have arisen at the place where the election was held, and the election petition shall be presented to the court in the judicial district in which such place lies. R.S., c. 9, s. 3.

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4. The rotation or order in which trials under this Act, and any duties assigned by this Act to a single judge, shall be undertaken or performed by the judges of the court, shall, if not prescribed by the law of the province or the practice of the court, be arranged by the judges.

2. In the province of Ontario the distribution of cases for trial under this Act between the several divisions of the High Court of Justice shall be arranged by the presidents thereof, in such manner as shall in their judgment as nearly as possible equalize between the several divisions the number of petitions standing for trial in the Court: Provided that it shall not be necessary that the judges before whom in any case the trial is conducted shall be judges of the division to which the case is assigned for trial; and the presidents of the several divisions shall arrange in such manner as is necessary for the rotation of the judges. 50-51 V., c. 7, s. 2; 54-55 V., c. 20, ss. 2 and 4.

PETITIONS.

5. A petition may be presented to the court by any one or more of the following persons:

(a) A person who had a right to vote at the election to which the petition relates; or,
(b) A candidate at such election. R.S., c. 9, s. 5.

6. At the time of the presentation of the petition there shall also be presented therewith an affidavit by the petitioner that he has Affidavit of verification. R.S., 1906.
has good reason to believe and verily does believe that the several allegations contained in the said petition are true; and, thereafter, should any elector be substituted for the petitioner, then, and in every such case, such elector, before being so substituted, shall make and file an affidavit to the same effect. 54-55 V., c. 20, s. 3.

7. Nothing herein contained shall prevent the sitting member from objecting by his preliminary objections to any further proceeding on the petition by reason of the ineligibility or disqualification of the petitioner, or from proving on the trial of any petition under this Act complaining of an undue return and claiming the seat for any person, that such person was not duly elected. R.S., c. 9, s. 5.

8. Whenever a petition under this Act, complaining of no return, is presented, such order may be made thereon by the court as is deemed expedient for compelling a return to be made; or the court may allow such petition to be tried in the manner herein provided with respect to ordinary election petitions. R.S., c. 9, s. 6.

9. Whenever any election petition complains of the conduct of any returning officer, such returning officer shall, for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent. R.S., c. 9, s. 7.

10. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time; but, as regards the security to be given on behalf of the petitioner, and for all other purposes of this Act, such petition shall be deemed to be a separate petition against each respondent. R.S., c. 9, s. 8.

PRESENTATION OF THE PETITION.

11. The petition presented under this Act may be in any prescribed form; but, if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one. R.S., c. 9, s. 9.

12. The petition must be presented not later than thirty days after the day fixed for the nomination, in case the candidate or candidates have been declared elected on that day, and in R.S., 1906.
in other cases forty days after the holding of the poll, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery by any member or on his account with his privity, since the time of the taking of the votes of such electors, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act.

2. In case any petition is presented at either time and on any ground, the sitting member whose election and return is petitioned against may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned, or by any agent of such candidate with his consent or privity. 54-55 V., c. 20. s. 5.

13. Presentation of a petition shall be made by delivering How it at the office of the clerk of the court, during office hours, or presented. in any other prescribed manner. R.S., c. 9, s. 9.

14. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner shall be given on behalf of the petitioner,—

(a) to any person summoned as a witness on his behalf; or,
(b) to the member whose election or return is complained of, who is hereinafter referred to as the respondent; or,
(c) to the returning officer, if his conduct is complained of; or,
(d) to the candidate not elected, whose conduct is complained of as aforesaid.

2. The security shall be to the amount of one thousand Amount of dollars, and shall be given by a deposit of money with the security. clerk of the court.

3. Such deposit shall not be valid unless it is made in gold Gold or coin which is legal tender under the statutes of Canada at the time when the deposit is made, or in Dominion notes, or in the bills of some chartered bank doing business in Canada. R.S., c. 9, s. 9; 54-55 V., c. 20, s. 6.

15. The clerk of the court shall give a receipt for such Receipt for deposit, which shall be evidence of the sufficiency thereof. deposit. R.S., c. 9, s. 9.

16. On presentation of the petition the clerk of the court Copy of shall send a copy thereof by mail to the returning officer of the petition to electoral district to which the petition relates, and such returning officer shall forthwith publish a notice thereof once in a returning officer. newspaper. R.S., 1906.
newspaper published in the district or, if there is no newspaper published in the district, then in a newspaper published in an adjoining district.

2. Such notice may be in the following form:

'Notice is hereby given that a petition has been presented under the Dominion Controverted Elections Act against the return of Esquire, as member of the Parliament of Canada for the electoral district of, and (where the seat is claimed) claiming the seat for

'Dated at , the day of , 19.

'A.B.,

'Returning Officer.'

54-55 V., c. 20, s. 7.

17. An election petition under this Act, and notice of the date of the presentation thereof, and a copy of the deposit receipt shall be served as nearly as possible in the manner in which a writ of summons is served in civil matters, or in such other manner as is prescribed. R.S., c. 9, s. 11.

18. Notice of the presentation of a petition under this Act, and of the security, accompanied with a copy of the petition, shall, within ten days after the day on which the petition has been presented, or within the prescribed time, or within such longer time as the court, under special circumstances of difficulty in effecting service, allows, be served on the respondent or respondents at some place within Canada.

2. If service cannot be effected on the respondent or respondents personally within the time granted by the court, then service upon such other person, or in such manner, as the court on the application of the petitioner directs, shall be deemed good and sufficient service upon the respondent or respondents. 54-55 V., c. 20, s. 8.

PRELIMINARY OBJECTIONS.

19. Within five days after the service of the petition and the accompanying notice, the respondent may present in writing any preliminary objections or grounds of insufficiency which he has to urge against the petition or the petitioner, or against any further proceeding thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner, and the court shall hear the parties upon such objections and grounds, and shall decide the same in a summary manner. R.S., c. 9, s. 12.

20. Within five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same, if none are presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner.
2. Whether such answer is or is not filed, the petition shall be held to be at issue, after the expiration of the said five days, and the court may, at any time thereafter, upon the application of either party, fix some convenient time and place for the trial of the petition. R.S., c. 9, s. 13.

PRELIMINARY EXAMINATION OF PARTIES.

21. Any party to an election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest touching any matter raised by such petition; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; but such explanatory examination shall be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the court.

2. When one of several petitioners or respondents has been examined, any other petitioner or respondent, united in interest, may be examined on his own behalf or on behalf of those united with him in interest, to the same extent as the party so examined. R.S., c. 9, s. 14.

22. Whenever a petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he was a petitioner. R.S., c. 9, s. 15.

23. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a judge, a judge of a county court, a master in chancery, clerk of the crown, or special examiner of the court in which such election petition is pending, or before any barrister-at-law named for the purpose by the court.

2. Such examination shall take place in the presence of the parties, their counsel, agents or attorneys; and the party so examined orally shall be subject to cross-examination and re-examination; and such examination, cross-examination and re-examination shall be conducted as nearly as possible in the mode now in use in superior courts on a trial of an action or hearing of a cause, or, in the province of Quebec, at the trial of a civil cause by a jury. R.S., c. 9, s. 16.

24. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative, R.S., 1906.
narrative, and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as think fit toattend.

2. In case the witness refuses or is unable to sign the said depositions, then the examiner shall sign the same.

3. Such examiner may upon every examination, state any special matter to the court if he thinks fit.

4. It shall be in the discretion of the examiner to put down any particular question or answer, if there appears to be any special reason for so doing; and any question which is objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, agents, attorneys or parties; and, if requested by either party, he shall refer to such statement on the face of the depositions. R.S., c. 9, s. 17.

25. When the examination before the examiner is concluded, the original depositions authenticated by the signature of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as is prescribed by the court in that behalf. R.S., c. 9, s. 18.

26. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be compelled by a writ of subpoena ad testificandum or duces tecum, in like manner as the attendance of such party or person, at the trial of the petition, may be compelled, and any party or person upon being served with such writ shall be bound to attend before the examiner; but such party or person shall be entitled to the like payment for attendance and expenses as if he had been subpoenaed to attend upon the trial. R.S., c. 9, s. 19.

27. The sheriff, gaoler or other officer, having the custody of any prisoner, shall take such prisoner for examination before the examiner, if so ordered by the court. R.S., c. 9, s. 20.

28. Forty-eight hours' notice of any such oral examination or cross-examination shall be given to the opposite party or parties. R.S., c. 9, s. 21.

29. Any party or person who refuses or neglects to attend at the time and place appointed for his examination or cross-examination, or who refuses to be sworn or to answer any lawful question put to him by the examiner, or by any person entitled so to do, or his counsel, agent, attorney or solicitor, may be punished as for a contempt of court.

1. If any witness demurs or objects to any question put to him, the question so put, and the demurrer or objection of the witness
witness thereto, shall be taken down by the examiner, and transmitted by him to the officer of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court. R.S., c. 9, s. 22.

30. Any party may, at the trial or other proceeding, use in evidence any part of the examination of the opposite party; provided that, in such case, the court may look at the whole of the examination, and if it is of the opinion that any other part is so connected with the part to be so used that the last mentioned part ought not to be used without such other part, it may direct such other part to be put in evidence. 54-55 V., c. 20, s. 9.

PRODUCTION OF DOCUMENTS.

31. Any party to an election petition, whether petitioner or respondent, may, at any time after such petition is at issue before or pending the trial thereof, obtain a rule in the nature of a side bar rule, or order of the court requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the clerk of the court; and upon such documents being produced, the party requiring such production, or his agent, attorney or solicitor, may inspect the same and take examined copies thereof.

2. When any person upon whom a rule or order to produce has been served wishes to avail himself of any just exception, he shall, in his affidavit on production, assign a sufficient reason why he should not produce and deposit the same in manner aforesaid. R.S., c. 9, ss. 24 and 25.

32. Such rule or order may issue in vacation as well as in term, and may be obtained on the last as well as other days of term; and such rule or order shall be dated the day of the week, month and year on which the same was drawn up and need not specify any other time or date; and may be obtained by the party requiring the same, his agent, attorney or solicitor, from the clerk of the court. R.S., c. 9, s. 25.

33. The rule or order for the production of documents shall not require personal service, and it shall be sufficient in rule to serve the same upon the agent, attorney or solicitor of the party. R.S., c. 9, s. 26.

34. The affidavit on production to be made by the party who has been served with the rule or order for production may be made. R.S., 1906.
be in the form or to the effect of the schedule to this Act, varied as the facts require. R.S., c. 9, s. 27.

Penalty for disobedience.

35. Any party who neglects or refuses to obey a rule or order for the production of documents may be punished as for a contempt of court. R.S., c. 9, s. 28.

TRIAL OF PETITIONS.

36. The clerk of the court shall, as soon as possible, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list open to the inspection of any person making application.

2. Such petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list; and, in the province of Ontario, in the order in which they stand on the list of the several divisions of the High Court of Justice. R.S., c. 9, s. 29; 54-55 V., c. 20, s. 10.

All petitions relating to same election to be bracketed together.

37. When, under this Act, more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list, be bracketed together, and shall be dealt with, as far as may be, as one petition; but such petitions shall stand in the election list in the place where the last presented of them would have stood if it had been the only one presented as to such election or return, unless the court otherwise orders. R.S., c. 9, s. 30.

Trial of petition.

38. Every election petition shall be tried by two judges without a jury, and it shall be competent for the judges on such trial to decide any question raised as to the admissibility of the evidence offered, or to receive such evidence under reserve and subject to adjudication at the final hearing.

2. The trial of an election petition shall take place in the electoral district, the election or return for which is in question: Provided that, if it appears to the court that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such electoral district, the court may appoint such other place for the trial as appears most convenient.

3. Notice of the time and place at which an election petition will be tried shall be given in the prescribed manner, and not less than fourteen days before that on which the trial is to take place.

4. The trial judges may adjourn the trial from time to time, and from one place to another in the same electoral district, as to them seems convenient, or, upon cause shown supported by affidavit, where special circumstances exist which in their opinion render it desirable so to do, from one place to another outside

R.S., 1906.
side the electoral district, or from a place inside to a place outside the electoral district, or vice versa. R.S., c. 9, s. 31; 50-51 V., c. 7, s. 3; 54-55 V., c. 20, ss. 11 and 17; 3 E. VII., c. 12, s. 1.

39. The trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall be proceeded with from day to day until such trial is over; but if, at any time, it appears to the court that the respondent’s presence at the trial is necessary, such trial shall not be commenced during any session of Parliament, if the respondent is a member; and in the computation of any time or delay allowed for any step or proceeding in respect of any such trial, or for the commencement thereof as aforesaid, the time occupied by such session of Parliament shall not be included.

2. If, at the expiration of three months after such petition has been presented, the day for trial has not been fixed, any elector may, on application, be substituted for the petitioner on such terms as the court thinks just. R.S., c. 9, s. 32.

40. The court may, notwithstanding anything in the next preceding section, from time to time enlarge the time for the commencement of the trial, if, on an application for that purpose supported by affidavit, it appears to such court that the requirements of justice render such enlargement necessary.

2. No trial of an election petition shall be commenced or proceeded with during any term of the court of which either of the trial judges who are to try the same is a member, and at which such judge is by law bound to sit. R.S., c. 9, s. 33.

41. The trial judges shall be received and attended at the place where they are about to try an election petition under this Act, if they are not resident there, in the same manner, so far as circumstances will admit, as if they were about to hold a sitting of the provincial court of which they are members. R.S., c. 9, s. 34.

42. On the trial of an election petition and in other proceedings under this Act, the trial judges shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of a superior court for the province in which such election was held, sitting in term, or presiding at the trial of an ordinary civil suit, and the court held by them for such trial shall be a court of record. R.S., c. 9, s. 35.

43. Unless the trial judges otherwise direct, any charge of corrupt practices may be gone into, and evidence in relation thereto...
Chap. 7. Controverted Elections.

thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices. R.S., c. 9, s. 36.

44. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in cases within the jurisdiction of the superior courts in the same province. R.S., c. 9, s. 37.

45. If it is made to appear to the court or the trial judges that any witness intends to leave Canada and cannot attend the trial of an election petition, then on application to the court on notice to the parties to the petition, the court may grant an order for the examination of such witness at a time and place and before a person to be named in such order, and the witness may thereupon be examined touching the matter complained of in the petition, due notice of such time and place being given to the parties to the petition, who may, by their respective counsel, attend such examination, and examine and cross-examine such witness; and such examination shall be reduced to writing and signed by such witness, and when duly returned by the examiner, and purporting to be certified by the examiner, may be used by either party to the petition on the trial thereof.

2. On the trial of an election petition under this Act, the trial judges may, by order under their hands, compel the attendance of any person as a witness who appears to them to have been concerned in the election to which the petition relates; and any person who refuses to obey such order is guilty of contempt of court.

3. The trial judges may examine and re-examine any witness so compelled to attend or any person present, although such witness or person is not called and examined by any party to the petition; and, after the examination of a witness as aforesaid by the trial judges, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

4. Upon proof to the satisfaction of the trial judges of the service of a subpoena upon any witness who fails to attend or to remain in attendance in accordance with the requirements of the subpoena, and that a sufficient sum for his fees as a witness has been duly paid or tendered to him, and that the presence of such witness is material to the ends of justice, the trial judges may by their warrant, directed to any sheriff or officer of the court, or constable, cause such witness to be apprehended, and forthwith brought before them or any other judges who may thereafter preside at such trial, to give evidence.

5. In order to secure his presence as a witness, such witness may be taken on such warrant before the trial judges and detained in the custody of the person to whom the warrant is directed, or otherwise as the trial judges may order, until his presence as such witness is required, or, in the discretion of the said trial judges, he may be released on a recognizance with or without

R.S., 1906.
without sureties conditioned for his appearance to give evidence. R.S., c. 9, s. 38; 54-55 V., c. 20, s. 18; 3 E. VII., c. 12, s. 2.

46. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the trial judges give to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to their satisfaction. R.S., c. 9, s. 39.

47. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the superior courts in the same province, may be allowed to such person by a certificate under the hand of the trial judges or of the clerk of the court; and such expenses, if the witness was called and examined by the trial judges, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition, as the trial judges determine. R.S., c. 9, s. 40.

48. The trial judges may, in their discretion, employ a shorthand writer to take down the oral evidence given by witnesses at the trial of the petition; and the expense of employing such shorthand writer shall be costs in the case. R.S., c. 9, s. 41.

49. On the trial of a petition under this Act complaining of an undue return and claiming the seat for any person, the respondent may give evidence to show that the election of such person was undue in the same manner as if he had presented a petition complaining of such election. R.S., c. 9, s. 42.

50. If, on the trial of an election petition, claiming the seat for any person, a candidate is proved to have been guilty, by himself or by any person on his behalf of bribery, treating, or undue influence with respect to any person who voted at such election, or if any person retained or employed for reward by or on behalf of such candidate, for all or any of the purposes of such election, as agent, clerk or messenger, or in any other employment, is proved on such trial to have voted at such election, there shall, on the trial of such election petition, be struck off from the number of votes appearing to have been given

R.S., 1906.
given to such candidate, one vote for every person who voted at such election, and who is proved to have been so bribed, treated or unduly influenced, or so retained or employed for reward as aforesaid. 63-64 V., c. 12, s. 122.

51. If it is found by the report of the trial judges that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void. 63-64 V., c. 12, s. 123.

52. If, on the trial of an election petition, a candidate is proved to have personally engaged any person at the election to which such petition relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has, within eight years previous to such engagement, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void. 63-64 V., c. 12, s. 124.

53. The provisions of the three sections last preceding shall in no case apply to any acts done at any election other than the election to which the petition refers, except as to the personal acts of the candidates, and the acts of their agents done with the knowledge and consent of the candidates. 63-64 V., c. 12, s. 125.

54. On the trial of an election, if it is proven that a candidate corruptly by himself, or by or with any other person, or by any other ways or means on his behalf, at any time, either before or during the election, directly or indirectly gave or provided, or caused to be given or provided, or was accessory to the giving or providing, or paid wholly or in part any expenses incurred for, any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election there shall be struck off from the number of votes given for such candidate one vote for every person who has voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshment or provision. 63-64 V., c. 12, s. 110.

55. If, on the trial of an election petition, it is proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if such candidate is convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and
and his election, if he has been elected, shall be void. 63-64 V., c. 12, s. 126.

56. If, on the trial of an election petition, the trial judges decide that a candidate at such election was guilty, by his agent or agents, of any offence that would render his election void, and further find,—

(a) that no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate; and,

(b) that such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and,

(c) that the offences mentioned were of a trivial, unimportant and limited character; and,

(d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subject to any incapacity therefor. 54-55 V., c. 20, s. 19; 63-64 V., c. 12, s. 127.

57. If, on the trial of an election petition, a candidate is found by the report of the trial judges, by himself or his agents, with his actual knowledge and consent, to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void. 63-64 V., c. 12, s. 128.

JUDGES' REPORT.

58. At the conclusion of the trial, the trial judges shall determine whether the member whose election or return is complained of or any and what other person was duly returned or elected, or whether the election was void, and other matters arising out of the petition, and requiring their determination, and shall, except in the case of appeal hereinafter mentioned, within four days after the expiration of eight days from the day on which they shall so have given their decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of evidence.

2. The determination thus certified shall be final to all intents and purposes. R.S., c. 9, s. 43.

59. Every certificate and every report sent to the Speaker in pursuance of this Act shall be under the hands of both judges; to sign the report to Speaker.

2. If the trial judges differ as to whether the member whose return or election is complained of was duly returned or elected, they shall
they shall certify that difference, and the member shall be
deemed duly elected or returned.

3. If the trial judges determine that such member was not
duly elected or returned, but differ as to the rest of the deter-
mination, they shall certify that difference, and the election
shall be deemed to be void.

4. If the trial judges differ as to the subject of a report to
the Speaker, they shall certify that difference and make no
report on the subject on which they so differ. 54-55 V., c. 20,
s. 17.

60. When any charge is made in an election petition of any
corrupt practice having been committed at the election to which
the petition relates, the trial judges shall, in addition to such
certificate, and at the same time, report in writing to the
Speaker,—

(a) whether any corrupt practice has or has not been proved
to have been committed by or with the knowledge and con-
sent of any candidate at such election, stating the name of
such candidate, and the nature of such corrupt practice;
(b) the names of any persons who have been proved at the
trial to have been guilty of any corrupt practice;
(c) whether corrupt practices have, or whether there is
reason to believe that corrupt practices have, extensively
prevailed at the election to which the petition relates;
(d) whether they are of opinion that the inquiry into the
circumstances of the election has been rendered incomplete
by the action of any of the parties to the petition, and that
further inquiry as to whether corrupt practices have exten-
sively prevailed is desirable. R.S., c. 9, s. 44.

61. The trial judges may, at the same time, make a special
report to the Speaker as to any matters arising in the course of
the trial, an account of which ought, in their judgment, to be
submitted to the House of Commons. R.S., c. 9, s. 45.

62. Except where otherwise expressly provided by this Act,
any order, act, application or thing for the purpose of this Act
may be made or done by, to or before a single judge. 54-55 V.,
c. 20, s. 17.

SPECIAL CASE.

63. When, upon the application of any party to an election
petition duly made to the trial judges assigned to hear the said
petition, it appears to such judges that the case raised by the
petition can be conveniently stated as a special case, such trial
judges may direct the same to be so stated.

1. Any such special case shall, as far as possible, be heard
before such judges, who shall thereupon give such judgment
as to justice appertains; and in case the decision is final, the
trial judges shall certify to the Speaker their decision on such
special

R.S., 1906.
special case, in the manner and within the time hereinbefore provided in cases of election trials. R.S., c. 9, s. 49.

APPEALS.

64. An appeal by any party to an election petition who is dissatisfied with the decision shall lie to the Supreme Court of Canada from,—

(a) the judgment, rule, order or decision on any preliminary objection to an election petition, the allowance of which objection has been final and conclusive and has put an end to such petition, or which objection, if it had been allowed, would have been final and conclusive and have put an end to such petition: Provided that, unless it is otherwise provided, an appeal in the last-mentioned case shall not operate as a stay of proceedings, nor shall it delay the trial of the petition; and,

(b) the judgment or decision on any question of law or of fact of the judges who have tried such petition. R.S., c. 9, s. 50.

65. The party so desiring to appeal shall, within eight days from the day on which the decision appealed from was given, deposit with the clerk of the court with whom the petition was lodged or with the proper officer for receiving moneys paid into court, at the place where the hearing of the preliminary objections, or where the trial of the petition took place, as the case may be, if in the province of Quebec, and at the chief office of the court in which the petition was presented, if in any other province, in cases of appeal other than from a judgment, rule, order or decision on any preliminary objection, the sum of three hundred dollars, and in such last-mentioned cases, the sum of one hundred dollars, as security for costs, and also a further sum of ten dollars as a fee for making up and transmitting the record to the Supreme Court of Canada; and such deposit may be made in legal tender or in the bills of any chartered bank doing business in Canada. 54-55 V., c. 20, s. 12.

66. Upon such deposit being so made, the said clerk or other proper officer shall make up and transmit the record of the case to the Registrar of the Supreme Court of Canada, who shall set down the said appeal for hearing by the Supreme Court of Canada at the nearest convenient time, and according to the rules of the Supreme Court of Canada in that behalf. R.S., c. 9, s. 51.

67. The party so appealing shall, within three days after the said appeal has been so set down as aforesaid or within such other time as the court or trial judges by whom such decision appealed from was given allow, give to the other parties to the said petition affected by such appeal, or the respective attorneys, R.S., 1906.
attorneys, solicitors or agents by whom such parties were represented on the hearing of such preliminary objections or at the trial of the petition, as the case may be, notice in writing of such appeal having been so set down for hearing as aforesaid and may in such notice if he so desires, limit the subject of the said appeal to any special and defined question or questions.

2. The appeal shall thereupon be heard and determined by the Supreme Court of Canada, which shall pronounce such judgment upon questions of law or of fact, or both, as in the opinion of such Court ought to have been given by the court or the trial judges whose decision is appealed from; and the Supreme Court of Canada may make such order as to the money deposited as aforesaid, and as to the costs of the appeal as it thinks just; and, in case it appears to the Court that any evidence duly tendered at the trial was improperly rejected, the Court may cause the witness to be examined before the Court or a judge thereof, or upon commission. R.S., c. 9, s. 51.

68. If an appeal, as provided by this Act, is made to the Supreme Court of Canada from the judgment or decision of the trial judges, they shall make to the Supreme Court of Canada the report and certificate with respect to corrupt practices hereinbefore directed to be made, and may make the special report as to any matters arising in the course of the trial as hereinbefore provided, and the same, together with the decision and findings, if any, with respect to corrupt practices by agents hereinbefore provided for, shall form a part of the record in the said matter to be transmitted to the Supreme Court on such appeal. 54-55 V., c. 20, s. 14.

69. The Registrar shall certify to the Speaker of the House of Commons, the judgment and decision of the Supreme Court, confirming, changing or annulling any decision, report or finding of the trial judges upon the several questions of law as well as of fact upon which the appeal was made, and therein shall certify as to the matters and things as to which the trial judges would have been required to report to the Speaker, whether they are confirmed, annulled or changed, or left unaffected by such decision of the Supreme Court; and such decision shall be final. 54-55 V., c. 20, s. 13.

**Proceedings of Speaker upon Judges' Report.**

70. The Speaker shall, at the earliest practicable moment after he receives the certificates and report or reports, if any, of the trial judges or the Supreme Court of Canada, give the necessary directions, and adopt all the proceedings necessary for confirming or altering the return, or, except as hereinafter mentioned, for the issuing of a writ for a new election, for which purpose the Speaker may address his warrant, under
his hand and seal, to the Clerk of the Crown in Chancery, or
for otherwise carrying the determination into execution, as cir-
cumstances require. R.S., c. 9, s. 46.

71. The Speaker shall, without delay, communicate to the House of Commons the determination, report and certificate of the trial judges or of the Supreme Court of Canada and his own proceedings thereon; and, when the trial judges or the Supreme Court of Canada make a special report, the House of Commons may make such order in respect of such special report as they think proper. R.S., c. 9, s. 47.

72. When the trial judges or the Supreme Court of Canada in their report on the trial of an election petition under this Act, state that corrupt practices have, or that there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates, or that they are of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to whether corrupt practices have extensively prevailed is desirable, no new writ shall issue for a new election in such case except by order of the House of Commons. R.S., c. 9, s. 48.

COSTS.

73. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to or those opposing the petition, in such manner and in such proportions as the court or trial judges determine, regard being had to the disallowance of any costs, charges or expenses which, in the opinion of the court or trial judges have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or of the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

2. The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between parties in actions in the superior courts, and such costs shall be recoverable in the same manner as the costs in the said actions in the same province, or in such other manner as is prescribed. R.S., c. 9, s. 52.

74. No greater counsel fee or fees shall be taxed, as between party and party, in respect of or in connection with the trial, if it does not last longer than one day, than fifty dollars, and,

171 when R.S., 1906.
when the trial continues beyond one day, a sum not exceeding forty dollars for each additional day the trial continues, whether one or more counsel are engaged at the trial.

2. Except as to such witness fees and other actual disbursements, in respect of evidence taxable in ordinary actions between party and party, as are allowed by the judgment or order of the court allowing or apportioning costs, no greater sum, including counsel fee, than three hundred dollars shall be taxed or taxable against either party as costs in the cause. 55-55 V., c. 20, s. 15.

75. If costs are awarded in favour of any party against any petitioner, such party shall, after the expiration of thirty days from the rendering of the decision by the trial judges, or, in case of an appeal, by the Supreme Court of Canada, upon the production of a certificate of taxation from the proper officer, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against the said petitioner, certificates whereof are within the said period of thirty days filed with the registrar, clerk or other proper officer, does not exceed the deposit.

2. If the total amount of the said certificates so filed as aforesaid exceeds the deposit, then such party shall be entitled to recover out of such deposit his proportion thereof.

3. In the event last aforesaid, such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, against the petitioner's goods or lands, for the residue of the costs so taxed to him as aforesaid. R.S., c. 9, s. 53.

76. In appeals under this Act to the Supreme Court of Canada, the said Supreme Court may adjudge the whole or any part of the costs in the court below to be paid by either of the parties; and any order directing the payment of such costs shall be certified by the registrar of the Supreme Court of Canada to the court in which the petition was filed, and the same proceedings for the recovery of such costs may thereupon be taken in the last mentioned court as if the order for payment of costs had been made by that court or by the judges before whom the petition was tried. R.S., c. 9, s. 54.

77. If, on the trial of an election petition under this Act, it is proved that any corrupt practice has been committed by an agent of the candidate without his knowledge or consent, or if it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and the trial judges are of opinion that costs should be awarded to the petitioner or other party alleging the corrupt practice, the agent may be condemned to pay such costs.

2. In such case the trial judges shall order that such agent shall be summoned to appear at a time fixed in such summons, R.S., 1906.
in order to determine whether such agent shall be condemned to pay such costs.

3. If, at any time so fixed, the agent so summoned does not appear, he shall be condemned, on the evidence already adduced, to pay the whole or a due proportion of the costs awarded to the petitioner or other party aforesaid; and if he appears, the court or the trial judges, after hearing the parties and such evidence as is adduced, shall give such judgment as to law and justice appertains.

4. The party to receive the costs shall have process to recover such costs against such agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs, nor shall the sum be paid out of any money deposited as security until after the return of process against such agent. R.S., c. 9, s. 55; 54-55 V., c. 20, s. 20.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

78. No election petition under this Act shall be withdrawn without the leave of the court or trial judges, according as the petition is then before the court or before the trial judges, upon special application made in and at the prescribed manner, time and place.

2. No such application shall be made until the prescribed notice has been given, in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition.

3. On the hearing of the application for withdrawal, any person, who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or trial judges to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

4. The court or trial judges may, if it or they think fit, substitute as petitioner any such applicant as aforesaid, and may also, if the proposed withdrawal is, in the opinion of the court or trial judges, induced by any corrupt bargain or consideration, order that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner.

5. If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution.

6. Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner.
7. If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the court or trial judges otherwise order, and when there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners. R.S., c. 9, s. 56.

79. In every case of withdrawal of an election petition, under this Act, if the court or trial judges are of opinion that the withdrawal of such petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, the court or trial judges shall report such opinion to the Speaker, stating the reasons therefor and the circumstances attending the withdrawal. R.S., c. 9, s. 57.

80. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

2. The abatement of a petition shall not affect any liability for the payment of costs previously incurred.

3. On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates; and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the court or trial judges, in the prescribed manner, and at the prescribed time and place, to be substituted as a petitioner.

4. The court or trial judges may, if it or they think fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition. R.S., c. 9, s. 58.

81. If, before or during the trial of an election petition under this Act,—

(a) the respondent dies;

(b) the House of Commons resolves that the respondent’s seat is vacant;

(c) the respondent gives notice to the court or trial judges in and at the prescribed manner and time, that he does not intend to oppose or further to oppose the petition; or,

(d) the respondent is summoned to Parliament as a member of the Senate;

notice of such event shall be given in the prescribed manner in the electoral district to which the petition relates.

2. Within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or trial judges to be admitted as a respondent to oppose the petition or so much thereof as remains undisposed of, and

R.S., 1906.
such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed of portion thereof, either with the respondent, if there is one, or in place of the respondent; and any number of persons, not exceeding three, may be so admitted.

3. If either of such events happens during the trial, the trial judges shall adjourn the same, in order that notice that such event has happened may be given as herein provided; and the person or persons so admitted shall be subject to the same liability as the respondent with respect to any costs thereafter incurred. R.S., c. 9, s. 59.

82. Notwithstanding the abatement of a petition by reason of the death of the respondent, the court or trial judges may make such order, not inconsistent with the provisions of this Act, for the payment of costs previously incurred and for the payment out of court of any moneys deposited as security for costs, as to justice may appertain. 54-55 V., c. 20, s. 16.

83. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House has been informed of the report on the petition; and the court or trial judges shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker. R.S., c. 9, s. 60.

84. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there is no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case requires. R.S., c. 9, s. 61.

RULES OF COURT.

85. The judges of the court, or a majority of them, may, from time to time, make and alter general rules and orders, for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions and the trial thereof, and the certifying and reporting thereon.
Their effect.

To be laid before the House of Commons.

Practice in cases not provided for.

Extension of time may be given.

Travelling and other expenses.

Who may practise in cases under this Act.

Provisions as to acceptance of office, etc.

2. Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were herein enacted; and shall be laid before the House of Commons within three weeks after they are made, if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the next session of Parliament. R.S., c. 9, s. 62.

86. Until rules of court have been made by the judges of the court in any province in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of members of the House of Commons in England were, on the twenty-sixth day of May, one thousand eight hundred and seventy-four, dealt with, shall be observed so far as consistently with this Act they can be observed by the court and the judges thereof. R.S., c. 9, s. 63.

GENERAL.

87. The court shall, upon sufficient cause being shown, have power, on the application of any of the parties to a petition, to extend, from time to time, the period limited by this Act, for taking any steps or proceedings by such party. R.S., c. 9, s. 64.

88. The travelling expenses of the trial judges, and all expenses incurred by the sheriff or other officer in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as ordinary travelling expenses of a judge in the province are payable by Canada. R.S., c. 9, s. 65.

89. Every person who, according to the law of the province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the superior courts of such province, may practise as attorney, solicitor or agent, and any person who, according to such law, is entitled to practise as a barrister-at-law or advocate before such courts, may practise as counsel, in the case of such petition, and all matters relating thereto, before the court or trial judges in such province. R.S., c. 9, s. 66.

90. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or the resignation of his seat, but the respondent may, notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject to the provisions of the House of Commons Act. R.S., c. 9, s. 67.

R.S., 1906.
91. All elections shall be subject to the provisions of this Act, and shall not be questioned otherwise than in accordance herewith. R.S., c. 9, s. 68.

SUMMARY TRIAL OF CORRUPT PRACTICES AT ELECTIONS.

92. If, on the trial of an election petition relating to the election of a member of the House of Commons, it is determined that any person has been guilty of a corrupt practice, within the meaning of this Act, or if, on such trial, there is in the opinion of the trial judges sufficient evidence available that any person has been guilty of such corrupt practice as aforesaid to warrant his being put on his trial, the trial judges shall order that such person shall be summoned to appear at a time and place to be fixed in such summons in order to be summarily tried for the offence, which shall be specified in the summons.

2. The time so fixed shall not be more than thirty days from the date of the summons, and the place shall be the nearest convenient court house or other available room. R.S., c. 9, s. 69.

93. The trial judges may, by recognizance, bind such person to appear at the said time and place to be tried, and may, by recognizance, bind any person whom they consider necessary to be examined touching the matter, to attend at the said time and place, and give evidence upon the trial.

2. Any such recognizance shall be of the same effect, and any forfeiture thereof shall be enforced in the like manner, and any refusal to enter into the same shall entail the same consequences, as if the recognizance had been given or required in any of the superior courts having criminal jurisdiction within the province in which the election was held. R.S., c. 9, s. 70.

94. No such summons, in respect of a corrupt practice, shall be issued or prosecuted if it appears to the trial judges that a criminal prosecution for the same matter against the same person has been tried before the issue of the summons. R.S., c. 9, s. 84.

95. Upon the issue of any such summons, any criminal prosecution pending in any other court in respect of the same matter shall be stayed. R.S., c. 9, s. 85.

96. The trial judges shall, forthwith after the issue of such summons report to the Secretary of the province in which the election was held, for the information of the Lieutenant Governor, and also to the Secretary of State of Canada, for the information of the Governor General, the fact of the issuing thereof. R.S., c. 9, s. 71.

97. The county attorney, or other officer on whom, in case the person had been charged with an indictable offence, the like duty R.S., 1906.
duty would have devolved, shall subpoena to attend at the trial the witnesses who, at the trial of the election petition, deposed to any facts material to the charge, and such other witnesses as he thinks requisite to prove the charge. R.S., c. 9, s. 72.

98. The Attorney General of Canada shall instruct counsel to assist the local authorities in the due prosecution of the accused. R.S., c. 9, s. 73.

99. If the accused, being duly served a reasonable time before the time fixed for the trial, or being bound by recognizance to appear to be tried, fails to appear at the time and place fixed for the trial, the trial may be proceeded with in his absence. R.S., c. 9, s. 74.

100. One of the trial judges, or, if neither of them is able to attend, then, at the request of the trial judges or one of them, some judge competent under this Act to sit on the trial of an election petition for any district of the province within which the electoral district in question is situate, or one of the judges of a superior court having criminal jurisdiction within such province, shall, without a jury and in a summary manner, try the accused, and shall, after hearing the counsel for the prosecution and also, if the accused is present, such accused or his counsel, and also such evidence as is adduced on either side, give such judgment as to law and justice appertains. R.S., c. 9, s. 75.

101. The judge trying the accused shall be received and attended at the trial in the same manner, as far as circumstances admit, as if a sitting were being held of the provincial court of which he is a member. R.S., c. 9, s. 76.

102. The travelling expenses of the judge trying the accused, and any expenses necessary incurred by the sheriff or other officer in connection with the trial, shall be defrayed out of any moneys provided by Parliament for the purpose. R.S., c. 9, s. 77.

103. The judge trying the accused shall be, for all the purposes of the trial and the proceedings connected therewith, or relating thereto, a court of record, and shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge sitting in any superior court having criminal jurisdiction within the province; and the record of any such case shall be filed in the same manner as indictments among and as a part of the records of such superior court. R.S., c. 9, s. 78.

R.S., 1906.
104. Witnesses shall be summoned or subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in cases in a superior court having criminal jurisdiction within the province. R.S., c. 9, s. 79.

105. Any witness, summoned or subpoenaed to attend and give evidence at the trial, whether for or against the accused, shall be bound to attend, and remain in attendance throughout the whole trial; and if he fails so to do, he shall be held guilty of contempt of court and may be proceeded against therefore accordingly. R.S., c. 9, s. 80.

106. Upon proof to the satisfaction of the summary trial court of the service of the subpoena upon any witness who fails to attend, and that the presence of such witness is material to the ends of justice, the summary trial court may, by its warrant, cause such witness to be apprehended and forthwith brought before it to give evidence and to answer for his disregard of the subpoena; and such witness may be detained on such warrant before the summary trial court or in the common gaol with a view to secure his presence as a witness, or in the discretion of the summary trial court he may be released on a recognizance with or without sureties conditioned for his appearance to give evidence and to answer for his default in not attending as for a contempt.

2. The summary trial court may, in a summary manner examine into and dispose of the charge of contempt against such witness, who, if found guilty thereof, shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding ninety days, with or without hard labour, or to both. R.S., c. 9, s. 81.

107. In case of conviction of a corrupt practice the offender shall be sentenced to imprisonment in the common gaol for a term not exceeding three months, with or without hard labour, and to a fine not exceeding two hundred dollars and to pay the costs of the prosecution which shall be taxed by the proper officer under the direction of the summary trial court; and, if the said fine and costs are not paid before the expiration of such term, then to imprisonment for such further time as they remain unpaid, not exceeding three months. R.S., c. 9, s. 82.

108. All fines recovered under this Act shall belong to His Majesty for the public uses of Canada. R.S., c. 9, s. 83.

109. No person tried under the provisions of this Act for any such corrupt practice shall be subject to be otherwise criminally prosecuted in respect of the same matter; but nothing in this section contained shall affect any disqualification imposed on such person under the operation of any statute. R.S., c. 9, s. 86.
**SCRUTINY IN PRINCE EDWARD ISLAND.**

110. In the province of Prince Edward Island a petition under this Act complaining of an undue or improper election or return of any candidate may, if presented not later than twenty days after the day of publication in the Canada Gazette of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, be limited to a demand for a scrutiny of the votes polled at such election and which have been marked 'objected to'; and in case such petition is so limited, no other questions as to the undue return shall, in the proceedings under such petition for a scrutiny, be entered upon, excepting the scrutiny and determination of the validity of such objected votes properly brought before the court for its determination. 63-64 V., c. 13, s. 1.

111. The judges of the court in Prince Edward Island, or a majority of them, may make all such rules and regulations as may be necessary to effectually carry out the provisions for a scrutiny and to ensure a proper scrutiny of all objected votes polled for any candidate at the election, properly brought before them for scrutiny and adjudication, and to this end may prescribe the times within which the names of the voters whose votes have been challenged and objected to shall be given by the petitioner to the candidate declared elected and by the latter to the petitioner, and such other particulars as they deem proper for the trial and determination of such scrutiny. 63-64 V., c. 13, s. 2.

112. At the close of such scrutiny the trial judges shall confirm or amend the return of the returning officer as they adjudge and determine, and declare which candidate has been duly elected; and such confirmation or amended return shall be certified by them to the Clerk of the Crown in Chancery, or to the Speaker of the House of Commons, and shall take the place of, and be substituted for, the return of the returning officer; and such trial judges shall make such order as to the costs as they think proper. 63-64 V., c. 13, s. 3.

113. The filing of such limited petition for a scrutiny shall in no way affect or prejudice the right of any voter to file and prosecute any other election petition on any other ground under this Act. 63-64 V., c. 13, s. 4.
SCHEDULE.

(Form of Affidavit on Production of Books and Papers.)

In the (name of court)

Election for holden on the day of A.D.

I, of make oath and say:—

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed;

2. I object to produce the said documents set forth in the second part of the said first schedule;

3. (State upon what grounds objection is made, and verify the facts as far as may be);

4. I have had, but have not now, in my possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed;

5. The last mentioned documents were last in my possession or power on (state when);

6. (State what has become of the last mentioned documents, to whom they have been given, and in whose possession they now are);

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

Sworn, &c.

(Annex the schedules mentioning the documents in question.)

R.S., c. 9, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

181

R.S., 1906.
CHAPTER 8.

An Act respecting inquiries as to Corrupt Practices at Elections of Members of the House of Commons.

SHORT TITLE.

1. This Act may be cited as the Corrupt Practices Inquiries Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'election' means an election of a member of the House of Commons of Canada;
   (b) 'elector' means a person entitled to vote at such election.

COMMISSION OF INQUIRY.

3. Whenever the House of Commons, by address represents to the Governor General,—
   Upon address of Commons.
   (a) that a judge in his report on the trial of an election petition under the Dominion Controverted Elections Act, states that corrupt practices have, or that there is reason to believe that corrupt practices have extensively prevailed at the election, or that he is of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to whether corrupt practices have extensively prevailed is desirable; or,
   (b) that a petition has been, within the time specified in the section next following, presented to the House of Commons, signed by any twenty-five or more electors of the district, stating that no petition charging the existence of corrupt practices has been presented under the Dominion Controverted Elections Act, and that corrupt practices have, or that there is reason to believe that corrupt practices have extensively prevailed at the election; and by such address prays the Governor General to cause inquiry to be made under this Act,—
   (c) by one or more judges of the Supreme Court of Canada; or,
   (d) by one or more judges competent under the Dominion Controverted Elections Act to try an election petition in R.S., 1906.
the province within which the district in question is situate; or,

(e) by one or more barristers-at-law or advocates of not less than seven years’ standing, and not holding any office or place of profit under the Crown, or by one or more county court judges, named in such address;

the Governor General may appoint one or more of the persons named or referred to in such address to be a commissioner or commissioners for the purpose of making inquiry into the existence of such corrupt practices. R.S., c. 10, s. 1.

4. Such petition shall be presented to the House of Commons,—

(a) within sixty days after the publication in the Canada Gazette, of the notice of the return of the writ of election by the Clerk of the Crown in Chancery, if Parliament is sitting at the expiry of such sixty days; or,

(b) if Parliament is not then sitting, within the first fourteen days of the session then next ensuing. R.S., c. 10, s. 1.

5. Every such petition shall have annexed thereto a declaration under the Canada Evidence Act, by the petitioners, stating that they are electors of the district and that the allegations of the petition are true to the best of their knowledge and belief. R.S., c. 10, s. 1.

6. In case of the appointment of more than one commissioner and any of the commissioners so appointed die, resign or become incapable to act, any remaining commissioner or commissioners may act in such inquiry as if he or they had been solely appointed. R.S., c. 10, s. 1.

7. All the provisions of this Act as to any inquiry thereunder shall apply to such remaining commissioner or commissioners as if no other commissioner or commissioners had been originally appointed, and also to any person originally appointed sole commissioner. R.S., c. 10, s. 1.

DEPOSIT.

8. The person or persons presenting a petition to the House of Commons under this Act, shall deposit with the accountant of the House the sum of one thousand dollars.

2. There shall be attached to the said petition, on its presentation, a certificate given under the hand of the said accountant, certifying that the said deposit of one thousand dollars has been duly made.

3. The House of Commons shall not receive such petition unless such deposit has been made. R.S., c. 10, s. 15.
Corrupt Practices Inquiries.  Chap. 8.  3

OATH BY COMMISSIONERS.

9. Every commissioner shall, before acting as such, take an oath in the form following, that is to say:—"I, A. B., do swear that I will truly and faithfully execute the powers and trusts vested in me by the Corrupt Practices Inquiries Act, according to the best of my knowledge and judgment. So help me God." R.S., c. 10, s. 2.

10. Every such oath shall be taken before a judge of the Supreme Court of Canada or before a judge competent to try an election petition for any district of the province within which the district in question is situate. R.S., c. 10, s. 2.

SECRETARY AND CLERKS TO COMMISSION.

11. The commissioners may appoint a secretary and so many clerks, messengers and officers as are thought necessary by the Minister of Justice for the purpose of conducting the inquiry to be made by them.

2. The remuneration of such persons shall be fixed by the Governor in Council. R.S., c. 10, s. 3.

DUTIES AND POWERS OF COMMISSIONERS.

12. The commissioners shall, upon their appointment or within a reasonable time afterwards, from time to time, hold meetings for the purposes of the inquiry at some convenient place within the district or within ten miles thereof, and may adjourn such meetings from time to time, and from place to place, within the district or within ten miles thereof, as to them seems expedient. R.S., c. 10, s. 4.

13. The commissioners shall give notice of their appoint-ment and of the time and place of holding their first meeting by publishing the same in two newspapers in general circulation in the district or the neighbourhood thereof. R.S., c. 10, s. 4.

14. The commissioners shall not adjourn the inquiry for any period exceeding one week, without the approbation of the Minister of Justice, and may, with the approbation of the said Minister, hold meetings for the purposes of deliberation, in the capital city of the province within which the district is situate, or in the city of Ottawa, and adjourn the same, from time to time, as they deem proper. R.S., c. 10, s. 4.

15. The commissioners may, by a summons under their hands and seals, or under the hand and seal of any one of them, require the attendance before them, at a place and at any reason-able time specified in the summons, of any person whose evi-dence they may think material to the subject-matter of the in-

R.S., 1906.

query, and require any person to bring before them such books, papers, deeds and writings as appear necessary for arriving at the truth of the matters to be inquired into.

2. All such persons, upon the service on them of any such summons, shall attend the commissioners, as required by such summons, and shall answer all questions put to them by the commissioners touching the matters to be inquired into, and shall produce all books, papers, deeds and writings required of them and in their custody or under their control according to the tenor of the summons. R.S., c. 10, s. 7.

16. Any such summons may be served on any person by the delivery of a copy of the same to him or by leaving such copy at his usual place of abode. R.S., c. 10, s. 10.

17. If any person on whom a summons has been served, fails to appear before the commissioners at the time and place specified, any one of the commissioners, if they are judges of any of the courts hereinbefore referred to, and any court of which any one of them is a member, may proceed against the person so failing in the same manner as if he had failed to obey any writ of subpoena, or any process lawfully issuing from the court to which such judge belongs, or from such judge. R.S., c. 10, s. 10.

18. If the commissioners are not such judges, they may certify such default of appearance under their hands and seals, or under the hand and seal of any one of them, to any judge competent to sit at the trial of an election petition under the Dominion Controverted Elections Act, in the province within which the district in question is situate, or to the court of which such judge is a member, and such court or judge shall proceed against such person in manner aforesaid. R.S., c. 10, s. 10.

19. If any person so summoned refuses to be sworn or to make answer to any question put to him by the commissioners holding any such inquiry touching the matters in question, or to produce and show to such commissioners any papers, books, deeds or writings in his possession or under his control, which such commissioners deem necessary to be produced, or if any person is guilty of any contempt of the commissioners, or their office, the commissioners shall have the same powers, to be exercised in the same way, as any such court or judge, under like circumstances arising in the course of proceedings in an election petition under the said Act might, by law, exercise in that behalf. R.S., c. 10, s. 10.

20. All officers concerned in the administration of justice shall give their aid and assistance in matters within the scope of their duty to the commissioners in the execution of their office. R.S., c. 10, s. 10.

R.S., 1906.
21. The commissioners or one of them shall administer an oath or an affirmation, where an affirmation would be permitted in a court of justice, to every person examined before them. R.S., c. 10, s. 8.

22. The commissioners may, if they deem fit, award to any witness summoned to appear before them, a reasonable sum for travelling expenses and maintenance, according to a scale which shall be fixed by the Governor in Council, and they shall certify to the Minister of Justice the name of any such witness and the sum awarded. R.S., c. 10, s. 11.

23. The commissioners shall, by all such lawful means as to them appear best, with a view to the discovery of the truth, inquire into the manner in which the election, or, if the report or petition has referred to two or more elections, the latest of such elections, has been conducted, and whether any corrupt practices have been committed at such election, and, if so, the nature and particulars of such corrupt practices. R.S., c. 10, s. 5.

24. If the commissioners find that corrupt practices have been committed at the election into which they are authorized to inquire, they may make the like inquiries concerning the latest previous election, and so, in like manner, from election to election as far back as they think fit.

2. If, upon inquiry concerning any election, they do not find that corrupt practices have been committed thereat, the commissioners shall not inquire concerning any previous election. R.S., c. 10, s. 5.

WITNESS NOT EXCUSED FROM ANSWERING.

25. When any witness answers every question relating to the matters aforesaid which he is required to answer, and the answer to which may criminate, or tend to criminate him, he shall be entitled to receive from the commissioners, under their hands, a certificate stating that he was, upon his examination, required by them to answer one or more questions relating to the matters aforesaid, the answer or answers to which criminated, or tended to criminate him, and had answered every such question. R.S., c. 10, s. 9.

26. No statement made by any person in answer to any question put by the commissioners shall, except in the case of an indictment for perjury, be admissible in evidence in any legal proceeding. R.S., c. 10, s. 9.

27. If any information, indictment or penal action is at any time after an inquiry pending in any court against such witness in respect of any corrupt practices committed by him previously R.S., 1906. 
previously to the time of his giving his evidence, at any election concerning which he has been so examined, the court shall, on production and proof of such certificate, stay such proceedings, and may, in its discretion, award to him any costs to which he has been put. R.S., c. 10, s. 9.

REPORTS.

28. The commissioners shall, from time to time, report to the Governor General the evidence taken and what they find concerning the premises. R.S., c. 10, s. 5.

29. The commissioners shall report with respect to each election the names of all persons whom they find to have been guilty of any corrupt practice thereat, with the particulars thereof, and all other things whereby in their opinion the truth may be better known touching the premises. R.S., c. 10, s. 5.

30. Every such report shall be submitted to Parliament,—
   (a) within fourteen days after such report is made, if Parliament is sitting at the expiration of the said period of fourteen days; or,
   (b) if Parliament is not then sitting, within fourteen days from the time of the next meeting of Parliament after such report is made. R.S., c. 10, s. 6.

PROCEEDINGS ON REPORT.

31. Whenever it appears by the report of the commissioners under this Act that any person named by them has been guilty of a corrupt practice and has not been furnished by them with a certificate of indemnity, such report with the evidence taken by the commissioners, shall be laid before the Attorney General of Canada, who shall, if in his opinion there is sufficient evidence available for a prosecution, certify such opinion to the Secretary of State, who shall thereupon communicate the report with the evidence to the Lieutenant Governor of the province in which the election was held. R.S., c. 10, s. 14.

32. The Attorney General of Canada shall instruct counsel to assist in any prosecution which is thereon instituted by the local authorities charged with the administration of justice. R.S., c. 10, s. 14.

33. Whenever, by the report of the commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was not well founded, and that corrupt practices had not extensively prevailed within the electoral district referred to in the petition, at

R.S., 1906.
at the election referred to therein, the sum of one thousand dollars deposited as aforesaid or so much thereof as is required for the purpose, shall be applied to pay the expenses of the inquiry, and the balance remaining, after paying such expenses, shall be paid to the person or persons who made such deposit. R.S., c. 10, s. 16.

34. Whenever, by the report of the commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was well founded and that corrupt practices had extensively prevailed within the electoral district referred to in the petition, at the election referred to therein, the said sum of one thousand dollars shall be paid back to the person or persons who deposited the same. R.S., c. 10, s. 17.

35. Every commissioner shall, after having made his report, lay before the Governor in Council a statement of the number of days he has actually been engaged in connection with the inquiry together with an account of his travelling or other expenses. R.S., c. 10, s. 12.

36. The Governor in Council may order the payment of the necessary expenses of any inquiry under this Act; and every commissioner not being a judge shall be paid at the conclusion of the inquiry, besides his travelling and other expenses, such sum as is fixed by the Governor in Council. R.S., c. 10, s. 12.

37. Any payment by this Act authorized shall be made out of any moneys provided by Parliament for that purpose. R.S., c. 10, s. 12.

38. The commissioners shall have such and the like protection and privileges in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as are given by any Act in force to justices of the peace acting in the execution of their office. R.S., c. 10, s. 13.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

189 R.S., 1906.
CHAPTER 9.

An Act to Disfranchise Voters who have taken Bribes.

SHORT TITLE.

1. This Act may be cited as the Disfranchising Act.

INTERPRETATION.

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

(a) 'voter' means any person whose name is upon any voters' list in force under the provisions of the Dominion Elections Act, or any person entitled to vote at an election of a member of the House of Commons, or who has voted at such an election;

(b) 'clerk of the court' has the same meaning as it has in the Dominion Controverted Elections Act. 57-58 V., c. 14, s. 19.

CONSTITUTION OF COURT.

3. In each province, the court which, under the Dominion Controverted Elections Act, has power, jurisdiction and authority, with reference to election petitions therein, shall be held to be and is hereby constituted a court for the purposes of this Act. 57-58 V., c. 14, s. 1.

4. The several officers of the court for the trial of controverted elections shall be, respectively, officers of the court constituted by this Act. 57-58 V., c. 14, s. 4.

PROCEDURE.

5. Whenever on a day, not less than forty days and not more than sixty days after the day on which an election is held under the Dominion Elections Act, a petition, in the form or to the effect set out in and signed in conformity with the provisions of the next following section, has been presented to the court, stating that bribery has extensively prevailed at the election, the court, if satisfied from the affidavits produced that such bribery has been so practised at such election, shall, within thirty days, assign one of its judges for the purpose of making inquiry under this Act. 57-58 V., c. 14, s. 2.

6. Such petition may be in form A in the schedule to this Act, and shall be signed by five voters or more of the electoral district where the election has been held.

2. Each voter signing the same shall add to his name his postal address.

3. All the petitioners shall make affidavit in the form B of the schedule to this Act, stating that they are such voters and that the allegations in the petition are true to the best of their knowledge and belief.

4. Such affidavit shall be annexed to the petition. 57-58 V., c. 14, s. 2.

7. No petition under this Act shall be received unless the sum of one thousand dollars is deposited therewith, to be applied under the direction of the court, in defraying the expenses of the inquiry. 57-58 V., c. 14, s. 17.

8. The presentation of a petition shall be deemed to be complete upon its being left, together with the deposit aforesaid, with the clerk of the court. 57-58 V., c. 14, s. 17.

9. Notwithstanding anything in this Act, where in any electoral district an election petition has been filed under the Dominion Controverted Elections Act, no petition shall be filed under this Act, until such election petition has been abandoned or disposed of. 57-58 V., c. 14, s. 21.

10. The judges of the court shall, if the same is not prescribed by law or the practice of the court, arrange the rotation or order in which any duties assigned by this Act to a single judge shall be performed by the judges of the court respectively. 57-58 V., c. 14, s. 3.

11. The judges of every court constituted for the purposes of this Act, or a majority of them, may, from time to time, make, revoke and alter general rules and orders, for the effectual execution of this Act and of the intention and object thereof.

2. Any general rules and orders so made and not inconsistent with this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were herein enacted.

3. Such rules shall include regulations respecting the appearance of solicitors and counsel, and the several parties who may take part in the inquiry and be represented thereat. 57-58 V., c. 14, s. 7.

12. The judge shall, upon his appointment, or within a reasonable time thereafter, from time to time hold meetings for the purposes of the inquiry, at some convenient place within the electoral district, and may adjourn such meetings from time to time.

R.S., 1906.
time to time and from place to place within the said electoral district.

2. The clerk of the court shall give notice of the time and place of holding the first meeting by mailing such notice to each of the electors who have signed the petition, at least fourteen days before the first meeting is held. 57-58 V., c. 14, s. 5.

13. It shall be the duty of the judge to endeavour, by all lawful means, to ascertain the persons who have taken bribes at the last election. 57-58 V., c. 14, s. 6.

14. Every voter shall be held to have taken a bribe within the meaning of this Act who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, or agrees, or contracts for, any money, gift, loan or valuable consideration, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election or, who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting. 57-58 V., c. 14, s. 16.

15. All persons duly summoned shall attend and answer all questions put to them touching the matters to be inquired into, and shall produce all books, papers, deeds and writings required of them and in their custody or under their control. 57-58 V., c. 14, s. 8.

16. The evidence shall be taken under oath. 57-58 V., c. 14, s. 9.

17. The judge sitting in such inquiry shall be a court of record. 57-58 V., c. 14, s. 10.

18. The presentation of the petition shall be prima facie evidence of the allegations therein, except as to the allegation that bribery prevailed at the election. 57-58 V., c. 14, s. 11.

19. All witnesses shall be entitled to be paid, in the first instance, by the party by whom they are summoned, fees or conduct money as in an ordinary action in the court.

2. The judge shall allow the fees of all material witnesses out of the money in court, if the same have not already been paid to such witnesses. 57-58 V., c. 14, s. 12.

Finding and Report.

20. The finding or decision in respect to any voter shall be made by the judge in open court, at the close of the evidence, or at such future time and place as he then fixes for that purpose.
pose: but he shall not decide that any voter has taken a bribe unless and until he is satisfied that such voter has been served with a notice of the charge against him, and has had an opportunity of meeting it, or that it was impossible to give him such notice by reason of his intentionally evading service. 57-58 V., c. 14, s. 13.

21. The judge shall, within ten days after the time within which an appeal may be taken under this Act, report to the Secretary of State the name of every voter whom he finds to have taken a bribe and who has not duly appealed from his finding. 57-58 V., c. 14, s. 14.

22. The Secretary of State shall publish the report in the Canada Gazette and forthwith furnish a copy of such report to the custodian of the provincial voters' list, if any, upon which the name of any voter so reported appears, and it shall be the duty of the custodian forthwith to strike such name off the list for the purposes of Dominion elections and to notify the fact to the Clerk of the Crown in Chancery, who shall thereupon strike such name off the corresponding list in his custody; and the same shall also be struck out in every printed copy of such list thereafter issued by him or by the King's Printer under Part I. of the Dominion Elections Act.

2. Thereafter, for and during the term of seven years hereinafter mentioned, such custodian shall strike the name of such voter off every copy of a voters' list transmitted by him to the Clerk of the Crown in Chancery, pursuant to said Part I., upon which such name appears. 57-58 V., c. 14, ss. 14 and 15.

23. A copy of such report, certified by the Secretary of State, shall be received by the custodian of the provincial list as evidence of the facts therein stated. 57-58 V., c. 14, s. 14.

24. Any report made under this Act shall be laid before Parliament within fourteen days after it is received by the Secretary of State, if Parliament is sitting, or, if Parliament is not then sitting, within fourteen days after the then next meeting of Parliament. 57-58 V., c. 14, s. 18.

25. No voters whom the judge reports to have taken bribes shall be capable of voting at any election of a member of the House of Commons held during the seven years next after the report has been received by the Secretary of State. 57-58 V., c. 14, s. 15.

APPEALS.

26. From any finding or decision of the court or judge disfranchising any voter, such voter shall, within thirty days after such finding or decision, have a right to appeal,—

R.S., 1906.
Disfranchising of Voters.  

Chap. 9.

5

(a) in the province of Ontario, to one of the divisions of the High Court of Justice;
(b) in the province of Quebec, to the ordinary courts of review or appeal;
(c) in the province of Nova Scotia, New Brunswick, Prince Edward Island, or British Columbia, to the Supreme Court in banc of the province;
(d) in the province of Manitoba, to the Court of Appeal;
(e) in the province of Saskatchewan or Alberta, to the Supreme Court of the Northwest Territories in banc pending the abolition of that Court by the legislature of the province, and, thereafter to such superior court of justice in banc as, in respect of the civil jurisdiction of the said Court, is established for the province in lieu thereof; and,
(f) in the Yukon Territory, to the Territorial Court in banc.

2. Such appeals shall be carried on under the provisions of the rules of court made pursuant to this Act. 57-58 V., c. 14, s. 20; 4-5 E. VII., c. 3, s. 16; c. 42, s. 16; 6 E. VII., c. 4, s. 7.

27. After the final disposal of any appeal, the clerk of the court of appeal shall forthwith report to the Secretary of State the name of every voter who under the decision upon the said appeal is held to have been guilty of taking a bribe.

2. Upon such report the like proceedings shall be had as are required by this Act in the case of the report of a judge. 57-58 V., c. 14, s. 20.

SCHEDULE.

Form A.

Petition.

Electoral district of

The petition of A, B, C, D and E, of the said electoral distric-t of showeth:

1. That they are duly qualified voters in the said electoral district;
2. That an election in the said electoral district took place, and that the polling was held on the day of , 19 , for the election of a member of the House of Commons of Canada;
3. That in the said election were candidates;
Chap. 9. Disfranchising of Voters.

4. That bribery extensively prevailed at the said election;
5. That the post office address of each of your petitioners is opposite his signature.

A. P. O. address
B. "
C. "
D. "
E. "

57-58 V., c. 14, form A.

Form B.

Affidavit.

Electoral district of

I, , make oath and say that I am one of the petitioners named in the foregoing petition and that the facts set forth therein are true to the best of my knowledge and belief.

Sworn before me at in the county of , this day of , 19.

57-58 V., c. 14, form B.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
An Act respecting the Senate and House of Commons.

CHAPTER 10.

SHORT TITLE.

1. This Act may be cited as the Senate and House of Commons Act.

DEMISE OF THE CROWN.

2. No parliament of Canada shall determine or be dissolved by the demise of the Crown, but such parliament shall continue, and may meet, convene and sit, proceed and act, notwithstanding the demise of the Crown, in the same manner as if such demise had not happened. R.S., c. 11, s. 1.

3. Nothing in the next preceding section shall alter or abridge the power of the Crown to prorogue or dissolve the Parliament of Canada. R.S., c. 11, s. 2.

PRIVILEGES AND IMMUNITIES OF MEMBERS AND OFFICERS.

4. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise—

(a) such and the like privileges, immunities and powers as, at the time of the passing of The British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and,

(b) such privileges, immunities and powers as are from time to time defined by Act of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively. R.S., c. 11, s. 3.

5. Such privileges, immunities and powers shall be part of the general and public law of Canada, and it shall not be necessary to plead the same, but the same shall, in all courts in Canada, and by and before all judges, be taken notice of judicially. R.S., c. 11, s. 4.

6. Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons or of any member thereof respectively, any copy of the journals of the Senate or House of Commons, printed or purported to be printed by the order of the Senate or House of Commons, shall be admitted as evidence of such journals by all courts, justices and others, without any proof being given that such copies were so printed. R.S., c. 11, s. 5.

REPORT AND PROCEEDINGS.

7. Any person who is a defendant in any civil or criminal proceedings commenced or prosecuted in any manner for or on account of or in respect of the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of the Senate or House of Commons, may bring before the court in which such proceedings are so commenced or prosecuted, or before any judge of the same, first giving twenty-four hours’ notice of his intention so to do to the prosecutor or plaintiff in such proceedings, or to his attorney or solicitor, a certificate under the hand of the Speaker or Clerk of the Senate or House of Commons, as the case may be, stating that the report, paper, votes or proceedings, as the case may be, in respect whereof such civil or criminal proceedings have been commenced or prosecuted, was or were published by such person or by his servant, by order or under the authority of the Senate or House of Commons, as the case may be, together with an affidavit verifying such certificate.

2. Such court or judge shall thereupon immediately stay such civil or criminal proceedings, and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this Act. R.S., c. 11, s. 6.

8. If any civil or criminal proceedings are commenced or prosecuted for or on account of or in respect of the publication of any copy of such report, paper, votes or proceedings, the defendant, at any stage of the proceedings, may lay before the court or judge, such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy.

2. The court or judge shall thereupon immediately stay such civil or criminal proceedings, and the same and every writ or process issued therein, shall be and shall be deemed to be finally put an end to, determined and superseded by virtue of this Act. R.S., c. 11, s. 7.

9. In any civil or criminal proceedings commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, such report, paper, votes or proceedings may be given in evidence, and it may be shown that

R.S., 1906.
such extract or abstract was published bona fide and without extracts, etc., malice, and, if such is the opinion of the jury, a verdict of not guilty shall be entered for the defendant. R.S., c. 11, s. 8.

INDEPENDENCE OF PARLIAMENT.

Members of the House of Commons.

10. Except as hereinafter specially provided,—

(a) no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument, or profit of any kind is attached; and,

(b) no sheriff, registrar of deeds, clerk of the peace, or county crown attorney in any of the provinces of Canada, shall be eligible as a member of the House of Commons, or shall sit or vote therein. R.S., c. 11, s. 9.

11. Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the officers of the Government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto. R.S., c. 11, s. 9.

12. Nothing in this Act contained shall render ineligible, as aforesaid, any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of Inland Revenue, Minister of Customs, Minister of Marine and Fisheries, Minister of Trade and Commerce or Solicitor General, or any office which is hereafter created, to be held by a member of the King’s Privy Council for Canada and entitling him to be a Minister of the Crown, or shall disqualify any such person to sit or vote in the House of Commons, if he is elected while he holds such office and is not otherwise disqualified. R.S., c. 11, s. 9; 50-51 V., c. 10, s. 1, and c. 14, ss. 1, 3.

13. Whenever any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public

R.S., 1906.
Public Works, Postmaster General, Minister of Agriculture, Minister of Inland Revenue, Minister of Customs, Minister of Marine and Fisheries, Minister of Trade and Commerce or Solicitor General, or any office which is hereafter created, entitling him to be a Minister of the Crown, and being at the same time a member of the House of Commons, resigns his office, and, within one month after his resignation, accepts any of the said offices, he shall not thereby vacate his seat, unless the administration of which he was a member has resigned, and a new administration has been formed and has occupied the said offices. R.S., c. 11, s. 9; 50-51 V., c. 10, s. 1, and c. 14, s. 4.

14. No person, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid, shall be eligible as a member of the House of Commons, or shall sit or vote in the said House. R.S., c. 11, s. 10.

15. If any member of the House of Commons accepts any office or commission, or is concerned or interested in any contract, agreement, service or work which, by this Act, renders a person incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada is paid or to be paid, whether such contract, agreement or sale is expressed or implied, and whether the transaction is single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void. R.S., c. 11, s. 12.

16. If any person disqualified or by this Act declared incapable of being elected to, or of sitting or voting in the House of Commons, or if any person duly elected, who has become disqualified to continue to be a member or to sit or vote, under the last preceding section of this Act, nevertheless sits or votes, or continues to sit or vote therein, he shall thereby forfeit the sum of two hundred dollars for each and every day on which he so sits or votes.

2. Such sum shall be recoverable from him by any person who sues for the same in any court of competent civil jurisdiction in Canada. R.S., c. 11, s. 13.

17. The three sections of this Act next preceding shall extend to any transaction or act begun and concluded during a recess of Parliament. R.S., c. 11, s. 14.

18. R.S., 1906.
18. In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom. In case any person, who has entered into or accepted, or who shall enter into or accept any such contract, agreement or commission, admits any member or members of the House of Commons to any part or share thereof, or to receive any benefit thereby, every such person shall, for every such offence, forfeit and pay the sum of two thousand dollars, recoverable with costs in any court of competent jurisdiction by any person who sues for the same. R.S., c. 11, s. 16.

19. This Act shall not extend to disqualify any person as a member of the House of Commons by reason of his being,—

(a) a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company which undertakes a contract for the building of any public work; or,

(b) a person on whom the completion of any contract or agreement, expressed or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months have elapsed after the same has so devolved on him; or,

(c) a contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons; or,

(d) an officer of the militia, or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind prescribed by the Militia Act, or fixed or prescribed by the Governor in Council under the provisions of the Militia Act, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction. R.S., c. 11, ss. 15, 17; 4-5 E. VII., c. 43, s. 1.

20. No person, who is a member of the Senate, shall directly or indirectly, knowingly and wilfully be a party to or be concerned in any contract under which the public money of Canada is to be paid.

2. If any person, who is a member of the Senate, knowingly and wilfully becomes a party to or concerned in any such contract. R.S., 1906.
Chap. 10. Senate and House of Commons.

contract, he shall forfeit the sum of two hundred dollars for each and every day during which he continues to be such party or so concerned.

3. Such sum may be recovered from him by any person who sues for the same, in any court of competent jurisdiction in Canada.

4. This section shall not render any senator liable for such penalties, by reason of his being a shareholder in any incorporated company, having a contract or agreement with the Government of Canada, except any company which undertakes a contract for the building of any public work. R.S., c. 11, s. 18.

Members of the Senate and of the House of Commons.

21. No member of the Senate or of the House of Commons shall receive or agree to receive any compensation, directly or indirectly, for services rendered, or to be rendered, to any person, either by himself or another, in relation to any bill, proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter before the Senate or the House of Commons, or before a committee of either House, or in order to influence or to attempt to influence any member of either House.

2. Every member of the Senate offending against this section shall be liable to a fine of not less than one thousand dollars and not more than four thousand dollars; and every member of the House of Commons offending against this section shall be liable to a fine of not less than five hundred dollars and not more than two thousand dollars, and shall for five years after conviction of such offence be disqualified from being a member of the House of Commons, and from holding any office in the public service of Canada.

3. Any person who gives, offers, or promises to any such member any compensation for such services as aforesaid, rendered or to be rendered, is guilty of an indictable offence, and liable to one year's imprisonment and to a fine of not less than five hundred dollars and not more than two thousand dollars. 6 E. VII., c. 49, s. 1.

Limitation of Actions.

22. No person shall be liable to any forfeiture or penalty imposed by this Act, unless proceedings are taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred. R.S., c. 11, s. 19.

Examination of Witnesses.

23. The Senate or the House of Commons may administer an oath to any witness examined at the bar of the Senate or of the said House. 57-58 V., c. 16, s. 2.

R.S., 1906.
24. The Senate or the House of Commons may at any time order witnesses to be examined on oath before any committee. 57-58 V., c. 16, s. 4.

25. Any committee of the Senate or of the House of Commons may administer an oath to any witness examined before such committee. 57-58 V., c. 16, s. 3.

26. Where any witness to be examined under this Act conscientiously objects to take an oath, he may make his solemn affirmation and declaration. 57-58 V., c. 16, s. 6.

27. Any solemn affirmation and declaration so made shall be of the same force and effect, and shall entail the same consequences, as an oath taken in the usual form. 57-58 V., c. 16, s. 6.

28. Every such oath or affirmation shall be in the forms Form A and B respectively in the schedule to this Act. R.S., c. 11, s. 23.

29. Any person examined as aforesaid who wilfully gives false evidence shall be liable to the penalties of perjury. 57-58 V., c. 16, s. 5.

30. Any oath or affirmation under this Act may be administered by,—
(a) the Speaker of the Senate or of the House of Commons;
(b) the chairman of any committee of the Senate or House of Commons; or,
(c) such person or persons as may from time to time be appointed for that purpose, either by the Speaker of the Senate or by the Speaker of the House of Commons, or by any standing or other order of the Senate or House of Commons respectively. 57-58 V., c. 16, s. 7.

31. The following salaries shall be payable, respectively:—
(a) To the Speaker of the Senate, the sum of four thousand dollars per annum;
(b) To the Speaker of the House of Commons, the sum of four thousand dollars per annum. R.S., c. 11, s. 24.

32. For every session of Parliament which extends beyond thirty days, there shall be payable to each member of the Senate and House of Commons attending at such session a sessional allowance of two thousand five hundred dollars and no more. 4-5 E. VII., c. 43, s. 2.

33. R.S., 1906.
33. A member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance; but his allowance for any less number of days shall be twenty dollars for each day's attendance. 4-5 E. VII., c. 43, s. 4.

34. The said allowance may be paid on the last day of each month, to the extent of ten dollars for each day's attendance, but the remainder shall be retained by the clerk or accountant of the proper House, until the close of the session, when the final payment shall be made. 4-5 E. VII., c. 43, s. 5.

35. A deduction at the rate of fifteen dollars per day shall be made from such sessional allowance, for every day beyond fifteen on which the member does not attend a sitting of the House of which he is a member, if the House sits on such day: Provided that in the case of a member elected or appointed after the commencement of a session, no day of the session previous to such election or appointment shall be reckoned as one of such fifteen days.

2. Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, or on which the member is in the place where the session is held but is by reason of his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such session, for the purposes of the indemnity; and a member shall, for the said latter purpose, be held to be in the place where the session is held whenever he is within ten miles of such place. 62-63 V., c. 12, s. 1; 4-5 E. VII., c. 43, s. 9; 6 E. VII., c. 48, s. 1.

36. In the calculation of any deduction from any member's sessional allowance on account of absence, days which were spent by such member on duty with his corps in a regularly organized militia camp or in travelling between Ottawa and such camp shall not be computed. 62-63 V., c. 12, s. 2.

37. Whenever any person is a member of either House for more than thirty days during any session, though such person may be a member for a part only of such session, he shall be entitled to his sessional allowance, subject to the deduction aforesaid for non-attendance as a member, and subject also to a deduction of fifteen dollars for each day of such session before he was elected or appointed, or after he ceased to be a member, as the case may be.

2. If he is a member for only thirty days, or less, he shall be entitled only to twenty dollars for each day's attendance at such session, whatever is the length thereof.

3. A member of either House for a part only of a session, who becomes during the session a member of the other House, shall not be entitled to more than two thousand five hundred dollars for the session. 4-5 E. VII., c. 43, s. 6.
38. In each session of Parliament of not more than thirty days' duration there shall be allowed to each member of the Senate and House of Commons attending at such session twenty dollars for each day's attendance. 4-5 E. VII., c. 43, s. 2.

39. To the member occupying the recognized position of Leader of Opposition in the House of Commons, there shall be payable an additional sessional allowance of seven thousand dollars. 4-5 E. VII., c. 43, s. 2.

40. For each session of Parliament, there shall also be allowed to each member of the Senate and of the House of Commons his actual moving or transportation expenses, and reasonable living expenses while on the journey between his place of residence and Ottawa, going and coming, once each way.

1. No such allowance shall be made for travelling outside of Canada, except from one point in Canada to another by any direct route.

2. Any member residing at a greater distance than four hundred miles from Ottawa may commute such allowance for travelling and living expenses, receiving in lieu thereof an allowance of fifteen dollars per day for each day necessarily occupied in the journey between his place of residence and Ottawa, going and coming, once each way, the day of departure and the day of arrival being counted each as a full day. 6 E. VII., c. 48, s. 2.

41. For each session of Parliament, at the end of each month and at the end of the session, each member shall furnish the Clerk of the House of which he is a member with a statement, signed by him, of the number of days' attendance during the month or session, as the case may be, for which he is entitled to the said allowance, and, in case days are included on which the member has failed to attend by reason of illness, setting forth that fact and that his absence was due to such illness and was unavoidable.

2. Every member applying for an allowance for travelling and living expenses shall furnish the Clerk of the House of which he is a member with a statement, signed by him, of his actual moving or transportation expenses, and of his living expenses, as provided for in the last preceding section, and, if the member has elected to commute such allowance under the last preceding section, a statement of the time necessarily occupied in his journeys to and from Ottawa, as provided by that section.

3. Upon the said statements being certified by the Clerk, and sworn to by the member before the accountant or assistant accountant of the House or any person authorized to take affidavits, the Clerk of the Senate or the Accountant of the House of R.S., 1906.
of Commons shall pay to the member the allowance to which he is entitled. 6 E. VII., c. 48, s. 3.

42. There is hereby granted to His Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, an annual sum sufficient to enable His Majesty to pay the amount of the sessional allowances hereinbefore mentioned. 52 V., c. 10, s. 1.

43. All moneys expended under this Act, in respect of the House of Commons, shall be expended and accounted for in the same manner as moneys for defraying the contingent expenses of the House of Commons are to be expended and accounted for under the House of Commons Act. 52 V., c. 10, s. 1.

44. Credits for all sums voted by Parliament and payable in respect of allowances to members of the Senate as hereinbefore provided, and in respect of other expenditure for the service of the Senate, shall issue from time to time.

2. Such credits shall issue on one of the banks of Canada in favour of the Clerk of the Senate and the assistant accountant of the Senate, or such other persons as the Speaker of the Senate from time to time designates for the purpose.

3. Such Clerk shall from time to time apply for such credits as he deems necessary, by an order signed by him. 52 V., c. 10, s. 1.

**SCHEDULE.**

**Form A.**

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God. R.S., c. 11, form A.

**Form B.**

I, A. B., do solemnly, sincerely and truly affirm and declare that the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely and truly affirm and declare, etc. 57-58 V., c. 16, s. 6.

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CHAPTER 11.

An Act respecting the House of Commons.

SHORT TITLE.

1. This Act may be cited as the House of Commons Act. Short title.

DISQUALIFICATIONS OF MEMBERS.

2. No person who, on the day of the nomination at any election to the House of Commons, is a member of any legislative council or of any legislative assembly of any province now included, or which shall be hereafter included, within the Dominion of Canada, shall be eligible as a member of the House of Commons, or shall be capable of being nominated or voted for at such election, or of being elected to or of sitting or voting in the House of Commons.

2. If any one so declared ineligible is elected and returned as a member of the House of Commons, his election shall be null and void. R.S., c. 13, s. 1; 57-58 V., c. 15, s. 2.

3. If any member of the House of Commons is elected and returned to any legislative assembly, or is elected or appointed a member of any legislative council and accepts the seat, his election as a member of the House of Commons shall thereupon become null and void, and his seat shall be vacated, and a new writ shall issue forthwith for a new election: Provided, that any member of the House of Commons, elected or appointed to a provincial legislature without his knowledge or consent, shall continue to hold his seat in the House of Commons as if no such election or appointment to a provincial legislature had been made, if, without taking his seat in the provincial legislature, and within ten days after being notified of such election or appointment, or, if he is not within the province at the time, then within ten days after his arrival within the province, he resigns his seat in such legislature, and notifies the Speaker of the House of Commons of such resignation. R.S., c. 13, s. 3.

4. If any person who is by this Act declared ineligible as a member of the House of Commons, or incapable of sitting or voting therein, so sits or votes, he shall forfeit the sum of two thousand dollars for every day he sits or votes.

207

R.S., 1906.
Recovery.

2. Such sum may be recovered by any person who sues for the same, by action in any form allowed by law in the province in which the action is brought, in any court having jurisdiction. R.S., c. 13, s. 4.

**Resignation of Members.**

5. Any member of the House of Commons may resign his seat,

(a) by giving, in his place in the House, notice of his intention to resign, in which case, and immediately after such notice has been entered by the Clerk on the journals of the House, the Speaker shall forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member resigning; or,

(b) by addressing and causing to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a session of Parliament, or in the interval between two sessions, in which case the Speaker shall, upon receiving such declaration, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member so resigning; and in either case a writ shall issue accordingly.

An entry of the declaration so delivered to the Speaker shall be thereafter made in the journals of the House. R.S., c. 13, s. 5.

6. If any member of the House of Commons wishes to resign his seat in the interval between two sessions of Parliament, and there is then no Speaker, or, if the Speaker is absent from Canada, or, if such member is himself the Speaker, he may address or cause to be delivered to any two members of the House the declaration before mentioned of his intention to resign.

Such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue accordingly. R.S., c. 13, ss. 6, 8.

7. Any member tendering his resignation in any manner hereinbefore provided, shall be held to have vacated his seat and shall cease to be a member of the House. R.S., c. 13, ss. 5, 6.

R.S., 1906.
8. No member shall tender his resignation while his election is lawfully contested, or until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery. R.S., c. 13, s. 7.

VACANCIES.

9. If any vacancy happens in the House of Commons by the death of any member, or by his accepting any office, the Speaker, on being informed of such vacancy by any member of the House in his place, or by notice in writing under the hands and seals of any two members of the House, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacancy; and a new writ shall issue accordingly. R.S., c. 13, s. 8.

10. If, when such vacancy happens, or at any time thereafter, before the Speaker’s warrant for a new writ has issued, there is no Speaker of the House, or if the Speaker is absent from Canada, or if the member whose seat is vacated is himself the Speaker, then, any two members of the House may address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member to fill such vacancy; and such writ shall issue accordingly. R.S., c. 13, s. 8.

11. A warrant may issue to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member of the House of Commons to fill any vacancy arising subsequently to a general election, and before the first meeting of Parliament thereafter, by reason of the death or acceptance of office of any member.

2. Such writ may issue at any time after such death or acceptance of office.

3. The election to be held under such writ, shall not in any manner affect the rights of any person entitled to contest the previous election.

4. The report of any judge appointed to try such previous election, or of the Supreme Court of Canada, in case of an appeal, shall determine whether the member who has so died or accepted office, or any other person was duly returned or elected thereat.

5. The determination, if adverse to the return of such member, and in favour of any other candidate, shall avoid the election held under this section, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held. R.S., c. 13, s. 9.
In case of dissolution, Speaker to act until another is chosen.

Speaker and four other Commissioners to act.

How appointed.

Quorum.

Case of death or absence of Speaker.

Estimate to be made by the Clerk.

And by the Serjeant-at-arms.

To be submitted to Speaker.

Speaker to prepare an estimate.

Estimates to be submitted to Minister of Finance.

Money payable for members.

12. The person who fills the office of Speaker at the time of any dissolution of Parliament, shall, for the purpose of the following provisions of this Act, be deemed to be the Speaker until a Speaker is chosen by the new Parliament. R.S., c. 13, s. 10.

13. The Governor in Council shall appoint four members of the King's Privy Council for Canada, who are also members of the House of Commons, who, with the Speaker of the House of Commons, shall be Commissioners for the purposes of this and the four next following sections.

2. The names and offices of such Commissioners shall be communicated by message from the Governor in Council to the House of Commons, in the first week of each session of Parliament.

3. Three of the Commissioners, whereof the Speaker of the House of Commons shall be one, may carry the said provisions into execution; and in the event of the death, disability, or absence from Canada of the Speaker during any dissolution or prorogation of Parliament, any three of the Commissioners may carry the said provisions into execution. R.S., c. 13, s. 11.

14. An estimate shall annually be prepared by the Clerk of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of the indemnity and the actual moving or transportation expenses of members, and of salaries, allowances and contingent expenses of the House, and of the several officers and clerks thereof under his direction, during the fiscal year.

2. The Serjeant-at-Arms of the House of Commons shall annually prepare an estimate of the sums which will probably be required to be provided by Parliament for the payment of salaries or allowances of the messengers, door-keepers and servants of the House under his direction, and of the contingent expenses under his direction, during such year.

3. Such estimates shall be submitted to the Speaker for his approval, and shall be subject to such approval and to such alterations as the Speaker considers proper.

4. The Speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same.

5. Such several estimates of the Clerk, Serjeant-at-Arms and Speaker shall be transmitted by the Speaker to the Minister of Finance for his approval, and shall be laid severally before the House of Commons with the other estimates for the year. R.S., c. 13, s. 12.

15. All sums of money voted by Parliament upon such estimates or payable to members of the House of Commons, under
under the Senate and House of Commons Act, shall be subject to the order of the Commissioners, or any three of them, of whom the Speaker shall be one. 52 V., c. 11, s. 1.

16. Credits for all the sums mentioned in the next preceding section shall issue from time to time according to the directions of the Commissioners.

2. The Speaker shall appoint an officer for that purpose who shall be called the Accountant of the House of Commons.

3. The credits shall issue on one of the banks of Canada in favour of the Accountant and his assistant, or of such two officers as the Commissioners from time to time designate.

4. The Commissioners shall from time to time apply for such credits as they deem necessary for that purpose in favour of the said Accountant and his assistant, or of the other officers designated by them, by an order signed by the Speaker and two others of the Commissioners. 52 V., c. 11, s. 1.

17. The officers in whose favour the credit is given shall give such security and in such form for the faithful performance of their respective duties as the Commissioners require. 52 V., c. 11, s. 1.

OFFICERS.

18. If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any clerk, officer, messenger or other person attendant on the House of Commons, the Speaker may cause an inquiry to be made into the conduct or fitness of such person.

2. If thereupon it appears to the Speaker that such person has been guilty of misconduct, or is unfit to hold his situation, the Speaker may, if such clerk, officer, messenger or other person has been appointed by the Crown, suspend him and report such suspension to the Governor General, and, if he has not been appointed by the Crown, suspend or remove him. R.S., c. 13, s. 16.

19. The Clerk of the House of Commons shall subscribe and take before the Speaker the oath of allegiance, and all other officers, clerks and messengers of the House of Commons shall subscribe and take before the Clerk of the House of Commons the oath of allegiance.

2. The Clerk of the House of Commons shall keep a register of all such oaths. R.S., c. 13, s. 17.

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CHAPTER 12.

An Act respecting the Speaker of the Senate.

1. This Act may be cited as the Speaker of the Senate’s Act. Short title.

2. Whenever the Speaker of the Senate, from illness or other cause, finds it necessary to leave the chair during any part of the sittings of the Senate on any day, he may call upon any senator to take the chair and preside as Speaker during the remainder of such day, unless he himself resumes the chair before the close of the sittings for that day. 57-58 V., c. 11, s. 1.

3. Whenever the Senate is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as the Speaker during such absence, and such senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the chair, or another Speaker is appointed by the Governor General. 57-58 V., c. 11, s. 2.

4. Every act done by any senator, acting as aforesaid, shall have the same effect and validity as if the act had been done by the Speaker himself. 57-58 V., c. 11, s. 3.

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An Act respecting the Speaker of the House of Commons.

1. This Act may be cited as the Speaker of the House of Commons Act.

2. Whenever the Speaker of the House of Commons, from illness or other cause, finds it necessary to leave the chair during any part of the sittings of the said House, on any day, he may call upon the Chairman of Committees, or, in his absence, upon any member of the House, to take the chair and to act as deputy speaker during the remainder of such day, unless he himself resumes the chair before the close of the sittings for that day. R.S., c. 14, s. 1.

3. Whenever the House is informed by the clerk at the table of the unavoidable absence of the Speaker, the Chairman of Committees, if present, shall take the chair and shall perform the duties and exercise the authority of speaker in relation to all the proceedings of the House, until the meeting of the House on the next sitting day, and so on from day to day on the like information being given to the House until the House otherwise orders: Provided that if the House adjourns for more than twenty-four hours, the deputy speaker shall continue to perform the duties and exercise the authority of speaker for twenty-four hours only after such adjournment. R.S., c. 14, s. 2.

4. If, at any time during a session of Parliament the Speaker is temporarily absent from the House, and a deputy speaker thereupon performs the duties and exercises the authority of speaker, as hereinbefore provided, or pursuant to the standing orders or other order, or a resolution of the House, every act done and proceeding taken in or by the House in the exercise of its powers and authority, shall be as valid and effectual as if the Speaker himself was in the chair. R.S., c. 14, s. 3.

5. Every act done, and warrant, order or other document issued, signed or published by such deputy speaker in relation to any act done, while deputy speaker in the chair.

R.S., 1906.
Chap. 13. Speaker of the House of Commons.

to any proceedings of the House of Commons, or which under any statute would be done, issued, signed or published by the Speaker if then able to act, shall have the same effect and validity as if the same had been done, issued, signed or published by the Speaker for the time being. R.S., c. 14, s. 3.

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CHAPTER 14.

An Act respecting the Library of Parliament.

1. This Act may be cited as the Library of Parliament Act. Short title.

2. All books, paintings, maps, and other effects in the joint possession of the Senate and House of Commons of Canada, or which are hereafter added to the existing collection, shall be vested in His Majesty, for the use of both Houses of Parliament, and shall be kept in a suitable portion of the Parliament buildings appropriated for that purpose. R.S., c. 15, s. 1.

3. The direction and control of the Library of Parliament, and of the officers and servants connected therewith, shall be vested in the Speaker of the Senate and the Speaker of the House of Commons for the time being, assisted, during each session, by a joint committee to be appointed by the two Houses. R.S., c. 15, s. 2.

4. The Speakers of the two Houses of Parliament, assisted by the joint committee, may, from time to time, make such orders and regulations for the government of the Library, and for the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein, as to them seem meet, subject to the approval of the two Houses of Parliament. R.S., c. 15, s. 3.

5. The officers and servants of the Library of Parliament shall consist of,—

(a) two officers, one of whom shall be called the General Librarian, and the other of whom shall be called the Parliamentary Librarian, which officers shall be appointed by joint commission, under the Great Seal, as librarians of Parliament, and shall each have the rank of a deputy head of a department, and equal powers as respects the control and management of the Library;
(b) two first-class clerks;
(c) two second-class clerks;
(d) three third-class clerks;
(e) one chief messenger;
(f) three messengers.

R.S., 1906.
2. All such officers and servants shall be appointed by the Governor in Council, and shall hold office during pleasure. R.S., c. 15, s. 4; 3 E. VII., c. 32, s. 1.

6. The salary of each officer so appointed by joint commission shall be three thousand five hundred dollars per annum, with an annual increase of one hundred dollars up to a maximum of four thousand dollars per annum.

2. The salary of the chief messenger shall be such sum not exceeding seven hundred dollars as the Governor in Council directs.

3. The salaries of the other officers and of the servants of the Library shall be fixed from time to time by the Governor in Council, according to the scale of salaries provided for in any Act or Acts at the time in force relating to the Civil Service. R.S., c. 15, s. 5; 3 E. VII., c. 32, s. 1.

7. The salaries of the officers and servants of the Library of Parliament, and any casual expenses connected therewith, shall be paid out of moneys provided by Parliament for that purpose. R.S., c. 15, s. 7.

8. The General Librarian, Parliamentary Librarian and other officers and servants of the Library of Parliament shall be responsible for the faithful discharge of their official duties, as the same are defined by regulations agreed upon by the Speakers of the two Houses, and concurred in by the said joint committee on the Library. R.S., c. 15, s. 6.

9. The supply of stationery required for the use of the Library shall be furnished by the Department of Public Printing and Stationery, and charged to the Houses of Parliament. R.S., c. 15, s. 8.

OTTAWA: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.
CHAPTER 15.

An Act respecting the High Commissioner for Canada in the United Kingdom.

1. This Act may be cited as the High Commissioner's Act. Short title.

2. The Governor in Council 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. R.S., c. 16, s. 1.

3. The High Commissioner shall,—
   (a) act as representative and resident agent of Canada in the United Kingdom, and, in that capacity, execute such powers and perform such duties as are, from time to time, conferred upon and assigned to him by the Governor in Council;
   (b) take the charge, supervision and control of the immigration offices and agencies in the United Kingdom, under the Minister of the Interior;
   (c) carry out such instructions as he, from time to time, receives from the Governor in Council respecting the commercial, financial and general interests of Canada in the United Kingdom and elsewhere. R.S., c. 16, s. 2; O.C., 14th March, 1892.

4. 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. R.S., c. 16, s. 3.

5. The Governor in Council may appoint such officers and clerks in the office of the High Commissioner as he deems necessary, with such grade in the Civil Service of Canada as he prescribes.
   2. Such officers and clerks shall not be subject to examination under the Civil Service Act. 51 V., c. 13, s. 1.

6. The provisions of the Civil Service Act and of the Civil Service Superannuation and Retirement Act shall, subject to the R.S., 1906.
the provisions of the next preceding section, apply to the officers and clerks employed in the office of the High Commissioner. 51 V., c. 13, s. 1.

7. Nothing in this Act contained shall operate to diminish the salary of any officer or clerk employed in the office of the High Commissioner on the first day of July, one thousand eight hundred and eighty-seven. 51 V., c. 13, ss. 2 and 3.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 16.

An Act respecting the Civil Service of Canada.

SHORT TITLE.

1. This Act may be cited as the Civil Service Act.  R.S., 1906, c. 17, s. 1.

INTERPRETATION.

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

(a) 'head of the department' means the minister of the Crown for the time being presiding over the department;

(b) 'deputy,' 'deputy head,' or 'deputy head of the department,' means the deputy of the minister of the Crown presiding over the department, and the Clerk of the Privy Council; and includes also the Auditor General, in all cases in which such meaning is not inconsistent with his powers and duties under the Consolidated Revenue and Audit Act;

(c) 'Board' means the examiners appointed for the purposes of this Act.  R.S., c. 17, s. 2; 3 E. VII., c. 9, s. 1.

CONSTITUTION.

3. The Civil Service for the purposes of this Act includes and consists of all classes of officers, clerks and employees elsewhere than in the provinces of Saskatchewan and Alberta and in the Northwest Territories and the Yukon Territory, in or under the several departments of the Executive Government of Canada and in the office of the Auditor General, included in schedules A and B to this Act, appointed by the Governor in Council or other competent authority before the first day of July, one thousand eight hundred and eighty-two, or thereafter appointed or employed in the manner provided by the Civil Service Act for the time being in force; and also includes,—

(a) such officers, clerks or employees in the lower grades as are determined by order in council; and,

(b) such officers, clerks and employees in the provinces of Saskatchewan and Alberta and in the Northwest Territories and the Yukon Territory, holding positions which if held in other parts of Canada would bring them under the provisions of this Act, as the Governor in Council brings under the provisions hereof.
2. The Civil Service shall not, however, include nor shall this Act apply to any of the officers or employees to whom by the provisions of the Post Office Act that Act instead of the Civil Service Act is intended to apply. R.S., c. 17, s. 3; sch. B.; 2 E. VII., c. 28, s. 1.

4. The service shall be divided into two divisions, namely:—
(a) The first or inside departmental division which shall comprise officers, clerks and employees of those classes mentioned in schedule A, employed on the several departmental staffs at Ottawa, and in the office of the Auditor General; and,
(b) The second or outside departmental division which shall comprise officers, clerks, and employees of those classes mentioned in schedule B, and the other officers, clerks and employees included in the Civil Service who are employed otherwise than on the departmental staffs at Ottawa. R.S., c. 17, s. 4.

5. The Governor in Council may, from time to time, make general rules and regulations, not inconsistent with the provisions of this Act, respecting the appointments and promotions of the officers, clerks and employees in the Civil Service and all other matters pertaining thereto. R.S., c. 17, s. 5.

6. The Governor in Council shall, from time to time, determine the number of officers, clerks of the several classes and grades, messengers and other employees who are required for the working of the several departments in each division of the Civil Service, but the collective amount of the salaries of each department shall, in no case, exceed that provided for by vote of Parliament for that purpose.

2. If the number of officers, clerks, and employees then attached to any department in either division thereof is greater than the number allowed to the department, as herein provided, the Governor in Council shall name the persons to fill the several offices; and the remainder shall be supernumerary clerks, ineligible for increase of salary, of that class respectively in which they rank, and shall so remain until promoted in the manner herein provided or until severed from the service. R.S., c. 17, s. 6.

BOARDS OF EXAMINERS.

7. Three examiners shall, from time to time, be appointed by the Governor in Council, who, for the purposes of this Act, shall be known as the Board; and they shall examine all candidates for admission to the Civil Service, and give certificates of qualification to such persons as are found qualified, according to such regulations as are authorized by the Governor in Council for the guidance of the Board.

R.S., 1906.
Civil Service.

Chap. 16. 3

2. The Governor in Council may appoint a person who shall be clerk to the Board, at a salary not exceeding seven hundred dollars per annum.

3. Each member of the Board shall receive such salary, not exceeding four hundred dollars per annum, as is fixed by the Governor in Council.

4. The members of the Board, while engaged in their work, shall be paid such travelling expenses as are determined by the Governor in Council.

5. Such persons as are selected by the Board to assist in the conduct of examinations shall receive such sum, not exceeding five dollars a day, as is fixed by the Governor in Council.

6. The meetings of the Board shall be held at such times, and the proceedings thereof shall be governed by such rules and regulations as the Governor in Council, from time to time, determines.

7. The Board shall be supervised by the Secretary of State, R.S., c. 17, s. 8; 52 V., c. 12, s. 1.

8. The Board may obtain the assistance of persons who have had experience in the education of the youth of Canada, and with such assistance shall hold, or cause to be held, periodical examinations for admission to the Civil Service, at such times and places as shall be determined, from time to time, by the Governor in Council.

2. Examinations shall, as far as possible, be in writing, and the cost thereof shall be defrayed out of moneys previously voted by Parliament for that purpose. R.S., c. 17, s. 9.

9. Whenever the Board is satisfied that any irregularity or fraudulent practice has obtained at any examination held by it or by any person deputed by it, the Board may summon before it an instrument signed by the chairman or acting chairman of the Board, and may examine under oath or affirmation, any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice. R.S., c. 17, s. 1.

10. If the person so summoned does not appear at the time and place appointed by such instrument, the chairman or acting chairman of the Board shall be vested with all the powers conferred upon a justice of the peace by the Criminal Code, in the case of a person to whom a summons has been directed, requiring such person to appear before such justice at a time and place therein mentioned to give evidence respecting a charge of an indictable offence, and who does not appear in obedience thereto. R.S., 1906.

11. Whenever any person appearing in obedience to any such instrument, or by virtue of a warrant issued under the last R.S., 1906.
last preceding section, refuses to be sworn, or having been sworn refuses to answer such questions as are put to him, or refuses or neglects to produce any documents which he is required to produce, without in any such case offering any just excuse for such refusal or neglect, the chairman or acting chairman of the Board shall, as to such person, be vested with all the powers, as to process and punishment in respect to witnesses, conferred in like cases upon a justice of the peace by the Criminal Code. 58-59 V., c. 14, s. 1.

12. Every oath or affirmation required for the purpose of such inquiry may be administered by any member of the Board. 51 V., c. 12, s. 2.

13. If any person is proved upon such inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations made by the Governor in Council with respect to any examination held under the authority of this Act, the Board shall report the same to the Secretary of State, who may thereupon cause such person's name to be removed from the list of persons who are found qualified. 51 V., c. 12, s. 2.

14. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him, is guilty of an offence against this Act, and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the Civil Service, to be dismissed therefrom. 51 V., c. 12, s. 2.

15. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence against this Act, and liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the Civil Service, to be dismissed therefrom.

2. No such person shall be allowed to present himself at any subsequent examination. 51 V., c. 12, s. 2.

EXAMINATIONS.

16. Except as herein otherwise provided no person shall be appointed to or employed in either division of the Civil Service unless the person so appointed or employed has passed the examination hereinafter required in order to qualify him for such appointment or employment. R.S., c. 17, s. 29.

17. R.S., 1906.
17. It shall be necessary to pass the first or preliminary examination in order to qualify for the following appointments or employments:
- Messenger;
- Porter;
- Sorter;
- Packer;
- Tidewaiter;
- Assistant inspector of weights and measures; and,
- Such other appointments or employments in the lower grades as are determined by the Governor in Council. R.S., c. 17, s. 29; 58-59 V., c. 15, ss. 4 and 8.

18. It shall be necessary to pass the second or qualifying examination in order to qualify for the following appointments or employments:
- Third-class clerkships in the first division;
- Third-class clerkships and the offices of landing waiters and lockers in the second division for Customs service;
- Third-class excisemen and stenographers or typewriters in the second division of the Inland Revenue service;
- Third-class clerkships, railway mail clerkships and the offices in the second division for Post Office service; and,
- Temporary clerks or writers in either division. R.S., c. 17, s. 29; 51 V., c. 12, s. 14; 58-59 V., c. 15, ss. 4 and 8; 63-64 V., c. 14, s. 3; 3 E. VII., c. 9, ss. 15 and 26.

19. Candidates may pass both the preliminary and qualifying examinations at their option. R.S., c. 17, s. 29.

20. No person shall be admitted either to the preliminary or qualifying examination until he has satisfied the Board,—
(a) that at the time appointed for such examination he will, if the examination is for an appointment which the passing of the preliminary examination is sufficient to qualify for, Age be of the full age of fifteen years, and, in other cases, be of the full age of eighteen years; and, if for the inside departmental division, that his age will not then be more than thirty-five years;
(b) that he is free from any physical defect or disease Physique. which would be likely to interfere with the proper discharge of his duties; and,
(c) that his character is such as to qualify him for employ-Character ment in the service. R.S., c. 17, s. 30; 58-59 V., c. 15, s. 5.

21. The preliminary and qualifying examinations shall be held only once a year and during the month of November, under such regulations, not inconsistent with this Act, as are from time to time made by the Governor in Council, and published in the English and French languages in the Canada Gazette. 51 V., c. 12, s. 5.

22. R.S., 1906.
Chap. 16. Civil Service.

22. Except as herein otherwise provided no promotion in either division of the Civil Service shall take place without special examination under regulations made by the Governor in Council. R.S., c. 17, s. 39.

23. Except as herein otherwise provided promotion examinations shall be held once a year in the month of May and at such other time as is from time to time fixed by the Governor in Council, and shall be in such subjects as are determined from time to time for each department by the Governor in Council, and in such subjects as by report of the deputy head of the department in which the promotion is to be made, concurred in by the head of the department, are submitted to the Board as best adapted to test the fitness of the candidates for the vacant office. 51 V., c. 12, s. 8; 3 E. VII., c. 9, s. 22.

24. When a vacancy to be filled by promotion exists in the inside division, the examination shall not be open to any person appointed to the outside division who at the date of his first appointment was of a greater age than thirty-five years. R.S., c. 17, s. 39.

25. Once in each year, not later than the fifteenth day of March, the deputy head of each department shall make and lay before the Board through the Department of the Secretary of State estimates of the number of vacancies to which promotions may be made in the first and second divisions respectively of his department during the ensuing year, either by reason of retirement, death, failure of health or other cause, in the respective classes of chief, first-class and second-class clerks.

2. The number so estimated shall be the number with reference to which the examinations for promotion shall be held. R.S., c. 17, s. 40; 51 V., c. 12, s. 9.

26. The examinations shall be open to all persons who comply with the requirements of this Act as to proof of age, health and character, and conform to the regulations made as herein provided, upon payment of such fees as are determined by the Governor in Council. R.S., c. 17, s. 32.

27. All examinations under this Act shall be held in the English or French language, at the option of the candidate. R.S., c. 17, s. 32; 51 V., c. 12, s. 6.

28. Notice of every examination, whether for admission into the Civil Service or for promotion therein, shall be published in the English and French languages in the Canada Gazette at least one month before the date fixed for the examination, and such notice in the case of promotion examinations shall state the number of promotions expected in each class in each division. R.S., c. 17, ss. 33 and 41; 51 V., c. 12, s. 7.

R.S., 1906.
29. Immediately after each examination a list of the persons qualified shall be made out, and published in the Canada Gazette. R.S., c. 17, s. 34.

APPOINTMENTS.

30. Except as herein otherwise provided all appointments to the Civil Service shall be during pleasure, and no person shall be appointed to any place below that of a deputy head unless, in addition to passing the requisite examination, he has served the probationary term hereinafter mentioned. R.S., Probationary service.

31. No person shall be appointed to any place in the first twenty years or inside departmental division of the Civil Service, other than that of a deputy head, controller of railway mail service or superintendent of railway mail service, on probation or otherwise, whose age exceeds thirty-five years, or who has not attained the full age of eighteen years: Provided that this section shall not render ineligible any officer or employee, not within the said age limits, to be transferred from the outside service to the railway mail service branch. 58-59 V., c. 15, s. 12; 60-61 V., c. 14, s. 1.

32. Whenever it becomes necessary to make any appointment to any of the classes to which it is herein provided that first appointments shall only be made after qualifying examination, such necessity shall be reported to the head of the department by his deputy; and upon such report being approved by the head of the department, and after the salary to be paid has been voted by Parliament, the head of the department shall select and submit to the Governor in Council for probation, from the lists of qualified candidates made by the Board, a person fitted for the vacant place. R.S., c. 17, s. 35.

33. The person so selected shall not receive a permanent Probation appointment until he has served a probationary term of at least six months. R.S., c. 17, s. 35.

34. The head of the department or the deputy head may, Rejection at any time during the period of probation, reject any clerk during probation.

35. No probationary clerk shall remain in any department, Report of the deputy head more than one year, unless, at or before the end of that time, the deputy head signifies to the head of the department in writing that the clerk is considered by him competent for the duty of the department. R.S., c. 17, s. 35.

36. If such probationary clerk be rejected, the head of the department shall report to the Governor in Council the reasons for selection.
for rejecting him, and another clerk shall thereupon be selected in like manner in his stead.

2. The head of the department shall decide whether the name of the person rejected shall be struck off the list as unfit for the service generally, or whether he shall be allowed another trial. R.S., c. 17, s. 36.

37. When the deputy head of a department in which a vacancy occurs reports, for reasons set forth in such report,—

(a) that the qualifications requisite for such office are wholly or in part professional or technical; and,

(b) that it would be for the public interest that the examination herein provided for should, as regards such vacancy, be wholly or partially dispensed with;

the Governor in Council may, without reference to the age of the person, if the head of the department concurs in such report, select and appoint or promote such person as is deemed best fitted to fill the vacancy, subject to such examination as is suggested in the report. 3 E. VII., c. 9, s. 21.

38. City postmasters and post office inspectors; inspectors, collectors and preventive officers in the Customs Department; inspectors of weights and measures, and deputy collectors and preventive officers in the Inland Revenue Department, may be appointed without examination and without reference to the rules for promotion herein prescribed. 3 E. VII., c. 9, s. 21.

39. Notwithstanding anything in this Act a person who has served over three years as an officer or acting officer in the outside service of the Customs may be appointed an examining officer in such service subject to such examination on the duties of office and other qualifications as is prescribed by the deputy head in a report to be concurred in by the head of the department. 3 E. VII., c. 9, s. 21.

40. Graduates of the Royal Military College, or of any university in Canada, shall be exempt from the qualifying examination. 51 V., c. 12, s. 5.

41. If a vacancy occurs in the office of the Auditor General, the report required as to such vacancy shall be made to the Minister of Finance. R.S., c. 17, s. 38.

42. Any officer, clerk or employee who has resigned, shall be eligible, without examination, under the authority of an order in council, to re-enter the service, in the class in which he was serving at the time of such resignation, and at the salary which he was then receiving, if funds are available for the payment of his salary. R.S., c. 17, s. 53.
PROMOTIONS.

43. The promotion examination may be dispensed with on a report from the deputy head, concurred in by the head of the department, that such examination is not necessary in the case of the following persons when employed or when seeking promotion in the line of their profession:—
   Barristers;
   Attorneys;
   Military or civil engineers;
   Officers of the artillery in the Department of Militia and Defence;
   Architects;
   Draughtsmen and land surveyors.
2. Such examination may also be so dispensed with in the case of special-class excisemen seeking promotion in the Department of Inland Revenue. 51 V., c. 12, s. 8.

44. Railway mail clerks and clerks employed in post offices shall not be required to pass the promotion examination. 60-61 V., c. 26, s. 2; 61 V., c. 20, s. 6.

45. No such examination shall be required for the re-employment or promotion of excisemen who passed the departmental examinations for the special class in the excise service before the first day of July, one thousand eight hundred and eighty-two. R.S., c. 17, s. 39.

46. Except as herein otherwise provided, when any vacancy occurs in one of the higher classes, in either division, the head of the department shall select from the list of successful candidates for promotion, the person whom he considers best fitted for the office, having due reference to any special duties incident to such office, to the qualification and fitness shown by the candidates respectively during their examination and to the record of their previous conduct in the service. R.S., c. 17, s. 42; 51 V., c. 12, s. 10.

47. Every promotion so made shall be subject to a probation of not less than six months.
   2. At any time during the first year the head of the department may reject the person promoted, or he may be definitely rejected at any time during the second period of six months after his promotion.
   3. If the person so selected is rejected he shall then return to the performance of the duties in which he was previously engaged. R.S., c. 17, s. 43.

48. When any clerk who is promoted on probation is rejected, the head of the department shall select another in his stead from the candidates whose names still remain on the

R.S., 1906.
the lists of qualified persons made by the Board. R.S., c. 17, s. 44.

49. During the period for which a clerk is promoted on probation the duties of the office previously held by him shall, if necessary, be performed by a person selected for that purpose by the head of the department. R.S., c. 17, s. 45.

EXCHANGES AND TRANSFERS.

50. An exchange of positions between two officers serving in different departments, or in different divisions of the same department, and the filling of a vacancy in one department by a transfer from another division of the same department or from another department, may be authorized by the Governor in Council to be made without examination of either officer.

2. Such exchange or transfer shall be made without increase of salary of either of the persons exchanging or transferred.

3. No person shall be transferred from the outside to the inside division, whose age at the date of his first appointment exceeded thirty-five years. R.S., c. 17, s. 46.

DEPUTY MINISTERS.

51. There shall be a deputy head for each department.

2. No officer shall hereafter be raised to the rank of deputy head except in the case of a vacancy occurring, or when a new department is created by Act of Parliament. 51 V., c. 12, s. 3.

52. The deputy heads of departments shall be appointed by the Governor in Council, and shall hold office during pleasure.

2. Whenever such pleasure is exercised in the direction of removing a deputy head from his office, a statement of the reasons for so doing shall be laid on the table of both Houses of Parliament within the first fifteen days of the next following session. R.S., c. 17, s. 11.

53. The Deputy Minister of Justice may, if at the time of his appointment he is a barrister of at least ten years' standing, be paid a salary beginning on appointment at four thousand five hundred dollars per annum, with an annual increase of one hundred dollars until a maximum salary is reached of five thousand dollars. 3 E. VII., c. 9, ss. 2 and 6.

54. The Deputy Minister of Finance may, if at the time of his appointment he has been for at least ten years in the service of one or more of the chartered banks of Canada as general manager or as manager of a branch of such bank or in both capacities, be paid a salary beginning on appointment at four thousand

R.S., 1906.
thousand five hundred dollars per annum, with an annual increase of one hundred dollars until a maximum salary is reached of five thousand dollars.

2. The salary of the Deputy Minister of Finance holding office on the twenty-fourth day of October, one thousand nine hundred and three, shall, so long as he remains in office, be five thousand dollars per annum. 3 E. VII., c. 9, ss. 2 and 3.

55. The Deputy Minister of Railways and Canals may, if at the time of his appointment he is a civil engineer of at least ten years' standing, be paid a salary beginning on appointment at four thousand five hundred dollars per annum, with an annual increase of one hundred dollars until a maximum salary is reached of five thousand dollars. 3 E. VII., c. 9, s. 2.

56. In all cases not hereinbefore provided for the salary of a deputy head of a department shall on appointment be three thousand five hundred dollars per annum, with an annual increase of one hundred dollars until a maximum salary is reached of four thousand dollars per annum. 3 E. VII., c. 9, ss. 2 and 4.

57. The increases of salary hereinbefore authorized to be made to any deputy head shall be made by the Governor in Council upon the recommendation of the head of his department. 3 E. VII., c. 9, s. 2.

58. Nothing herein contained shall operate to diminish the salary or emolument of any deputy head holding office on the twenty-fourth day of October, one thousand nine hundred and three, who was at that date in receipt of a salary larger than would be payable to him under this Act. 3 E. VII., c. 9, s. 5.

59. The deputy head of each department shall, subject to the directions of the head of the department, oversee and direct the officers, clerks and employees of the department, and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council.

2. He shall give his full time to the public service and shall discharge all duties required by the head of the department, or by the Governor in Council, whether such duties are in his own department or not.

3. No deputy head shall receive any pay, fee or allowance in any form in excess of the amount of the salary hereinbefore authorized to be paid to him. 3 E. VII., c. 9, s. 7.

60. In the absence of any deputy head, a chief clerk named by the head of the department shall perform the duties of such deputy head, unless the performance of such duties is otherwise provided for by the Governor in Council.

231

2.

R.S., 1906.
2. There shall be in the office of the Auditor General a chief clerk who shall at all times act for the Auditor General in his absence. R.S., c. 17, s. 14.

CHIEF CLERKS, GRADE A.

How created. 61. A chief clerkship, grade A, in any department shall only be created by order in council, passed after,—

(a) the deputy head has reported that such an officer is necessary for the proper performance of the public business in the department, stating the reasons on which he has arrived at that conclusion;

(b) the concurrence of the head of the department in such report; and,

(c) the salary has been voted by Parliament. 3 E. VII., c. 9, ss. 8 and 19.

Salary. 62. The minimum salary of a chief clerk, grade A, shall be two thousand four hundred dollars per annum, with an annual increase of one hundred dollars up to a maximum of two thousand eight hundred dollars per annum.

Idem. 2. If, however, a person upon his appointment or promotion to a chief clerkship, grade A, is in receipt of a salary greater than the minimum salary of such chief clerkship, he may be appointed or promoted at the salary which he is then receiving if it does not exceed the maximum salary of such chief clerkship. 3 E. VII., c. 9, s. 8.

Promotion of chief clerk to grade A. 63. A chief clerk in any department may without being required to undergo any examination be promoted to a chief clerkship, grade A, by an order in council passed after,—

(a) the deputy head has reported that the duties devolving upon such officer are of special importance, and that the officer recommended for such promotion is specially qualified for their performance;

(b) the concurrence of the head of the department in such report; and,

(c) the salary has been voted by Parliament. 3 E. VII., c. 9, s. 8.

CHIEF CLERKS.

How created. 64. A chief clerkship in any department shall only be created by order in council, passed after,—

(a) the deputy head has reported that such an officer is necessary for the proper performance of the public business in the department, stating the reasons on which he has arrived at that conclusion;

(b) the concurrence of the head of the department in such report; and,

(c) the salary has been voted by Parliament. R.S., c. 17, s. 15.

R.S., 1906.
65. The minimum salary of a chief clerk shall be one thousand nine hundred dollars, with an annual increase of fifty dollars up to a maximum of two thousand five hundred dollars. 3 E. VII., c. 9, s. 9.

FIRST-CLASS CLERKS.

66. A first-class clerkship shall only be created by order in council, passed on the report of the deputy head, concurred in by the head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. R.S., c. 17, s. 17.

67. The minimum salary of a first-class clerk shall be one thousand five hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand nine hundred dollars. 3 E. VII., c. 9, s. 10.

SECOND-CLASS CLERKS.

68. A second-class clerkship shall only be created by order in council, passed on the report of the deputy head, concurred in by the head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. R.S., c. 17, s. 19.

69. The minimum salary of a second-class clerk shall be one thousand two hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand five hundred dollars. 3 E. VII., c. 9, s. 11.

JUNIOR SECOND-CLASS CLERKS.

70. A junior second-class clerkship shall only be created by order in council, passed on the report of the deputy head, concurred in by the head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. 63-64 V., c. 14, s. 2.

71. The minimum salary of a junior second-class clerk shall be eight hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand one hundred dollars. 3 E. VII., c. 9, s. 12.

72. The Governor in Council may, upon the recommendation of the head of the department, concurred in by the Treasury Board, appoint a person who is a graduate of the Royal Military College or of any university in Canada to be a junior second-class clerk. 63-64 V., c. 14, s. 7.

73. R.S., 1906.
Condition of such appointment.

73. An appointment shall only be made under the last preceding section in one of the following cases:

(a) Where the person to be appointed is to take the place of a clerk of the second or a higher class;

(b) Where the deputy head of the department reports that, owing to the special class of work to be performed, an appointment under the said section is desirable. 63-64 V., c. 14, s. 7.

THIRD-CLASS CLERKS.

How created. 74. Except as hereinafter otherwise provided a third-class clerkship shall only be created by order in council passed on the report of the deputy head, concurred in by the head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. 3 E. VII., c. 9, s. 19.

Salary. 75. The minimum salary of a third-class clerk shall be five hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of seven hundred dollars. 3 E. VII., c. 9, ss. 16 and 18.

Supplement for optional subjects.

76. The Governor in Council may give to any person who is appointed a third-class clerk, in addition to the salary herein provided for on appointment, an amount not exceeding fifty dollars per annum for each optional subject not exceeding two in which he has passed the qualifying examination.

2. Such optional subjects shall be book-keeping, shorthand and typewriting. 63-64 V., c. 14, s. 6; 3 E. VII., c. 9, s. 15.

Appointment of certain employees as third-class clerks.

77. Any person who at the time of his appointment as third-class clerk is in the service of the Government and receiving or entitled to receive a salary, and who has been or is a writer, clerk, packer, sorter or messenger, either temporary or otherwise, in the inside service of one of the departments of the Government at Ottawa, or in the office of the Auditor General, may be so appointed at the salary which he was so receiving or entitled to receive at the time of such appointment, not exceeding, however, the maximum salary of a third-class clerk. 3 E. VII., c. 9, s. 20.

Without qualification. 78. Any such person as in the last preceding section mentioned who had for two years prior to the twenty-fourth day of October, one thousand nine hundred and three, been continuously in the inside service, either in the capacity of writer, clerk, packer, sorter or messenger, or in any other capacity, may be appointed a third-class clerk without regard to his age, and without passing the qualifying examination.

2. The order in council appointing him shall be held to create the third-class clerkship in respect of which such appointment is made. 3 E. VII., c. 9, s. 20.

R.S., 1906.
MESSENGERS, PACKERS AND SORTERS.

79. This Act in so far as applicable shall continue to apply as heretofore to permanent messengers, packers and sorters appointed before the first day of January, one thousand eight hundred and ninety-six. 58-59 V., c. 15, ss. 2 and 14.

80. The salary of a messenger, packer or sorter appointed to the Civil Service previous to the first day of January, one thousand eight hundred and ninety-six, may be increased to a maximum of seven hundred dollars per annum by amounts not exceeding fifty dollars in any one year. 58-59 V., c. 15, ss. 2, 12 and 14; 3 E. VII., c. 9, s. 27.

PRIVATE SECRETARIES.

81. Any member of the Civil Service may be appointed an additional private secretary to the head of a department, and may be paid an additional salary not exceeding six hundred dollars a year whilst so acting.

2. No salary shall be payable to any private secretary unless the amount has been voted by Parliament. R.S., c. 17, s. 48.

SALARIES.

82. Except as herein otherwise provided the salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class. 58-59 V., c. 15, s. 3; 63-64 V., c. 14, s. 5; 3 E. VII., c. 9, s. 17.

83. The officers, clerks and employees mentioned in schedule B to this Act shall be paid according to the scale thereby established.

2. The salaries of officers, clerks and employees in the second or outside division of departments other than the Customs, Inland Revenue and Post Office Departments shall, subject to the provisions of any Act relating thereto, be fixed in each case by the Governor in Council. R.S., c. 17, s. 25.

84. If an officer, clerk or employee who is promoted to a class, is, at the time of such promotion or transfer, in receipt of a higher salary or emolument than the minimum salary of the class to which he is promoted or transferred, the Governor in Council may authorize the payment to him of the salary or emolument he was receiving at the time of such promotion or transfer, if it does not exceed the maximum salary of the class to which he is promoted or transferred. 63-64 V., c. 14, s. 12.

85. No officer, clerk or employee shall receive any increase of salary except by order in council passed on the report of the deputy R.S., 1906.
Chapter 16. Civil Service.

deputy head, concurred in by the head of the department, stating that such officer, clerk or employee is deserving of such increase. R.S., c. 17, s. 26; 63-64 V., c. 14, s. 8; 3 E. VII., c. 9, ss. 18, 25 and 27.

May be suspended.

86. The increase of salary of any officer, clerk or employee authorized under this Act for the then current year may be suspended by the head of the department for neglect of duty or misconduct, and may be subsequently restored by such head, but without arrears. R.S., c. 17, s. 26.

From what time payable.

87. Except as herein otherwise provided any increase of salary authorized by this Act shall be payable from the first day of the official quarter next succeeding the date on which, from his length of service, any clerk or employee for whom such increase is recommended, is eligible for such increase.

2. In case of promotion, the increase of salary shall become payable from the day on which such promotion takes place. R.S., c. 17, s. 27.

In case of promotion.

88. Increases of salary of post office inspectors and assistant post office inspectors shall, however, be payable at the expiration of one year from the date of appointment, or at the expiration of one year from the date on which the post office inspector or assistant post office inspector last received an increase, as the case may be. 3 E. VII., c. 49, s. 7.

Payment of salary prohibited.

89. Except as herein otherwise provided no salary shall be paid to any member of the Civil Service whose appointment or promotion, or whose increase of salary, after the first day of July, one thousand eight hundred and eighty-two, has not been made in the manner provided by the Civil Service Act in force at the time of such appointment, promotion or increase, or otherwise authorized or confirmed by law. R.S., c. 17, s. 28.

No extra payment.

90. No extra salary or additional remuneration of any kind whatsoever shall be paid to any deputy head, officer, clerk or employee in the Civil Service or to any other person permanently employed in the public service. 51 V., c. 12, s. 12.

Status of clerks preserved.

91. The status of clerks in the service on the twenty-fourth day of October, one thousand nine hundred and three, is hereby preserved, and if the salary of any such clerk is less than the minimum salary of his class as fixed by this Act, his salary may be increased to such minimum. 3 E. VII., c. 9, s. 13.

Deduction from pay for unauthorized absence.

92. When the absence of any officer is not occasioned by his employment on other duties by the Government, by leave of absence or on account of illness certified by an authorized medical practitioner, appointed by the Governor in Council for that purpose,

R.S., 1906.
purpose, his salary for each day of such absence shall be deducted from his monthly salary. R.S., c. 17, s. 51.

93. Nothing contained in this Act shall prejudicially affect the salary or emoluments of any deputy head, officer, clerk or employee in the Civil Service, appointed on or before the first day of July, one thousand eight hundred and eighty-two, so long as he continues in office, nor shall anything herein contained prejudicially affect any salary or emolument granted and fixed by any Act in force on the day in this section mentioned. R.S., c. 17, s. 54.

TEMPORARY EMPLOYMENT.

94. When from a temporary pressure of work or from any other cause extra assistance is required in any branch of either the first or second division, the Governor in Council may, on the report of the deputy head of the department, concurred in by the head of the department, that such extra assistance is required, authorize the employment of such number of temporary clerks, writers, messengers, porters, packers, or sorters, as are required to carry on the work of the department. 58-59 V., c. 15, s. 7.

95. Temporary employment shall not give to any person any claim to permanent appointment or to continued or further temporary employment. 58-59 V., c. 15, s. 9.

96. Temporary clerks employed on the first day of January, one thousand eight hundred and ninety-six, may be continued in such temporary employment, notwithstanding their not having passed any examination, at such rate of pay as fixed by the Governor in Council, not exceeding the rate of pay which they were then receiving. 58-59 V., c. 15, s. 8.

97. Graduates of the Royal Military College or of any university in Canada may be employed without passing the qualifying examination. 51 V., c. 12, s. 5.

98. The remuneration of temporary clerks and writers and of messengers, porters, packers and sorters, shall be at the rate to begin with of five hundred dollars per annum, which may be increased by annual sums not exceeding fifty dollars up to a maximum of seven hundred dollars per annum. 3 E. VII., c. 9, s. 27.

99. The Governor in Council may in the case of any temporary clerk, or in the case of any temporary messenger, porter, packer or sorter, whose salary was, on the twenty-fourth day of October, one thousand nine hundred and three, less than five hundred.

R.S., 1906.
Civil Service.

hundred dollars per annum increase such salary to the amount last mentioned. 3 E. VII., c. 9, s. 27.

Vote. 100. Temporary employees shall be paid only out of moneys specially voted by Parliament for the purpose. 58-59 V., c. 15, s. 11.

LEAVE OF ABSENCE.

How granted. 101. The head of a department may grant to each officer, clerk or other employee, leave of absence for purposes of recreation for a period not exceeding three weeks in each year.

When. 2. Every such officer, clerk or employee, whether in the first or second division, shall take the leave so granted at such time during each year as the head of the department determines. R.S., c. 17, s. 49.

In case of illness, etc. 102. In case of illness or for any other reason which to him seems sufficient, the Governor in Council may grant to any officer, clerk or other employee, leave of absence for a period not exceeding twelve months. R.S., c. 17, s. 49.

SUSPENSION.

How. 103. The head of a department, and in his absence the deputy head, may,—

(a) suspend from the performance of his duty or from the receipt of his salary any officer, clerk or employee guilty of misconduct or negligence in the performance of his duties;

(b) remove such suspension; but no person shall receive any salary or pay for the time during which he was under suspension.

2. All cases of suspension by the deputy head of a department shall be reported by him to the head of the department. R.S., c. 17, s. 50.

DISMISSAL.

Governor in Council may dismiss. 104. No provision herein contained shall impair the power of the Governor in Council to remove or dismiss any deputy head, officer, clerk or employee, but no such deputy head, officer, clerk or employee, whose appointment is of a permanent nature, shall be removed from office except by authority of the Governor in Council. R.S., c. 17, s. 55.

ATTENDANCE BOOK.

Form and use. 105. There shall be kept in each department, and in the office of the Auditor General, at the seat of Government, and in each office of the second division, a book or books to be called the attendance book, which shall be in such form as is determined

R.S., 1906.
Civil Service

106. The deputy heads of departments and all officers, clerks, messengers, sorters and packers of the Civil Service who have not already done so, and every deputy head, officer, clerk, messenger, sorter or packer hereafter appointed, before any salary is paid him, shall take and subscribe the oath of allegiance and also the oath contained in schedule C to this Act, or such other oath as is provided by any other Act, in that behalf.

2. In the case of the Clerk of the Privy Council, and all officers, clerks and employees under him, and in the case of any officer, clerk or employee of whom the Governor in Council requires the same, there shall be added to the oath at the asterisks, in the form of the oath in the said schedule C, the words contained in schedule D to this Act.

3. The Clerk of the Privy Council shall take and subscribe the said oaths before the Governor General or some one appointed by him to administer the same.

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

5. In other cases the oaths may be taken and subscribed before a justice of the peace or other proper authority, who shall forward the same to the Clerk of the Privy Council.

6. The Clerk of the Privy Council shall keep a register of all such oaths. R.S., c. 17, s. 57.

REPORT.

107. The Secretary of State shall lay before Parliament a report of the proceedings of the Board under this Act during the preceding year, which report shall include a copy of the examination papers, a statement of all examinations held and of the number of candidates at each, and the names of the successful candidates, and also the rules and regulations made during the year under the provisions of this Act respecting appointments, promotions, examinations, and all other matters appertaining to the Civil Service. R.S., c. 17, s. 58; 51 V., c. 12, s. 13.

CIVIL SERVICE LIST.

108. The Secretary of State shall cause to be printed each year a list, to be called the Civil Service List of Canada, of all R.S., 1906.
all persons employed in the several departments of the Government, together with those employed in the two Houses of Parliament, upon the first day of July, next preceding, showing the dates of their several appointments and promotions, their age, rank in the service, and salary; and shall lay the same before Parliament within the first fifteen days of each session. R.S., c. 17, s. 59.

SCHEDULE A.

(a) Deputy heads of departments;
(b) Officers who have special professional or technical qualifications;
(c) Chief clerks of both grades;
(d) First-class clerks;
(e) Second-class clerks;
(f) Junior second-class clerks.
(g) Third-class clerks. R.S., c. 17, sch. A; 58-59 V., c. 15, s. 12; 63-64 V., c. 14, s. 1; 3 E. VII., c. 9, ss. 14 and 19.

SCHEDULE B.

CUSTOMS.

Higher Classes.

Inspectors..................Salary from $1,600 to $2,500
Collectors.................. " 300 to 4,000
Chief clerks................. " 1,200 to 2,000
Surveyors.................. " 1,200 to 2,400
Assistant surveyors (comprising tide surveyors, chief landing waiters and chief lockers)...... " 800 to 1,200

Technical Officers.

Appraisers..................Salary from $800 to $2,000
Assistant appraisers........ " 600 to 1,500
Gaugers................... " 600 to 1,200

Other Classes.

Clerks........................Salary from $400 to $1,200
Examining officers (including lockers and landing waiters) " 400 to 1,000
Packers, messengers and tide waiters.................. " 300 to 600

3 E. VII., c. 9, s. 23.

R.S., 1906.
Civil Service.

Chap. 16.

INLAND REVENUE.

<table>
<thead>
<tr>
<th>Role</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspectors</td>
<td>$1,600 to $2,500</td>
</tr>
<tr>
<td>Collectors</td>
<td>$500 to $2,400</td>
</tr>
<tr>
<td>Deputy collectors</td>
<td>$400 to $1,700</td>
</tr>
<tr>
<td>Accountants</td>
<td>$600 to $1,500</td>
</tr>
<tr>
<td>Special-class excisemen (chief officers in charge of distilleries)</td>
<td>$1,400 to $1,800</td>
</tr>
<tr>
<td>Special-class excisemen, other than the foregoing</td>
<td>$1,200 to $1,400</td>
</tr>
<tr>
<td>First-, second- and third-class excisemen</td>
<td>$600 to $1,200</td>
</tr>
<tr>
<td>Probationary excisemen</td>
<td>$500</td>
</tr>
<tr>
<td>Stenographers and typewriters</td>
<td>$400 to $600</td>
</tr>
<tr>
<td>Messengers</td>
<td>$400 to $750</td>
</tr>
</tbody>
</table>

To which may be added for surveys of important manufactories an additional salary for the special-class excisemen and other officers connected with such survey, not exceeding in any one case two hundred dollars per annum. 3 E. VII., c. 9, s. 24.

POST OFFICE.

Post Office Inspectors and Assistant Post Office Inspectors.

The salary of a post office inspector on appointment shall be two thousand dollars, with increases of fifty dollars per annum for six years, and one hundred dollars per annum thereafter up to a maximum of two thousand six hundred dollars.

Any post office inspector who, on the thirteenth day of August, one thousand nine hundred and three, had completed six years of service as such may be granted an increase of one hundred dollars per annum up to the maximum of two thousand six hundred dollars.

Any post office inspector who, on the last mentioned date, had completed less than six years of service as such may be granted an increase of fifty dollars per annum until he has completed six years of service, and one hundred dollars per annum thereafter up to the maximum of two thousand six hundred dollars.

The salary of an assistant post office inspector on appointment shall be twelve hundred dollars, with increases of fifty dollars per annum for the first six years, and one hundred dollars per annum thereafter up to a maximum of one thousand eight hundred dollars.

Any assistant post office inspector who, on the thirteenth day of August, one thousand nine hundred and three, had completed six years of service as such may be granted an increase of one hundred dollars per annum up to a maximum of one thousand eight hundred dollars.

Any... R.S., 1906.
Chap. 16. Civil Service.

Any assistant post office inspector who, on the last mentioned date, had completed less than six years of service as such may be granted an increase of fifty dollars per annum until he has completed six years of service, and of one hundred dollars per annum thereafter up to a maximum of one thousand eight hundred dollars. 3 E. VII., c. 49, s. 7.

Railway Mail Clerks.

<table>
<thead>
<tr>
<th></th>
<th>On Appointment</th>
<th>After 2 years service in any class of Railway Mail Clerks</th>
<th>After 5 years service in any class of Railway Mail Clerks</th>
<th>After 10 years service in any class of Railway Mail Clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Clerk</td>
<td>$1,000</td>
<td>$1,200</td>
<td>$1,350</td>
<td>$1,500</td>
</tr>
<tr>
<td>First Class</td>
<td>$720</td>
<td>$800</td>
<td>$880</td>
<td>$960</td>
</tr>
<tr>
<td>Second Class</td>
<td>$600</td>
<td>$640</td>
<td>$720</td>
<td>$800</td>
</tr>
<tr>
<td>Third Class</td>
<td>$480</td>
<td>$520</td>
<td>$560</td>
<td>$640</td>
</tr>
</tbody>
</table>

To Railway Mail Clerks, in addition to regular salary, an allowance not exceeding half a cent per mile for every mile travelled on duty in the Post Office cars, and an additional allowance of half a cent per mile for every mile so travelled between eight in the afternoon and eight in the forenoon.

52 V., c. 12, s. 3.

City Postmasters.

Class 1. When postage collections exceed $250,000... $4,000
“ 2. “ “ are from $200,000 to 250,000... 3,750
“ 3. “ “ 150,000 to 200,000... 3,500
“ 4. “ “ 100,000 to 150,000... 3,250
“ 5. “ “ 80,000 to 100,000... 2,800
“ 6. “ “ 60,000 to 80,000... 2,400
“ 7. “ “ 40,000 to 60,000... 2,200
“ 8. “ “ 20,000 to 40,000... 2,000
“ 9. “ “ are less than... 20,000... 1,400
to $1,800, as the Postmaster General determines. These salaries shall not be supplemented by any allowances, commissions or perquisites whatsoever.

Assistant Postmasters.

Class 1. When postage collections exceed $80,000... $2,000
“ 2. “ “ are from $60,000 to 80,000... 1,800
“ 3. “ “ 40,000 to 60,000... 1,600
“ 4. “ “ 20,000 to 40,000... 1,400
“ 5. “ “ are less than... 20,000... 1,100
to $1,400, as the Postmaster General determines. 52 V., c. 12, s. 3.

R.S., 1906.
Clerks in City Post Offices, and the Offices of Post Office
Inspectors and Superintendents of Railway
Mail Service.

Fourth class, on appointment, four hundred dollars; by
annual increases of fifty dollars up to seven hundred dollars.
If any stamper and sorter is promoted to the fourth class, his
initial salary as such class clerk shall be not less than his salary
as such stamper and sorter at the time of such promotion.

Junior third class, on appointment, seven hundred dollars;
by annual increases of fifty dollars up to eight hundred dollars.
Senior third class, on appointment, eight hundred dollars;
by annual increases of fifty dollars up to nine hundred dollars.

Junior second class, on appointment, nine hundred dollars;
by annual increases of fifty dollars up to one thousand dollars.
Senior second class, on appointment, one thousand dollars;
by annual increases of fifty dollars up to one thousand two
hundred dollars.

First class, specific duties, with fixed salaries in each case
to be determined by the Postmaster General; no salary to be
less than one thousand two hundred dollars, or more than one
thousand five hundred dollars.

Any clerk in any of the said offices who on the thirteenth
day of August, one thousand nine hundred and three, was
in the third class, shall be deemed to be a junior third-class
clerk, his salary until otherwise ordered, continuing to be the
amount which he was then enjoying, subject to annual increases
not exceeding fifty dollars until it reaches eight hundred dollars
per annum.

Any clerk in the second class on the last mentioned date
shall be deemed to be a senior second-class clerk, except that
if his salary was then less than one thousand dollars, it shall,
until otherwise ordered, continue to be the amount which he
was then enjoying, subject to annual increases, not exceeding
fifty dollars each, until it reaches twelve hundred dollars per
annum. 3 E. VII. c. 49, s. 6.

SCHEDULE C.

I (A.B.) solemnly and sincerely swear that I will faith-
fully and honestly fulfil the duties which devolve upon me
as...... and that I will not ask, or receive
any sum of money, services, recompense or matter or thing
whatsoever, directly or indirectly, in return for what I have
done or may do in the discharge of any of the duties of my
said office, except my salary or what may be allowed me by law
or by an order of the Governor in Council; * * * *
So help me God. R.S., c. 17, sch. C.

16 3/4 243 SCHEDULE
R.S., 1906.
SCHEDULE D.

(After the asterisks in schedule C.)

And that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as (as the case may be). R.S., c. 17, sch. D.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 17.

An Act respecting the Superannuation and Retirement of persons employed in the Civil Service of Canada.

SHORT TITLE.

1. This Act may be cited as the Civil Service Superannuation and Retirement Act. R.S., c. 18, s. 1.

INTERPRETATION.

2. The Civil Service, for the purposes of this Act, includes Civil Service, and consists of,—

(a) all officers, clerks and employees in or under the several departments of the Executive Government who are paid a yearly salary, and to whom the Civil Service Act applies;

(b) all such officers, clerks and employees of the second or outside division of the Civil Service, as the Governor in Council, from time to time, designates, and to whom the Civil Service Act does not apply, and who are paid a yearly salary and employed in an established capacity;

(c) the permanent officers and servants of the Senate and House of Commons, and the permanent officers and servants employed in the Library of Parliament, saving all rights and privileges of either House in respect to the appointment or removal of its officers and servants;

(d) all persons now contributing to the superannuation fund;

(e) all persons to whom this Act is by any other Act declared Others, to apply:

Provided that the Civil Service for the purposes of this Act shall not include any person who by the provisions of Part II. of the Royal Northwest Mounted Police Act is made subject to the application of that Act instead of this Act. R.S., c. 18, s. 2; 61 V., c. 17, s. 3; 2 E. VII., c. 22, s. 17.

APPLICATION.

3. Part I. of this Act shall apply only to such officers, clerks and employees in the Civil Service as were appointed previous to the first day of July, one thousand eight hundred and ninety-eight, and who do not come within the application of Part II.

245 of R.S., 1906.
of this Act: Provided that Part I. of this Act shall not apply to any person appointed on or after the first day of April, one thousand eight hundred and ninety-three, whose age at the time of such appointment exceeded forty-five years. R.S., c. 18, s. 2; 56 V., c. 12, s. 2; 61 V., c. 17, ss. 2 and 10.

Part II. 4. Part II. of this Act shall apply only to the officers, clerks and employees in the Civil Service appointed on or after the first day of July, one thousand eight hundred and ninety-eight, and to those persons, in the Civil Service on the last mentioned date, who before the first day of January, one thousand eight hundred and ninety-nine, with the consent of the Governor in Council, elected to accept the provisions of the Civil Service Retirement Act, 1898, in lieu of the provisions of the Civil Service Superannuation Act. 61 V., c. 17, ss. 2 and 10.

Regulations. 5. In any case of doubt the Governor in Council may, by general or special regulations, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases. R.S., c. 18, s. 14.

PART I.

ELIGIBILITY.

Who eligible. 6. The Governor in Council may grant a superannuation allowance not exceeding the allowance hereinafter authorized to any person who has served in an established capacity in the Civil Service for ten years or upwards, and who has attained the age of sixty years or become incapacitated by bodily infirmity from properly performing his duties. R.S., c. 18, s. 3.

Service before Confederation to be counted. 7. Service in an established capacity in any of the departments of the executive government or offices of the legislature of any of the provinces, now included in the Dominion of Canada, before such province became a portion thereof, by any person who thereafter entered the Civil Service, shall be reckoned in computing his period of service for the purposes of this Act. R.S., c. 18, s. 13.

Breaks in service not to be counted. 8. If the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted. R.S., c. 18, s. 3.

Preliminary inquiry by Treasury Board. 9. The superannuation of every civil servant shall be preceded by an inquiry by the Treasury Board,—

(a) whether the person it is proposed to superannuate is eligible within the meaning of this Act; and,

(b)
(b) whether the superannuation of such person will result in benefit to the service, and is therefore in the public interest; or,

(c) whether superannuation has become necessary in consequence of the mental or physical infirmity of such person. R.S., c. 18, s. 5.

10. No civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act and that such superannuation will be in the public interest. R.S., c. 18, s. 5.

ALLOWANCES AND GRATUITIES.

11. The superannuation allowance hereinbefore mentioned shall be calculated upon the average yearly salary, during the last three years of service, of the person to whom such allowance is to be made, and shall not exceed, if such person has served for ten years, but less than eleven years, an annual allowance of ten-fiftieths of such average salary, and, if he has served for eleven years but less than twelve years, an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance of thirty-five-fiftieths may be granted, but no addition shall be made for any service beyond thirty-five years.

2. In computing the number of years of service for the purposes of this section, if the actual period of service includes a fraction of a year, the fraction, if equal to or greater than one-half, shall be counted as a full year's service. R.S., c. 18, s. 3; 3 E. VII., c. 10, s. 1.

12. The Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years of service of such person, such further number of years not exceeding ten, as is considered equitable, for reasons stated in the order in council made in the case, and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed. R.S., c. 18, s. 4.

13. If the head of a department reports with respect to any person employed in his department, and about to be superannuated, from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may, as to him seems fit, grant such person a superannuation allowance less than that to which he would have otherwise been entitled. R.S., c. 18, s. 9.

14. If any person to whom this Act applies is constrained, from any infirmity of mind or body, to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury, received without his own fault, in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years. R.S., c. 18, s. 10.

15. If any person to whom this Act applies is removed from office in consequence of the abolition of his office for the purpose of improving the organization of the department to which he belongs, or is removed or retired from office to promote efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service. R.S., c. 18, s. 11.

16. The allowances and gratuities granted under this Act shall, as to all persons appointed to the Civil Service previous to the first day of April, one thousand eight hundred and ninety-three, be payable out of the Consolidated Revenue Fund of Canada, and as to all persons appointed to the Civil Service on or after the last mentioned date, the same shall be payable out of the Civil Service Superannuation Fund, number two, hereinafter defined. R.S., c. 18, s. 15; 56 V., c. 12, s. 4.

DEDUCTIONS.

17. A deduction towards making good the superannuation allowances hereinbefore mentioned shall be made from the salary of every person in the Civil Service appointed previous to the first day of April, one thousand eight hundred and ninety-three, at the rate of two per centum per annum on such salary, if it is six hundred dollars or upwards, and of one and one-quarter per centum per annum thereon if it is less than six hundred dollars, and the sum so deducted shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 18, s. 6.

18. A deduction shall be made from the salary of every person appointed to the Civil Service on or after the first day of April, one thousand eight hundred and ninety-three, at the rate of three and one-half per centum per annum on such salary, if it is six hundred dollars or upwards, and of three

R.S., 1906.
per centum per annum thereon if it is less than six hundred dollars, and such deduction shall be carried to the credit of a fund called the Civil Service Superannuation Fund, number two, to which shall be added by the Government annually such a sum as, upon an estimate or valuation thereof based upon the H. M. Mortality Table of the Institute of Actuaries of Great Britain and a rate of interest of six per centum per annum, may be sufficient to make the amount thereof equal to the value of the prospective annuities payable therefrom. 56 V., c. 12, s. 3.

19. The deductions mentioned in the last two preceding sections shall be made only during the first thirty-five years of service. R.S., c. 18, s. 6.

COMPULSORY RETIREMENT.

20. Retirement shall be compulsory on every person to whom the superannuation allowance hereinbefore mentioned is offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated. R.S., c. 18, s. 8.

21. Nothing herein contained shall be understood as impairing or affecting the right of the Governor in Council to dismiss or remove any person from the Civil Service. R.S., c. 18, s. 8.

DISMISSAL.

22. The Governor in Council may, on the recommendation of the Treasury Board, pay to any person heretofore or hereafter dismissed from the public service of Canada, who at the time of such dismissal was contributing to any civil service superannuation fund under the provisions of this Act, or who has contributed to any such fund or funds during thirty-five years of service, the whole, or such portion as the Governor in Council deems expedient of the amount so contributed by such person to such fund.

2. The Governor in Council may also, on the recommendation of the Treasury Board, in addition, pay to such person interest to the date of such dismissal on the contributions so repaid, or any portion thereof, at such rate of interest, not exceeding five per centum per annum, and calculated in such manner, as the Governor in Council deems advisable. 60-61 V., c. 15, ss. 1 and 2.

23. R.S., 1906.
In discretion of Governor in Council. 23. Nothing in the last preceding section contained shall be construed to confer upon any person any right to demand or enforce the repayment of any amount contributed by him to any such fund, or any interest thereon, and all payments made under the last preceding section shall be wholly in the discretion of the Governor in Council. 60-61 V., c. 15, s. 3.

FORFEITURE OF ALLOWANCE.

In what cases. 24. Every person who receives a superannuation allowance, and is under the age of sixty years, and is not disabled by bodily or mental infirmity, may be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and which is not lower in rank or emolument than that from which he retired; and, if he refuses or neglects so to do, he shall forfeit his said allowance. R.S., c. 18, s. 12.

REPORTS.

Annual to Parliament. 25. The Minister of Finance shall lay before Parliament within fifteen days after the commencement of each session thereof,—

(a) a statement of all superannuations and retiring allowances in the Civil Service within the year, giving the name and rank of each person superannuated or retired, his salary, age and length of service, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so, whether by promotion or by new appointment, and the salary of the new incumbent;

(b) a statement showing the condition of the Civil Service Superannuation Fund, number two, at the end of the last preceding fiscal year. R.S., c. 18, s. 16; 56 V., c. 12, s. 5.

Order in Council to be laid before Parliament. 26. The order in council made in any case of superannuation shall be laid before Parliament at its then current or next ensuing session. R.S., c. 18, s. 3.

PART II.

RETIREMENT FUND.

Constituted. 27. There shall be a fund to be called the Retirement Fund maintained for the retirement, subject to the conditions and qualifications hereinafter contained, of the persons to whom this Part applies, which fund shall be constituted and made up as follows:—

R.S., 1906.
(a) By the reservation out of the salary of each such person 5 per cent of five per centum of his salary;

(b) In the case of any person in the Civil Service previous to the first day of July, one thousand eight hundred and ninety-eight, to whom this Part applies, by the transfer in addition and placing to his credit in the fund of a sum equal to the amount of all deductions previously made from the salary of such person under the authority of the Civil Service Superannuation Act with interest thereon compounded half yearly, at the rate of four per centum per annum.

2. The amount reserved in the case of each person together with any sum transferred to his credit as in the preceding subsection mentioned, shall be entered in a separate account, and interest at the rate of four per centum per annum, shall on the first days of January and July in each year, be computed on all sums to the credit of the Retirement Fund, whether principal or interest, and such interest shall be credited to the said sums and form part thereof. 61 V., c. 17, ss. 4 and 6.

28. No person shall, during his continuance in office, have any claim or right to any part of the Retirement Fund. 61 V., c. 17, s. 7.

29. On the retirement or dismissal of any person, the amount to his credit in the Retirement Fund shall be payable to him: Provided that if he is, in the opinion of the Governor in Council, unfit to manage his own affairs, such amount may be dealt with for the benefit of such person, or of his wife or children or other next of kin, in such manner as the Governor in Council determines. 61 V., c. 17, s. 8.

30. If a person dies while in the Civil Service, the amount to his credit in the Retirement Fund shall be paid to his legal representatives, or to such person as the Treasury Board determines. 2 E. VII., c. 6, s. 1.
CHAPTER 18.

An Act respecting Government Civil Service Insurance.

SHORT TITLE.

1. This Act may be cited as the Civil Service Insurance Short title. Act. 56 V., c. 13, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Minister' means the Minister of Finance;
   (b) 'insurance contract' means any contract whereby, under the authority of this Act, the Minister contracts with any person for the payment of a certain sum of money to be made upon the death of such person;
   (c) 'the insured' means any person so contracting with the Minister;
   (d) 'insurance money' means the amount so contracted to be paid by the Minister. 56 V., c. 13, ss. 2 and 3.

3. When it is stated in any insurance contract made under the authority of this Act, or in a declaration endorsed thereon or attached thereto, that the insurance contract is for the benefit of the wife and children generally, or of the children generally, of the insured, without specifying their names, then the word 'children' shall mean all the children of the insured living at the time of his death, whether by the same wife or by different defined wives. 56 V., c. 13, s. 7.

ADMINISTRATION.

4. The provisions of this Act shall be carried out by the Superintend-ent of In-urance.

   The Superintendent of the Department of Finance, under the direction and supervision of the Superintendent of Insurance. 56 V., c. 13, s. 16.

INSURANCE CONTRACTS.

5. The Minister may contract with any person to whom the Civil Service Superannuation Act applied on the first day 253 R.S., 1906.
day of April, one thousand eight hundred and ninety-three, or who was thereafter appointed to a permanent position in any branch of the public service of Canada, for the payment of a certain sum of money to be made upon the death of such person. 56 V., c. 13, s. 3.

6. When the insured is a married man or a widower with children, the insurance contract shall be for the benefit of his wife, or of his wife and children, or of his wife and some one or more of his children, or of his children only, or of some one or more of them; and when the insurance contract is effected for the benefit of more than one, the insured may apportion the insurance money among them as he deems proper. 56 V., c. 13, s. 4.

7. When the insured is an unmarried man, the insurance contract shall be for the benefit of his future wife, or of his future wife and children, and the insured may apportion the insurance money among them in such manner as he sees fit; but if, at the maturity of the contract, he is still unmarried, or is a widower without children, the insurance money shall fall into and become part of his estate. 56 V., c. 13, s. 5.

8. Any apportionment under the next two preceding sections may be made in the insurance contract, or by a declaration endorsed thereon or annexed thereto and signed by the insured. 56 V., c. 13, s. 6.

9. Where an apportionment has been made as hereinbefore provided, and one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by an instrument in writing endorsed on or attached to the insurance contract, declare that the shares formerly apportioned to the persons so dying shall be for the benefit of the wife and children of the insured, or of one or more of them, as he sees fit.

2. In default of such declaration, the shares of the persons so dying shall be for the benefit of the survivor, or, if more than one, of the survivors of the wife and children of the insured in equal shares.

3. If all the persons so entitled die in the lifetime of the insured, the insurance money shall fall into and become part of the estate of the insured. 56 V., c. 13, s. 8.

10. When no apportionment is made of the insurance money as hereinbefore provided, all persons interested shall be held to share equally therein. 56 V., c. 13, s. 9.

11. The Minister may decline to enter into an insurance contract in any case where there are, in his opinion, sufficient grounds for his declining to do so. 56 V., c. 13, s. 10.

R.S., 1906.
12. The Minister shall cause tables to be constructed fixing the premiums to be paid by the insured to the Minister as the consideration for such insurance contracts, and also all other tables necessary for the carrying out of the provisions of this Act.

2. All such tables shall be based on the H. M. Mortality Basis of Table of the Institute of Actuaries of Great Britain, and on a rate of interest of six per centum per annum, no allowance being made for expenses.

3. Such tables shall be framed so that the premium to obtain an insurance contract may be paid in one sum, or in annual, semi-annual, quarterly, or monthly instalments, and either during the life of the insured or during a limited period. 56 V., c. 13, s. 11.

13. The minimum and maximum amounts payable at death which may be contracted for under this Act shall be one thousand dollars and two thousand dollars respectively. 56 V., c. 13, s. 12.

14. Every applicant for insurance shall furnish with his application a medical certificate in such form as is prescribed by the Minister. 56 V., c. 13, s. 13.

15. The Governor in Council may, for the purposes of this Act, from time to time make regulations for,—

(a) regulating the mode and form of making contracts;
(b) prescribing the mode of proving the age, identity, and the existence or death of persons;
(c) prescribing the mode of paying money in connection with insurance contracts;
(d) dispensing with the production of probate of a will or letters of administration, either generally or in any particular class of cases;
(e) prescribing the accounts to be kept and their management;
(f) determining beforehand the cases or classes of cases in which an insurance contract may be surrendered and a cash surrender value paid therefor, or a free or paid-up insurance contract issued instead thereof, and for prescribing the manner in which such cash surrender value or amount of paid-up insurance shall be determined; and,

(g) any other purpose for which it is deemed expedient to make regulations in order to carry this Act into effect. 56 V., c. 13, s. 14.

SUPERANNUATION DEDUCTIONS.

16. In the event of any person to whom the Civil Service Superannuation Act applied on the first day of April, one thousand eight hundred and ninety-three, taking advantage

255

R.S., 1906.
of the provisions of this Act, a deduction at the rate of three per centum per annum shall be made from the salary of such person towards making good the superannuation allowance provided for by the said Act, such deduction to be instead of the deduction of two per centum per annum and one and one-quarter per centum per annum respectively at the last mentioned date payable under the said Act. 56 V., c. 13, s. 15.

REPORT.

17. The Superintendent of Insurance shall, within three months after the close of each fiscal year, prepare for the Minister a statement showing the amount received for premiums during the last fiscal year for all insurance contracts entered into previous to the said date, the amount of all sums paid in connection therewith during the said period, also the number of new contracts entered into since the previous statement and the gross amount thereof, with such further details and particulars as are deemed advisable.

2. The Minister shall lay the said statement before Parliament within thirty days after the commencement of the session thereof next after the date of the said statement. 56 V., c. 13, s. 17.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 19.

An Act respecting Public Officers.

SHORT TITLE.

1. This Act may be cited as the Public Officers Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, 'bond' includes securities other than bonds.

COMMISSIONS.

3. The Governor in Council may make regulations declaring and determining what dignitaries, officers or classes of officers, or persons in the public service of Canada, appointed under orders in council shall receive commissions under the Great Seal or under the Privy Seal respectively, and what fee shall be paid thereon; and such commissions may be issued to the dignitaries, officers and persons who have not received and are declared entitled to receive them; but nothing done under this section shall affect any commission issued before the commencement of this Act. R.S., 1906, c. 14, s. 1.

4. Commissions issued under the foregoing provisions of this Act shall be recorded in the office of the Registrar General of Canada, and notice of the appointments shall be inserted in the Canada Gazette by the Secretary of State, and a list of such commissions issued during the year shall be laid before Parliament within the first fifteen days of its next ensuing session in each year. R.S., c. 19, s. 2.

TIME AND MANNER OF GIVING AND EFFECT OF SECURITY.

5. Every person who is required to give security by reason of being appointed to any civil office or employment or commission in any public department of the Government of Canada, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government, shall give and enter into a bond for the due performance of the trust reposed R.S., 1906.
reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control, in such manner and with such sureties as are approved of by the Governor in Council, or by the principal officer or person in the office or department to which he is appointed,—

(a) within one month after notice of such appointment if he is then in Canada; or,
(b) within three months after such notice if he is then absent from Canada; or,
(c) if, at the time of such notice, he is absent from Canada, within one month after he arrives in Canada, if he shall so arrive within three months of such notice. R.S., c. 19, s. 5.

6. Whenever any person is required, under this Act or under any Act of the Parliament of Canada, or by any order of the Governor in Council, to give security for the due performance of the duties of any office to which he has been or is about to be appointed, such person may either solely, or together with sureties, as the case may be, give such security by bond to His Majesty in the form A in the schedule to this Act, or to the like effect. R.S., c. 19, s. 6.

7. Whenever a bond made according to the form A set forth in the schedule to this Act, or any other bond expressed to be made in pursuance of this Act, or referring thereto, contains the form of words set forth in column one of the said form, such bond shall be construed and have the same effect as if it contained the form of words set forth in column two of the said form. R.S., c. 19, s. 7.

8. Any recitals may be inserted prior to the condition of the bond, and the feminine gender may be substituted for the masculine, or the plural number for the singular, or vice versa, in the first column of the said form, and corresponding changes shall, in such case, be taken to be made in the corresponding form in the second column; and any express exceptions or qualifications or additions, made, introduced or annexed in the first column, shall be taken to be made in the corresponding form in the second column. R.S., c. 19, s. 8.

9. Any bond or part of a bond which does not take effect by virtue of the three sections of this Act last preceding, shall nevertheless be as effectual to bind the obligors therein, so far as the rules of law and equity will permit, as if the said sections had not been passed. R.S., c. 19, s. 9.

10. No bond given by any person, under this Act, to His Majesty, His heirs or successors, shall constitute any other or greater lien or claim upon the lands or tenements, goods or chattels of such person, than if such bond had been given to one of His Majesty's subjects. R.S., c. 19, s. 11.

R.S., 1906.
11. Every surety in any such bond shall make an affidavit in the form B, in the schedule to this Act, or to the effect thereof, before a justice of the peace; and the execution of every such bond shall be proved as to each person executing the same by an affidavit of the attesting witness, made in the form C, in the schedule to this Act, before a justice of the peace. R.S., c. 19, s. 10 and sch.

REGISTRATION.

12. Every such bond, 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 and the affidavits thereunto annexed shall, after such registration, be deposited in the said Department.

2. Such registration and deposit shall be made within one month after the bond is entered into or given, if the person on whose behalf it is entered into or given resides or is in Canada; and if he is absent from Canada, then within three months after the bond is entered into or given, unless such person arrives sooner in Canada, and then within one month after his arrival. R.S., c. 19, s. 10.

13. The Secretary of State shall make an entry, and shall, if required, give a certificate, in writing, under his hand and seal, of every such bond brought to him to be registered as aforesaid, and therein shall mention the day on which such bond is so registered, expressing also in what book, page or number the same is recorded.

2. The Secretary of State shall, for the purpose of so registering bonds, provide a separate register, every page of which, and every bond recorded in which, shall be numbered; and the day of the month and year when every such bond is registered shall be entered in the margin of the said register, and in the margin of the bond.

3. The Secretary of State shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds, with reference to the book, page or number where the bonds containing such names are to be found, and shall enter and register the said bonds in the order of time in which they respectively come to his hands. R.S., c. 19, s. 11.

14. Every such bond shall be endorsed with the following particulars, certified by the Secretary of State:—

(a) The date of the bond;
(b) The date of its receipt by the Secretary of State;
(c) The names of the principals and sureties and the amount for which each is bound;
(d) R.S., 1906.
(d) The office for the faithful discharge of the duties whereof the bond is given;
(e) The registration number;
(f) The folio on which the bond is entered in the register of bonds;
(g) The folio and book in which the bond is recorded in the office of the Secretary of State. R.S., c. 19, sch.

15. When the securities of the principal and sureties have been executed at different times, whether they were taken in one and the same bond, deed or other instrument, or in different ones, the period limited for registering and depositing such securities, shall be estimated from the time of execution thereof by the person who was the last to execute any such bond, deed or other instrument. R.S., c. 19, s. 18.

16. No neglect, omission or irregularity, in giving or receiving any bond or in registering or endorsing the same, within the periods or in the manner prescribed by this Act, shall vacate or make void any such bond, or discharge any surety from the obligation thereof. R.S., c. 19, s. 19.

17. All bonds hereby required to be registered and deposited, shall be registered and deposited by the proper officer, notwithstanding the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any bond shall be deemed to waive any forfeiture or penalty, or to exempt the person on whose behalf the same is registered and deposited from any forfeiture or penalty under this Act. R.S., c. 19, s. 20.

HOW A SURETY MAY TERMINATE HIS RESPONSIBILITY.

18. Any person who has become surety to the Crown for the due accounting for public moneys, or the proper performance of any public duty, by any person from whom such security is required, may, when no longer disposed to continue his responsibility as such surety, give notice thereof to his principal and also to the Secretary of State, and all accruing responsibility on the part of such person as surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of another surety in his place, whichever shall first happen. R.S., c. 19, s. 14.

CONSEQUENCES OF NOT GIVING SECURITY.

19. If any person, who, by reason of his appointment to or his holding of any civil office, employment or commission in any public department, or office of public trust, or who, by reason of being concerned in the collection, receipt, disburse-

R.S., 1906.
ment or expenditure of any public money, is required or bound to give any security, or to register and deposit any bond, neglects to give such security, or to cause such bond to be duly registered and deposited in the manner and within the period in this Act prescribed, he shall be liable to forfeit the appointment, office, commission or employment, in respect whereof such security should have been given and such bond registered and deposited as aforesaid; and such forfeiture shall take effect from and after the time when the Governor General declares the same to have taken effect under this Act.

2. No such forfeiture shall take place by reason of any Exception if such bond not being registered or deposited, if the proper sureties have been given and the proper bond made out, and the failure of registry and deposit has arisen from the loss of such bond in the transmission thereof from a distance; but in every such case a new bond, specifying the reason of such delay, shall be made out and signed, registered and deposited, within the like period after the person giving such security receives notice of the loss, (regard being had to the place where he then is), as would have been required by this Act for the registry thereof, if such loss had not occurred. R.S., c. 19, s. 12.

20. Every such person, who has given any bond, with Notice of sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice, in writing, to the Secretary of State, or to the principal officer or person of the department to which he belongs, of the death, bankruptcy, insolvency, or residence out of Canada, of any surety or person bound for or with him in any such bond.

2. Such notice shall be given within one month after the Within what fact comes to the knowledge of such person, if he then is time. or resides in Canada, or within three months if he is out of Canada, unless he sooner arrives in Canada, and then within one month after such arrival; and any person who Penalty for neglects to give such notice within the period limited therefor, neglect. shall forfeit, to the use of His Majesty, one-fourth part of the sum for which the surety so dead, bankrupt, insolvent or resident out of Canada, became security, recoverable in any court of competent jurisdiction, at the suit of the Crown. R.S., c. 19, s. 13.

21. Every person who has given any bond with sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands shall, upon the death, bankruptcy, insolvency or residence out of Canada of any such surety, and after giving the notice by the last preceding subsection required, within one month, if such person is then in Canada, or within three months if he is then

R.S., 1906.
absent from Canada, unless he sooner arrives in Canada, and then within one month after such arrival, substitute for the surety so dead, bankrupt, insolvent or resident out of Canada, another surety, to be approved in like manner, and shall, within the like period after the bond of such new surety is entered into or given, cause such bond to be duly registered and deposited; otherwise such person shall be liable to forfeit the appointment, office, commission or employment in respect whereof such fresh security ought to have been given; and such forfeiture shall take effect from and after the time when the Governor General so declares. R.S., c. 19, s. 13.

22. Whenever under the provisions hereinbefore contained any surety gives notice to his principal and also to the Secretary of State that he is no longer disposed to continue his responsibility, the principal shall, within one month from the receipt of the last of such notices furnish another surety, and register and deposit the bond of such new surety, or in default of so doing, shall be liable to forfeit and be deprived of the appointment, office, commission or employment in respect whereof such new surety ought to have been given, and such new bond registered and deposited as aforesaid; and such forfeiture shall take effect from and after the time when the Governor General so declares. R.S., c. 19, s. 14.

23. No act of any public officer of Canada, whose security has been given, registered or deposited, or whose affidavit of justification has been filed after the time limited by this Act, shall by such default be void or voidable. R.S., c. 19, s. 17.

24. The forfeiture or avoidance of the appointment, office, commission or employment of any person under the authority of this Act shall not annul or make void any act or order or other matter or thing done by such person during the time he actually held such appointment, office, commission or employment. R.S., c. 19, ss. 12, 13 and 14.

POWERS OF GOVERNOR IN COUNCIL TO REMIT FORFEITURES AND EXTEND TIME.

25. The Governor in Council may remit the forfeiture or penalty in any case in which the failure to give security, or to register and deposit any bond under this Act, has not arisen from any wilful neglect of the person bound to give, register or deposit the same. R.S., c. 19, s. 15.

26. The Governor in Council may extend the time for furnishing a new surety if it appears that the period hereinbefore limited therefor is in consequence of accidents or special circumstances insufficient, or that further time will be necessary to enable a new surety to be given by reason of illness, distance

R.S., 1906.
or loss of letters; or by reason of the refusal of any person to become surety, or any person offered as surety not being deemed eligible and being rejected.

2. Such extended period shall in no case exceed two months; and the precise period proposed to be allowed, together with the special grounds for allowing the same, shall be either entered in the book in which the original security has been registered, or endorsed on the back of the original bond itself.

3. The person required to give such new surety shall not be subject to any forfeiture or penalty for not giving the same within the time limited by this Act, if he gives such new surety within the extended period so allowed. R.S., c. 19, s. 15.

27. The Governor in Council may approve of the security given, or the affidavit of justification filed by any public officer, although the same has been given or filed after the time limited by this Act; and in such case the appointment, office, commission, or employment of such public officer shall not be deemed to have been forfeited by such default, but to have remained and to remain in full force and effect. R.S., c. 19, s. 16.

REGULATIONS.

28. The Governor in Council may direct that, whenever any person is required to give security for the due performance of his office, trust or employment, or for duly accounting for public moneys entrusted to him or placed under his control, or for the due fulfilment of his duties in any respect, or for the performance of any obligation undertaken towards the Crown,—

(a) the bond or policy of guarantee of any incorporated company, named by order in council, and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers or other like purposes; or,

(b) a conditional assignment of a deposit standing in the name of any public officer, required to give security, in the books of the Post Office or any other Government savings bank;

may be accepted as such security upon such terms as are determined by the Governor in Council.

2. In the case of any such assignment of a deposit the interest upon the deposit shall be payable to the depositor until forfeiture of the security, in like manner as if no such assignment had been made. 61 V., c. 16, s. 1.

29. The Governor in Council may direct that in all cases, or in any case or class of cases in which the bond or policy of guarantee of a company is accepted as such security, the money necessary to pay the premium upon such bond or policy may be deducted from the salary or pay of the person or persons for whom R.S., 1906.

Indemnity fund may be established.

30. The Governor in Council may from time to time make regulations for the establishment and maintenance of a fund to be derived from moneys contributed by, or deducted from the salaries or pay of the persons concerned, wherewith to make good to the Crown any loss sustained by reason of the default of any person required to give security. 61 V., c. 16, s. 1.

To whom applicable.

31. Such regulations may apply generally to all persons required to give security or to any class or classes of such persons, and, if the Governor in Council thinks fit, may provide, as to all or any of such persons or classes of persons, that the security afforded by such fund shall be in substitution or in partial substitution for the security required to be given by any such persons or classes of persons. 61 V., c. 16, s. 1.

REPORT.

Statement of bonds to be laid before Parliament.

32. The Secretary of State shall cause to be prepared, for the information of the Parliament of Canada, within fifteen days after the opening of every session thereof, a detailed statement of all bonds registered at his office, and of any changes or entries that have been made in reference to the names and residences of any sureties, and of the amounts in which sureties have become severally liable, since the period of the last previous return submitted to the Parliament. R.S., c. 19, s. 23.

SCHEDULE.

Form A.

Know all Men by these Presents, that We, of the of in the county of in the province of in the Dominion of Canada (hereinafter called 'the principal'); and of the of in the province of of the said (hereinafter called 'the sureties'), are respectively held and firmly bound unto our Sovereign Lord the King, His heirs and successors, in the respective penal sums following, that is to say:—The principal in the sum of dollars of lawful money of Canada, and each of the sureties in a sum of dollars of like lawful money, to be paid to our said Sovereign Lord the King, His heirs and successors, for which said respective payments, well and faithfully to be made, we severally.

R.S., 1906.
severally, and not jointly, or each for the other, bind ourselves, and our respective heirs, executors and administrators, firmly by these presents, sealed with our respective seals.

Dated this __________ day of __________ in the year of Our Lord one thousand nine hundred and __________ and in the __________ year of His Majesty's reign.

Whereas the principal, having been appointed to the office or employment of __________, is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and the sureties have consented to become his sureties for such his performance of the said duties; and this bond is given in pursuance of the Public Officers Act:—

**COLUMN ONE.**

Now the condition of this obligation is that if the principal faithfully discharges the duties of the said office and duly accounts for all moneys and property which come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and delivered in the presence of __________

**COLUMN TWO.**

Now the condition of the above obligation is such that if the principal so appointed to the said office or employment as aforesaid, do and shall, from time to time and at all times, so long as he shall hold the said office or employment, or be and remain charged with the actual discharge of the duties appertaining thereto, or any of them, faithfully, honestly, and diligently,—

(a) Do, perform, fulfil and discharge all and every such duties, in every respect, in accordance with the laws now in force in that behalf, as also all and singular such other duties as, by competent authority in that behalf, now are or hereafter shall or may be attached to the said office or employment, or imposed upon or required to be performed by the incumbent for the time being of the said office or employment, whether such last mentioned duties are regulated or imposed by any Act or Acts herefore passed by the respective legislatures of the late province of Canada, or of either of the provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, or which have been or may hereafter be passed by the Parliament of the Dominion of Canada, or by any ordinance, order in council or regulations made under any such Act, or by any law otherwise in force in Canada, and whether such duties are extended, increased or otherwise varied or altered by any such Act or Acts, so to be passed, or by any such ordinance, order in council or regulations or any such law as aforesaid, or are regulated or imposed, or are extended, increased or otherwise varied or altered by competent authority;

and,

(b) Duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control, by virtue of or in consequence of his holding the said office;

And further, if the principal upon his removal from, or his resignation of __________

[265]

R.S., 1906.
of the said office or employment, or if, in the event of his death during his tenure of the said office or employment, his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters and writings, and other things whatever, which then may be, or ought to be, in his possession, custody or keeping, by virtue of or in consequence of his holding the said office, or anything relating or in any wise appertaining thereto; Then the above obligation shall be null and void and of no effect; otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Form B.

Province of | I, A.B., the obligor (or one of the sureties), in the above bond or writing obligatory named, make oath and say, as follows:—

To wit:—

1. I am seized and possessed to my own use of real (or real and personal) estate in the province of , in Canada, of the actual value of $ , over and above all charges upon or encumbrances affecting the same.

2. My post office address is as follows:—

Sworn before me, at in the of this day of A.D. 19 .

a J.P. for the

A separate affidavit to be made by the obligor and by each surety.

Form C.

Affidavit of Witness.

Province of | I,

of | of the,

of | in the

To wit:—

in the province of , make oath and say that I was personally present, and did see the obligors in the above bond or writing obligatory named, duly

R.S., 1906.
duly execute the said instrument by signing, sealing, and, as their respective acts and deeds, delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at
in the of
this day of A.D.
19 .

a J.P. for the

A separate affidavit in this form shall be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them. R.S., c. 19, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King’s most excellent Majesty.
CHAPTER 20.

An Act respecting certain contingent Charges of the Departments of the Public Service.

1. This Act may be cited as the Contingencies Act. R.S., Short title. c. 20, s. 1.

2. This Act shall apply as well to the outside service of the several departments as to the service of the departments at the seat of government. R.S., c. 20, s. 13.

3. The contingencies of each department of the Civil Service mean and include only,—

(a) subscriptions to and advertising in newspapers;
(b) the purchase of maps, etc.;
(c) telegraphing;
(d) postages, freight and express charges;
(e) wages of charwomen, and other expenses of cleaning offices;
(f) travelling expenses, including cab-hire;
(g) extra clerks, to the extent sanctioned by the Civil Service Act;
(h) petty expenses, not exceeding in any department a sum apportioned by order in council. R.S., c. 20, s. 2.

4. Whenever any contingency is required by a department, whether for an article to be furnished or service to be performed, the deputy head of the department shall apply therefor by requisition, in writing, to the person by whom the same is to be furnished or performed; and such requisition shall, whenever it can be so made, be antecedent to the delivery of the article or performance of the service. R.S., c. 20, s. 3.

5. Every account rendered to the deputy head of a department to be certified, shall be accompanied by the original requisition, in respect of which such account accrued, and, when certified by him, shall be forwarded for payment to an officer of the Department of Finance, who shall be called the Accountant of Contingencies, and, except as hereinafter mentioned, shall then be paid by him. R.S., c. 20, s. 4.

6. Every such certificate shall expressly state that each item contained in the account has been incurred by the authority and upon R.S., 1906.
upon the order of either the head or deputy head of the department, and that the articles or services charged for have been received or performed, and that the prices charged are in the opinion of the deputy head, severally fair and just, and that the expenditure incurred is necessary for the public service; but the Accountant of Contingencies shall nevertheless investigate the account, and ascertain the correct price before paying the same.

2. The Treasury Board shall, from time to time, prescribe the mode of investigating accounts, and the standard by which the correct price shall be ascertained by the Accountant of Contingencies before such payment. R.S., c. 20, s. 5.

7. If it appears to the Accountant of Contingencies that any such account is for a purpose not included under the definition of contingencies, or that it is in excess of the amount for which authority has been given, or that the amount, or any part thereof, has been previously paid, or that there is any other error therein, he shall withhold payment, and submit the account to the Auditor General; and if the Auditor General, after conference with the deputy head of the department signing the requisition, is of opinion that there is any irregularity in the same, he shall submit it to the Treasury Board before payment. R.S., c. 20, s. 6.

8. The deputy head of each department shall submit to the head thereof, monthly, an account in detail of the expenditure for contingencies, during the month. R.S., c. 20, s. 7.

9. The Accountant of Contingencies shall submit, monthly, through the Auditor General, to the Treasury Board, a statement of all sums which have been paid in advance and to be accounted for, and which remained unaccounted for at the end of the last preceding month. R.S., c. 20, s. 8.

10. The Accountant of Contingencies shall render to the Auditor General, monthly, a statement, in detail, accompanied by vouchers, of all sums paid by him during the month, and of all moneys received, with a bank certificate of the balance at his credit at the end of the month. R.S., c. 20, s. 9.

11. The estimates for contingencies of each department shall be prepared and submitted to Parliament separately, but may be voted in one sum, and in that case, and so soon as conveniently may be after the same have been voted by Parliament, the Governor in Council shall assign a certain sum for defraying the contingencies of each department, reserving a certain amount for general expenses, not specially applicable to any individual department, to be expended upon requisition and certificate of the Secretary of the Treasury Board, in such manner.
ner as is hereinbefore provided, in respect to the contingencies of any department. R.S., c. 20, s. 10.

12. All matters connected with the superintendence of the Government buildings, at the seat of government, other than the heating, maintenance and repairs thereof, shall be in charge of the Accountant of Contingencies, under the Treasury Board, and such Board shall make regulations in respect thereof, subject to the approval of the Governor in Council. R.S., c. 20, s. 11.

13. An account shall be laid before Parliament each year, showing the amount expended under the several heads of service herein specified as included in contingencies. R.S., c. 20, s. 12.
CHAPTER 21.

An Act respecting the Department of Justice.

1. This Act may be cited as the Department of Justice Act. Short title.

2. There shall be a department of the Government of Canada, which shall be called the Department of Justice over which the Minister of Justice of Canada, for the time being, appointed by the Governor General by commission under the Great Seal, shall preside.

2. The Minister of Justice shall, ex officio, be His Majesty's Attorney General of Canada, and shall hold office during pleasure, and shall have the management and direction of the Department of Justice. R.S., c. 21, s. 1.

3. The Governor in Council may also appoint an officer as Deputy Minister, who shall be called the Deputy Minister of Justice and such officers, clerks and servants as are requisite for the proper conduct of the business of the department, all of whom shall hold office during pleasure. R.S., c. 21, s. 2.

4. The Minister of Justice shall,—

(a) be the official legal adviser of the Governor General and the legal member of His Majesty's Privy Council for Canada;
(b) see that the administration of public affairs is in accordance with law;
(c) have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces;
(d) advise upon the legislative Acts and proceedings of each of the legislatures of the provinces of Canada, and generally advise the Crown upon all matters of law referred to him by the Crown;
(e) have the superintendence of the penitentiaries and the prison system of Canada;
(f) be charged generally with such other duties as are at any time assigned by the Governor in Council to the Minister of Justice. R.S., c. 21, ss. 3 and 4.

5. R.S., 1906.
5. The Attorney General of Canada shall,—
   (a) be entrusted with the powers and duties which belong to the office of the Attorney General of England by law or usage, so far as those powers and duties are applicable to Canada, and also with the powers and duties which, by the laws of the several provinces, belonged to the office of Attorney General of each province up to the time when The British North America Act, 1867, came into effect, so far as those laws, under the provisions of the said Act, are to be administered and carried into effect by the Government of Canada;
   (b) advise the heads of the several departments of the Government upon all matters of law connected with such departments;
   (c) be charged with the settlement and approval of all instruments issued under the Great Seal of Canada;
   (d) have the regulation and conduct of all litigation for or against the Crown or any public department, in respect of any subject within the authority or jurisdiction of Canada;
   (e) be charged generally with such other duties as are at any time assigned by the Governor in Council to the Attorney General of Canada. R.S., c. 21, s. 4.
CHAPTER 22.

An Act respecting the Solicitor General of Canada.

1. This Act may be cited as the Solicitor General's Act. Short title.

2. The Governor in Council may appoint an officer who shall be called the Solicitor General of Canada and who shall assist the Minister of Justice in the counsel work of the Department of Justice, and shall be charged with such other duties as are at any time assigned to him by the Governor in Council. 50-31 V., c. 14, s. 1.

OTTAWA: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.
CHAPTER 23.

An Act respecting the Department of Finance and the Treasury Board.

SHORT TITLE.

1. This Act may be cited as the Department of Finance and Treasury Board Act.

DEPARTMENT OF FINANCE.

2. There shall be a department of the Government of Canada, which shall be called the Department of Finance, over which the Minister of Finance and Receiver General for the time being, appointed by the Governor-General by commission under the Great Seal of Canada, shall preside; and the said Minister shall hold office during pleasure and shall have the management and direction of the Department. R.S., c. 28, s. 2.

3. The Department of Finance shall have the supervision, control and direction of all matters relating to the financial affairs and public accounts, revenue and expenditure of Canada, which are not, or in so far as they are not, by law, or by order of the Governor in Council, assigned to any other department of the Government, and such other duties as are, from time to time, assigned to it by the Governor in Council. R.S., c. 28, s. 3.

4. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Finance and Receiver General, and such officers, clerks and servants as are requisite for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. R.S., c. 28, s. 4.

5. The Deputy Minister of Finance shall, under the Minister of Finance, keep the accounts with the financial agents of Canada in England, and with the bank or banks receiving or paying public moneys, and the accounts of moneys paid for interest on Canadian stock, debentures or other Canadian securities. R.S., c. 28, s. 5.

6. The Deputy Minister of Finance shall classify all appropriations of public moneys and keep posted up a book to be called Appropriation book. R.S., 1906.
called the appropriation book, containing an account, under separate and distinct heads, of every such appropriation, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation with the dates and names of the persons to whom payments are made; and shall, under the Minister of Finance, keep the public accounts of Canada. R.S., c. 28, s. 6.

7. All returns and statements required from savings banks, chartered or other banks, and all other institutions required to make financial statements or returns, shall, when no other provision is made in that behalf, be transmitted to the Deputy Minister of Finance. R.S., c. 28, s. 7.

8. All officers and clerks of and in the Department of Finance shall respectively have and perform such duties as are assigned to them by law or by the Governor in Council, or by the Minister of Finance, and such arrangements, distribution or union of the various duties, functions and business devolving on the several branches of the said Department, or such amalgamation thereof, may be made, as the Minister of Finance, with the approval of the Governor in Council, from time to time directs. R.S., c. 28, s. 8.

TREASURY BOARD.

9. There shall be a board to be called the Treasury Board, consisting of the Minister of Finance and any five of the ministers belonging to the King's Privy Council for Canada, to be nominated from time to time by the Governor in Council. R.S., c. 28, s. 9; 50-51 V., c. 13, s. 1.

10. The Treasury Board shall act as a committee of the King's Privy Council for Canada, on all matters relating to finance, revenue and expenditure, or public accounts, which are referred to it by the Council, or to which the Board thinks it necessary to call the attention of the Council, and shall have power to require from any public department, board, officer, or other person, bound by law to furnish the same to the Government, any account, return, statement, document, or information which the Board deems requisite for the due performance of its duties. R.S., c. 28, s. 9.

11. The Minister of Finance shall be the Chairman of the Treasury Board; and the Deputy Minister of Finance shall be ex officio the Secretary thereof, and through him the Board shall communicate with any public department, officer, or other person. R.S., c. 13, s. 10.

12. A plan of account books and accounts, adapted to the requirements of each department or branch of the public service,
vice, in order to exhibit in a convenient form the whole of the receipts and payments in respect of each vote, shall be designed under the superintendence of the Treasury Board; and the Governor in Council may, on report from the Treasury Board, prescribe, from time to time, the manner in which each department of the public service shall keep its accounts. R.S., c. 28, s. 11.

13. The Treasury Board may direct any officer or person employed in collecting, managing or accounting for any branch of the revenue, to keep any books or accounts which it deems advisable to direct to be kept for the purpose of obtaining and furnishing any statistical information concerning the trade or commerce of Canada, the public works thereof, or other matters of public interest. R.S., c. 28, s. 12.
CHAPTER 24.

An Act respecting the Public Revenue, the raising of Loans authorized by Parliament, and the auditing of the Public Accounts.

SHORT TITLE.

1. This Act may be cited as the Consolidated Revenue Short title. and Audit Act. R.S., c. 29, s. 1.

INTERPRETATION.

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

(a) 'public moneys,' 'public revenue' or 'revenue,' means and includes and applies to all revenue of the Dominion of Canada, and all branches thereof, and all moneys, whether arising from duties of Customs, excise or other duties, or from the post office, or from tolls for the use of any canal, railway or other public work, or from fines, penalties or forfeitures or from any rents or dues, or from any other source whatsoever, whether such moneys belong to Canada or are collected by officers of Canada for or on account of or in trust for any province forming part of Canada, or for the Government of the United Kingdom, or otherwise;

(b) 'certify' includes 'examine and certify if found correct';

(c) 'sub-accountant' means any officer or person receiving or expending public moneys and accounting for the same to or through any minister or officer of any public department;

(d) 'department,' when used in connection with the duty of preparing appropriation accounts, includes every public officer to whom the duties are assigned by the Treasury Board;

(e) 'accountant,' when used with reference to accounts, other than the appropriation accounts of the grants of Parliament, which the Auditor General is required by the Minister of Finance or the Treasury Board, under the authority of this Act, to examine and audit, means the department or officer that is required by the Minister of Finance to render the same. R.S., c. 29, ss. 2 and 51.

3. Any officer, functionary or person whose duty it is to receive any moneys forming part of the revenue, or who is entrusted with the custody or expenditure of any such moneys, although he is not regularly employed in collecting, managing or accounting for the same, shall be subject to the provisions of this Act, so far as regards the accounting for and paying over such moneys, whatever is the office or employment by virtue of which he receives, or is entrusted with the same. R.S., c. 20, s. 2.

CONSOLIDATED REVENUE FUND.

4. All public moneys and revenue over which the Parliament of Canada now has the power of appropriation shall form one Consolidated Revenue Fund to be appropriated for the public service of Canada, in the manner and subject to the charges hereinafter mentioned, and in the following order, that is to say:—

First.—The costs, charges, and expenses incident to the collection, management and receipt thereof, subject to be reviewed and audited in such manner as is hereby or is hereafter by law provided;

Second.—The salary of the Governor General;

Third.—The balance remaining unpaid of the principal, and interest at a rate not exceeding four per centum per annum, of the loan of three million pounds sterling, authorized by the Act passed in the thirty-first year of Her late Majesty’s reign, chapter thirteen, to be raised for the purpose of constructing the Intercolonial Railway, upon the guarantee, by the Commissioners of Her late Majesty’s Treasury, of the payment of interest on such loan at a rate not exceeding four per centum per annum;

Fourth.—An annual sum, at the rate of one per centum per annum, as a sinking fund on the entire amount of principal money of the loan lastly hereinbefore mentioned;

Fifth.—The principal and interest of any loan guaranteed by the Treasury under the Act passed in the thirty-seventh year of Her late Majesty’s reign, chapter two, and the Act of the Parliament of the United Kingdom known as The Canada (Public Works) Loan Act, 1878;

Sixth.—Such sums as are required to form a sinking fund at the rate of one per centum per annum on the entire amount of the loan guaranteed by the Treasury as lastly hereinbefore mentioned;

Seventh.—The yearly salaries of the judges of the Supreme Court of Canada and of the Exchequer Court of Canada. R.S., c. 29, s. 3.

5. The grants payable to the several provinces constituting the Dominion of Canada shall be charged upon the Consolidated Revenue Fund of Canada, and payable out of any unappropriated moneys forming part thereof. R.S., c. 29, s. 4.
6. The Governor in Council may, from time to time,—

(a) make such regulations as he deems necessary for the management of the public debt of Canada and the payment of the interest thereon; and,

(b) subject to the provisions of the two next following sections, provide for the creation and management of a sinking fund or other means of securing the repayment of any loans raised under the authority of Parliament; and,

(c) appoint one or more fiscal agents of Canada in the city of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest on the public debt, and for other services connected with the management of the said debt; and,

(d) pay the sums necessary to provide such sinking fund or other means as aforesaid, and such compensation, out of the Consolidated Revenue Fund. R.S., c. 29, s. 5.

7. Whenever, in any Act passed by the Parliament of Canada, authority is given to the Governor in Council to raise, by way of loan, any sum of money for the public service, or the security of Canada is authorized to be given for any sum of money deposited in any Government savings bank, or otherwise entrusted for safe-keeping to the Government of Canada, then, unless there is some provision to the contrary in the Act by which such authority is given, or such security authorized, such sum shall, in the discretion of the Governor in Council, be raised or such security given in one of the following ways, or partly in one and partly in another or others thereof, that is to say:—

(a) By the issue and sale, or the delivery as such security, of debentures of Canada, which shall be in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and the principal and interest whereof shall be made payable at such periods and places, as the Governor in Council deems most expedient, and subject to such regulations as he sees fit to make; and such principal and interest shall be chargeable on the Consolidated Revenue Fund;

(b) by the issue and sale, or the delivery as such security, of Canada Dominion stock bearing such rate of interest not exceeding six per centum per annum as is deemed most advisable, payable half yearly, the principal and interest whereof shall be chargeable on the Consolidated Revenue Fund; and such stock shall not be redeemable until the time fixed by the regulations hereinafter mentioned, but at and after that time shall be redeemable at the option of the Governor in Council on giving six months' notice of such redemption, and the stock shall be subject to such regulations.

R.S., 1906.
regulations as to the inscription, transfer, management and redemption thereof, as the Governor in Council sees fit to make;

(c) By the granting of terminable annuities chargeable on the Consolidated Revenue Fund, such annuities being granted on terms in accordance with the most approved English tables, and based on a rate of interest not exceeding six per centum per annum, and subject to such regulations as the Governor in Council sees fit to make;

(d) By the issue and sale, from time to time, of exchequer bills or exchequer bonds, in sums of not less than four hundred dollars, in such form, and bearing such rate of interest not exceeding six per centum per annum, and redeemable at such periods and places as the Governor in Council deems most advisable, and subject to such regulations as he sees fit to make. R.S., c. 29, s. 6.

8. Upon authorizing the issue of debentures of Canada or Canada Dominion stock under the last preceding section the Governor in Council may provide for a special sinking fund with respect to such issue, and may, at any time, provide for a general sinking fund for all such portions of the debentures or stock of Canada as have been or are hereafter issued without provision for a sinking fund: Provided that the amount to be invested in any such sinking fund shall not exceed one-half of one per centum per annum on the amount of the debentures or stock to which it relates. R.S., c. 29, s. 6.

9. The Governor in Council may from time to time direct that the whole or any portion of the stock of the Dominion of Canada, heretofore issued or inscribed, or hereafter issued or inscribed, and forming the whole or part of the public debt of Canada, be inscribed and transferred in a register kept in the United Kingdom at such place and by such bank, colonial officer, or person as he from time to time appoints. 63-64 V., c. 11, s. 1.

10. The Governor in Council is hereby authorized to make any declaration and take any steps necessary to record such inscribed stock, or any portion thereof, under and in accordance with the provisions of the imperial Acts known as The Colonial Stock Acts, 1877 to 1900. 63-64 V., c. 11, s. 2.

11. The Minister of Finance may, out of the Consolidated Revenue Fund of Canada, pay, satisfy and discharge any judgment, decree, rule, or order of the court in England, which under the provisions of section twenty of The Colonial Stock Act, 1877, is to be complied with by the registrar of the inscribed stock of Canada in England. 63-64 V., c. 11, s. 3.

12. The Governor in Council may, from time to time, as the interests of the public service require, change the form of

R.S., 1906.
of any part of the then existing funded debt of Canada, including any debentures for which Canada is liable, by substituting one class of the securities aforesaid for another or for such debentures, if neither the capital of the debt, nor the annual charge for interest is thereby increased: Provided that in any case in which four per centum Dominion stock or five per centum Dominion stock or debentures is or are substituted for securities bearing a higher rate of interest, the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the security bearing the higher interest and that of the four per centum stock or five per centum stock or debentures substituted for it.

2. No such substitution shall be made, unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Canada.

3. Such substitution may be made by the sale of the one class of securities and the purchase of those for which it is desired to substitute them. R.S., c. 29, s. 7.

13. The Governor in Council may, from time to time, as the exigencies of the public service require, in the event of the Consolidated Revenue Fund being at any time insufficient to meet the charges placed thereon by law, direct the proper officer to raise, by temporary loans chargeable on the said fund, in such manner and form, in such amounts, for such periods not exceeding six months, at rates of interest not exceeding seven per centum per annum, as the Governor in Council directs, such sums as are necessary to enable the said fund to meet such charges.

2. The sums to be so raised shall never exceed the amount of the deficiencies in the Consolidated Revenue Fund to meet the charges thereon, then due or payable either as principal or interest, and shall be applied to no other purpose whatsoever.

3. An account in detail of all such temporary loans shall be laid before the House of Commons within the first fifteen days of the session then next ensuing. R.S., c. 29, s. 8.

14. If, at the end of any month, by reason of the amount of deposits in the savings banks established under the Savings Banks Act, and the issue and sale of the five per centum Dominion stock and any other public securities the issue and sale of which is authorized by this Act, or by any of the said causes, the amount of the public debt authorized by Parliament is exceeded, the Minister of Finance shall report such excess to the Treasury Board, and the Treasury Board shall thereupon direct him to purchase, to the extent of such excess, debentures of the Dominion of Canada already issued, and such debentures shall then be cancelled, or may be held in reserve until there is authority to reissue them. R.S., c. 121, s. 18.

15. R.S., 1906.
15. The regulations made or to be made by the Governor in Council, as to the inscription, transfer, management and redemption of any Canada Dominion stock, debentures or other Canada securities hereinbefore mentioned, shall, in so far as they are not inconsistent with the Act under which they are made, have the same force and effect as if embodied and enacted in an Act of the Parliament of Canada. R.S., c. 29, s. 9.

16. No officer of the Government of Canada employed in the inscription, transfer, management or redemption of any such stock or securities, or in the payment of any dividend or interest thereon, shall be bound to see to the execution of any trust expressed or implied to which such stock or securities are subject, nor shall he be liable in any way to any person for anything done as such officer, in accordance with any such regulation. R.S., c. 29, s. 9.

17. The Deputy Minister of Finance shall,—

(a) countersign all Canada debentures;

(b) keep a debenture book, which shall contain a record and description of all debentures outstanding or authorized to be issued, showing the date of issue, period of redemption, when they were cancelled, and times of payment of interest, and an interest account respecting them; and,

(c) keep a register of provincial notes or Dominion notes issued or cancelled.

18. Nothing in this Act shall be construed as altering or affecting the provisions of the Dominion Notes Act, or the debentures to be issued and held for securing the redemption of such notes, or in any way to authorize any increase of the public debt without the express authority of Parliament, except in the manner and to the extent hereinbefore provided in case of the substitution of four per centum Dominion stock or five per centum Dominion stock for other securities, and except also as to temporary loans raised in the manner and to the extent hereinbefore provided in the event of the Consolidated Revenue Fund being at any time insufficient to meet the charges placed thereon by law. R.S., c. 29, s. 12.

Collection of the Revenue.

19. The Governor in Council may, from time to time, determine what officers or persons it is necessary to employ in collecting, managing or accounting for the revenue, and in carrying into effect the laws thereunto relating, or for preventing any violation R.S., 1906.
violation of such laws; and may assign their names of office, and such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments, as to the Governor in Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid: Provided that no such officer so appointed shall receive a higher annual salary than is allowed in his case by any Act of the Parliament of Canada then in force respecting the Civil Service generally; nor shall any such salary be paid until voted by Parliament. R.S., c. 29, s. 13.

20. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties.

2. No such officer or person, receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other calling, profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except, in either case, with express permission of the Governor in Council. R.S., c. 29, s. 14.

21. No officer or person regularly employed in the collection or management of the revenue, or in accounting for the same, shall, while he remains such officer or so employed, be compelled to serve in any other public office, or in any municipal or local office, or on any jury or inquest, or in the militia. R.S., c. 29, s. 15.

22. Every person appointed to any office or employment relative to the collection or management of the revenue, or to the accounting for the same, shall, upon his admission to such office or employment, take, before such officer as the Governor in Council appoints to receive the same, an oath in the form following, that is to say:

'I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge, by my appointment as and that I will not require, take or receive any fee, perquisite, gratuity or reward, or emolument, whether pecuniary or of any other sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed, or to be done or performed, in the execution or discharge of any of the duties of my said office or employment, on any account whatsoever, other than my salary, or what shall be allowed me by law, or by order of the Governor in Council. So help me God.' R.S., c. 29, s. 16.
23. The Governor in Council may, from time to time,—
(a) make such divisions of Canada into ports, revenue districts or otherwise, as are required with regard to the collection or management of the revenue; and,
(b) assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such district or division, and the places within the same where such duty or service shall be performed.

(2) make all such regulations concerning such officers and persons, and the conduct and management of the business to them entrusted, as are consistent with the law, and as he deems expedient for carrying it into effect, in the manner best adapted to promote the public good.

2. Any general regulation or order made by the Governor in Council for any purpose whatsoever for which an order or regulation may be so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or persons concerned had been specially named therein. R.S., c. 29, s. 17.

24. Every person employed on any duty or service relating to the collection or management of the revenue, by the order or with the concurrence of the Governor in Council, shall be deemed to be the proper officer for that duty or service; and every act, matter or thing required by any law in force to be done or performed by, to or with any particular officer nominated for that purpose in such law, which is done or performed by, to or with any person appointed or authorized by the Governor in Council to act for or on behalf of such particular officer, shall be deemed to be done or performed by, to or with such particular officer.

2. Every act, matter or thing required by any law, at any time in force, to be done or performed at any particular place within any division of Canada, made by the Governor in Council with regard to the collection or management of the revenue, which is done or performed at any place within such division, shall be deemed to be done or performed at the particular place so required by law. R.S., c. 29, s. 18.

25. Any officer or person employed in the collection, management or accounting for any branch of the revenue may be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him. R.S., c. 29, s. 19.

26. The Governor in Council may, from time to time,—
(a) appoint the hours of the general attendance of the officers and persons employed in the collection and management
ment of the revenue, at their proper offices and places of employment; and,
(b) appoint the times during such hours, or the seasons of the year, at which any particular portions of the duties of such officers or other persons shall be performed by them respectively.

2. A notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of employment. R.S., c. 29, s. 20.

AUDITOR GENERAL AND HIS OFFICE.

27. The Governor General may, for the more complete examination of the public accounts of Canada, and for the reporting thereon to the House of Commons, appoint an officer, under the Great Seal of Canada, to be called the Auditor General of Canada, and such officer may be paid out of the Consolidated Revenue Fund, a salary of four thousand dollars per annum. R.S., c. 29, s. 21; 51 V., c. 7, s. 1.

28. The Auditor General shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. R.S., c. 29, s. 22.

29. The Auditor General shall be subject to the provisions of the Civil Service Superannuation and Retirement Act except as regards his tenure of office. 51 V., c. 7, s. 2.

30. The Governor in Council shall, from time to time, appoint the officers, clerks and other persons in the office of the Auditor General, and may regulate the numbers and salaries of the respective grades or classes into which the said officers, clerks and others shall be divided. R.S., c. 29, s. 23.

31. The Auditor General may, from time to time, make orders and rules for the conduct of the internal business of his office, and prescribe regulations and forms for the guidance of principal accountants and sub-accountants in making up and rendering their periodical accounts for examination: Provided that all such rules, regulations and forms shall be approved by the Treasury Board previously to the issue thereof. 54-55 V., c. 16, s. 1.

32. The Auditor General may suspend or remove any of the officers, clerks and others employed in his office. 54-55 V., c. 16, s. 1.

33. Subject to the provisions of the Civil Service Act with respect to promotions, the Auditor General may promote any of R.S., 1906.
of the officers, clerks or employees in his office, and shall have with respect to such promotions all the powers which under the Civil Service Act are vested in heads and deputy heads of departments, and he shall also have in respect of promotions to chief clerkships, grade A, the powers by the said Act vested in the Governor in Council: Provided that every promotion of an officer, clerk or employee in the said office shall be reported to the Governor in Council within fifteen days after it has been made. 54-55 V., c. 16, s. 1; 3 E. VII., c. 9, s. 8.

34. In any case in which the Auditor General deems it necessary to report for the information of the Governor in Council, such report shall be made through the Minister of Finance. 54-55 V., c. 16, s. 1.

PUBLIC MONEYS—HOW DEALT WITH.

35. All public moneys, from whatever source of revenue derived, shall be paid to the credit of the account of the Minister of Finance and Receiver General through such officers, banks or persons, and in such manner as the said Minister, from time to time, directs and appoints.

2. All moneys received by any officer, clerk or employee of the Senate or House of Commons of Canada as fees or sums in any way payable in connection with any proceedings before Parliament, or any Bills presented to, or Acts passed by Parliament, or any copies of any such proceedings, Bills or Acts, shall forthwith be deposited by the accountant of either House to the credit of the aforesaid account in such bank as he from time to time designates; and the moneys so deposited shall form part of the Consolidated Revenue Fund of Canada.

3. Refunds, in whole or in part, of any moneys received and deposited as provided in the last preceding subsection, and payments in connection with the said proceedings, Bills or Acts, directed to be made by the Senate and the House of Commons, or made in accordance with the rules and standing orders of either House, shall be payable out of the Consolidated Revenue Fund of Canada. R.S., c. 29, s. 25; 56 V., c. 8, ss. 1 and 2.

36. The Treasury Board may, from time to time,—

(a) appoint the times and mode in which any officer or person employed in the collection or management of, or the accounting for any part of the revenue, shall account for and pay over the public moneys which come into his hands; and,

(b) determine the times and mode in which, and the officer by whom, any licenses on which any duty is payable are to be issued:

Provided that such accounts and payments shall be rendered and made by such officers and persons respectively at least once every month. R.S., c. 29, s. 26; 51 V., c. 7, s. 3.

R.S., 1906.
37. The Minister of Customs, the Minister of Inland Revenue, the Postmaster General and all other ministers, and all their deputy ministers, officers, clerks or persons charged with the receipt of public moneys, shall cause the gross revenues of their several departments or offices to be paid at such times and under such regulations as the Minister of Finance, from time to time, prescribes, to an account to be called the account of the Minister of Finance and Receiver General, at such bank or banks as are determined by the Minister of Finance, and daily accounts of such moneys so deposited shall be rendered to the Auditor General in such form as the Treasury Board prescribes. R.S., c. 29, s. 27.

38. Every officer of the Customs or of the Inland Revenue, and every officer otherwise employed in the collection of the revenue, receiving money for the Crown, shall deposit the same to the credit of the account of the Minister of Finance and Receiver General, from time to time, in such bank as the said Minister appoints: Provided that where such money is received at a place where there is no bank into which it can conveniently be paid, the same shall be paid over in such manner as the Minister of Finance directs; and accounts of such money shall be rendered to the Auditor General in such form as the Treasury Board prescribes.

2. Every such officer shall keep his cash book written up daily.

3. All the books, accounts and papers of such officer shall, at all times during office hours, be open to the inspection and examination of any officer or person whom the Minister of Finance authorizes to inspect or examine the same.

4. Daily accounts of the moneys so deposited shall be rendered to the Auditor General in such form as the Treasury Board prescribes. R.S., c. 29, s. 28.

EXPENDITURE OF MONEY GRANTED BY PARLIAMENT.

39. When any sum of money has been granted to His Majesty by Parliament to defray expenses for any specified public service, the Governor General may, from time to time, under his sign manual, countersigned by a member of the Treasury Board, authorize and require the Minister of Finance to issue out of the moneys in his hands, appropriated for defraying the expenses of such service, the sums required, from time to time, to defray such expenses, not exceeding the amount of the sum so voted or granted. R.S., c. 29, s. 29.

40. When any sum of money has been granted to His Majesty by Parliament, to defray expenses for any specified public service, and as soon as the Governor General has issued his warrant authorizing the payment of such sum or sums as are required to defray such expenses, the Minister of Finance may, 19½

291

from R.S., 1906.
from time to time, on the application of the Auditor General, cause credits to be issued in favour of the deputy heads, officers, clerks or other persons connected with the several departments or services charged with expenditure of the moneys so authorized.

2. Such credits shall issue on the several banks authorized to receive public moneys.

3. Statements in duplicate of moneys drawn for under such credits, together with the cheques paid by the banks in connection therewith, shall be rendered under such forms, and once in each month or more often, at such times as the Treasury Board directs, and one duplicate of such statement, together with the cheques, shall be rendered to the Auditor General, and the other duplicate to the Minister of Finance.

4. The Auditor General, being satisfied of the correctness of the statement, may request the Minister of Finance to cause cheques to be prepared to reimburse the banks for advances under such credits to cover the expenditures made or authorized.

5. Such cheques shall be signed by the Minister of Finance and countersigned by the Auditor General, or signed and countersigned by their respective deputies or officers thereunto duly authorized.

6. No such credit shall issue in favour of any officer or other person in excess of any appropriation authorized by Act of Parliament. R.S., c. 29, s. 30.

41. The Auditor General shall see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation, the expenditure of which has been authorized by the Governor in Council.

2. The Auditor General shall report to the Treasury Board, through the Minister of Finance, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no legislative authority, or beyond the amount for which there is such authority, or for any other appropriation or purpose not connected with such credit. 51 V., c. 7, s. 4.

42. No cheque for public money shall issue except upon the certificate of the Auditor General that there is parliamentary authority for the expenditure, save only in the following cases:—

(a) If, upon any application for a cheque, the Auditor General has reported that there is no parliamentary authority for issuing it, then upon the written opinion of the Minister of Justice that there is such authority, citing it, the Treasury Board may authorize the Deputy Minister of Finance to prepare the cheque, irrespective of the Auditor General's report;

(b)
(b) If, when Parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure, not foreseen or provided for by Parliament, is urgently and immediately required for the public good, then upon the report of the Minister of Finance that there is no parliamentary provision, and of the minister having charge of the service in question that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor General for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance to a special account, against which cheques may issue from time to time, in the usual form, as they are required. R.S., c. 29, s. 32; 51 V., c. 7, s. 5.

43. If the Auditor General has refused to certify that a cheque of the Minister of Finance may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no parliamentary authority, then upon a report of the case prepared by the Auditor General and the Deputy Minister of Finance, the Treasury Board shall be the judge of the sufficiency of the Auditor General’s objection, and may sustain him or order the issue of the cheque in its discretion. R.S., c. 29, s. 32.

44. The Auditor General shall, in all cases mentioned in the two sections last preceding, prepare a statement of all such legal opinions, reports of council, special warrants and cheques issued without his certificate, and of all expenditures incurred in consequence thereof, which he shall deliver to the Minister of Finance, who shall present the same to Parliament not later than the third day of the session thereof then next ensuing. R.S., c. 29, s. 32.

45. No payment shall be authorized by the Auditor General in respect of work performed, or material supplied by any person in connection with any part of the public service of Canada, unless, in addition to any other voucher or certificate which is required in that behalf, the officer, under whose special charge such part of the public service is, certifies that such work has been performed, or such materials supplied, as the case may be, and that the price charged is according to contract, or if not covered by a contract, is fair and just. R.S., c. 29, s. 33.

ACCOUNTS AND AUDIT OF ACCOUNTS.

46. The public accounts of Canada shall be kept by double entry in the office of the Minister of Finance.

293

2.

R.S., 1906.
2. An annual statement shall be prepared as soon as possible after the termination of each fiscal year exhibiting—

(a) the state of the public debt and the amount chargeable against each of the public works for which any part of the debt has been contracted;

(b) the state of the Consolidated Revenue Fund and the various trusts and special funds under the management of the Government of Canada;

(c) such other accounts and matters as are required to show what the liabilities and assets of Canada really are at the date of such statement. R.S., c. 29, s. 34.

47. The capital represented by deposits in the savings banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since the first day of July, one thousand eight hundred and sixty-seven, shall not be charged against those provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to a suspense ledger, and if any deposit or withdrawal is made in any such account, it shall be removed from the suspense ledger, and the capital represented by such account, and the interest accrued since the first day of July, one thousand eight hundred and sixty-seven, shall be charged against Nova Scotia or New Brunswick, as the case may be. R.S., c. 121, s. 21.

48. The Minister of Finance shall cause an account to be prepared and transmitted to the Auditor General on or before the thirtieth day of June in every year, showing the issues made from the Consolidated Revenue Fund in the fiscal year ended on the thirty-first day of March preceding, for services directly under his control.

2. Such accounts and the reports of the Auditor General thereon shall be laid before the House of Commons by the Minister of Finance on or before the thirty-first day of October next following, if Parliament is then sitting, or if not sitting, then within one week after Parliament is next assembled. 51 V., c. 7, s. 6; 6 E. VII., c. 12, ss. 1 and 3.

49. The Deputy Minister of Finance shall prepare and submit to the Minister of Finance the public accounts to be annually laid before Parliament. R.S., c. 29, s. 36; 51 V., c. 7, s. 7.

50. The public accounts shall include the period from the first day of April in one year to the thirty-first day of March in the next year, which period shall constitute the fiscal year; all estimates submitted to Parliament shall be for the services coming in course of payment during the fiscal year; and all balances of appropriation which remain unexpended at the end of the fiscal year shall lapse and be written off: Provided that

R.S., 1906.
upon cause being shown to the satisfaction of the Governor in Council, he may, by order in council to be made before the first day of May in each year, extend the time for finally closing the account of any appropriation, for a period of not more than three months from the end of the fiscal year, after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off. 6 E. VII., c. 12, s. 2.

51. On or before the thirtieth day of June in every year, accounts of the appropriation of the several supply grants comprised in the Appropriation Act, or in any other Act, for the year ending thirty-first March then last, shall be prepared by the several departments and be transmitted for examination to the Auditor General and to the Deputy Minister of Finance, and, when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the appropriation accounts of the moneys expended for the services to which they respectively relate.

2. Each of such accounts shall be examined under the direction of the Auditor General, by such officer or clerk in his office as he directs; and such officer or clerk shall certify to the due examination of such account, and the Auditor General shall certify that the account has been examined under his direction and is correct. 51 V., c. 7, s. 8; 6 E. VII., c. 12, ss. 1 and 3.

52. The department charged with the expenditure of any vote under the authority of the Governor in Council, shall prepare the appropriation account thereof. 51 V., c. 7, s. 8.

53. The department charged with the duty of preparing the appropriation account of a grant shall transmit to the Auditor General, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debit and credit balances in the ledger of such department on the day when the said appropriation account was closed, and also so prepared as to verify the balances appearing upon the annual appropriation account.

2. Any balances outstanding in the hands of any person or persons unexpended or unaccounted for at such period shall be accounted for and settled as soon thereafter as is practicable, but not later than the termination of the next succeeding fiscal year. 51 V., c. 7, s. 8.

54. The Treasury Board may alter the time at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in its opinion such alteration will facilitate the correct preparation of the public accounts or estimates for the fiscal year. R.S., c. 29, s. 41.

55. R.S., 1906.
Deputy heads to audit details.

55. The deputy heads of the several departments or the officers, clerks or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit. R.S., c. 29, s. 42.

Explanation of balances.

56. Every appropriation account, when rendered to the Auditor General, shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account; and such statement, as well as the appropriation account, shall be signed by the deputy head and the accountant, or such other duly authorized officer of such department as the Treasury Board determines. 51 V., c. 7, s. 9.

Auditor to examine appropriation accounts.

57. Every appropriation account shall be examined by the Auditor General on behalf of the House of Commons.

2. In the examination of such accounts, the Auditor General shall ascertain, first, whether the payments which the accounting department has charged to the grant are supported by the vouchers required by this Act and by proofs of payment; and, secondly, whether the money expended has been applied to the purposes for which such grant was intended to provide: Provided that whenever it appears to the Minister of Finance, that the expenditure included, or to be included, in any appropriation account, or any portion of such expenditure, calls for further examination, he may instruct the Auditor General to further examine such expenditure and to report to the Minister of Finance thereon; and if the Minister of Finance does not, thereupon, see fit to sanction such expenditure, it shall be regarded as being not properly chargeable to a parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided. 51 V., c. 7, s. 9.

Further examination may be directed.

Access to books of account.

58. The Auditor General shall, in order that such examinations may, as far as possible, proceed pari passu with the cash transactions of the several accounting departments, have free access, at all convenient times, to the books of account and other documents relating to the accounts of such departments, and may require the several departments concerned to furnish him, from time to time, or at regular periods, with accounts of the cash transactions of such departments respectively up to such times or periods. R.S., c. 29, s. 45.

59. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Appropriation Act of the year, or by any Act of Parliament, the Auditor General shall test the accuracy of the additions and computations of the several items of such vouchers.

R.S., 1906.
2. If the Auditor General is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory evidence of payment in support of the charges to which they relate: Provided that, if the Minister of Finance desires any such vouchers to be examined by the Auditor General in greater detail, the Auditor General shall cause such vouchers to be subjected to such further examination in detail as the Minister of Finance thinks fit to prescribe. R.S., c. 29, s. 46.

60. If, during the progress of the examination by the Auditor General hereinbefore directed, any objection arises to any item to be introduced into the appropriation account of any grant, such objection shall, notwithstanding such account has not been rendered to him, be immediately communicated to the department concerned; and, if the objection is not answered to his satisfaction by such department, it shall be referred by him to the Treasury Board, and the Treasury Board shall determine in what manner the items in question shall be entered in the annual appropriation account. R.S., c. 29, s. 47.

61. In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the appropriation accounts, the Auditor General shall call attention to every case in which,—

(a) cheques have been issued without his certificate; or,
(b) a grant has been exceeded; or,
(c) money received by a department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the direction of Parliament; or,
(d) in which a sum charged against a grant is not supported by proof of payment; or,
(e) a payment so charged did not occur within the period of the account, or was, for any other reason, not properly chargeable against the grant, or was, in any way, irregular.
51 V., c. 7, s. 10.

62. If the Minister of Finance does not, within the time prescribed by this Act, present to the House of Commons any report made by the Auditor General on the appropriation accounts, or on any other accounts, the Auditor General shall forthwith present such report. R.S., c. 29, s. 49.

63. Besides the appropriation accounts of the grants of Parliament, the Auditor General shall examine and audit, if required so to do by the Minister of Finance, and in accordance with any regulations which are prescribed for his guidance in that behalf by the Treasury Board,—

(a) R.S., 1906.
(a) the accounts of all receipts of revenues forming the Consolidated Revenue Fund of Canada;
(b) the accounts current with the several banks and financial agents of Canada;
(c) the accounts relating to the issue or redemption of loans;
(d) the accounts with the several Indian tribes known as the Indian Fund;
(e) the accounts with the several provinces forming the Dominion of Canada;
(f) the accounts with the Government of the United Kingdom; and,
(g) any other public accounts which, though not relating directly to the receipts or expenditure of the Dominion of Canada, the Treasury Board directs him to examine and audit. R.S., c. 29, s. 50.

64. Such accounts shall be rendered to the Auditor General by the departments or officers directed so to do by the Minister of Finance. R.S., c. 29, s. 51.

65. Every public officer into whose hands public moneys, either in the nature of revenue or fees of office, are paid by persons bound by law or regulation so to do, or by subordinate or other officers whose duty it is to pay such moneys, wholly, or in part, into the Account of the Minister of Finance and Receiver General, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board determines, render an account of his receipts and payments to the Auditor General.

2. The Clerk of the King's Privy Council for Canada shall inform the Auditor General of the appointment of every such officer. R.S., c. 29, s. 51.

66. The Auditor General shall examine the several accounts transmitted to him with as little delay as possible, and when the examination of each account is completed he shall make a statement thereof in such form as he deems fit, and if it appears from the statement so made up of any account, being an account current, that the balance thereon agrees with the accountant's balance, or if it appears from any account rendered by an accountant, as well as from the statement of such account by the Auditor General, that the accountant is 'even and quit,' the Auditor General shall sign and pass such statement of account so made up by him as aforesaid.

2. In all other cases the Auditor General after having made up the statement of account as hereinbefore directed, shall transmit the same to the Minister of Finance, who, having considered such statement, shall return it, with his certificate attached thereto, to the Auditor General, directing him to sign and pass the account, either conformably to the statement thereof, R.S., 1906.
thereof, or with such alterations as he deems just and reasonable; and a statement of the account made up by the Auditor General in accordance with such certificate from the Minister of Finance, shall then be signed and passed by the Auditor General.

3. A list of all accounts which the Auditor General has signed and passed, which list shall be so prepared as to show thereon the charge, discharge and balance of each account respectively, shall be submitted by him to the Treasury Board twice in every year, that is to say, not later than the first week of February, and the first week of August. R.S., c. 29, s. 52.

67. As soon as any account has been signed and passed by the Auditor General, he shall transmit to the accountant a certificate, in which the total amounts of the sums forming respectively, the charge and discharge of such account, and the balance, if any, remaining due to or by such accountant shall be set forth; and every such certificate shall be signed by him and shall be valid and effectual to discharge the accountant, as the case may be, either wholly or from so much of the amount with which he was chargeable, as he appears by such certificate to be discharged from: Provided that when any account, not being an account current, has been signed and passed by the Auditor General with a balance due thereon to the Crown, he shall not make out or grant any such certificate as aforesaid until the accountant satisfies him, either that he has discharged the full amount of such balance, and any interest which is, as hereinafter provided, payable thereon, or that he has been relieved from the payment thereof, or of so much thereof as has not been paid, by an order in council passed on a report from the Treasury Board. R.S., c. 29, s. 53.

68. Whenever the Auditor General is required by the Minister of Finance to examine and audit the accounts of the receipt, expenditure, sale, transfer or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions or stores, the property of His Majesty, he shall, after the examination of such accounts has been completed, transmit a statement thereof, or a report thereon to the Minister of Finance, who shall, if he thinks fit, signify his approval of such accounts.

2. The Auditor General, on receipt of such approval shall transmit to the accountant a certificate in a form to be, from time to time, determined by the Auditor General, which shall be to such accountant a valid and effectual discharge from so much as he thereby appears to be discharged from. R.S., c. 29, s. 54.

69. Whenever an accountant is dissatisfied with any disallowance or charge in his accounts made by the Auditor General, such accountant may appeal to the Treasury Board, which, after such appeal to the Treasury Board by the accountant dissatisfied. R.S., 1906.
such further investigations as it considers equitable, whether by *viva voce* examination or otherwise, may make such order, directing the relief of the appellant, wholly or in part, from the disallowance or charge in question, as appears to it to be just and reasonable; and the Auditor General shall govern himself accordingly. R.S., c. 29, s. 76.

70. Every accountant, on the termination of his charge as such accountant, or, in the case of a deceased accountant, his representatives, shall, forthwith, pay over any balance of public money then due to the Crown in respect of such charge, to the public officer authorized to receive the same.

2. Whenever it appears to the Auditor General that balances of public money have been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Minister of Finance, who shall take such measures as to him seem expedient for the recovery, by legal process or by other lawful ways and means, of the amount of such balance or balances, together with interest upon the whole or upon such part of such balance or balances, for such period of time and at such rate as to the Minister of Finance appears just and reasonable. R.S., c. 29, s. 59.

**INQUIRIES BY THE AUDITOR GENERAL.**

71. The Auditor General may examine any person on oath or affirmation on any matter pertinent to any account submitted to him for audit; and such oath or affirmation may be administered by him to any person whom he desires to examine. R.S., c. 29, s. 55.

72. The Auditor General may apply to any judge of the Exchequer Court of Canada, or to any judge of a superior court of any province of Canada, for an order that a subpoena be issued from the court, commanding any person therein named to appear before him at the time and place mentioned in such subpoena, and then and there to testify to all matters within his knowledge relative to any account submitted to him, and, if so required, to bring with him and produce any document, paper or thing which he has in his possession relative to any such account as aforesaid; and such subpoena shall issue accordingly upon the order of such judge.

2. Any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the court issuing the subpoena.

3. Reasonable travelling expenses shall be tendered to any witness so subpoenaed at the time of such service. R.S., c. 29, s. 56.

73. If, by reason of the distance at which any person, whose evidence is required by the Auditor General, resides from the 300 seat
seat of government, or for any other cause, the Auditor General deems it advisable, he may issue a commission, under his hand and seal, to any officer or person therein named, empowering him to take such evidence, and report the same to him.

2. 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 Auditor General would have had if such evidence had been taken before him, and may, in like manner, apply to and obtain from any judge of any of the courts aforesaid, a subpoena for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him; and such subpoena shall issue accordingly on the application of the Auditor General to compel such attendance, or the production of any document, paper or thing before such commissioner. R.S., c. 29, s. 57.

74. Every person summoned, in the manner hereinbefore provided, to attend before the Auditor General or any commissioner appointed as aforesaid, who fails, without valid excuse, to attend accordingly, or, being commanded to produce any document, paper or thing in his possession, fails to produce the same, or refuses to be sworn or to answer any lawful and pertinent question put to him by the Auditor General or by such commissioner, shall, for each such failure or refusal, forfeit the sum of one hundred dollars to the Crown, for the public uses of Canada, to be recovered in any manner in which debts due to the Crown are recoverable; and such person may likewise be dealt with by the court out of which the subpoena issued, as a person who has refused to obey the process of such court, and who is guilty of a contempt thereof. R.S., c. 29, s. 58.

LIABILITY CIVILLY.

75. Every officer or person who refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, shall, for such refusal or neglect, forfeit and pay to the Crown, for the public uses of Canada, the sum of one hundred dollars, recoverable with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown are recoverable.

2. In any action for the recovery of such sum, it shall be sufficient to prove, that such account, statement or return ought to have been transmitted by the defendant, as alleged on the part of the Crown; and the burden of proof that the same was so transmitted shall rest upon the defendant. R.S., c. 29, s. 60.

301

R.S., 1906.
76. Whenever the Minister of Finance has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same, he may direct a notice to such officer or person, or to his representatives in case of his death, requiring him or them, within a time from the service of such notice, to be therein named, to pay over, or apply and account for such money to the Minister of Finance or to the officer mentioned in the notice, and to transmit to him the proper vouchers that he or they have so done. R.S., c. 20, s. 61.

77. If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served on him, the Minister of Finance shall state an account as between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney General of Canada.

2. Such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shown to be in the hands of the defendant, as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as are legal and proper for his defence.

3. The defendant shall be liable for the costs of such information or proceeding, whatever the judgment therein is, unless,—

(a) he proves that, before the time limited in such notice, he paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper vouchers with such account; or,

(b) he is sued for such money in a representative character, and is not personally liable therefor, or to render such account. R.S., c. 20, s. 62.

78. Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without vouchers or with insufficient vouchers, for any sum for which he therein takes credit, the Minister of Finance may direct a notice to such officer or person, requiring him to transmit such vouchers or sufficient vouchers, as are stated in the notice, within such time after the service of the notice as the Minister of Finance deems fit; and, if such vouchers are not transmitted within that time, the Minister of Finance may state an account against such officer or person, disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to the Attorney General of Canada.

2. Such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount
amount therein shown to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as are legal and proper for his defence.

3. Such defendant shall be liable for the costs of the information or proceeding, whatever the judgment therein is, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him. R.S., c. 29, s. 63.

79. If, at any time, it clearly appears by the books or accounts kept by or in the office of any officer or person employed in the collection or management of the revenue, or in accounting for the same, or by his written acknowledgment or confession, that such officer or person has, by virtue of his office or employment, received moneys belonging to His Majesty and amounting to a sum certain, which he has refused or neglected to pay over, in the manner and at the time lawfully appointed, to the officer duly appointed to receive the same, a justice or judge of any court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid, shall, upon affidavit of the facts made before him by any officer cognizant thereof and thereunto authorized by the Governor in Council, cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favour of His Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired.

2. Such writ or writs shall be executed by the sheriff or other proper officer; and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained. R.S., c. 29, s. 64.

80. Whenever any estate belonging to a public accountant is sold under any writ of extent or any decree or order of any court of record, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public accountant authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of His Majesty, for or in respect of any debt arising upon the account of such accountant, although the purchase money so paid is not sufficient in amount to discharge the whole of such debt. R.S., c. 29, s. 65.

81. If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law; or if any person having held any public office and having ceased

303

R.S., 1906.
to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such officer or person shall be deemed to have received such money for the Crown for the public uses of Canada, and may be notified by the Treasury Board to pay such sum back to the Minister of Finance; and the same may be recovered from him as a debt due to the Crown, in any manner in which debts due to the Crown are recoverable, and an equal sum may, in the meantime, be applied to the purpose to which such sum ought to have been applied. R.S., c. 29, s. 66.

82. If, by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any officer or person employed in the collection or management of the revenue or in collecting or receiving any moneys belonging to the Crown, for the public uses of Canada, any sum of money is lost to the Crown, such officer or person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it. R.S., c. 29, s. 67.

83. Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of Canada, and in the possession of any officer or person whomsoever, by virtue of any other Act or law. R.S., c. 29, s. 68.

OFFENCES AND PENALTIES.

84. Every officer, or person acting in any office or employment, connected with the collection or management of the revenue who,—

(a) receives any compensation or reward for the performance of any official duty, except as by law prescribed; or,

(b) conspires or colludes with any other person to defraud the Crown, or makes opportunity for any person to defraud the Crown; or,

(c) designedly permits any violation of the law by any other person; or,

(d) wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificate or return in any case, in which it is his duty to make an entry, certificate or return; or,

(e) having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown, under any revenue law of Canada, fails to report in writing, such knowledge or information to his next superior officer; or,
(f) demands or accepts or attempts to collect, directly or indirectly as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized to do by law, or by the authority of the department of which he is an officer; shall be dismissed from office, and is guilty of an indictable offence, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding one year. R.S., c. 29, s. 69.

85. (a) Every person who, directly or indirectly, promises, offers or gives, or causes or procures to be promised, offered or given any money, goods, chose in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, chose in action, bribe, present or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent,—

(i) to influence his decision or action on any question or matter which is then pending, or may, by law, be brought before him in his official capacity; or,

(ii) to influence such officer or person to commit, or aid in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud; and,

(b) Every officer or person who in any wise accepts or receives any such moneys, goods, chose in action, bribe, present, or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery thereof, or any other valuable thing whatever, or any part of the same respectively; is guilty of an indictable offence, and liable, on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding one year.

2. Every officer or person who holds any office or place under the Crown, and is convicted under this section, shall forfeit his office or place; and every person who is convicted under this section shall be for ever disqualified to hold any office of trust, honour or profit under the Crown. R.S., c. 29, s. 70.

86. Every officer and every person acting in any office or employment connected with the collection of the revenue who is or becomes, directly or indirectly, interested in the manufacture or production of any article subject to excise, or who trades in any article subject to excise duties, shall incur a penalty not exceeding five hundred dollars and not less than fifty dollars, which shall be recoverable in any court of competent jurisdiction. R.S., c. 29, s. 71.
87. Nothing herein contained shall prevent, lessen, or impair any remedy which His Majesty or any other person has against any person offending against this Act, or his sureties, or against any other person whomsoever; but nevertheless the conviction of any such offender shall not be received in evidence in any suit, or action at law or in equity, against him. R.S., c. 29, s. 72.

BOOKS, PAPERS, ETC.

88. All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof have been procured or furnished, kept or used by, or received or taken into the possession of any officer or person employed or having been employed in the collection or management of the revenue or in accounting for the same, by virtue of his employment as such, shall be deemed to be chattels belonging to His Majesty; and all moneys or valuable securities received or taken into the possession of any such officer or person by virtue of his employment shall be deemed to be moneys and valuable securities belonging to His Majesty. R.S., c. 29, s. 73.

OATHS AND DECLARATIONS.

89. Whenever proof on oath or by affirmation or declaration is required by any law relating to the collection or management of the revenue or the accounting for the same, or is necessary for the satisfaction or consideration of the Governor in Council, and no officer or person is specially named before whom such proof is to be made, such proof may be made before any collector or chief officer of the Customs for the port or place where the same is required, or before any person acting for any such collector or chief officer, or before such other officer or person as is appointed by the Governor in Council in that behalf, who shall administer such oath or affirmation or receive such declaration.

2. In any case or class of cases where an oath is required by this Act, or by any law in force, in any matter relating to the collection or management of the revenue or the accounting for the same, the Governor in Council may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done. R.S., c. 29, s. 74.

90. Upon all examinations and inquiries made by any officer or person under order of the Governor in Council for ascertaining the truth as to any fact, relative to any matter concerning the collection or management of the revenue or the accounting for the same, or the conduct of officers or persons employed therein, and upon like examinations and inquiries made
made by the collector of Customs, or by the chief officer employed in the collection and management of the revenue, in or at any port, district or place, any person to be examined as a witness shall deliver his testimony on oath; and such oath shall be administered to him by the officer or person making the examination or inquiry. R.S., c. 29, s. 75.

HOLIDAYS.

91. No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the revenue, except Christmas day, New Year's day and Good Friday in every year, any day appointed by proclamation of the Governor General for the purpose of a general fast, or of a general thanksgiving, such days as are appointed for the celebration of the birthday of His Majesty and His Royal successors, and any other statutory holiday, and such other days as are, from time to time, appointed as holidays by the Governor in Council. R.S., c. 29, s. 77.

REMISSION OF DUTIES AND FORFEITURES.

92. The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to His Majesty, imposed or authorized to be imposed by any Act of the Parliament of Canada, or by any Act or Ordinance of the legislature of the late province of Canada, or of any of the provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, in force in Canada, and relating to any matter within the scope of the powers of the Parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act or Ordinance for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty is given by law to the informer or prosecutor, or to any other person: Provided that no duties of Customs or excise, paid to His Majesty on any goods, shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident.

2. Such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, or, if the same has been already instituted, then by the delay, stay or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by R.S., 1906.
by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the refund of any sum of money paid to the Minister of Finance for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by any execution or process upon any judgment as aforesaid.

3. If the remission is conditional, the condition, if accepted by the person to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty or forfeiture had been sued for and recovered; and if the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission.

4. No remission shall be made in any case unless such case has been considered, and the remission, whether total or partial, conditional or unconditional, has been recommended by the Treasury Board, and sanctioned and ordered by the Governor in Council.

5. A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to both Houses of Parliament, within the first fifteen days of the session thereof next following the close of the last preceding financial year. R.S., c. 29, s. 78.

**93.** If the Governor in Council directs that the whole or any part of any penalty imposed by any law relating to the revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the person to whom such remission is granted. R.S., c. 29, s. 79.

**PROCEDURE.**

**94.** The Attorney General of Canada may sue for and recover in His Majesty's name any penalty, or enforce any forfeiture imposed by any law relating to the revenue, before any court or other judicial authority before which such penalty or forfeiture is recoverable or enforceable under such law, or may direct the discontinuance of any suit in respect of any such penalty or forfeiture by whom or in whose namesoever the same has been brought.

2. The whole of the penalty or forfeiture when recovered or enforced, shall belong to His Majesty for the public uses of Canada: Provided that the Governor in Council may, if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered or enforced. R.S., c. 29, s. 80.
PROTECTION OF OFFICERS.

95. Every action and prosecution against any officer or person acting in any office or employment connected with the collection of the revenue for any thing purporting to be done in pursuance of any Act relating to the collection of the revenue, shall, unless otherwise provided, be laid and tried in the district, county or other judicial division where the act was committed, and not elsewhere, and shall not be commenced except within six months next after the act committed.

2. Notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action.

3. In any such action the defendant may plead the general issue, and give the provisions of this section and the special matter in evidence at the trial.

4. No plaintiff shall recover in any such action if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into court by or on behalf of the defendant after action brought.

5. If such action is commenced after the time hereby limited for bringing it, or is brought or the venue is laid in any other place than as aforesaid, a verdict shall be found or judgment shall be given for the defendant; and thereupon, or if the plaintiff becomes non-suit, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the like remedy therefor as any defendant has by law in other cases.

6. Although a verdict or judgment is given for the plaintiff in any such action, the plaintiff shall not be entitled to more than twenty cents damages, and shall not have costs against the defendant, if the judge before whom the trial is had certifies that the defendant had probable cause.

7. If, on any information or suit on account of any seizure made by any such officer or person, judgment is given for the claimant, and the court or judge certifies that there was probable cause for the seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment, prosecution or suit on account thereof.

8. Nothing herein shall prevent the effect of any Act for the protection of officers from vexatious actions for things purporting to be done in the performance of their duty. 57-58 V., c. 19, s. 1.
CHAPTER 26.

An Act respecting the Ottawa Branch of the Royal Mint.

1. This Act may be cited as the Ottawa Mint Act. 1 E. VII., Short title. c. 4, s. 1.

2. There shall be payable to His Majesty in every year, out Yearly payment of the Consolidated Revenue Fund of Canada, a sum or sums not exceeding in the whole in any year seventy-five thousand dollars, for defraying the salaries, contingencies, retiring and other allowances and expenses connected with the maintenance of the Ottawa Branch of the Royal Mint.

2. Such yearly payments shall take effect and begin to run When payments shall commence on the day upon which a proclamation issued in England by His Majesty is duly published in Canada, directing that a branch of the Royal Mint be established at or near Ottawa. 1 E. VII., c. 4, s. 2.

3. The said sums of money shall be paid by the Minister of Finance to such persons, and at such times, and in such manner as the Lords Commissioners of His Majesty’s Treasury direct; and the Minister of Finance shall account to His Majesty for the said sums through the said Lords Commissioners in such manner and form as His Majesty is pleased to direct. 1 E. VII., c. 4, s. 3.

4. From and after the day on which the aforesaid yearly payments commence, all sums, by way of fees, dues or charges, lawfully received or collected at the Ottawa Branch shall be from time to time accounted for and paid over by the Deputy Master, or other proper officer of the said branch, to the Minister of Finance, to be by him paid into the Consolidated Revenue Fund of Canada. 1 E. VII., c. 4, s. 4.
CHAPTER 27.

An Act respecting Dominion Notes.

SHORT TITLE.

1. This Act may be cited as the Dominion Notes Act.  

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'specie' means coin current by law in Canada, at the 
       rates and subject to the provisions of the law in that be-
       half, or bullion of equal value according to its weight 
       and fineness;
   (b) 'Dominion notes' means notes of the Dominion of 
       Canada issued and outstanding under the authority of this 
       Act. 3 E. VII., c. 43, ss. 1 and 2.

ISSUE AND REDEMPTION.

3. Dominion notes may be issued and outstanding at any 
   time to any amount, and such notes shall be a legal tender in 
   every part of Canada except at the offices at which they are 
   redeemable. 3 E. VII., c. 43, s. 2.

4. Dominion notes shall be of such denominational values 
   as the Governor in Council determines, and shall be in such 
   form, and signed by such persons and in such manner, by 
   lithograph, printing or otherwise, as the Minister of Finance 
   from time to time directs.

2. Such notes shall be redeemable in specie on presentation 
   at branch offices established or at banks with which arrange-
   ments are made for the redemption thereof as hereinafter 
   provided. 3 E. VII., c. 43, s. 3.

SECURITY.

5. The Minister of Finance shall always hold as security 
   for the redemption of Dominion notes up to and including thirty 
   million dollars, issued and outstanding at any one time an 
   amount equal to not less than twenty-five per centum of the 
   amount of such notes in gold, or in gold and securities of 
   Canada.

R.S., 1906.
Canada, the principal and interest of which are guaranteed by the Government of the United Kingdom.

2. The amount so held in gold shall be not less than fifteen per centum of the amount of such notes so issued and outstanding.

3. As security for the redemption of Dominion notes issued in excess of thirty million dollars the Minister shall hold an amount in gold equal to such excess. 3 E. VII., c. 43, s. 4.

6. In case the amount held in accordance with the provisions of this Act as security for the redemption of Dominion notes is not sufficient to pay the Dominion notes presented for redemption, or in case the amount so held is reduced below the amount required by this Act to be held, the Governor in Council may raise, by way of loan, temporary or otherwise, such sums of money as are necessary to pay such notes or to provide the amount required to be held as security for the redemption of Dominion notes issued and outstanding. 3 E. VII., c. 43, s. 5.

PROCEEDS AND EXPENSES.

7. The proceeds of Dominion notes so issued shall form part of the Consolidated Revenue Fund of Canada, and all expenses incurred or required to be paid in connection with the engraving, printing or preparation of such notes, or the signing, issue or redemption thereof, shall be paid out of the said fund. 3 E. VII., c. 43, s. 5.

MONTHLY STATEMENT.

8. 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 and guaranteed debentures then held by him for securing the redemption thereof. 3 E. VII., c. 43, s. 6.

AGENCIES FOR REDEMPTION.

9. The Governor in Council may establish branch offices of the Department of Finance at Toronto, Montreal, Halifax, St. John, Winnipeg, Victoria and Charlottetown, for the redemption of Dominion notes, or may make arrangements with a chartered bank at any of the said places for the redemption thereof.

2. Every assistant receiver general appointed at any of the said places under Part II. of the Savings Banks Act shall be an agent for the issue and redemption of such notes. 3 E. VII., c. 43, s. 7.
NOTES OF LATE PROVINCE OF CANADA.

10. Provincial notes under the Act of the late province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her late Majesty Queen Victoria's reign, chapter ten, intituled An Act to provide for the issue of Provincial Notes, shall be held to be notes of the Dominion of Canada, and shall be redeemable in specie on presentation at Toronto, Montreal, Halifax, or St. John, according as the same are respectively made payable, and shall be legal tender except at the offices at which they so are respectively made payable. 3 E. VII., c. 43, s. 8.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 28.

An Act respecting Subsidies and Allowances to the Provinces.

SHORT TITLE.

1. This Act may be cited as the Provincial Subsidies Act. Short title.

FIXED SUBSIDIES.

New Brunswick.

2. The province of New Brunswick, in consideration of the Legislature thereof having passed an Act providing for the repeal of all duties of export on lumber exported from the Province, shall, so long as no such duties of export are imposed by the said Legislature, be paid, in addition to the subsidy to which the Province is entitled, a subsidy at the rate of one hundred and fifty thousand dollars annually, as indemnity for the loss of such duties and the right to impose the same. R.S., c. 46, s. 1.

Prince Edward Island.

3. To the province of Prince Edward Island, there shall continue to be paid in addition to all other subsidies and allowances payable to the Province, an annual allowance or subsidy of twenty thousand dollars, payable half-yearly in advance on the first days of July and January in each and every year.

2. To the said province of Prince Edward Island, in addition to all other sums authorized by law, there shall also continue to be paid an annual allowance of thirty thousand dollars, payable half-yearly in advance on the first days of July and January in each and every year.

3. Such last-mentioned annual allowance shall be paid and accepted in full settlement of all claims of the Province against the Dominion of Canada on account of alleged non-fulfilment of the terms of union between the Dominion and the Province as respects the maintenance of efficient steam communication between the Island and the mainland. 50-51 V., c. 8, s. 1; 1 E. VII., c. 3, s. 1.
Chap. 28. Provincial Subsidies.

Manitoba.

4. The following amounts shall be allowed as the annual subsidy to the province of Manitoba, and shall be paid yearly to the Province, that is to say:—

(a) For the support of the Government and Legislature, fifty thousand dollars;

(b) On an estimated population of one hundred and fifty thousand, at eighty cents per head, one hundred and twenty thousand dollars, subject to be increased as hereinafter mentioned, that is to say: a census of the Province shall be taken in every fifth year, reckoning from the general census of one thousand eight hundred and eighty-one; and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds one hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on, until the population has reached four hundred thousand souls;

(c) As an indemnity for the want of public lands, one hundred thousand dollars. R.S., c. 46, s. 5.

INTEREST ON DEBT ALLOWANCES.

5. In the accounts between the several provinces of Ontario, Quebec, Nova Scotia, New Brunswick and British Columbia, respectively, and Canada, the amounts payable to and chargeable against the said provinces respectively, in so far as they depend upon the amount of debt with which each province entered the Union, shall be calculated and allowed as if,—

(a) in the case of the provinces of Ontario and Quebec respectively, the sum fixed by the one hundred and twelfth section of The British North America Act, 1867, was increased from sixty-two million five hundred thousand dollars to seventy-three million six hundred and eighty-eight dollars and eighty-four cents;

(b) in the case of the province of Nova Scotia, the amount fixed by the one hundred and fourteenth section of the said Act was increased in the same proportion;

(c) in the case of the province of New Brunswick, the amount fixed by the one hundred and fifteenth section of the said Act, was increased in the same proportion; and,

(d) in the case of the province of British Columbia, the amount upon which it was to receive interest fixed by or under the terms and conditions on which the province was admitted into the Dominion was increased in the same proportion.

R.S., 1906.
2. The increased subsidy to be allowed to the province of Nova Scotia under this section shall be based upon the sum of nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, as if that sum had been mentioned in the one hundred and fourteenth section of The British North America Act, 1867, instead of the sum of eight million dollars. R.S., c. 46, s. 2.

6. In the accounts between the several provinces and Canada, the amounts by which the yearly subsidy to each province was increased by the Act of the Parliament of Canada, passed in the thirty-sixth year of Her late Majesty Queen Victoria's reign, chapter thirty, as explained with respect to Nova Scotia by the Act of the said Parliament, passed in the thirty-seventh year of Her said late Majesty's reign, chapter three, shall be calculated and allowed to Ontario and Quebec jointly, as having formed the late province of Canada, and to Nova Scotia and New Brunswick, as if the said Acts had directed that such increase should be allowed from the day of the coming into force of The British North America Act, 1867.

2. The total amount of the half-yearly payments which would in that case have been made on account of such increase from the first day of July, one thousand eight hundred and sixty-seven, up to and including the first day of January, one thousand eight hundred and seventy-three, with interest on each at five per centum per annum, from the day on which it would have been so paid to the first day of July, one thousand eight hundred and eighty-four, shall be deemed capital owing to the said provinces respectively, bearing interest at five per centum per annum, which interest shall be payable to them as part of their yearly subsidies from Canada. R.S., c. 46, s. 3.

7. In the accounts between Canada and the provinces of British Columbia and Prince Edward Island, the amounts calculated and allowed as the debts of those provinces respectively, on the nineteenth day of April, one thousand eight hundred and eighty-four, and on which they were then paid interest by Canada, shall be increased by amounts bearing the same proportion to the respective populations of the said provinces, as ascertained by the census of one thousand eight hundred and eighty-one, as the total of the amounts to be added under the next preceding section as capital owing to Ontario and Quebec, Nova Scotia and New Brunswick, bear to the combined population of the four last-named provinces, as ascertained by the said census of one thousand eight hundred and eighty-one.

2. The amounts of such increases, as regards the said provinces of British Columbia and Prince Edward Island, shall be deemed capital owing to the said provinces respectively, bearing interest at the rate of five per centum per annum, which interest shall be payable to them as part of their respective subsidies from Canada. R.S., c. 46, s. 4.

21½
323

R.S., 1906.
Chap. 28. Provincial Subsidies.

8. The amount of the increase of the yearly subsidy and the capital on which the same is payable to the several provinces respectively, under the two last preceding sections shall be as follows:

<table>
<thead>
<tr>
<th>Province</th>
<th>Yearly Increase</th>
<th>Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Ontario and Quebec</td>
<td>$269,875.16</td>
<td>$5,397,503.13</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>39,930.68</td>
<td>798,793.45</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>30,225.97</td>
<td>604,519.35</td>
</tr>
<tr>
<td>British Columbia</td>
<td>4,155.39</td>
<td>83,107.88</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>9,148.68</td>
<td>182,973.78</td>
</tr>
</tbody>
</table>

R.S., c. 46, s. 4.

Manitoba.

9. The capital sum on which the province of Manitoba is entitled to receive half-yearly payments of interest at the rate of five per centum per annum, as fixed by the Act passed in the thirty-third year of Her late Majesty Queen Victoria's reign, chapter three, and as readjusted or increased by any subsequent Act, shall continue to be calculated on a population of one hundred and twenty-five thousand, at a rate per capita ascertained by dividing the sum of five hundred and fifty-one thousand four hundred and forty-seven dollars, by seventeen thousand, which was the estimated population of the Province under the said Act, thirty-third Victoria, chapter three,—the said sum of five hundred and fifty-one thousand four hundred and forty-seven dollars being the amount of capital on which the Province was entitled to receive interest under and by virtue of section twenty-four of the Act hereinbefore last cited and the Act thirty-sixth Victoria, chapter thirty.

2. The Province shall be charged with such advances as had, up to the twentieth day of July, one thousand eight hundred and eighty-five, been made to the Province, and with such expenditure as had been made therein by the Dominion for purposes of a strictly local character, and with a further sum of one hundred and fifty thousand dollars, which the Dominion Government may advance to the Province to meet the expenditure of constructing a lunatic asylum, and other exceptional services. R.S., c. 46, s. 6.

10. The grant of swamp lands and the grant of lands not exceeding one hundred and fifty thousand acres as an endowment to the University of Manitoba, authorized by Part I. of the Manitoba Supplementary Provisions Act, and the payments to the province of Manitoba hereinbefore authorized, shall be made as a full settlement of all claims made by the said Province for the reimbursement of costs incurred in the government of the disputed territory, or the reference of the boundary question to the Judicial Committee of the Privy Council, and all other questions and claims discussed between the Dominion and the provincial Governments, up to the tenth day.

R.S., 1906.
day of January, one thousand eight hundred and eighty-five. R.S., c. 46, s. 7.

ADVANCES.

11. The Governor in Council may, in his discretion, advance, from time to time, to any province of Canada, any sums required for local improvements in the province, and not exceeding in the whole the amount by which the debt of the province for which Canada is responsible then falls short of the debt with which the province was allowed to enter the Union: Provided that no such advance shall be made to any province unless it has been previously sanctioned by an Act of the legislature of that province.

2. Such advances shall be deemed additions to the debt of the province, and the province may repay them to Canada, on such notice, in such sums and on such conditions as the Government of Canada and that of the province agree upon; and any amount so repaid shall be deducted from the debt of the province in calculating the subsidy payable to it. R.S., c. 46, s. 8.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 29.

An Act respecting Banks and Banking.

SHORT TITLE.

1. This Act may be cited as the Bank Act. 53 V., c. 31, s. 1. Short title.

INTERPRETATION.

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

(a) 'bank' means any bank to which this Act applies;

(b) 'Minister' means the Minister of Finance and Receiver General;

(c) 'Association' means the Canadian Bankers' Association, incorporated by the Act passed in the session held in the sixty-third and sixty-fourth years of Her late Majesty's reign, chapter ninety-three, intituled An Act to incorporate the Canadian Bankers' Association;

(d) 'curator' means any person appointed under the authority of this Act by the Canadian Bankers' Association to supervise the affairs of any bank which has suspended payment in specie or Dominion notes of any of its liabilities as they accrue;

(e) 'Circulation Fund' means the fund heretofore established and continued by the authority of this Act under the name of the Bank Circulation Redemption Fund;

(f) 'goods, wares and merchandise' includes, in addition to the things usually understood thereby, timber, deals, boards, staves, saw-logs and other lumber, petroleum, crude oil, and all agricultural produce and other articles of commerce;

(g) 'warehouse receipt'

(i) means any receipt given by any person for any goods, wares or merchandise in his actual visible and continued possession as bailee thereof in good faith and not as of his own property, and

(ii) includes receipts, given by any person who is the owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares or merchandise, for goods, wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the places owned or kept by him, whether such person is engaged in other business or not, and

327 (iii) R.S., 1906.
(iii) includes also receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber;

(h) "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an undertaking to transport the same from the place where they were received to some other place, by any mode of carriage whatever, whether by land or water, or partly by land and partly by water;

(i) "manufacturer" includes manufacturers of logs, timber or lumber, maltsters, distillers, brewers, refiners and producers of petroleum, tanners, curers, packers, canners of meat, pork, fish, fruit or vegetables, and any person who produces by hand, art, process or mechanical means any goods, wares or merchandise;

(j) "president" does not include an honorary president;

2. Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement,—

(a) in one or more newspapers published at the place where the head office of the bank is situate; and,

(b) in the Canada Gazette. 53 V., c. 31, ss. 2, 54 and 102; 63-64 V., c. 26, ss. 3 and 24; 4-5 E. VII., c. 4, s. 4.

APPLICATION.

General.

3. The provisions of this Act apply to the several banks enumerated in schedule A to this Act, and to every bank incorporated after the first day of January, one thousand nine hundred and five, whether this Act is specially mentioned in its Act of incorporation or not, but not to any other bank, except as hereinafter specially provided. 53 V., c. 31, s. 3.

4. The charters or Acts of incorporation, and any Acts in amendment thereof, of the several banks enumerated in schedule A to this Act are continued in force until the first day of July, one thousand nine hundred and eleven, so far as regards, as to each of such banks,—

(a) the incorporation and corporate name;

(b) the amount of the authorized capital stock;

(c) the amount of each share of such stock; and,

(d) the chief place of business;

subject to the right of each of such banks to increase or reduce its authorized capital stock in the manner hereinafter provided.

2. As to all other particulars this Act shall form and be the charter of each of the said banks until the first day of July, one thousand nine hundred and eleven.

3. Nothing in this section shall be deemed to continue in force any charter or Act of incorporation, if, or in so far as it is,

R.S., 1906.
is, under the terms thereof, or under the terms of this Act or of any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of incorporation, or by reason of insolvency, or for any other reason. 63-64 V., c. 26, s. 6.

**Banks in course of winding-up.**

5. The provisions of this Act shall continue to apply to the banks named in schedule A to the Bank Act, passed in the fifty-third year of Her late Majesty's reign, chapter thirty-one, and not named in schedule A to this Act, but only in so far as may be necessary to wind up the business of the said banks respectively; and the charters or Acts of incorporation of the said banks, and any Acts in amendment thereof, or any Acts in relation to the said banks now in force, shall respectively continue in force for the purposes of winding-up, and for such purposes only. 2. The sections of this Act enumerated in the next following section shall continue to apply to the Bank of British Columbia, but only in so far as may be necessary to wind up the business of the bank. 63-64 V., c. 26, s. 5.

**The Bank of British North America.**

6. The sections of this Act which apply to the Bank of British North America are sections,—

one;
two;
six;
seven;
thirty-nine;
fifty-five;
fifty-seven to sixty-one, both inclusive;
sixty-three to one hundred and twenty-four both inclusive;
one hundred and thirty;
one hundred and thirty-two to one hundred and fifty-two, both inclusive; and,
one hundred and fifty-four to one hundred and fifty-seven, both inclusive.

2. The other sections of this Act do not apply to the Bank of British North America. 53 V., c. 31, s. 6; 63-64 V., c. 26, s. 7.

7. For the purposes of the several sections of this Act made applicable to the Bank of British North America the chief office of the Bank of British North America shall be the office of the bank at Montreal in the province of Quebec. 53 V., c. 31, s. 7.
INCORPORATION AND ORGANIZATION OF BANKS.

8. The capital stock of every bank hereafter incorporated, the name of the bank, the place where its chief office is to be situated, and the name of the provisional directors, shall be declared in the Act of incorporation of every such bank respectively. 53 V., c. 31, s. 9.

9. An Act of incorporation of a bank in the form set forth in schedule B to this Act shall be construed to confer upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act. 53 V., c. 31, s. 9.

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. 53 V., c. 31, s. 10.

11. The number of provisional directors shall be not less than five.

2. The provisional directors shall hold office until directors are elected by the subscribers to the stock, as hereinafter provided. 53 V., c. 31, s. 11; 4-5 E. VII., c. 4, s. 1.

12. For the purpose of organizing the bank, the provisional directors may, after giving public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to become shareholders in the bank.

2. Such books shall be opened at the place where the chief office of the bank is to be situate, and elsewhere, in the discretion of the provisional directors.

3. Such stock books may be kept open for such time as the provisional directors deem necessary. 53 V., c. 31, s. 12.

13. So soon as a sum not less than five hundred thousand dollars of the capital stock of the bank has been bona fide subscribed, and a sum not less than two hundred and fifty thousand dollars thereof has been paid to the Minister, the provisional directors may, by public notice, published for at least four weeks, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation as the chief place of business of the bank, at such time and at such place therein as set forth in the said notice.

2. The subscribers shall at such meeting,—

(a) determine the day upon which the annual general meeting of the bank is to be held; and,

(b) elect such number of directors, duly qualified under this Act, not less than five, as they think necessary.

3. Such directors shall hold office until the annual general meeting in the year next succeeding their election.

R.S., 1906.

330
4. Upon the election of directors as aforesaid the functions of the provisional directors shall cease. 53 V., c. 31, s. 13; 4-5 E. VII., c. 4, s. 2.

14. The bank shall not issue notes or commence the business of banking until it has obtained from the Treasury Board a certificate permitting it to do so.

2. No application for such certificate shall be made until directors have been elected by the subscribers to the stock in the manner hereinbefore provided. 53 V., c. 31, s. 14.

15. No certificate shall be given by the Treasury Board until it has been shown to the satisfaction of the Board, by affidavit or otherwise, that all the requirements of this Act and of the special Act of incorporation of the bank, as to the payment required to be made to the Minister, the election of directors, deposit for security for note issue, or other preliminaries, have been complied with, and that the sum so paid is then held by the Minister.

2. No such certificate shall be given except within one year from the passing of the Act of incorporation of the bank applying for the said certificate. 53 V., c. 31, s. 15.

16. If the bank does not obtain a certificate from the Treasury Board within one year from the time of the passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force or effect whatever. 53 V., c. 31, s. 16.

17. Upon the issue of the certificate in manner hereinbefore provided, the Minister shall forthwith pay to the bank the amount of money so deposited with him as aforesaid, without interest, after deducting therefrom the sum of five thousand dollars required to be deposited under the provisions of this Act for the securing of the notes issued by the bank.

2. In case no certificate is issued by the Treasury Board within the time limited for the issue thereof, the amount so deposited shall be returned to the person depositing the same.

3. In no case shall the Minister be under any obligation to see to the proper application in any way of the amount so returned. 53 V., c. 31, s. 17.

INTERNAL REGULATIONS.

18. The shareholders of the bank may regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be held;

(b) R.S., 1906.
(b) The record to be kept of proxies, and the time, not exceeding thirty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;

(d) Subject to the provisions hereinafter contained, the qualifications of directors;

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year;

(f) The time and proceedings for the election of directors, in case of a failure of any election on the day appointed for it;

(g) The remuneration of the president, vice-president and other directors; and,

(h) The amount of discounts or loans which may be made to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

2. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute thereto out of the funds of the bank.

3. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may be regulated by by-law under this section shall remain in force, except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 53 V., c. 31, s. 18; 4-5 E. VII., c. 4, s. 3.

19. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, who shall be elected annually in manner hereinafter provided, and shall be eligible for re-election. 53 V., c. 31, s. 19.

20. Each director shall,—

(a) when the paid-up capital stock of the bank is one million dollars or less, hold stock of the bank on which not less than three thousand dollars have been paid up;

(b) when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars, hold stock of the bank on which not less than four thousand dollars have been paid up; and,

(c) when the paid-up capital stock of the bank exceeds three million dollars, hold stock of the bank on which not less than five thousand dollars have been paid up.

2. No person shall be elected or continue to be a director unless he holds stock paid up to the amount required by this Act, or such greater amount as is required by any by-law in that behalf.
Banks.  Chap. 29.  7

3. A majority of the directors shall be natural born or naturalized subjects of His Majesty. 53 V., c. 31, ss. 18 and 19.

21. The directors shall be elected by the shareholders on such day in each year as is appointed by the charter or by any by-law of the bank, and at such time of the day as the directors appoint.

2. The election shall take place at the head office of the bank. At head office.

3. Public notice of the election shall be given by the directors by publishing such notice, for at least four weeks previously to the time of holding the election, in a newspaper published at the place where the head office of the bank is situate. 53 V., c. 31, s. 19.

22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 53 V., c. 31, s. 19.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons having an equal number of votes shall be a director or directors. 53 V., c. 31, s. 19.

24. The directors, as soon as may be after their election, shall proceed to elect, by ballot, two of their number to be president and vice-president respectively.

2. The directors may also elect by ballot one of their number to be honorary president. 53 V., c. 31, s. 19; 4-5 E. VII., c. 4, s. 4.

25. If a vacancy occurs in the board of directors the vacancy shall be filled in the manner provided by the by-laws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby invalidated. 53 V., c. 31, s. 19.

26. If a vacancy occurs in the office of the president or vice-president, the directors shall, from among themselves, elect a president or vice-president, who shall continue in office for the remainder of the year. 53 V., c. 31, s. 19.

27. If an election of directors is not made on the day appointed for that purpose, such election may take place on any other day, according to the by-laws made by the shareholders in that behalf.

333 2.

R.S., 1906.
2. The directors in office on the day appointed for the election of directors shall remain in office until a new election is made. 53 V., c. 31, s. 20.

28. The president, or in his absence the vice-president, shall preside at all meetings of the directors.

2. If at any meeting of the directors both president and vice-president are absent, one of the directors present, chosen to act pro tempore, shall preside.

3. The president, vice-president or president pro tempore, so presiding, shall vote as a director, and shall, if there is an equal division on any question, also have a casting vote. 53 V., c. 31, s. 21.

29. The directors may make by-laws and regulations, not repugnant to the provisions of this Act or to the laws of Canada, with respect to,—

(a) the management and disposition of the stock, property, affairs and concerns of the bank;

(b) the duties and conduct of the officers, clerks and servants employed therein; and,

(c) all such other matters as appertain to the business of a bank.

2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, including any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain in force until they are repealed or altered by other by-laws made under this Act. 53 V., c. 31, s. 22.

30. The directors may appoint as many officers, clerks and servants as they consider necessary for the carrying on of the business of the bank.

2. The directors may also appoint a director or directors for any branch of the bank.

3. Such officers, clerks and servants may be paid such salaries and allowances as the directors consider necessary.

4. The directors shall, before permitting any cashier, officer, clerk or servant of the bank to enter upon the duties of his office, require him to give a bond, guarantee, or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 53 V., c. 31, s. 23.

31. A special general meeting of the shareholders of the bank may be called at any time by,—

(a) the directors of the bank or any four of them; or,

(b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together proprietors of at least one-tenth of the paid-up capital stock of the bank.

R.S., 1906.
2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such meeting.

3. Such meeting shall be held at the usual place of meeting of the shareholders.

4. If the object of the special general meeting is to consider the proposed removal, for maladministration or other specified and apparently just cause, of the president or vice-president, or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for such removal, a director to replace him shall be elected or appointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the meeting.

5. If it is the president or vice-president who is removed, his office shall be filled by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. 53 V., c. 31, s. 24.

32. Every shareholder shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting.

2. In all cases when the votes of the shareholders are taken, Ballot. the voting shall be by ballot.

3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present in person or represented by proxy.

4. The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case he shall, except as to the election of a director, have a casting vote.

5. If two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and to vote accordingly.

6. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

7. No manager, cashier, clerk or other subordinate officer of the bank shall vote either in person or by proxy, or hold a proxy for the purpose of voting.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose, unless it has been made or renewed in writing within the two years last preceding the time of such meeting.

9. No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or voting, in any case in which the votes of the shareholders of the bank are

R.S., 1906.
are taken, unless he has paid all calls made by the directors which are then due and payable. 53 V., c. 31, s. 25.

**CAPITAL STOCK.**

33. The capital stock of the bank may be increased, from time to time, by such percentage, or by such amount, as is determined upon by by-law passed by the shareholders, at the annual general meeting, or at any special general meeting called for the purpose.

2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving thereof has been issued by the Treasury Board.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published in the place where the chief office or place of business of the bank is situate.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue such certificate if it thinks best so to do. 53 V., c. 31, s. 26.

34. Any of the original unsubscribed capital stock, or of the increased stock of the bank, shall, when the directors so determine, be allotted to the then shareholders of the bank *pro rata*, and at such rate as is fixed by the directors: Provided that,

(a) no fraction of a share shall be so allotted; and,

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable on the stock so allotted, exceed the percentage which the reserve fund of the bank then bears to the paid-up capital stock thereof.

2. Any of such allotted stock which is not taken up by the shareholder to whom the allotment has been made, within six months from the time when notice of the allotment was mailed to his address, or which he declines to accept, may be offered for subscription to the public, in such manner and on such terms as the directors prescribe. 53 V., c. 31, s. 27.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general meeting, or at a special general meeting called for the purpose.

2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the

R.S., 1906.
the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that,—

(a) the shareholders voting for the by-law represent a majority in value of all the shares then issued by the bank; and,

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least four weeks in the Canada Gazette, and in one or more newspapers published in the place where the chief office or place of business of the bank is situate.

4. Nothing herein contained shall be construed to prevent Treasury Board may refuse the Treasury Board from refusing to issue the certificate if it thinks best so to do.

5. In addition to evidence of the passing of the by-law, and of the publication thereof in the manner in this section provided, statements showing,—

(a) the amount of stock issued;
(b) the number of shareholders represented at the meeting at which the by-law passed;
(c) the amount of stock held by each such shareholder;
(d) the number of shareholders who voted for the by-law;
(e) the amount of stock held by each of such last mentioned shareholders;
(f) the assets and liabilities of the bank in full; and,
(g) the reasons and causes why the reduction is sought;

shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law.

6. The passing of the by-law, and any reduction of the capital stock of the bank thereunder, shall not in any way diminish or interfere with the liability of the shareholders of the bank to the creditors thereof at the time of the issue of the certificate approving the by-law.

7. If in any case legislation is sought to sanction any reduction of the capital stock of any bank, a copy of the by-law or resolution passed by the shareholders in regard thereto, together with statements similar to those by this section required to be laid before the Treasury Board, shall, at least one month prior to the introduction into Parliament of the Bill relating to such reduction, be filed with the Minister.

8. The capital shall not be reduced below the amount of two hundred and fifty thousand dollars of paid-up stock. 53 V., reduction. c. 31, s. 28.

SHARES AND CALLS.

36. The shares of the capital stock of the bank shall be personal property.

2. Books of subscription may be opened at the chief place of business of the bank, or at such of its branches, or at such place or subscription.
or places in the United Kingdom or in any of the British colonies or possessions, as the directors prescribe.

3. The shares shall be assignable and transferable at any of the places aforesaid, according to such forms and subject to such rules and regulations as the directors prescribe.

4. The dividends accruing upon any shares of the capital stock of the bank may be made payable at any of the places aforesaid.

5. The directors may appoint such agents in the United Kingdom, or in any of the British colonies or possessions, for the purposes of this section, as they deem necessary. 53 V., c. 31, s. 29.

37. The shares of the capital stock shall be paid in by such instalments and at such times and places as the directors appoint.

2. The directors may cancel any subscription for any share, unless a sum equal to ten per centum at least on the amount subscribed for is actually paid at or within thirty days after the time of subscribing.

3. Such cancellation shall not, in the event of insolvency, relieve the subscriber as hereinafter provided, from his liability to creditors. 53 V., c. 31, s. 30.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as they find necessary.

2. Such calls shall be made at intervals of not less than thirty days.

3. Notice of any such call shall be given at least thirty days prior to the day on which the call is payable.

4. No such call shall exceed ten per centum of each share subscribed. 53 V., c. 31, s. 31.

39. If any part of the paid-up capital is lost the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equivalent to the loss: Provided that all net profits shall be applied to make good such loss.

2. Any such loss of capital and the calls, if any made in respect thereof, shall be mentioned in the next return made by the bank to the Minister. 53 V., c. 31, s. 48.

40. In case of the non-payment of any call, the directors may, in the corporate name of the bank, sue for, recover, collect and get in any such call, or may cause and declare the shares in respect of which any such call is made to be forfeited to the bank. 53 V., c. 31, s. 32.

41. If any shareholder refuses or neglects to pay any installment upon his shares of the capital stock at the time appointed...
ed therefor, such shareholder shall incur a penalty, to the use of the bank, of a sum of money equal to ten per centum of the amount of such shares.

2. If the directors declare any shares to be forfeited to the bank they shall, within six months thereafter, without any previous formality, other than thirty days' public notice of their intention so to do, sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of penalties incurred upon the whole.

3. The president or vice-president, manager or cashier of the bank shall execute the transfer to the purchaser of the shares so sold; and such transfer shall be as valid and effectual in law as if it had been executed by the original holder of the shares thereby transferred.

4. The directors, or the shareholders at a general meeting, may, notwithstanding anything in this section contained, remit, either in whole or in part, and conditionally or unconditionally, any forfeiture or penalty incurred by the non-payment of instalments as aforesaid. 53 V., c. 31, s. 33.

42. In any action brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration or statement of claim, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the bank, and that he is indebted to the bank for a call or calls upon such share or shares, in the sum to which the call or calls amount, as the case may be, stating the amount and number of the calls.

2. It shall not be necessary, in any such action, to prove the appointment of the directors. 53 V., c. 31, s. 34.

TRANSFER AND TRANSMISSION OF SHARES.

43. No assignment or transfer of the shares of the capital stock of the bank shall be valid unless,—

(a) made, registered and accepted by the person to whom the transfer is made in a book or books kept for that purpose; and,

(b) the person making the assignment or transfer has, if required by the bank, previously discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate.

2. No fractional part of a share, or less than a whole share, shall be assignable or transferable. 53 V., c. 31, s. 35.

44. A list of all transfers of shares registered each day in the books of the bank, showing, in each case, the parties to such transfers.
transfers and the number of shares transferred, shall be made up at the end of each day.

2. Such lists shall be kept at the chief place of business of the bank, for the inspection of its shareholders. 53 V., c. 31, s. 36.

45. All sales or transfers of shares, and all contracts and agreements in respect thereof, hereafter made or purporting to be made, shall be null and void, unless the person making the sale or transfer, or the person in whose name or behalf the sale or transfer is made, at the time of the sale or transfer,—

(a) is the registered owner in the books of the bank of the share or shares so sold or transferred, or intended or purporting to be so sold or transferred; or,

(b) has the registered owner's assent to the sale.

2. The distinguishing number or numbers, if any, of such share or shares shall be designated in the contract of agreement of sale or transfer.

3. Notwithstanding anything in this section contained, the rights and remedies under any contract of sale, which does not comply with the conditions and requirements in this section mentioned, of any purchaser who has no knowledge of such non-compliance, are hereby saved. 53 V., c. 31, s. 37.

46. When any share of the capital stock has been sold under a writ of execution, the officer by whom the writ was executed shall, within thirty days after the sale, leave with the bank an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made.

2. The president, vice-president, manager or cashier of the bank shall execute the transfer of the share so sold to the purchaser, but not until after all debts and liabilities to the bank of the holder of the share, and all liens in favour of the bank existing thereon, have been discharged as by this Act provided.

3. Such transfer shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder of the said share. 53 V., c. 31, s. 38.

47. If the interest in any share in the capital stock of any bank is transmitted by or in consequence of,—

(a) the death, bankruptcy, or insolvency of any shareholder; or,

(b) the marriage of a female shareholder; or,

(c) any lawful means, other than a transfer according to the provisions of this Act;

the transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors of the bank require.

R.S., 1906.
2. Every such declaration shall distinctly state the manner in which and the person to whom the share has been transmitted, and shall be made and signed by such person.

3. The person making and signing the declaration shall acknowledge the same before a judge of a court of record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, where the same is made and signed.

4. Every declaration so signed and acknowledged shall be left with the cashier, manager, or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under the transmission in the register of shareholders.

5. Until the transmission has been so authenticated, no person claiming by virtue thereof shall be entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock. 53 V., c. 31, s. 39.

48. If the transmission of any share of the capital stock has taken place by virtue of the marriage of a female shareholder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and shall be made and signed by such female shareholder and her husband.

2. The declaration may include a statement to the effect that the share transmitted is the separate property and under the sole control of the wife, and that she may, without requiring the consent or authority of her husband, receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself.

3. The declaration shall be binding upon the bank and persons making the same, until the said persons see fit to revoke it by a written notice to the bank to that effect.

4. The omission of a statement in any such declaration that the wife making the declaration is duly authorized by her husband to make the same shall not invalidate the declaration. 53 V., c. 31, s. 40.

49. Every such declaration and instrument as are by the last two preceding sections required to perfect the transmission of a share in the bank shall, if made in any country other than Canada, the United Kingdom or a British colony,—

(a) be further authenticated by the clerk of a court of record under the seal of the court, or by the British consul or vice-consul, or other accredited representative of His Majesty's Government in the country where the declaration or instrument is made; or,

(b) be made directly before such British consul, vice-consul or other accredited representative.

R.S., 1906.
Further evidence.

2. The directors, cashier or other officer or agent of the bank may require corroborative evidence of any fact alleged in any such declaration. 53 V., c. 31, s. 39.

Transmission by will or intestacy.

50. If the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with the cashier or other officer or agent of the bank.

2. The cashier or other officer or agent shall thereupon enter in the register of shareholders the name of the person entitled under the transmission. 53 V., c. 31, s. 41.

Transmission by decease.

51. If the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the directors and the deposit with them of,—

(a) any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, or any British colony, or of any testament, testamentary or testamentative exped in Scotland; or,

(b) an authentic notarial copy of the will of the deceased shareholder, if such will is in notarial form according to the law of the province of Quebec; or,

(c) if the deceased shareholder died out of His Majesty's dominions, any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters;

shall be sufficient justification and authority to the directors for paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity to the probate, letters of administration, or other such document as aforesaid. 53 V., c. 31, s. 42.

SHARES SUBJECT TO TRUSTS.

52. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock is subject.

2. The receipt of the person in whose name any such share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of such persons, shall be a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of such share, unless, previously to such payment, express notice to the contrary has been given to the bank.

R.S., 1906.
3. The bank shall not be bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them. 53 V., c. 31, s. 43.

53. No person holding stock in the bank as executor, administrator, guardian, trustee, tutor or curator of or for any estate, trust or person named in the books of the bank as being so represented by him, shall be personally subject to any liability as a shareholder; but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the stock in his own name.

2. If the trust is for a living person, such person shall also himself be liable as a shareholder.

3. If the estate, trust or person so represented is not so named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator shall be personally liable in respect of the stock, as if he held it in his own name as owner thereof. 63-64 V., c. 26, s. 8.

ANNUAL STATEMENT AND INSPECTION.

54. At every annual meeting of the shareholders for the election of directors, the out-going directors shall submit a clear and full statement of the affairs of the bank, exhibiting, on the one hand, the liabilities of or the debts due by the bank, and, on the other hand, the assets and resources thereof.

2. The statement shall show, on the one part,—
   (a) the amount of the capital stock paid in;
   (b) the amount of the notes of the bank in circulation;
   (c) the net profits made;
   (d) the balances due to other banks; and,
   (e) the cash deposited in the bank, distinguishing deposits bearing interest from those not bearing interest.

3. The statement shall show, on the other part,—
   (a) the amount of the current coin, the gold and silver bullion and the Dominion notes held by the bank;
   (b) the balances due to the bank from other banks;
   (c) the value of the real and other property of the bank; and,
   (d) the amount of debts owing to the bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities.

4. The statement shall also exhibit,—
   (a) the rate and amount of the last dividend declared by the directors;
   (b) the amount of reserved profits at the date of such statement; and,
(c) the amount of debts due to the bank, overdue and not paid, with an estimate of the loss which will probably accrue thereon. 53 V., c. 31, s. 45.

55. The directors shall also submit to the shareholders such further statements of the affairs of the bank, other than statements with reference to the account of any person dealing with the bank, as the shareholders require by by-law passed at the annual general meeting, or at any special general meeting of the shareholders called for the purpose.

2. The statements so required shall be submitted at the annual general meeting, or at any special general meeting called for the purpose, or at such time and in such manner as is set forth in the by-law of the shareholders requiring such statements. 63-64 V., c. 26, s. 9.

56. The books, correspondence and funds of the bank shall, at all times, be subject to the inspection of the directors.

2a No person, who is not a director, shall be allowed to inspect the account of any person dealing with the bank. 53 V., c. 31, s. 46.

DIVIDENDS.

57. The directors of the bank shall, subject to the provisions of this Act, declare quarterly or half yearly dividends of such amount of the profits of the bank as to the majority of them seems advisable.

2. The directors shall give at least thirty days' public notice of the payment of such dividends previously to the date fixed for such payment.

3. The directors may close the transfer books during a certain time, not exceeding fifteen days, before the payment of each dividend. 53 V., c. 31, s. 47.

58. No dividend or bonus shall ever be declared so as to impair the paid-up capital of the bank.

2. The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is impaired, shall be jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank. 53 V., c. 31, s. 48.

59. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per centum per annum, shall be made by the bank, unless, after making the same, the bank has a rest or reserve fund, equal to at least thirty per centum of its paid-up capital after deducting all bad and doubtful debts. 53 V., c. 31, s. 49.
CASH RESERVES.

60. The bank shall hold not less than forty per centum of its cash reserves in Dominion notes.

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion notes are redeemable, in the cities of Toronto, Montreal, Halifax, St. John, Winnipeg, Victoria and Charlottetown, respectively.

3. Such notes shall be redeemable at the office for redemption of Dominion notes in the place where the specie is given in exchange. 53 V., c. 31, s. 50.

THE ISSUE AND CIRCULATION OF NOTES.

61. The bank may issue and re-issue notes payable to bearer on demand and intended for circulation: Provided that,—

(a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any such notes; and,

(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinafter provided for, it shall not issue or re-issue any of such notes until authorized by the Treasury Board so to do.

2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars.

3. The total amount of such notes, in circulation at any time, shall not exceed the amount of the unimpaired paid-up capital of the bank.

4. Notwithstanding anything in this section contained the total amount of such notes of the Bank of British North America in circulation at any time shall not exceed seventy-five per centum of the unimpaired paid-up capital of the Bank: Provided that,—

(a) the Bank may issue such notes in excess of the said seventy-five per centum upon depositing with the Minister, in respect of the excess, in cash or bonds of the Dominion of Canada, an amount equal to the excess; and the cash or bonds so deposited shall, in the event of the suspension of the Bank, be available by the Minister for the redemption of the notes issued in excess as aforesaid; and,

(b) the total amount of such notes of the Bank in circulation at any time shall in no case exceed its unimpaired paid-up capital.

5. All notes heretofore issued or re-issued by any bank, and now in circulation, which are for a sum less than five dollars, or for a sum which is not a multiple of five dollars, shall be called in and cancelled as soon as practicable. 53 V., c. 31, s. 51; 63-64 V., c. 26, s. 10.

345

62.

R.S., 1906.
62. Notwithstanding the provisions of the last preceding section any bank may issue and re-issue, at any office or agency of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars each, or for any multiple of such sum, of the dollars in commercial use in such colony or possession, if the issue or re-issue of such notes is not forbidden by the laws of such colony or possession.

2. No issue of notes of the denomination of five such dollars, or any multiple thereof, shall be made in any such British colony or possession unless nor until the Governor in Council, on the report of the Treasury Board, determines the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the notes in circulation within the meaning of the last preceding section.

3. The notes so issued shall be redeemable at par at any office or agency of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as in this section specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued.

4. In the event of the bank ceasing to have an office or agency in any such British colony or possession, all notes issued in such colony or possession under the provisions of this section shall become payable and redeemable at the rate of four dollars and eighty-six and two-thirds cents per pound sterling, or, in the case of the issue of notes, of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by this section, in the same manner as notes of the bank issued in Canada are payable and redeemable.

5. The amount of the notes at any time in circulation in any such colony or possession, issued under the provisions of this section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the notes in circulation within the meaning of the last preceding section, and, except as herein otherwise specially provided, shall be subject to all the provisions of this Act.

6. No notes issued for circulation in a British colony or possession other than Canada shall be re-issued in Canada.

7. Nothing in this section contained shall be construed to authorize any bank,—

(a) to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the last preceding section; or,

(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of five dollars. 4 E. VII., c. 3, ss. 1, 2, 3 and 4.
63. The bank shall not pledge, assign, or hypothecate its notes; and no advance or loan made on the security of the notes of a bank shall be recoverable from the bank or its assets.

53 V., c. 31, s. 52.

64. The moneys heretofore paid to and now deposited with the Minister by the banks to which this Act applies, constituting the fund known as the Bank Circulation Redemption Fund, shall continue to be held by the Minister for the purposes and subject to the provisions in this section mentioned and contained.

2. The Minister shall, upon the issue of a certificate under this Act authorizing a bank to issue notes and commence the business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this section, until the annual adjustment hereinafter provided for takes place in the year then next following.

3. The amount at the credit of such bank shall, at such next annual adjustment, be adjusted by payment to or by the bank of such sum as is necessary to make the amount of money at the credit of the bank equal to five per centum of the average amount of its notes in circulation from the time it commenced business to the time of such adjustment and such sum shall thereafter be adjusted annually as hereinafter provided.

4. The amounts heretofore and from time to time hereafter paid, to be retained and held by the Minister as by this section provided, shall continue to form and shall form the Circulation Fund.

5. The Circulation Fund shall continue to be held as heretofore for the sole purpose of payment, in the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, of the notes then issued or re-issued by such bank, intended for circulation, and then in circulation, and interest thereon.

6. The Circulation Fund shall bear interest at the rate of three per centum per annum.

7. The Circulation Fund shall be adjusted, as soon as possible after the thirtieth day of June in each year, in such a way as to make the amount at the credit of each bank contributing thereto, unless herein otherwise specially provided, equal to five per centum of the average note circulation of such bank during the then last preceding twelve months.

8. The average note circulation of a bank during any period shall be determined from the average of the amount of its notes in circulation, as shown by the monthly returns for such period made by the bank to the Minister; and where, in any return, the greatest amount of notes in circulation at any time during the month is given, such amount shall, for the purposes of this section, be taken to be the amount of the notes of the bank in circulation during the month to which such return relates.

85,000 to be retained upon issue of certificate.

Five per centum of average circulation.

Its purposes.

Fund to bear interest.

Adjustment annually.

Average note circulation, how determined.
9. The Minister shall with respect to all notes paid out of the Circulation Fund have the same rights as any other holder of the notes of the bank: Provided that all such notes, and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund, and all interest due or accruing due thereon, has been exhausted, shall bear interest, at the rate of three per centum per annum, from the time such notes and interest are paid until such notes and interest are repaid to the Minister by or out of the assets of such bank. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 13.

65. In the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, the notes of the bank, issued or re-issued, intended for circulation, and then in circulation, shall bear interest at the rate of five per centum per annum, from the day of the suspension to such day as is named by the directors, or by the liquidator, receiver, assignee or other proper official, for the payment thereof.

2. Notice of such day shall be given by advertising for at least three days in a newspaper published in the place in which the head office of the bank is situate.

3. If any notes presented for payment on or after any day named for payment thereof are not paid, all notes then unpaid and in circulation shall continue to bear interest until such further day as is named for payment thereof, of which day notice shall be given in manner hereinbefore provided.

4. If the directors of the bank or the liquidator, receiver, assignee or other proper official fails to make arrangements, within two months from the day of the suspension of payment by the bank, for the payment of all of its notes and interest thereon, the Minister may make arrangements for the payment, out of the Circulation Fund, of the notes remaining unpaid and all interest thereon, and the Minister shall give such notice of the payment as he thinks expedient.

5. Notwithstanding anything herein contained all interest upon such notes shall cease upon and from the date named by the Minister for such payment.

6. Nothing herein contained shall be construed to impose any liability upon the Government of Canada, or upon the Minister, beyond the amount available from time to time out of the Circulation Fund. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 11.

66. All payments made from the Circulation Fund shall be without regard to the amount contributed thereto by the bank in respect of whose notes the payments are made.

2. If the payments from the Circulation Fund exceed the amount contributed to the Circulation Fund by the bank so suspending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand.

R.S., 1906.
demand, make good to the Circulation Fund the amount of the excess, proportionately to the amount which each such other bank had or should have contributed to the Circulation Fund, at the time of the suspension of the bank in respect of whose notes the payments are made: Provided that,—

(a) each of such other banks shall only be called upon to make good to the Circulation Fund its share of the excess in payments not exceeding, in any one year, one per centum of the average amount of its notes in circulation;

(b) such circulation shall be ascertained in such manner as the Minister decides; and,

(c) the Minister's decision shall be final.

3. All amounts recovered and received by the Minister from the bank on account of which such payments were made shall, after the amount of such excess has been made good as afore-said, be distributed among the banks contributing to make good such excess, proportionately to the amount contributed by each.

53 V., c. 31, s. 54; 63-64 V., c. 26, s. 12.

67. In the event of the winding-up of the business of a bank by reason of insolvency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignee or other proper official, and on being satisfied that proper arrangements have been made for the payment of the notes of the bank and any interest thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 53 V., c. 31, s. 54.

68. The Treasury Board may make all such rules and regu-
lations as it thinks expedient with reference to,—

(a) the payment of any moneys out of the Circulation Fund, and the manner, place and time of such payments;

(b) the collection of all amounts due to the Circulation Fund;

(c) all accounts to be kept in connection therewith; and,

(d) generally the management of the Circulation Fund and all matters relating thereto. 53 V., c. 31, s. 54.

69. The Minister may, in his official name, by action in the Exchequer Court of Canada, enforce payment, with costs of action, of any sum due and payable by any bank which should form part of the Circulation Fund. 53 V., c. 31, s. 54.

70. The bank shall make such arrangements as are necessary to ensure the circulation at par, in any and every part of Canada, of all notes issued or re-issued by it and intended for circulation; and towards this purpose the bank shall establish agencies for the redemption and payment of its notes at the cities of Toronto, Montreal, Halifax, St. John, Winnipeg, Victoria.

R.S., 1906.
Banks.

71. The bank shall always receive in payment its own notes at par at any of its offices, and whether they are made payable there or not. 2. The chief place of business of the bank shall always be one of the places at which its notes are made payable. 53 V., c. 31, s. 56.

72. The bank, when making any payment, shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two, or four dollars each, at the option of such person.

2. No payment, whether in Dominion notes or bank notes, shall be made in bills that are torn or partially defaced by excessive handling. 53 V., c. 31, s. 57.

73. The bonds, obligations and bills, obligatory or of credit, of the bank under its corporate seal, signed by the president or vice-president, and countersigned by a cashier or assistant cashier, which are made payable to any person, shall be assignable by endorsement thereon.

2. The bills or notes of the bank signed by the president, vice-president, cashier or other officer appointed by the directors of the bank to sign the same, promising the payment of money to any person, or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on the bank, in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity.

3. The directors of the bank may, from time to time, authorize or depute any cashier, assistant cashier or officer of the bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and deposit of the bank, to sign the notes of the bank intended for circulation. 53 V., c. 31, s. 58.

74. All bank notes and bills whereon the name of any person entrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person entrusted or authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes.

R.S., 1906.
bank notes or bills in all indictments and civil or criminal proceedings whatever: Provided that at least one signature to each note or bill must be in the actual handwriting of a person authorized to sign such note or bill. 53 V., c. 31, s. 59.

75. Every officer charged with the receipt or disbursement of public moneys, and every officer of any bank, and every person acting as or employed by any banker, shall stamp or write in plain letters, upon every counterfeit or fraudulent note issued in the form of a Dominion or bank note, and intended to circulate as money, which is presented to him at his place of business, the word Counterfeit, Altered or Worthless.

2. If such officer or person wrongfully stamps any genuine note he shall, upon presentation, redeem it at the face value thereof. 53 V., c. 31, s. 62.

THE BUSINESS AND POWERS OF A BANK.

76. The bank may,—
(a) open branches, agencies and offices;
(b) engage in and carry on business as a dealer in gold and silver coin and bullion;
(c) deal in, discount and lend money and make advances upon the security of, and take as collateral security for any loan made by it, bills of exchange, promissory notes and other negotiable securities, or the stock, bonds, debentures and obligations of municipal and other corporations, whether secured by mortgage or otherwise, or Dominion, provincial, British, foreign and other public securities; and,
(d) engage in and carry on such business generally as appertains to the business of banking.

2. Except as authorized by this Act, the bank shall not, either directly or indirectly,—
(a) deal in the buying or selling, or bartering of goods, wares and merchandise, or engage or be engaged in any trade or business whatsoever;
(b) purchase, or deal in, or lend money, or make advances upon the security or pledge of any share of its own capital stock, or of the capital stock of any bank; or,
(c) lend money or make advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise. 53 V., c. 31, s. 64.

77. The bank shall have a privileged lien, for any debt or liability for any debt to the bank, on the shares of its own capital stock, and on any unpaid dividends of the debtor or person

Bank to have lien
upon the

R.S., 1906.
son liable, and may decline to allow any transfer of the shares of such debtor or person until the debt is paid.

2. The bank shall, within twelve months after the debt has accrued and become payable, sell such shares: Provided that notice shall be given to the holder of the shares of the intention of the bank to sell the same, by mailing the notice, in the post office, post paid, to the last known address of the holder, at least thirty days prior to the sale.

3. Upon the sale being made the president, vice-president, manager or cashier shall execute a transfer of the shares to the purchaser thereof in the usual transfer book of the bank.

4. Such transfer shall vest in the purchaser all the rights in or to the said 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 the transfer. 53 V., c. 31, s. 65.

78. The stock, bonds, debentures or securities, acquired and held by the bank as collateral security, may, in case of default in the payment of the debt, for the securing of which they were so acquired and held, be dealt with, sold and conveyed, either 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, or in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same: Provided that the bank shall not be obliged to sell within twelve months.

2. The right so to deal with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of the stock, bonds, debentures or securities, made at the time at which such debt was incurred, or, if the time of payment of the debt has been extended, then by an agreement made at the time of the extension. 53 V., c. 31, s. 66.

79. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose. 53 V., c. 31, s. 67.

80. The bank may take, hold and dispose of mortgages and hypothèques upon real or personal, immovable or movable property, by way of additional security for debts contracted to the bank in the course of its business.

2. The rights, powers and privileges which the bank is by this Act declared to have, or to have had, in respect of real or immovable property mortgaged to it, shall be held and possessed by
by it in respect of any personal or movable property which is mortgaged or hypothecated to the bank. 53 V., c. 31, s. 68.

81. The bank may purchase any lands or real or immovable property offered for sale,—
   (a) under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank;
   or,
   (b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank;
   or,
   (c) by the bank under a power of sale given to it for that purpose;

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property which it may so purchase, and may acquire a title thereto as any individual, purchasing at sheriff’s sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure. 53 V., c. 31, s. 69.

82. The bank may acquire and hold an absolute title in or to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, and may purchase and acquire any prior mortgage or charge on such property.

2. Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey away any property so mortgaged. 53 V., c. 31, s. 71; 63-64 V., c. 26, s. 14.

83. No bank shall hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as in this section provided, and such property shall be absolutely sold or disposed of, within such period or extended period, as the case may be, so that the bank shall no longer retain any interest therein unless by way of security.

2. The Treasury Board may direct that the time for the sale or disposal of any such real or immovable property shall be extended for a further period or periods, not to exceed five years.
3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

4. Any real or immovable property, not required by the bank for its own use, held by the bank for a longer period than authorized by the foregoing provisions of this section shall be liable to be forfeited to His Majesty for the use of the Dominion of Canada: Provided that,—

(a) no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the bank by the Minister of the intention of His Majesty to claim the forfeiture; and,

(b) the bank may, notwithstanding such notice, before the forfeiture is effected sell or dispose of the property free from liability to forfeiture.

5. The provisions of this section shall apply to any real or immovable property heretofore acquired by the bank and held by it at the time of the coming into force of this Act. 63-64 V., c. 26, s. 14.

84. The bank may lend money upon the security of standing timber, and the rights or licenses held by persons to cut or remove such timber. 63-64 V., c. 26, s. 16.

85. Every bank advancing money in aid of the building of any ship or vessel shall have the same right of acquiring and holding security upon such ship or vessel, while building and when completed, either by way of mortgage, hypothèque, hypothècation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the province wherein the ship or vessel is being built.

2. The bank may, for the purpose of obtaining and enforcing such security, avail itself of all such rights and means, and shall be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon individuals making such advances. 53 V., c. 31, s. 72.

86. 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, or as security for any liability incurred by it for any person, in the course of its banking business.

2. Any warehouse receipt or bill of lading so acquired shall vest in the bank, from the date of the acquisition thereof,—

(a) all the right and title to such warehouse receipt or bill of lading and to the goods covered thereby of the previous holder or owner thereof; or,

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom the same were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank,

R.S., 1906.
bank, instead of to the previous holder or owner of such goods, wares and merchandise. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15.

87. If the previous holder of such warehouse receipt or bill of lading is any person,—

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof; or,
(b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or,
(c) who, by or by the authority of the owner of such goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented:

the bank shall be, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which such warehouse receipt or bill of lading is held by the bank, is paid.

2. Any person shall be deemed to be the possessor of such goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid,—

(a) who is in actual possession thereof; or,
(b) for whom, or subject to whose control, the same are held by any person. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15.

88. The bank may lend money to any wholesale purchaser or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live stock or dead stock and the products thereof, upon the security of such products, or of such live stock or dead stock and the products thereof.

2. The bank may allow the goods, wares and merchandise covered by such security to be removed and other goods, wares and merchandise, such as mentioned in the last preceding subsection, to be substituted therefor, if the goods, wares and merchandise so substituted are of substantially the same character, and of substantially the same value as, or of less value than, those for which they have been so substituted; and the goods, wares and merchandise so substituted shall be covered by such security as if originally covered thereby.

3. The bank may lend money to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise. Loans to wholesale manufacturers.

R.S., 1906.
Security.

Owner may give the security.

Form of security.

Same rights as upon warehouse receipts.

As to goods manufactured from articles pledged.

Prior claim of bank over unpaid vendor.

Proviso.

Sale of goods on non-payment of debt.

Proviso.

Notice.

merchandise, upon the security of the goods, wares and merchandise manufactured by him, or procured for such manufacture.

4. Any such security, as mentioned in the foregoing provisions of this section, may be given by the owner of said goods, wares and merchandise, stock or products.

5. The security may be taken in the form set forth in schedule C to this Act, or to the like effect.

6. The bank shall, by virtue of such security, acquire the same rights and powers in respect to the goods, wares and merchandise, stock or products covered thereby, as if it had acquired the same by virtue of a warehouse receipt. 53 V., c. 31, s. 74; 63-64 V., c. 26, s. 17.

89. If goods, wares and merchandise are manufactured or produced from the goods, wares and merchandise, or any of them, included in or covered by any warehouse receipt, or included in or covered by any security given under the last preceding section, while so covered, the bank holding such warehouse receipt or security shall hold or continue to hold such goods, wares and merchandise, during the process and after the completion of such manufacture or production, with the same right and title, and for the same purposes and upon the same conditions, as it held or could have held the original goods, wares and merchandise.

2. All advances made on the security of any bill of lading or warehouse receipt, or of any security given under the last preceding section, shall give to the bank making the advances a claim for the repayment of the advances on the goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor: Provided that such preference shall not be given over the claim of any unpaid vendor who had a lien upon the goods, wares and merchandise at the time of the acquisition by the bank of such warehouse receipt, bill of lading, or security, unless the same was acquired without knowledge on the part of the bank of such lien.

3. In the event of the non-payment at maturity of any debt or liability secured by a warehouse receipt or bill of lading, or secured by any security given under the last preceding section, the bank may sell the goods, wares and merchandise mentioned therein, or so much thereof as will suffice to pay such debt or liability with interest and expenses, returning the surplus, if any, to the person from whom the warehouse receipt, bill of lading, or security, or the goods, wares and merchandise mentioned therein, as the case may be, were acquired: Provided that such power of sale shall be exercised subject to the following provisions, namely:—

(a) No sale, without the consent in writing of the owner of any timber, boards, deals, staves, saw-logs or other lumber, shall
shall be made under this Act until notice of the time and place of such sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledger thereof, at least thirty days prior to the sale thereof;

(b) No goods, wares and merchandise, other than timber, boards, deals, staves, saw-logs or other lumber, shall be sold by the bank under this Act without the consent of the owner, until notice of the time and place of sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledger thereof, at least ten days prior to the sale thereof;

(c) Every sale, under such power of sale, without the consent of the owner, shall be made by public auction, after notice thereof by advertisement, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and, if the sale is in the province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 53 V., c. 31, ss. 76, 77 and 78; 63-64 V., c. 26, s. 19.

90. The bank shall not acquire or hold any warehouse receipt or bill of lading, or any such security as aforesaid, to secure the payment of any bill, note, debt, or liability, unless such bill, note, debt or liability is negotiated or contracted,—

(a) at the time of the acquisition thereof by the bank; or,
(b) upon the written promise or agreement that such warehouse receipt or bill of lading or security would be given to the bank:

Provided that such bill, note, debt, or liability may be renewed, or the time for the payment thereof extended, without affecting any such security.

2. The bank may,—

(a) on shipment of any goods, wares and merchandise for which it holds a warehouse receipt, or any such security as aforesaid, surrender such receipt or security and receive a bill of lading in exchange therefor; or,
(b) on the receipt of any goods, wares and merchandise for which it holds a bill of lading, or any such security as aforesaid, surrender such bill of lading or security, store the goods, wares and merchandise, and take a warehouse receipt therefor, or ship the goods, wares and merchandise, or part of them, and take another bill of lading therefor. 53 V., c. 31, s. 75; 63-64 V., c. 26, s. 18.

91. The bank may stipulate for, take, reserve or exact any rate of interest or discount, not exceeding seven per centum per annum, and may receive and take in advance, any such rate, but Interest at 7 per centum may be charged.

R.S., 1906.
but no higher rate of interest shall be recoverable by the bank. 53 V., c. 31, s. 80.

92. The bank may allow any rate of interest whatever upon money deposited with it. 53 V., c. 31, s. 80.

93. When any note, bill, or other negotiable security or paper, payable at any of the bank’s places or seats of business, branches, agencies or offices of discount and deposit in Canada, is discounted at any other of the bank’s places or seats of business, branches, agencies or offices of discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain, in addition to the discount thereon, a percentage calculated upon the amount of such note, bill, or other-negotiable security or paper, not exceeding, if the note, bill, or other negotiable security or paper is to run,—

(a) for less than thirty days, one-eighth of one per centum;
(b) for thirty days or over but less than sixty days, one-fourth of one per centum;
(c) for sixty days or over but less than ninety days, three-eighths of one per centum; and,
(d) for ninety days or over, one-half of one per centum.
53 V., c. 31, s. 82.

94. The bank may, in discounting any note, bill or other negotiable security or paper, bona fide payable at any place in Canada, other than that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain, in addition to the discount thereon, a sum not exceeding one-half of one per centum on the amount thereof, to defray the expenses of agency and charges in collecting the same. 53 V., c. 31, s. 83.

95. The bank may, subject to the provisions of this section, without the authority, aid, assistance or intervention of any other person or official being required,—

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and,
(b) from time to time repay any or all of the principal thereof, and pay the whole or any part of the interest thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the property of some other person.

2. In the case of any such lawful claim the money so deposited may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor.

3. If the person making any such deposit could not, under the law of the province where the deposit is made, deposit and withdraw

R.S., 1906.
withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of five hundred dollars. 53 V., s500. c. 31, s. 84.

96. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this Act is subject. 2. Except only in the case of a lawful claim, by some other person before repayment, the receipt of the person in whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the names of more than two persons, the receipt of a majority of such persons, shall, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought to be charged with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit. 3. The bank shall not be bound to see to the application of the money paid upon such receipt. 53 V., c. 31, s. 84.

97. If a person dies, having a deposit with the bank not exceeding the sum of five hundred dollars, the production to the bank and deposit with it of,—

(a) any-authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

(b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to the law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty’s dominions, any authenticated copy of the probate of his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters; shall be sufficient justification and authority to the directors for paying such deposit, in pursuance of and in conformity to such probate, letters of administration, or other document as aforesaid. 63-64 V., c. 26, s. 20.

DOMINION GOVERNMENT CHEQUES.

98. The bank shall not charge any discount or commission for the cashing of any official cheque of the Government of Canada or of any department thereof, whether drawn on the bank

R.S., 1906.
THE PURCHASE OF THE ASSETS OF A BANK.

99. Any bank may sell the whole or any portion of its assets to any other bank which may purchase such assets; and the selling and purchasing banks may, for such purposes, enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of such assets. 63-64 V., c. 26, s. 33.

100. The consideration for any such sale and purchase may be as agreed upon between the selling and purchasing banks.

2. If the consideration, or any portion thereof, is shares of the capital stock of the purchasing bank, the agreement shall provide for the amount of the shares of the purchasing bank to be paid to the selling bank.

3. Until such shares so paid to the selling bank have been sold by such bank, or have been distributed among and accepted by the shareholders of such bank, they shall not be considered issued shares of the purchasing bank for the purposes of its note circulation. 63-64 V., c. 26, s. 34.

101. The agreement of sale and purchase shall be submitted to the shareholders of the selling bank, either at the annual general meeting of such bank or at a special general meeting thereof called for the purpose.

2. A copy of the agreement shall be mailed, postpaid, to each shareholder of such bank to his last known address, at least four weeks previously to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of such meeting. 63-64 V., c. 26, s. 35.

102. If at such meeting the agreement is approved by resolution carried by the votes of shareholders, present in person or represented by proxy, representing not less than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed under the seals of the banks, parties thereto, and application may be made to the Governor in Council, through the Minister, for approval thereof.

2. Until the agreement is approved by the Governor in Council it shall not be of any force or effect. 63-64 V., c. 26, s. 36.

103. If the agreement provides for the payment of the consideration for such sale and purchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of such bank

R.S., 1906.
bank, the agreement shall not be executed on behalf of the purchasing bank, unless nor until it is approved by the shareholders thereof at the annual general meeting, or at a special general meeting of such shareholders. 63-64 V., c. 26, s. 37.

104. The Governor in Council may, on the application for his approval of the agreement, approve of the increase of the capital stock of the purchasing bank, which is necessary to provide for the payment of the shares of such bank to the selling bank, as provided in the said agreement. 63-64 V., c. 26, s. 38.

105. The provisions of this Act with regard to,—

(a) the increase of the capital stock of the bank by by-law of the shareholders approved by the Treasury Board; and,

(b) the allotment and sale of such increased stock; shall not apply to any increase of stock made or provided for under the authority of the last two preceding sections. 63-64 V., c. 26, s. 38.

106. The approval of the Governor in Council shall not be given to the agreement, unless,—

(a) the approval thereof is recommended by the Treasury Board;

(b) the application for approval thereof is made, by or on behalf of the bank executing it, within three months from the date of execution of the agreement; and,

(c) it appears to the satisfaction of the Governor in Council that all the requirements of this Act in connection with the approval of the agreement by the shareholders of the selling and purchasing banks have been complied with, and that notice of the intention of the banks to apply to the Governor in Council for the approval of the agreement has been published for at least four weeks in the Canada Gazette, and in one or more newspapers published in places where the chief offices or places of business of the banks are situate.

2. Such banks shall afford all information that the Minister requires.

3. Nothing herein contained shall be construed to prevent the Governor in Council or the Treasury Board from refusing to approve of the agreement or to recommend its approval. 63-64 V., c. 26, s. 39.

107. The agreement shall not be approved of unless it appears that,—

(a) proper provisions have been made for the payment of the liabilities of the selling bank;

(b) the agreement provides for the assumption and payment by the purchasing bank of the notes of the selling bank issued and intended for circulation, outstanding and in circulation; and,

(c) R.S., 1906.
(c) the amounts of the notes of both the purchasing and selling banks, issued for circulation, outstanding and in circulation, as shown by the then last monthly returns of the banks, do not together exceed the then paid-up capital of the purchasing bank; or, if the amount of such notes does exceed such paid-up capital, an amount in cash, equal to the excess of such notes over such paid-up capital, has been deposited by the purchasing bank with the Minister.

2. The amount so deposited as aforesaid shall be held by the Minister as security for the redemption of the said excess of notes; and, when such excess, or any portion thereof, has been redeemed and cancelled, the amount so deposited, or an amount equal to the amount of excess so redeemed and cancelled, shall, from time to time, be repaid by the Minister to the purchasing bank, but without interest, on the application of such bank, and on the production of such evidence as the Minister may require to show that the notes in regard to which such repayment is asked have been redeemed and cancelled. 63-64 V., c. 27, s. 1.

108. The notes of the selling bank so assumed and to be paid by the purchasing bank shall, on the approval of the agreement, be deemed to be, for all intents and purposes, notes of the purchasing bank issued for circulation; and the purchasing bank shall be liable in the same manner and to the same extent as if it had issued them for circulation.

2. The amount at the credit of the selling bank in the Circulation Fund shall, on the approval of the agreement, be transferred to the credit of the purchasing bank.

3. The notes of the selling bank shall not be re-issued, but shall be called in, redeemed and cancelled as quickly as possible. 63-64 V., c. 26, s. 41.

109. The approval by the Governor in Council of the agreement shall be evidenced by a certified copy of the order in council approving thereof.

2. Such certified copy shall be conclusive evidence of the approval of the agreement therein referred to, and of the regularity of all proceedings in connection therewith. 63-64 V., c. 26, s. 42.

110. On the agreement being approved of by the Governor in Council, the assets therein referred to as sold and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become vested in the purchasing bank.

2. The selling bank shall, from time to time, subject to the terms of the agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full title or ownership of the assets.
of the assets referred to in the agreement. 63-64 V., c. 26, s. 43.

111. As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes for circulation, and shall cease to transact any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amendment thereof then in force, shall continue in force only for the purposes in this section specified. 63-64 V., c. 26, s. 44.

RETURNS.

112. Monthly returns shall be made by the bank to the Monthly Minister in the form set forth in schedule D to this Act.

2. Such returns shall be made up and sent in within the first fifteen days of each month, and shall exhibit the condition of the bank on the last juridical day of the month last preceding.

3. Such returns shall be signed by the chief accountant and by the president, or vice-president, or the director then acting as president, and by the manager, cashier or other principal officer of the bank at its chief place of business. 53 V., c. 31, s. 85.

113. The Minister may also call for special returns from any bank, whenever, in his judgment, they are necessary to afford a full and complete knowledge of its condition.

2. Such special returns shall be made and signed in the manner and by the persons specified in the last preceding section.

3. Such special returns shall be made and sent in within thirty days from the date of the demand therefor by the Minister: Provided that the Minister may extend the time for sending in such special returns for such further period, not exceeding thirty days, as he thinks expedient. 53 V., c. 31, s. 86.

114. The bank shall, within twenty days after the close of each calendar year, transmit or deliver to the Minister a return,

(a) of all dividends which have remained unpaid for more than five years; and, (b) of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid, during the five years prior to the date of such return:

Provided that, in the case of moneys deposited for a fixed period, the said term of five years shall be reckoned from the date of the termination of such fixed period.

363

2.

R.S., 1906.
2. The return mentioned in the last preceding subsection shall set forth,—

(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable;

(b) the last known address of each such shareholder or creditor;

(c) the amount due to each such shareholder or creditor;

(d) the agency of the bank at which the last transaction took place;

(e) the date of such last transaction; and,

(f) if such shareholder or creditor is known to the bank to be dead, the names and addresses of his legal representatives, so far as known to the bank.

3. The bank shall likewise, within twenty days after the close of each calendar year, transmit or deliver to the Minister a return of all drafts or bills of exchange, issued by the bank to any person, and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known,—

(a) the names of the persons to whom, or at whose request such drafts or bills of exchange were issued;

(b) the addresses of such persons;

(c) the names of the payees of such drafts or bills of exchange;

(d) the amounts and dates of such drafts or bills of exchange;

(e) the names of the places where such drafts or bills of exchange were payable; and,

(f) the agencies of the bank respectively from which such drafts or bills of exchange were issued.

4. The returns required by the foregoing provisions of this section shall be signed by the chief accountant, and by the president or vice-president or the director then acting as president, and by the manager, cashier or other principal officer of the bank, at its chief place of business.

5. The bank shall also, within twenty days after the close of each calendar year, transmit or deliver to the Minister a certified list showing,—

(a) the names of the shareholders of the bank on the last day of such calendar year, with their additions and residences;

(b) the number of shares then held by them respectively; and,

(c) the value at par of such shares.

6. The Minister shall lay such returns and lists before Parliament at the next session thereof. 53 V., c. 31, ss. 87 and 88; 63-64 V., c. 26, s. 21.
PAYMENTS TO THE MINISTER UPON WINDING UP.

115. If, in the event of the winding-up of the business of the bank in insolvency, or under any general winding-up Act, or otherwise, any moneys payable by the liquidator, either to shareholders or depositors, remain unclaimed,—

(a) for the period of three years from the date of suspension of payment by the bank; or,

(b) for a like period from the commencement of the winding-up of such business; or,

(c) until the final winding-up of such business, if the business is finally wound up before the expiration of the said three years;

such moneys and all interest thereon shall, notwithstanding any statute of limitations or other Act relating to prescription, be paid to the Minister, to be held by him subject to all rightful claims on behalf of any person other than the bank.

2. If a claim to any moneys so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof, at the rate of three per centum per annum, for a period not exceeding six years from the date of payment thereof to the Minister as aforesaid:

Provided that no such interest shall be paid or payable on such principal sum, unless interest thereon was payable by the bank paying the same to the Minister.

3. Upon payment to the Minister as herein provided, the Bank discharged. bank and its assets shall be held to be discharged from further liability for the amounts so paid. 53 V., c. 31, s. 88.

116. Upon the winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assignees, liquidators, directors, or other officials in charge of such winding-up, shall, before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank, whichever shall first happen, pay over to the Minister a sum, out of the assets of the bank, equal to the amount then outstanding of the notes intended for circulation issued by the bank.

2. Upon such payment being made, the bank and its assets Bank relieved. shall be relieved from all further liability in respect of such outstanding notes.

3. The sum so paid shall be held by the Minister and applied Minister to redeem. for the purpose of redeeming, whenever presented, such outstanding notes, without interest. 53 V., c. 31, s. 88.

THE CURATOR.

117. The Association, shall, if a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, Association to appoint. forthwith R.S., 1906.
forthwith appoint a curator to supervise the affairs of such bank.

2. The Association may at any time remove the curator, and may appoint another person to act in his stead. 63-64 V., c. 26, s. 24.

118. The appointment of the curator shall be made in the manner provided for in the by-law of the Association made in that behalf as hereinafter provided.

2. If there is no such by-law the appointment shall be made in writing by the president of the Association, or by the person acting as president. 63-64 V., c. 26, s. 25.

119. The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the payment of the notes of the bank issued for circulation, and, at the time of his appointment, outstanding and in circulation.

2. The curator shall generally have all powers and shall take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he shall have free and full access to all books, accounts, documents and papers of the bank.

3. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resumes business, or until a liquidator is duly appointed to wind up the business of the bank. 63-64 V., c. 26, s. 26.

120. The president, vice-president, directors, general manager, managers, clerks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties. 63-64 V., c. 26, s. 27.

121. No by-law, regulation, resolution or act, touching the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, shall be of any force or effect until approved in writing by the curator. 63-64 V., c. 26, s. 27.

122. The curator shall make all returns and reports, and shall give all information to the Minister, touching the affairs of the bank, that the Minister requires of him. 63-64 V., c. 26, s. 28.

123. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by the Association, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally.

R.S., 1906.
equally with the remuneration of the liquidator. 63-64 V., c. 26, s. 29.

BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

124. The Association may, at any meeting thereof, with the approval of two-thirds in number of the banks represented at such meeting, if the banks so approving have at least two-thirds in par value of the paid-up capital of the banks so represented, make by-laws, rules and regulations respecting,—

(a) all matters relating to the appointment or removal of the curator, and his powers and duties;

(b) the supervision of the making of the notes of the banks which are intended for circulation, and the delivery thereof to the banks;

(c) the inspection of the disposition made by the banks of such notes;

(d) the destruction of notes of the banks; and,

(e) the imposition of penalties for the breach or non-observance of any by-law, rule or regulation made by virtue of this section.

2. No such by-law, rule or regulation, and no amendment or repeal thereof, shall be of any force or effect until approved by the Treasury Board.

3. Before any such by-law, rule or regulation, or any amendment or repeal thereof is so approved, the Treasury Board shall submit it to every bank which is not a member of the Association, and give to each such bank an opportunity of being heard before the Treasury Board with respect thereto.

4. The Association shall have all powers necessary to carry out, or to enforce the carrying out, of any by-law, rule or regulation, or any amendment thereof, so approved by the Treasury Board. 63-64 V., c. 26, ss. 30 and 31.

INSOLVENCY.

125. In the event of the property and assets of the bank being insufficient to pay its debts and liabilities, each shareholder of the bank shall be liable for the deficiency, to an amount equal to the par value of the shares held by him, in addition to any amount not paid up on such shares. 53 V., c. 31, s. 89.

126. The liability of the bank, under any law, custom or agreement to repay moneys deposited with it and interest, if any, and to pay dividends declared and payable on its capital stock, shall continue, notwithstanding any statute of limitations, or any enactment or law relating to prescription.

2. This section applies to moneys heretofore or hereafter deposited, and to dividends heretofore or hereafter declared. 53 V., c. 31, s. 90.

R.S., 1906
127. Any suspension by the bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitute the bank insolvent, and work a forfeiture of its charter or Act of incorporation, so far as regards all further banking operations.

2. The charter or Act of incorporation of the bank shall, in such case, remain in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in the next following section of this Act, and to wind up the business of the bank. 53 V., c. 31, s. 91.

128. If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank, continues for three months after the expiration of the time which, under the last preceding section, would constitute the bank insolvent, and if no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on the shareholders thereof, to the amount they deem necessary to pay all the debts and liabilities of the bank, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

2. Such calls shall be made at intervals of thirty days.

3. Such calls shall be made upon notice to be given at least thirty days prior to the day on which any such call shall be payable.

4. Any number of such calls may be made by one resolution.

5. No such call shall exceed twenty per centum on each share.

6. Payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced.

7. The first of such calls may be made within ten days after the expiration of the said three months.

8. In the event of proceedings being taken, under any Act, for the winding-up of the bank in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such Act.

9. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall work a forfeiture by such shareholder of all claim in or to any part of the assets of the bank: Provided that such call, and any further call thereafter, shall nevertheless be recoverable from him as if no such forfeiture had been incurred. 53 V., c. 31, ss. 92, 93 and 94.

129. Nothing contained in the four sections last preceding shall be construed to alter or diminish the additional liabilities of the directors as herein mentioned and declared. 53 V., c. 31, s. 95.

130. (a) Persons who, having been shareholders of the bank, have only transferred their shares, or any of them, to others,
others, or registered the transfer thereof, within sixty days before the commencement of the suspension of payment by the bank; and,

(b) Persons whose subscriptions to the stock of the bank have been cancelled, in manner hereinbefore provided, within the said period of sixty days before the commencement of the suspension of payment by the bank; shall be liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held. 53 V., c. 31, s. 96.

131. In the case of the insolvency of any bank,—

(a) the payment of the notes issued or re-issued by such bank, intended for circulation, and then in circulation, together with any interest paid or payable thereon as here- inbefore provided, shall be the first charge upon the assets of the bank;

(b) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the second charge upon such assets;

(c) the payment of any amount due to the government of any of the provinces, in trust or otherwise, shall be the third charge upon such assets; and,

(d) the amount of any penalties for which the bank is liable shall not form a charge upon the assets of the bank, until all other liabilities are paid. 53 V., c. 31, s. 53.

OFFENCES AND PENALTIES.

The Commencement of Business.

132. Every director or provisional director of any bank and every other person, who, before the obtaining of the certificate from the Treasury Board, by this Act required, permitting the bank to issue notes or commence business, issues or authorizes the issue of any note of such bank, or transacts or authorizes the transaction of any business in connection with such bank, except such as is by this Act authorized to be transacted before the obtaining of such certificate, is guilty of an offence against this Act. 53 V., c. 31, s. 14.

The Sale and Transfer of Shares.

133. Any person, whether principal, broker or agent, who willfully sells or transfers or attempts to sell or transfer,—

(a) any share or shares of the capital stock of any bank by a false number; or,

(b) any share or shares of which the person making such sale or transfer, or in whose name or on whose behalf the same is made, is not at the time of such sale, or attempted sale, the registered owner; or,

(c) R.S., 1906.
Chap. 29. Banks.

(c) any share or shares, without the assent to such sale of the registered owner thereof; is guilty of an offence against this Act. 53 V., c. 31, s. 37.

The Cash Reserves.

134. Every bank which at any time holds less than forty per centum of its cash reserves in Dominion notes shall incur a penalty of five hundred dollars for each such offence. 53 V., c. 31, s. 50.

The Issue and Circulation of Notes.

135. If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by this Act the bank shall,—

(a) if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such excess; or,

(b) if the amount of such excess is over one thousand dollars, and not over twenty thousand dollars, incur a penalty of one thousand dollars; or,

(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars, incur a penalty of ten thousand dollars; or,

(d) if the amount of such excess is over one hundred thousand dollars, and not over two hundred thousand dollars, incur a penalty of fifty thousand dollars; or,

(e) if the amount of such excess is over two hundred thousand dollars, incur a penalty of one hundred thousand dollars. 53 V., c. 31, s. 51.

Unauthorized issue of notes for circulation.

136. Every person, except a bank to which this Act applies, who issues or re-issues, makes, draws, or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatsoever, shall incur a penalty of four hundred dollars.

2. Such penalty shall be recoverable with costs, in any court of competent jurisdiction, by any person who sues for the same.

3. A moiety of such penalty shall belong to the person suing for the same, and the other moiety to His Majesty for the public uses of Canada.

4. If any such instrument is made for the payment of a less sum than twenty dollars, and is payable either in form or in fact to the bearer thereof, or at sight, or on demand, or at less than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a substitute for money, the intention to pass the same as money shall be presumed, unless such instrument is,—

(a) a cheque on some chartered bank paid by the maker directly to his immediate creditor; or,

(b) R.S., 1906.
(b) a promissory note, bill of exchange, bond or other undertaking for the payment of money made or delivered by the maker thereof to his immediate creditor; and,

(c) not designed to circulate as money or as a substitute for money. 53 V., c. 31, s. 60.

137. Every person who in any way defaces any Dominion or provincial note, or bank note, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto, anything in the nature or form of an advertisement, shall be liable to a penalty not exceeding twenty dollars. 53 V., c. 31, Penalty, s. 61.

138. (a) Every person who, being president, vice-president, director, general manager, manager, clerk or other officer of the bank, issues or re-issues, during any period of suspension of payment by the bank of its liabilities, any notes of the bank payable to bearer on demand, and intended for circulation, or authorizes or is concerned in any such issue or re-issue; and,

(b) If, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinafter provided for, every person who being president, vice-president, director, general manager, manager, clerk or other officer of the bank issues or re-issues, or authorizes or is concerned in the issue or re-issue of any such notes before being thereto authorized by the Treasury Board; and,

(c) Every person who accepts, receives or takes, or authorizes or is concerned in, the acceptance, receipt or taking of any such notes, knowing the same to have been so issued or re-issued, from the bank, or from such president, vice-president, director, general manager, manager, clerk or other officer of the bank, in payment or part payment, or as security for the payment of any amount due or owing to such person by the bank; is guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 63-64 V., c. 26, s. 10.

139. (a) Every person who, being the president, vice-president, director, general manager, manager, cashier, or other officer of the bank, pledges, assigns, or hypothecates, or authorizes, or is concerned in the pledge, assignment or hypothecation of the notes of the bank; and,

(b) Every person who accepts, receives or takes, or authorizes or is concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or hypothecation; shall be liable to a fine of not less than four hundred dollars and not more than two thousand dollars, or to imprisonment for not more than two years, or to both. 53 V., c. 31, s. 52.

140. R.S., 1906.
Issuing notes fraudulently. 140. (a) Every person who, being the president, vice-president, director, general manager, manager, cashier or other officer of a bank, with intent to defraud, issues or delivers, or authorizes or is concerned in the issue or delivery of notes of the bank intended for circulation and not then in circulation; and,

(b) Every person who, with knowledge of such intent, accepts, receives or takes, or authorizes or is concerned in the acceptance, receipt or taking of such notes;

shall be guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 53 V., c. 31, s. 52.

Warehouse Receipts, Bills of Lading and other Securities.

141. If any bank, to secure the payment of any bill, note, debt or liability, acquires or holds,—

(a) any warehouse receipt or bill of lading; or,

(b) any instrument such as is by this Act authorized to be taken by the bank to secure money lent,—

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock, and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof; or,

(ii) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, upon the security of the goods, wares and merchandise manufactured by such person, or procured for such manufacture;

such bank shall, unless,—

(a) such bill, note, debt or liability is negotiated or contracted at the time of the acquisition by the bank of such warehouse receipt, bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or contracted upon the written promise or agreement that such warehouse receipt, bill of lading or security would be given to the bank; or,

(c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security is otherwise authorized by this Act;

Penalty. incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79.

Non-compliance with requirements for sale. 142. If any debt or liability to the bank is secured by,—

(a) any warehouse receipt, or bill of lading; or,

(b) any other security such as is mentioned in the last preceding section;

372 and
and is not paid at maturity, such bank shall, if it sells the goods, wares and merchandise or products, covered by such warehouse receipt, bill of lading or security, under the power of sale conferred upon it by this Act, without complying with the provisions to which the exercise of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 63-64 V., c. 26, s. 18.

143. Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years who wilfully makes any false statement,—

(a) in any warehouse receipt or bill of lading given under the authority of this Act to any bank; or,

(b) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any wholesale purchaser or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser, or shipper of or dealer in live or dead stock and the products thereof, whereby any such products or stock is assigned or transferred to the bank as security for the payment of such loan; or,

(c) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, whereby any of the goods, wares and merchandise manufactured by him, or procured for such manufacture, are transferred or assigned to the bank as security for the payment of such loan. 53 V., c. 31, s. 75.

144. Every person who, having possession or control of any goods, wares and merchandise covered by any warehouse receipt or bill of lading, or by any such security as in the last preceding section mentioned, and having knowledge of such receipt, bill of lading or security, without the consent of the bank in writing, and before the advance, bill, note, debt or liability thereby secured has been fully paid,—

(a) wilfully alienates or parts with any such goods, wares or merchandise; or,

(b) wilfully withholds from the bank possession of any such goods, wares and merchandise, upon demand, after default in payment of such advance, bill, note, debt or liability; is guilty of an indictable offence, and liable to imprisonment for a term not exceeding two years. 53 V., c. 31, s. 75; 63-64 V., c. 26, s. 18.

145. (a) If any bank having, by virtue of the provisions of this Act, a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock of the debtor or person liable, neglects to sell such shares R.S., 1906.
shares within twelve months after such debt or liability has accrued and become payable; or,

(b) If any such bank sells any such shares without giving notice to the holder thereof of the intention of the bank to sell the same, by mailing such notice in the post office, post paid, to the last known address of such holder, at least thirty days prior to such sale;

such bank shall incur, for each such offence, a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79.

**Prohibited Business.**

Bank doing. 146. If any bank, except as authorized by this Act, either directly or indirectly,—

(a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever; or,

(b) purchases, deals in, or lends money or makes advances upon the security or pledge of any share of its own capital stock, or of the capital stock of any bank; or,

(c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise;

such bank shall incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79.

**Returns.**

147. Every bank which neglects to make up and send to the Minister, within the first fifteen days of any month, any monthly return by this Act required to be made up and sent within the said fifteen days, exhibiting the condition of the bank on the last juridical day of the month last preceding, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which the bank neglects to make and send in such return. 53 V., c. 31, s. 85.

148. Every bank which neglects to make and send to the Minister, within thirty days from the date of the demand therefor, by the Minister, or, if such time is extended by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which, under the provisions of this Act, the Minister may, for the purpose of affording a full and complete knowledge of the condition of the bank, call for, shall incur a penalty of five hundred dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 86.

R.S., 1906.
149. Every bank which neglects to transmit or deliver to the Minister, within twenty days after the close of any calendar year, a return, signed in the manner and by the persons and setting forth the particulars by this Act required in that behalf, of all drafts or bills of exchange issued by the bank to any person and remaining unpaid for more than five years prior to the date of such return, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 63-64 V., c. 26, s. 21.

150. Every bank which neglects to transmit or deliver to the Minister, within twenty days after the close of any calendar year, a certified list, as by this Act required, showing,—

(a) the names of the shareholders of the bank on the last day of such calendar year, with their additions and residences;

(b) the number of shares then held by such shareholders respectively; and,

(c) the value at par of such shares;

shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 87.

151. Every bank which neglects to transmit or deliver to the Minister, within twenty days after the close of any calendar year, a return, signed in the manner and by the persons by this Act required, of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid, during the five years prior to the date of such return, and setting forth such further particulars as are by this Act required in that behalf, shall incur a penalty of fifty dollars for each and every day during which such neglect continues.

2. The said term of five years shall, in case of moneys deposited for a fixed period, be reckoned from the date of the termination of such fixed period. 53 V., c. 31, s. 88.

152. If any return or list, mentioned in either of the last five preceding sections, is transmitted by post, the date appearing, by the post office stamp or mark upon the envelope or wrapper inclosing the return or list received by the Minister, as the date of deposit in the post office of the place at which the chief office of the bank was situated, shall be taken prima facie, for the purpose of any of the said sections, to be the day upon which such return or list was transmitted to the Minister. 53 V., c. 31, ss. 85 and 86; 63-64 V., c. 26, s. 22.

153. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the bank is an indictable offence punishable, unless a greater punishment is in any case by law prescribed.

R.S., 1906.
Penalty. prescribed therefor, by imprisonment for a term not exceeding five years.

Liability of officers. 2. Every president, vice-president, director, auditor, manager, cashier or other officer of the bank, who,—

(a) prepares, signs, approves or concurs in any such account, statement, return, report or document containing such false or deceptive statement; or,

(b) uses the same with intent to deceive or mislead any person;

Offence. shall be held to have wilfully made such false or deceptive statement, and shall further be responsible for all damages sustained by any person in consequence thereof. 53 V., c. 31, s. 99.

Calls in the Case of Suspension of Payment.

154. (a) If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank continues for three months after the expiration of the time which, under the provisions of this Act, would constitute the bank insolvent; and,

(b) if no proceedings are taken under any Act for the winding-up of the bank; and,

(c) if any director of the bank refuses to make or enforce, or to concur in the making or enforcing of any call on the shareholders of the bank, to any amount which the directors deem necessary to pay all the debts and liabilities of the bank;

such director shall be guilty of an indictable offence, and liable,—

(a) to imprisonment for any term not exceeding two years; and,

(b) personally for any damages suffered by any such default. 53 V., c. 31, s. 92.

Undue Preference to the Bank's Creditors.

155. Every person who, being the president, vice-president, director, manager, cashier or other officer of the bank, wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise howsoever, is guilty of an indictable offence, and liable,—

(a) to imprisonment for a term not exceeding two years; and,

(b) for all damages sustained by any person in consequence of such preference. 53 V., c. 31, s. 97.

The Using of the Title 'Bank,' etc.

156. Every person assuming or using the title of 'bank,' 'banking company,' 'banking house,' 'banking association' or 'banking

R.S., 1906.
‘banking institution,’ without being authorized so to do by this Penalty. Act, or by some other Act in force in that behalf, is guilty of an offence against this Act. 53 V., c. 31, s. 100.

Penalty for Offence against this Act.

157. Every person committing an offence, declared to be an offence against this Act, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or to both, in the discretion of the court before which the conviction is had. 53 V., c. 31, s. 101.

PROCEDURE.

158. The amount of all penalties imposed upon a bank for any violation of this Act shall be recoverable and enforceable, with costs, at the suit of His Majesty instituted by the Attorney General of Canada, or by the Minister.

2. Such penalties shall belong to the Crown for the public uses of Canada: Provided that the Governor in Council, on the report of the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. 53 V., c. 31, s. 98.

SCHEDULE A.

1. The Bank of Montreal.
2. The Bank of New Brunswick.
3. The Quebec Bank.
6. The Bank of Toronto.
8. The Eastern Townships Bank.
10. The Ontario Bank.
11. La Banque Nationale.
13. La Banque Provinciale du Canada.
15. The Union Bank of Canada.
17. The Royal Bank of Canada.
18. The Dominion Bank.
21. La Banque de St. Jean.
22. La Banque d’Hochelaga.
23. La Banque de St. Hyacinthe.
25. The Imperial Bank of Canada.
27. The Traders’ Bank of Canada.
29. The Metropolitan Bank.
32. The Northern Bank.
33. The Sterling Bank of Canada.
34. The United Empire Bank of Canada.

63-64 V., c. 26, s. 4, and sch. A.

SCHEDULE B.

An Act to incorporate the Bank.

Whereas the persons hereinafter named have, by their petition, prayed that an Act be passed for the purpose of establishing a bank in , and it is expedient to grant the prayer of the said petition:

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

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of , hereinafter called the Bank.

2. The capital stock of the Bank shall be dollars.

3. The chief office of the Bank shall be at .

4. shall be the provisional directors of the Bank.

5. This Act shall, subject to the provisions of section sixteen of the Bank Act, remain in force until the first day of July, in the year one thousand nine hundred and eleven.

53 V., c. 31, sch. B.; 63-64 V., c. 26, s. 45.

SCHEDULE

R.S., 1906.
SCHEDULE C.

In consideration of an advance of .................dollars made by the .................Bank to A. B., for which the said Bank holds the following bills or notes: (describe the bills or notes, if any), [or, in consideration of the discounting of the following bills or notes by the .................Bank for A. B.: (describe the bills or notes),] the goods, wares and merchandise mentioned below are hereby assigned to the said Bank as security for the payment on or before the .................day of .................of the said advance, together with interest thereon at the rate of ...............per centum per annum from the .................day of .................(or, of the said bills or notes, or renewals thereof, or substitutions therefor, and interest thereon, or as the case may be).

This security is given under the provisions of section eighty-eight of the Bank Act, and is subject to the provisions of the said Act.

The said goods, wares and merchandise, are now owned by ................., and are now in the possession of ................., and are free from any mortgage, lien or charge thereon (or as the case may be), and are in (place or places where the goods are), and are the following (description of goods assigned).

Dated, etc.

(N.B.—The bills or notes and the goods, etc., may be set out in schedules annexed.)

63-64 V., c. 20, s. 46 and sch. C.

SCHEDULE D.

Return of the liabilities and assets of the bank on

the day of , A.D.

Capital authorized.................$ 43.64 V., c. 20, s. 46 and sch. C.

Capital subscribed...................

Capital paid up....................

Amount of rest or reserve fund...................

Rate per cent of last dividend declared...................

LIABILITIES.

1. Notes in circulation...................

2. Balance due to Dominion Government, after deducting advances for credits, pay-lists, etc...................

3. Balances due to provincial governments...................

4. Deposits by the public, payable on demand, in Canada.
5. Deposits by the public, payable after notice or on a fixed day, in Canada.
6. Deposits elsewhere than in Canada.
7. Loans from other banks in Canada, secured, including bills rediscounted.
8. Deposits made by and balances due to other banks in Canada.
9. Balances due to agencies of the bank, or to other banks or agencies, in the United Kingdom.
10. Balances due to agencies of the bank, or to other banks or agencies, elsewhere than in Canada and the United Kingdom.
11. Liabilities not included under foregoing heads.

\[
\begin{array}{c}
\text{ASSETS.} \\
1. \text{Specie.} \\
2. \text{ Dominion notes.} \\
3. \text{ Deposits with Dominion Government for security of note circulation.} \\
4. \text{ Notes of and cheques on other banks.} \\
5. \text{ Loans to other banks in Canada, secured, including bills rediscounted.} \\
6. \text{ Deposits made with and balances due from other banks in Canada.} \\
7. \text{ Balances due from agencies of the bank, or from other banks or agencies, in the United Kingdom.} \\
8. \text{ Balances due from agencies of the bank, or from other banks or agencies, elsewhere than in Canada and the United Kingdom.} \\
9. \text{ Dominion Government and provincial government securities.} \\
10. \text{ Canadian municipal securities, and British, or foreign, or colonial public securities, other than Canadian.} \\
11. \text{ Railway and other bonds, debentures and stocks.} \\
12. \text{ Call and short loans on stocks and bonds in Canada.} \\
13. \text{ Call and short loans elsewhere than in Canada.} \\
14. \text{ Current loans in Canada.} \\
15. \text{ Current loans elsewhere than in Canada.} \\
\end{array}
\]
16. Loans to the Government of Canada... $17.
17. Loans to provincial governments...
18. Overdue debts...
19. Real estate other than bank premises...
20. Mortgages on real estate sold by the bank...
21. Bank premises...
22. Other assets not included under the foregoing heads...

Aggregate amount of loans to directors, and firms of which they are partners, $
Average amount of specie held during the month, $
Average amount of Dominion notes held during the month, $
Greatest amount of notes in circulation at any time during the month, $
I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

E. F.,
Chief Accountant.

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct, and shows truly and clearly the financial position of the bank; and we further declare that the bank has never, at any time during the period to which the said return relates, held less than forty per centum of its cash reserves in Dominion notes.

(Place) this day of
A. B., President.
C. D., General Manager.

63-64 V., c. 26, s. 47 and sch. D.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 30.

An Act respecting Savings Banks.

SHORT TITLE.

1. This Act may be cited as the Savings Banks Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Minister' means the Minister of Finance;
   (b) 'agent' includes Assistant Receiver General. R.S., c. 121, s. 1.

DIVISION OF ACT.

3. This Act is divided into three parts. Part I. applies exclusively to the system of post office savings banks established by the Postmaster General with the consent of the Governor in Council. Part II. applies exclusively to savings banks established by the Governor in Council. Part III. is general, and is not confined to either kind of banks.

PART I.

POST OFFICE SAVINGS BANKS.

Establishment of Banks.

4. There shall continue to be a system of post office savings banks established by the Postmaster General, with the consent of the Governor in Council, in connection with a central savings bank, established as a branch of the Post Office Department at the seat of the Government. R.S., c. 35, s. 65.

5. The Postmaster General may, with the consent of the Governor in Council, authorize and direct such postmasters as he thinks fit, to receive deposits for remittance to the office of the central savings bank, and to repay the same, under such regulations as he, with the sanction of the Governor in Council, prescribes in that respect. R. S., c. 35, s. 66.

Deposits.
R.S., 1906.
6. No deposit shall be received of less amount than one dollar, nor of any sum not a multiple of a dollar. R.S., c. 35, s. 67.

7. Every deposit received by any postmaster appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office.

2. The amount of such deposit shall, upon the day of such receipt, be reported by such postmaster to the Postmaster General, and the acknowledgment of the Postmaster General, signified by the officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor. R.S., c. 35, s. 67.

8. Such acknowledgment shall be conclusive evidence of the claim of the depositor to the payment of the deposit, with the interest thereon, upon demand made by him on the Postmaster General.

2. In order to allow a reasonable time for the receipt of the acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of the title, as respects a deposit made in any part of Canada other than the province of British Columbia, Saskatchewan or Alberta, or the Northwest or Yukon Territories, for ten days from the making of the deposit, and as respects a deposit made in the province of British Columbia, Saskatchewan or Alberta, or the Northwest or Yukon Territories, for eighteen days from the making of the deposit.

3. If such acknowledgment has not been received by the depositor through the post within such ten or such eighteen days respectively, and before or upon the expiry thereof he demands such acknowledgment from the Postmaster General, by letter addressed to him at Ottawa, then the entry in his book shall be conclusive evidence of title during another term of ten or eighteen days respectively, and toties quoties. R.S., c. 35, s. 67.

9. No sum of money deposited under this Part shall, while in the hands of any postmaster, or while in course of transmission to or from the Postmaster General, at any time be liable to demand, seizure or detention, under legal process against the depositor thereof. R.S., c. 35, s. 68.

Certificates of Deposit.

10. The Postmaster General may, with the consent of the Governor in Council, whenever it is deemed expedient, issue certificates of deposit in sums of not less than one hundred dollars, and bearing interest at a rate not exceeding five per centum per annum, to depositors who, having like sums at the credit R.S., 1906.
credit of their ordinary deposit accounts, desire to transfer such sums from such ordinary deposit accounts to a special deposit account, represented by such certificates, and bearing the rate of interest specified therein.

2. Such certificates shall not be transferable, but shall be evidence of the depositor’s claim upon such special deposit account to the amount expressed in such certificate, with the interest due thereon, and shall be redeemable upon such previous notice as is expressed therein, and shall in all respects be subject to such regulations as are made by the Postmaster General, with the sanction of the Governor in Council. R.S., c. 35, s. 74.

Repayment.

11. On demand of the depositor, or person legally authorized to claim on account of the depositor, made in such form as is prescribed in that behalf by the Postmaster General, for repayment of any deposit or any part thereof, the authority of the Postmaster General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be entitled to repayment of any sum that is due to him with the least possible delay after his demand is made, at any post office where deposits are received or paid. R.S., c. 35, s. 69.

12. All moneys transmitted to the central savings bank shall forthwith be paid over to the Minister, and shall be credited to an account called Post Office Savings Bank Account; and all sums withdrawn by depositors, or by persons legally authorized to claim on account of depositors, shall be repaid to them by the Minister through the Post Office Department, and charged to such account. R.S., c. 35, s. 71.

Secrecy.

13. The postmasters and other officers of the post office engaged in the receipt or payment of deposits shall not disclose the name of any depositor or the amount deposited or withdrawn, except to the Postmaster General, or to such of his officers as are appointed to assist in carrying into operation the provisions of this Part. R.S., c. 35, s. 70.

Regulations.

14. Except as in this Part otherwise specially provided, the Postmaster General may make regulations for superintending, inspecting and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits, and to the withdrawal of deposits and interest, and all other matters incidental to carrying the provisions of this Part into execution by him.

R.S., 1906.
2. All regulations so made shall be binding on the persons interested in the subject-matter thereof to the same extent as if such regulations were enacted in this Part.

3. Copies of all regulations issued under the authority of this Part shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament is then sitting, and if not, then within fourteen days after the next reassembling of Parliament. R.S., c. 35, s. 75.

_, Returns and Accounts._

15. As soon as possible after the end of each month, the Postmaster General shall make a return to the Minister of all monies received and paid during the preceding month, and of the total amount in deposit at the end of each month, and the Minister shall cause such monthly statement to be published in the _Canada Gazette._ R.S., c. 35, s. 76.

16. An annual account of all deposits received and paid under the authority of this Part and of the expenses incurred during the fiscal year, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster General before both Houses of Parliament within ten days after the commencement of the next following session thereof. R.S., c. 35, s. 77.

Report.

17. The Postmaster General shall annually make to the Governor General, so that it may be laid before Parliament within ten days after the meeting thereof, in each session, a report made up to the close of the last preceding fiscal year containing a statement,—

(a) of the bank transactions during the year, and of the total amount due at the close of the same to all depositors;

(b) of the losses, if any, sustained during the year to which the report relates, in conducting the bank system. 52 V., c. 20, s. 12.

Offences and Penalties.

18. Every one who forges, counterfeits or imitates any bank depositor's book, or authority of the Postmaster General for repayment of a bank deposit or of any part thereof, or any signature or writing in or upon any bank depositor's book, or authority of the Postmaster General for repayment of a bank deposit, or of any part thereof, with intent to defraud, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding seven years, and not less than two years. R.S., c. 35, s. 87.
19. Every officer of or connected with the bank system who converts to his own use in any way whatsoever, or uses by way of investment in any kind of property or merchandise, or lends, with or without interest, any portion of the public moneys entrusted to him as such officer for safe keeping, or transfer, disbursement or for any other purpose, shall be deemed to have stolen so much of the said moneys as is so taken, converted, invested, used or lent, and is guilty of an indictable offence.

2. Every person who advises or knowingly and willingly participates in such theft, is guilty of an indictable offence, and shall, for every such offence, forfeit and pay to His Majesty a fine equal to the amount of the money stolen, and shall be liable to imprisonment for a term not exceeding seven years and not less than three months. R.S., c. 35, s. 105.

**Evidence.**

20. The neglect or refusal by any such officer to pay over any public moneys aforesaid in his hands, or to transfer or disburse any such moneys promptly, on the requirement of the Postmaster General, shall be prima facie evidence of such conversion to his own use of so much of such public moneys as is so in the hands of such officer. R.S., c. 35, s. 105.

21. In any action or proceeding for the recovery of any penalty under this Part, the burden of proof that any thing proved to have been done by the defendant was done in conformity to or without violation of this Part, shall lie upon the defendant. R.S., c. 35, s. 114.

**PART II.**

GOVERNMENT SAVINGS BANKS.

Establishment.

22. The Governor in Council may establish a savings bank at each of the cities of Toronto, Montreal, Halifax and St. John, and at any place within the provinces of Manitoba, British Columbia, Prince Edward Island, Saskatchewan and Alberta, and at any place within any province which shall hereafter form part of Canada. R.S., c. 121, s. 2.

23. The Governor in Council may appoint a person who shall be called an Assistant Receiver General at any city or place where a savings bank is established.

R.S., 1906.
Savings, being 26.

Part 2.

2. The Assistant Receiver General appointed for the city or place where a savings bank is established shall have the management of the same. R.S., c. 121, s. 2.

24. The Governor in Council may also establish branch savings banks in any places in the provinces of Nova Scotia and New Brunswick other than the cities of Halifax and St. John, and may appoint persons as agents for the management thereof. R.S., c. 121, s. 2.

Deposits—and Duties of Officers.

25. Every agent shall, under regulations from time to time made in that behalf by the Treasury Board with the approval of the Governor in Council, receive deposits of money on account of the Minister, and shall repay the same with interest to the depositor as hereinafter provided. R.S., c. 121, s. 3.

26. Such of the collectors of Customs in the province of New Brunswick as are authorized to receive deposits of money as savings shall continue to receive the same until other savings bank agents are appointed in their stead respectively, and shall be subject as agents to all the provisions of this Part. R.S., c. 121, s. 3.

27. The Governor in Council may also appoint an inspector or inspectors to inspect, investigate and report upon the business which arises in carrying out the provisions of this Part.

2. The agent appointed to receive deposits, and all other persons who are employed under this Part, shall afford to such inspectors all needful facilities for such inspection and investigation.

3. The duties and powers of such inspectors shall be such as are assigned to them under the regulations made under this Part. R.S., c. 121, s. 4.

28. Every agent, officer, clerk and servant employed under this Part, who is entrusted with and has the custody of any moneys or valuable securities, shall, before entering upon the duties of his office or employment, give such security for the faithful discharge of the same, and for the due accounting for all such moneys, as is required of him by the Treasury Board, and shall also take an oath or affirmation before a justice of the peace, faithfully to perform his said duties, in the form or to the effect following, that is to say:

I, A. B., of , being duly sworn, swear, (or do solemnly affirm) that so long as I am employed in assisting to carry out the provisions of the Savings Banks Act, relating to Government savings banks, I will perform faithfully.

R.S., 1906.

fully and to the best of my ability the duties that are assigned to me.

And I have signed,

Sworn (or affirmed) at this day of , 19 , before me, A. B.,

justice of the peace for the of R.S., c. 121, s. 5.

29. Every agent appointed to receive deposits may receive deposits from any person whatever, whether such person is qualified by law to enter into ordinary contracts or not: Provided that if the person who makes any such deposit could not, under the laws of the province where the deposit is made, by reason of some disability, deposit and withdraw money in and from a bank, the total amount of deposits to be received from such person shall not exceed the sum of five hundred dollars.

2. Every such agent may from time to time, pay any or all of the principal of such deposits and the whole or any part of the interest thereon to such person, without the authority, aid, assistance or intervention of any person or official being required, any law, usage or custom to the contrary notwithstanding. R.S., c. 121, s. 6.

30. Every depositor, on making his first deposit, shall declare his name, residence and occupation.

2. The persons employed in the receipt or payment of such deposits shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Minister or to such of his officers as are appointed to assist in carrying into operation the provisions of this Part. R.S., c. 121, s. 7.

31. Every such deposit received by such agent shall be entered by him, at the time, in a book to be kept by him for that purpose, and at the same time, shall be entered by him in a pass book to be furnished to the depositor.

2. Subject to the provisions of the next following section, the entry in such pass book, attested by the signature or initials of the agent who receives the deposit, or of his deputy or clerk, shall be evidence of the claim of such depositor to the repayment thereof, with interest thereon, upon demand made during office hours by such depositor on such agent or his successor in office, at the office or place where such deposits are payable. R.S., c. 121, s. 8.

32. Every agent shall report to the Minister, at such times and in such forms as are prescribed by the regulations under this Part, all deposits received by him.

2. At such times as are prescribed by the regulations made under this Part, but not at less intervals than the beginning of each calendar month, the officer appointed thereto by the Min-

R.S., 1906

389
Liability of Crown.

3. The amount mentioned in such notice, as at such depositor's credit and no more, shall be the amount for which the Crown shall be liable up to and including the last deposit therein mentioned, unless the depositor, within thirty days after the receipt of the same, notifies the Minister, in such manner as is prescribed by the regulations then in force, that there is some error in such notice and specifies the same.

4. In such case the true amount shall be ascertained, and the depositor shall be notified accordingly. R.S., c. 121, s. 8.

Payment into bank.

33. Every agent shall, at such times as are prescribed by the regulations then in force, pay into the account of the Minister, at such bank as is prescribed by the Minister, all moneys received on deposit.

2. He shall pay all moneys which are withdrawn in such manner as by the said regulations is prescribed. R.S., c. 121, s. 9.

Withdrawals.

34. Every agent shall also, at such times as are prescribed, transmit to the Minister, in such form as is prescribed by the Minister, a detailed account of the business of his office during the time that has elapsed since the transmission of his next preceding account. R.S., c. 121, s. 9.

Detailed account to be furnished to the Minister.

35. All moneys deposited under this Part shall form part of the Consolidated Revenue Fund of Canada.

2. All moneys and interest paid to depositors, and all expenses incurred in maintaining the savings banks established under this Part, shall be paid out of the Consolidated Revenue Fund of Canada. R.S., c. 121, s. 14.

Deposits.

Regulations.

36. The Governor in Council may make regulations in respect to,—

Withdrawal.

(a) the withdrawing of deposits and interest;

Accounts.

(b) the keeping, examining, inspecting, checking and reporting on the accounts of depositors;

Deposit certificates.

(c) the issuing of deposit certificates and also respecting the payment or transmission thereof in case of infancy or in the case of marriage, death, bankruptcy or any change in title whatsoever;

Inspection.

(d) the duties and powers of inspectors appointed under this Part; and,

General.

(e) all other matters which the Governor in Council deems incidental to the carrying of this Part into effect.

R.S., 1906.
2. Such regulations may prescribe how and in what manner any payment or transmission aforesaid shall be made and what declaration, documents or other evidence shall be necessary and sufficient as proof in that behalf. R.S., c. 121, s. 15.

37. All regulations so made shall be binding on the persons interested in the subject-matter thereof, to the same extent and as fully to all intents and purposes, as if such regulations were enacted in this Part.

2. Such regulations, and all amendments thereof, shall be published in such way as the Governor in Council directs.

3. Any copy of such regulations published as aforesaid shall be evidence thereof. R.S., c. 121, s. 15.

38. Copies of all regulations made under the authority of this Part shall be laid before both Houses of Parliament by the Minister, within fourteen days after the commencement of the session held next following the making of such regulations. R.S., c. 121, s. 15.

Statement and Accounts.

39. As soon as possible after the end of each month, the Minister shall prepare and insert in the Canada Gazette a statement of all moneys received or deposited and withdrawn during the preceding month, and of the total amount on deposit at the end of the preceding month, and the rate of interest payable on the same. R.S., c. 121, s. 16.

40. Within ten days from the commencement of the first session of Parliament after the close of each financial year, an account of the expenses incurred, and of the amount of deposits received and paid, and of the total amount at the close of the financial year due to all depositors, shall be laid before both Houses of Parliament by the Minister. R.S., c. 121, s. 17.

Offences and Penalties.

41. Every agent appointed to receive deposits, as aforesaid, and every officer, clerk or servant employed under the provisions of this Part, who defaces, alters, erases, or in any manner or way whatsoever, changes the effect of the books of account that are kept under the provisions of this Part, or any entry in the said books of account, for any fraudulent purpose, and every such agent, officer, clerk or servant who secretes, appropriates or steals any bond, obligation, bill or note, or any security for money, or any moneys or effects entrusted to him, or in his custody, or to which he has obtained access, as such agent, officer, clerk or servant, to whomsoever the said property belongs, is guilty of an indictable offence and liable to imprisonment for life. R.S., c. 121, s. 19.

42. R.S., 1906.
**42.** Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under this Part, or of the interest upon such deposit, or of any part of such deposit or interest, and who is not such owner, and who demands or claims from the agent with whom such deposit has been made, or from any other person employed under this Part, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any such deposit or interest, or any part thereof, is guilty of an indictable offence, and shall be punishable accordingly. R.S., c. 121, s. 20.

**PART III.**

**GENERAL.**

43. The interest payable to the persons making deposits under this Act shall be at such rate, not exceeding the rate of four per centum per annum, as the Governor in Council from time to time prescribes.

2. Such interest shall not be calculated on any amount less than one dollar or some multiple thereof and shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month in which such deposit is withdrawn. 51 V., c. 8, ss. 1 and 2.

44. On the thirtieth day of June in every year the interest on deposits shall be added to and become part of the principal money. R.S., c. 35, s. 73; R.S., c. 121, s. 11.

45. No officer of the Government of Canada shall be bound to see to the execution of any trust, whether expressed, implied or constructive to which any deposit made under the authority of this Act is subject.

2. The receipt of the person in whose name any such deposit stands, or, if it stands in the name of more than one person, the receipt of any one of such persons shall be a sufficient discharge to all persons concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit is then subject, and whether or not the agent or postmaster sought to be charged with such trust, and with whom the deposit was made, or his successor, had notice thereof.

3. No agent or postmaster or any other officer of the Government shall be bound to see to the application of the money paid upon such receipt. R.S., c. 121, s. 12.

46. Every payment made in good faith to any person who appears *prima facie*, by the production of a declaration in writing and documents in support thereof, made under the provisions

R.S., 1906.
sions of this Act, or any regulation made thereunder, to be entitled to any deposit or interest, shall be valid and shall discharge the Crown and the agent or postmaster with whom the Discharge deposit has been made, and his successors, and all who might otherwise be liable, from all or any claim by any person whomsoever, for such deposit or interest. R.S., c. 121, s. 13.

47. The Minister shall hold, for the purpose of securing the Reserve repayment of deposits made in banks under this Act, an amount in gold, or in gold and Canada securities guaranteed by the Government of the United Kingdom, equal to not less than ten per centum of the total amount of such deposits as such amount is ascertained from time to time. 3 E. VII., c. 62, s. 1.
CHAPTER 31.
An Act respecting Penny Banks.

SHORT TITLE.

1. This Act may be cited as the Penny Bank Act.

INTERPRETATION.

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

(a) 'bank' means a corporation constituted by letters patent issued under this Act;
(b) 'board' means the board of directors of such corporation;
(c) 'guarantee fund' means the fund in this Act required to be established and maintained by the bank as security for the purpose in that behalf in this Act set forth. 3 E. VII., c. 47, ss. 2 and 27.

3. The banks incorporated under this Act shall be deemed savings banks within the meaning of the Winding-up Act. 3 E. VII., c. 47, s. 19.

4. The bank shall not be deemed a bank within the meaning of the Bank Act. 3 E. VII., c. 47, s. 25.

INcorporation and Organization.

5. The Governor in Council may by letters patent grant a charter to any number of persons, not less than five, who petition therefor, constituting such persons a body corporate under this Act, with the powers and subject to the restrictions and conditions hereinafter declared: Provided that no such charter shall be granted by the Governor in Council unless the granting thereof has been first recommended by the Minister of Finance. 3 E. VII., c. 47, s. 3.

6. Notice of the granting of letters patent under this Act shall be forthwith given by the Secretary of State in the Canada Gazette.

2. From the date of such letters patent the persons thereby constituted a corporation, and such other persons as become members of the corporation as provided by this Act, shall be a corporation by the name mentioned in the letters patent.

395

R.S., 1906.
Powers.

3. The corporation shall have and may exercise the powers conferred upon it by this Act subject to the provisions hereof. 3 E. VII., c. 47, s. 6.

Name of bank.

7. The letters patent shall declare,—
   (a) the name of the bank;
   (b) the names of the provisional directors of the bank;
   (c) the place, being a place in Canada, where the chief office of the bank is to be situate.

Of directors.

2. The name of the bank declared by the letters patent, shall include the words Penny Bank, as The Penny Bank, or The Penny Bank of , but such name shall not be the name of any existing corporation, or a name liable to be confounded with that of an existing corporation.

Chief office.

3. The persons named in the letters patent as provisional directors shall not be less than five in number and shall hold office until directors are elected by members of the bank as hereinafter provided. 3 E. VII., c. 47, s. 7.

Penny Bank.

Election of directors.

8. So soon as the guarantee fund has been established as hereinafter provided, the provisional directors shall call a meeting of the members of the bank to elect directors, and shall at such meeting elect not less than five in number.

Number of directors.

2. The directors so elected shall constitute the board of directors, and shall take the place of the provisional directors.

The board.

3. The provisional directors shall be eligible for election on the board. 3 E. VII., c. 47, s. 8.

Eligibility.

Commencement of business.

9. The bank shall not begin business until after the guarantee fund has been established, nor until after directors have been elected as provided for in the last preceding section, nor until a certificate has been issued under the direction of the Treasury Board permitting the bank to carry on business under this Act.

Certificate.

2. No such certificate shall be issued except within one year from the date of the letters patent incorporating the bank, nor except on proof by affidavit or otherwise to the satisfaction of the Treasury Board that all the requirements of this Act have been complied with.

Forfeiture of powers.

3. In the event of the bank not obtaining a certificate from the Treasury Board within the period of one year aforesaid, the letters patent of incorporation and all rights, powers and privileges of the bank conferred thereby, or by this Act, shall cease and determine and be of no further force or effect. 3 E. VII., c. 47, s. 9.

RULES AND REGULATIONS.

Regulations.

10. The Minister of Finance may, with the approval of the Treasury Board, from time to time, make rules and regulations respecting the forms and proceedings and all other matters requisite...
requisite for incorporating banks under this Act, and for carrying out the other provisions of this Act, and may, with such approval, alter, repeal, annul or change any or all of such rules or regulations.

2. Except as to the requirements of this Act regarding,—
   (a) the number of persons to whom a charter may be granted under this Act; and,
   (b) the recommendation by the Minister of Finance hereinbefore specified as a condition precedent to the granting of a charter;

such rules and regulations shall be deemed to be directory only. 3 E. VII., c. 47 ss. 4 and 5.

PRELIMINARY MATTERS.

11. No letters patent issued under authority of an order of the Governor in Council on the recommendation of the Minister of Finance shall be held to be void or voidable on account of any irregularity or otherwise in respect of any matter, notice, or proceeding preliminary to the making of such recommendation by the Minister of Finance or the passing of such order of the Governor in Council. 3 E. VII., c. 47, s. 5.

INTERNAL REGULATION.

12. The affairs of the bank shall be managed and administered by and under the authority of the board.

2. Subject to the provisions of the by-laws, directors shall hold office until their successors are elected; and in default of regulation otherwise by by-law any member of the bank shall be eligible to be a director of the bank.

3. If the seat of a director elected by the members as hereinVacancy. after provided becomes vacant between annual meetings such vacancy may be filled by the board, and if the seat of a director elected by a workers' association as hereinafter provided becomes so vacant such vacancy shall be filled by the workers' association. 3 E. VII., c. 47, ss. 10 and 16.

13. A general meeting of the members of the bank shall be held during each calendar year for the election of directors, and for transaction of all or any business which the members in general meeting may lawfully transact.

2. Such general meeting shall be held on such day and at such time and place as are prescribed by by-law in that behalf, or in default of such by-law on such day and at such time and place as the board names.

3. Special meetings of the members may be called at any time by the board as provided for in the by-laws of the bank for the transaction of such business as is set forth in the notice calling such meeting.

397 4.

R.S., 1906.
4. At all meetings of such members each member shall have one vote for each one hundred dollars of his subscription or payment to the said fund, and members may vote by proxy. 3 E. VII., c. 47, ss. 11 and 16.

14. In default of other provisions by by-law, notices of all meetings under this Act shall be mailed to each member of the bank at least two weeks previous to the day appointed for the holding of such meeting. 3 E. VII., c. 47, s. 12.

15. The directors or the members of the voluntary workers' associations shall not be entitled to receive any remuneration for their services as such directors or members, and no profits shall at any time be divided among or paid to members of the bank. 3 E. VII. c. 47, s. 15.

BY-LAWS.

16. The board may, from time to time, make by-laws not contrary to law relating to the conduct of the affairs of the bank as to,—

(a) the number of directors from time to time, such number to be not less than five;
(b) the terms of service and qualifications of directors;
(c) the appointment, functions, duties and removal of all officers, agents and servants of the bank;
(d) the security to be given by officers, agents and servants of the bank and their remuneration;
(e) the day, time and place for holding the annual meeting of the members of the bank;
(f) the calling of meetings, regular and special, of the board and of the members of the bank, and the notice to be given of any such meeting;
(g) the quorum at any such meeting;
(h) the requirements as to proxies;
(i) the procedure in all things at any such meeting;
(j) the making of calls on subscribers to the guarantee fund;
(k) the organization and constitution of one or more associations of workers as hereinafter mentioned;
(l) the receipt and repayment of deposits or interest thereon; and,
(m) the conduct in all other particulars of the affairs of the bank. 3 E. VII., c. 47, s. 13.

17. Every by-law made by the board, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a special meeting of the members of the bank duly called for that purpose, shall only have force until the next annual meeting of the members of the bank, and in default
fault of confirmation thereat shall at and from that time cease to have force.

2. If any by-law or part thereof be by resolution expressly disaffirmed, no new by-law of the same or like effect to that disaffirmed shall have any force until confirmed at a special meeting or at an annual meeting of the members of the bank.

3. The members of the bank may, either at a special meeting, or at the annual meeting, repeal, amend, vary or otherwise deal with any by-law which has been passed by the directors.

4. No act done or right acquired under any by-law shall be prejudicially affected by any such want of confirmation, disaffirmance, repeal, amendment, variation or other dealing. 3 E. VII., c. 47, s. 14.

MEMBERS AND VOLUNTARY WORKERS.

18. The members of the bank shall consist of the persons who subscribe or pay to the guarantee fund hereinafter mentioned the sum of at least one hundred dollars.

2. A subscriber whose liability for his unpaid subscription ceases and determines as hereinafter provided, shall, from the time such liability so ceases and determines, cease to be a member of the bank. 3 E. VII., c. 47, s. 16.

19. The board may, from time to time, make calls upon the members of the bank on account of their respective subscriptions to the guarantee fund for such amount as may be required for the payment of any losses which may arise from time to time, and of any expenses and disbursements for which the bank may be liable, which losses, expenses and disbursements it may not otherwise be able to pay.

2. Upon such calls being made the members shall respectively be liable to pay, and shall respectively pay, the amounts thereof to the bank, but not exceeding in all the respective amounts of their respective subscriptions to the guarantee fund remaining unpaid. 3 E. VII., c. 47, s. 17.

20. The liability of a member of the bank for his unpaid subscription to the guarantee fund shall, subject to the provision of the next following section, cease and determine,—

(a) upon his death;
(b) upon his being declared by competent authority to be a lunatic or of unsound mind;
(c) upon his procuring another subscriber to the guarantee fund, to be approved and accepted by the board, for an amount equal to or greater than the amount for which he himself is liable as subscriber to the said fund. 3 E. VII., c. 47, s. 18.

21. Notwithstanding the provisions of the last preceding section, the liability of a member of the bank shall not cease and shall continue until the sum paid by him is returned to him, or the bank is declared to be solvent, and has paid to him the amount paid by him, in either case, in such order and manner as may be prescribed by the board. 3 E. VII., c. 47, s. 19.
and determine as therein provided, if within the period of sixty days from the time when under such section such liability would determine, proceedings are taken for the winding-up of the bank.

2. In such case the liability of such member, or of his legal representatives, shall continue, and he or they shall be liable to contribute, and shall contribute, to the assets of the bank such amount, not exceeding the amount of such unpaid subscription, as may be required to provide for payment of the debts and liabilities of the bank to depositors and others, and for the payment of the costs, charges and expenses of winding-up the bank, and for the adjustment of the rights of the contributors amongst themselves. 3 E. VII., c. 47, s. 19.

22. The board may, from time to time, by by-law, constitute and organize one or more associations of voluntary workers in connection with the carrying on and administration of the business of the bank, and may define the powers and duties of such associations, and prescribe the number of directors to be elected by such associations, and the manner of election, and the filling of vacancies, and such other details in connection with such associations, and the organization and working thereof, as may be deemed expedient.

2. When and so soon as such powers and duties shall have been prescribed the said associations shall be entitled to and have the right and authority to elect such number of directors as may be prescribed. 3 E. VII., c. 47, s. 20.

23. The bank may receive deposits of money on such terms as the board or the by-laws of the bank prescribe, and such deposits may be received from any person of whatever age, status or condition of life, and whether such person is qualified by law to enter into contracts or not.

2. No deposit shall be received which would make the amount at the credit of the account in respect of which the deposit is offered exceed three hundred dollars, and not more than one account shall be kept with the same depositor, and in no case shall interest be paid or allowed to depositors in the bank in excess of the current rate paid to depositors in the Government savings banks or in the Post Office savings banks. 3 E. VII., c. 47, s. 21.

24. Any payment of the whole or part of any deposit or of any interest thereon, not exceeding one hundred dollars, made in good faith and in accordance with the by-laws of the bank, shall discharge the bank from any claim by any person whomever in respect of the deposit or interest so paid, notwithstanding that the person making the deposit may have died, or become insane, or become otherwise incapacitated, and that there is or is not a person qualified to represent such person, or

R.S., 1906.
that such person cannot be found, or that some person other than the person to whom such payment is made may claim to be or be entitled to such deposit or interest.

2. Upon the book or other paper given to the depositor re-
 representing the deposit, or in or on which the deposit is entered, there shall be a printed copy of the last preceding subsection. 3 E. VII., c. 47, s. 22.

25. The bank may of the moneys received on deposit by it hold for the purpose of paying withdrawals such amount as the directors determine, not exceeding the sum of five per centum of the total amount of deposits in the bank.

2. All moneys received on deposit and on hand at any time in excess of such amount shall be deposited by the bank in a Government savings bank or in a post office savings bank to the credit of the bank.

3. Interest on the amounts from time to time at the credit of the bank in the said Government savings bank or post office savings bank shall be allowed and credited half-yearly to the account of the bank at a rate to be from time to time fixed and determined by the Minister of Finance, such rate not to exceed one-half of one per centum in advance of the rate then payable to depositors in the said Government savings bank or post office savings bank. 3 E. VII., c. 47, s. 23.

26. The board may withdraw from the account of the bank in the Government savings bank, or in the post office savings bank, and apply towards payment of the working expenses or for the purpose of augmenting the guarantee fund of the bank such portion of the interest credited to the account of the bank, as in the last preceding section provided, as represents the excess of the interest so credited over the interest paid or allowed by the bank to depositors therein.

2. Except as aforesaid the moneys so at credit of the bank in the Government savings bank or in the post office savings bank shall be withdrawn by the bank only for the purpose of the payment of withdrawals by depositors in the bank of amounts deposited by them, and interest thereon, and shall be used and applied by the bank only for such purpose. 3 E. VII., c. 47, s. 24.

27. The bank shall not,—
(a) issue any bank note or note intended to circulate as money or as a substitute for money;
(b) deal in, discount or lend money or make advances upon, the security of bills of exchange or promissory notes;
(c) except as hereinafter provided, acquire any real estate;
(d) invest, lend or dispose of any moneys received by it; nor,
(e) except as especially provided in this Act, engage or be engaged in any trade or business. 3 E. VII., c. 47, s. 25.

Assuming work of existing association.  

Discharge in such case.  

Disposition of assets of associations.  

Conversion into cash.  

Deposit during meantime.  

Liability of Minister.  

Guarantee fund by the bank.  

28. The bank may acquire the assets and assume the liabilities of any existing savings association for benevolent purposes and may take up and carry on the work of such association, and the corporation or persons holding the deposits or assets thereof may transfer and hand over the same to the bank in pursuance of any agreement which may be entered into respecting the acquisition thereof.  

2. Upon such transfer being made the transferrers shall, to the extent of the assets and deposits so transferred, be discharged from all liability in respect of the said deposits and assets, and such liability shall thereafter be assumed by the bank. 3 E. VII., c. 47, s. 26.  

29. The bank shall, with as little delay as possible, but within one year after such transfer as aforesaid takes effect, convert into cash and deposit in a government savings bank or in a post office savings bank in its own name so much of the said assets as shall be equal to the amount of deposits in the association so acquired and interest thereon, and the remaining portion of such assets shall be appropriated towards the working expenses of the bank, or shall become a part of the guarantee fund of the bank, as the directors may determine, or as may be specified in the agreement of transfer.  

2. If any portion of such assets, becoming a part of the guarantee fund, be invested in any security not authorized by this Act for investments of the guarantee fund such portion shall as quickly as possible be converted into cash and invested as prescribed by this Act. 3 E. VII., c. 47, s. 26.  

30. Until the portion of such assets which consists of securities is converted into cash, such securities shall be deposited with the Minister of Finance pending the realization thereof into cash as aforesaid.  

2. The Minister shall not incur any liability or responsibility in respect thereof, or in connection with any sale thereof. 3 E. VII., c. 47, s. 26.  

GUARANTEE FUND.  

31. A guarantee fund shall be established and maintained by the bank for the purpose of securing the repayment of the deposits made in the bank and interest thereon, and the payment of all other debts and liabilities of the bank incurred in the management of the business thereof, in the event of the funds in the hands of the board for the purpose of paying such deposits, interest, and other debts and liabilities, being insufficient to pay the same, or in the event of the bank being wound up. 3 E. VII., c. 47, s. 27.  

32. The said fund shall consist of,—  

(a) all moneys and securities received by or paid to the bank, other than deposits and interest thereon, and other 402 than  

R.S., 1906.
than moneys specifically appropriated by this Act, or by the person from whom they are received, for the working expenses of the bank or for any other purpose in connection with the bank other than the guarantee fund;

(b) securities and investments in which the bank is by this Investments. Act authorized to invest the moneys of the fund;

(c) the unpaid amounts of all subscriptions to the said fund Subscrip- tions. under an agreement of guarantee in the form in the sched- ule to this Act, or an agreement to the like effect.

2. The bank may accept and receive all bequests and gifts to Bequests and the said fund, and all bequests and gifts for the working ex- gifts. penses of the bank and for any other object or purpose in connection with the bank. 3 E. VII., c. 47, s. 28.

33. The bank may invest the moneys of the guarantee fund Investments. in, or lend such moneys upon,—

(a) annuities, bonds, debentures, stocks or other securities of the Government of the Dominion of Canada, or of any of the provinces of Canada;

(b) bonds or debentures of any municipal corporation of any city or town in Canada having, according to the last preceding government official census, a population exceeding ten thousand inhabitants, or of the municipal corporation of any county or township in any province of Canada having, according to such census, a population of over twenty thousand inhabitants;

(c) shares in the capital stock of any incorporated trust company doing business in Canada having, according to its last preceding annual statement submitted to its share- holders, a reserve fund or rest amounting to at least twenty per centum of its capital, and having its stock marketable above par;

(d) the bonds or debentures secured by mortgage of any telegraph company, telephone company, electric lighting company, gas company, hydraulic or electric power company, electric street railway company, or electric or steam railway company, incorporated under the laws of the Dominion of Canada, or of any province thereof, or of the late province of Canada, or of Upper Canada or Lower Canada, or of the provinces of New Brunswick, Nova Scotia, British Columbia or Prince Edward Island before confederation, or of the United Kingdom, or of the United States, or any state thereof, if the gross income of such company, according to its last preceding annual statement submitted to its shareholders, is at least five hundred thousand dollars per annum, and if such company has paid regular dividends upon its ordinary or its preferred stock for the next preceding two years;

(e) any securities upon which trustees are by the laws of Approved securities. the province in which the head office of the bank is situate authorized to invest trust moneys;

(f) R.S., 1906.
Real estate. (f) such freehold or leasehold real estate, movable and immovable property, as is required for the actual use and occupation of the bank and for the management of its business.

Sale of same. 2. The bank may sell and dispose of any such real estate, movable or immovable property. 3 E. VII., c. 47, s. 29.

Amount of fund. 34. The guarantee fund shall be deemed to be established and to be maintained when and so long as it amounts to the sum of at least ten thousand dollars in any or all of the following:—

Cash. (a) Cash;

Securities. (b) Securities authorized by the last preceding section, taken at their market value, other than such freehold or leasehold real estate, movable and immovable property, as is required for the actual use and occupation of the bank and for the management of its business;

Subscription. (c) Unpaid subscriptions, if the payment, when required, of such amount thereof as will make, with cash and securities as hereinbefore provided, the guarantee fund amount to not less than ten thousand dollars, is secured and guaranteed by the bond of a company authorized to transact in Canada the business of a guarantee company and authorized to give such bond. 3 E. VII., c. 47, s. 30.

Winding-up bank not maintaining fund. 35. Should the bank fail for six consecutive months to maintain such fund within the meaning of this Act, the bank shall cease to receive deposits and shall be wound up: Provided that the Treasury Board may, on the application of the bank made before the expiration of that period, grant an extension thereof for a further period not exceeding six months. 3 E. VII., c. 47, s. 31.

Disposal of fund and properties of the bank. 36. The moneys received on account or in respect of the guarantee fund, or arising by way of interest from investment thereof, and all real estate or other property held by the bank and the proceeds thereof, shall be and remain the property of the bank and may, subject to the provisions of this Act in regard thereto being fully observed and complied with, be disposed of and dealt with by the bank as the Board determines. 3 E. VII., c. 47, s. 32.

Statements to be transmitted to Minister of Finance. 37. The bank shall transmit to the Minister of Finance statements showing the condition and business of the bank on the last juridical day in the months of June and December in each year, verified by the oath of the president, or of one of the vice-presidents of the bank, or of the chairman of the board, and of the manager or other chief officer of the bank.

R.S., 1906.
Penny Banks.

Chap. 31.

2. To every such statement shall be annexed a certificate from a chartered accountant that he has examined and audited the books of the bank and that he finds that such statement is a true statement of the affairs of the bank at the date named therein. 3 E. VII., c. 47, s. 33.

38. Such statements shall show,—
(a) the amount due depositors in the bank;
(b) the amount of the guarantee fund and the nature of the investments thereof;
(c) the unpaid subscriptions and the amount thereof secured by a bond of a guarantee company distinguishing the class of securities and the amount of each class;
(d) all other assets and liabilities of the bank; and,
(e) any other information as to the nature and extent of the business of the bank and in such detail as the Minister of Finance from time to time requires.

2. The bank shall in no case be bound to disclose the name or personal affairs of any person having dealings with the bank. 3 E. VII., c. 47, s. 34.

39. The Minister of Finance may call for a special return from the bank in such form as he may determine at any time when in his judgment it is necessary or expedient. 3 E. VII., c. 47, s. 35.

OFFENCES AND PENALTIES.

40. Every president, vice-president, director, manager or other officer of the bank who wilfully disposes of or concurs in disposing of any moneys received by the bank, in a way not authorized by this Act for the disposition thereof, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. 3 E. VII., c. 47, s. 37.

41. Every person making any wilfully false or deceptive statement in any account, statement, return, report, certificate or other document respecting the affairs of the bank, is guilty of an indictable offence punishable by imprisonment for a term not exceeding five years, unless under some other Act or law the particular offence committed is punishable with imprisonment for a longer term.

2. Every president, vice-president, director, auditor, manager or other officer of the bank, and every chartered accountant who prepares, signs, approves of or concurs in such account, statement, return, report, certificate or document, containing such false or deceptive statement, or uses any such account, statement, return, report, certificate or document with intent to deceive or mislead any person, shall be deemed to have wilfully made such false statement. 3 E. VII., c. 47, s. 38.

42. Every president, vice-president, director, auditor, manager or other officer of the bank, and every chartered accountant who...
who prepares, signs, approves of, or concurs in such account, statement, return, report, certificate or document, or uses any such account, statement, return, report, certificate or document with intent to deceive or mislead any person, and every president, vice-president, director, manager or other officer of the bank, who wilfully disposes of or concurs in disposing of any moneys received by the bank in a way not authorized by this Act for the disposition thereof, shall, in addition to the punishment provided by this Act for such offence, be responsible for all damages sustained by any person in consequence of such act on his part. 3 E. VII., c. 47, ss. 37 and 38.

SCHEDULE.

GUARANTEE FUND.

Subscribers' Agreement.

We, the undersigned, do hereby respectively become subscribers to the Guarantee Fund of (name of bank) incorporated under the Penny Bank Act, to the respective amounts set opposite our respective signatures hereto, and we do hereby respectively agree with the said bank to pay from time to time such calls as may be made upon us respectively under the provisions of said Act, but not exceeding in all the respective amounts of our said subscriptions.

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Note.—Subscriptions to the Guarantee Fund may be made upon one or more papers in the above form. 3 E. VII., c. 47, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 32.

An Act respecting certain Savings Banks in the Province of Quebec.

SHORT TITLE.

1. This Act may be cited as the Quebec Savings Banks Act. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'bank' means either of the savings banks to which this Act applies;
   (b) 'Minister' means the Minister of Finance. 53 V., c. 32, ss. 1, 31 and 33.

CHARTERS.

3. It shall be a condition of the rights and privileges conferred by this Act or by any Act in amendment thereof, that the liability of the bank under any law, custom or agreement to repay moneys deposited with it and interest if any and to pay dividends declared and payable on its capital stock, shall continue notwithstanding any statute of limitations or any enactment or law relating to prescription and that this condition shall apply to moneys heretofore or hereafter deposited and to dividends heretofore or hereafter declared. 53 V., c. 32, s. 33.

4. The charters of the Montreal City and District Savings Bank and of La Caisse d'Économie de Notre-Dame de Québec, are hereby continued and shall remain in force until the first day of July in the year one thousand nine hundred and eleven, except in so far as they, or either of them, are or become forfeited or void under the terms thereof, or of this Act, or of any other Act heretofore or hereafter passed relating to the said savings banks by non-performance of the conditions of such charters or Acts respectively, or by insolvency, or otherwise. 63-64 V., c. 28, s. 1.

BANK MEETINGS.

5. Public notice shall be given by the directors of the bank of the holding of annual or other meetings by publishing the same for at least four weeks in a newspaper at the place where the head office of the bank is situate; and such notice shall be given R.S., 1906.
given in both the English and French languages. 53 V., c. 32, s. 3.

6. At all meetings of the bank, every shareholder shall be entitled to one vote for each share then held by him which he shall have held for at least three months before the time of voting. 53 V., c. 32, s. 4.

7. Shareholders may vote by proxy, but no person but a shareholder shall vote or act as such proxy. 53 V., c. 32, s. 4.

8. No cashier, clerk or other officer of the bank, shall vote either in person or by proxy, or hold a proxy for that purpose. 53 V., c. 32, s. 4.

DIRECTORS.

9. The directors shall be elected annually at a general meeting of the shareholders and shall be eligible for re-election; but no person shall be elected a director unless he is a shareholder, at the time of such election, of twenty-five shares of stock. 53 V., c. 32, s. 4.

10. Every director of the bank who becomes insolvent, or assigns his estate and effects for the benefit of his creditors, or absents himself, without the consent of the board, for twelve consecutive months from the meetings of the directors, or is convicted of any indictable offence, shall thereupon, ipso facto, cease to be a director, and the vacancy so created shall forthwith be filled up in the manner provided by the charter. 53 V., c. 32, s. 4.

11. No failure to elect directors of the bank shall operate a dissolution of the corporation, but in case of such failure the required election shall be made as soon thereafter as possible at a special general meeting of the shareholders called for that purpose; and until such subsequent election takes place, the official acts of the directors holding office shall be valid, and such directors shall call the said special general meeting. 53 V., c. 32, s. 5.

CALLS.

12. Whenever it is, in the opinion of the directors, necessary or expedient, they may make calls at intervals of not less than three months on the stock subscribed for and remaining unpaid, not exceeding five per centum; and all amounts paid upon stock, and all accumulated profits thereon after deduction of dividends as hereinafter provided, shall be invested or lent in the manner hereinafter provided for the investment or loan of moneys deposited with the bank: Provided that such limitation of the amount of any call, or of the intervals at which calls may be

R.S., 1906.
be made, shall not apply to calls in case of a deficiency of the funds of the bank to meet the claims of depositors and other liabilities. 53 V., c. 32, s. 6.

13. The amount of every such call, if not paid when due, may be recovered with interest by the directors, in the name of the bank, in any court having jurisdiction to such amount; and in any action for the recovery thereof it shall be sufficient to allege and prove the charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due without alleging or proving any other matter or thing whatsoever; and any copy of the charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be prima facie evidence of the charter and of its contents thereof. 53 V., c. 32, s. 7.

14. In the event of the funds of the bank in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, the directors shall make calls on the unpaid stock to the full amount not paid thereon or to such less amount as they deem necessary to pay all such debts and liabilities without waiting for the collection of any debts due to the bank or the sale of any of its assets or property; and each shareholder, until the whole amount of his stock has been paid up, shall be individually liable for any such insufficiency to an amount equal to that remaining unpaid on his said stock but not in excess of such amount so unpaid. 53 V., c. 32, s. 8.

15. In case of such insufficiency the first call shall be made within ten days after such insufficiency is ascertained and thereafter calls shall be made at intervals of thirty days and upon notice given at least thirty days prior to the day on which the call is payable. 53 V., c. 32, s. 8.

16. No such call shall exceed twenty per centum on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock. 53 V., c. 32, s. 8.

17. Failure on the part of any shareholder liable to such call to pay the same when due shall operate as a forfeiture by such shareholder of all claim in or to any part of the assets of the bank; but such call and any further call on the unpaid stock of such shareholder made thereafter shall nevertheless be recoverable from him as if no such forfeiture had been incurred. 53 V., c. 32, s. 8.

18. Persons who have been shareholders of any stock shall, in case of the failure of the bank to meet the claims of its creditors on demand, be liable to calls on all stock transferred by them to them R.S., 1906.
them within two months of the commencement of such failure, to the same extent as if such stock had not been transferred by them, saving their recourse for the amount of such calls against the transferees of such stock. 53 V., c. 32, s. 9.

DIVIDENDS.

19. The directors of the bank shall make half-yearly dividends of so much of the profits of the bank as to the majority of them seems advisable, and as is not inconsistent with the provisions of this Act; and they shall give public notice for at least thirty days, in the manner in this Act provided for notices of meetings, of the time and place where such dividends will be paid. 53 V., c. 32, s. 10.

TRANSFER OF SHARES AND DEPOSITS.

20. The shares in the bank shall be transferable in the manner provided by the by-laws and regulations made as prescribed by the charter; and the transferee shall have the rights and shall be subject to the liabilities of the original holder. 53 V., c. 32, s. 11.

21. No share shall be divided, and if any share is held by several persons jointly, one of them shall be appointed by letter of attorney by the others to vote thereon, to receive dividends and to do all things that require to be done in respect thereof; and such letter of attorney shall be lodged with the bank. 53 V., c. 32, s. 11.

22. If the interest in any deposit or share in the bank becomes transmitted in consequence of the death or insolvency of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the bank, or by deed served upon the bank, such transmission shall be authenticated by a declaration in writing, which shall distinctly state the manner in which and the person to whom such deposit or share has been transmitted, and shall be, by such person, made and signed.

2. Every such declaration shall be, by the person making and signing the same, sworn to before a judge or justice of a court of record or chief magistrate of a city, town, borough or other place, or before a notary public, and left with the manager, agent or other officer of the bank who shall, if corroborative evidence of any facts alleged in such declaration is not required as hereinafter authorized, thereupon enter the name of the person, so shown to be entitled to such deposit or share under such transmission as proprietor thereof in the books of the bank.

R.S., 1906.
3. Until such transmission is so authenticated, no person claiming by virtue of any such transmission shall be entitled to receive such deposit or share, or any part thereof, or any interest or dividend thereon. 53 V., c. 32, s. 12.

23. Every declaration and instrument required to perfect the transmission of a deposit or share in the bank, made in any other country than Canada or some other of the British colonies or the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British consul or vice-consul, or other accredited representative of the British Government in the country where the declaration is made, or shall be made directly before such British consul or vice-consul, or other accredited representative. 53 V., c. 32, s. 12.

24. Nothing in this Act contained shall prevent the directors, manager or other officer or agent of the bank from requiring corroborative evidence of any facts alleged in any such declaration. 53 V., c. 32, s. 12.

25. If payment is made to any depositor of any deposit or of any interest thereon, or of any dividend on any share, after transmission thereof by any of the means mentioned in this Act, but before such declaration is made and authenticated as aforesaid and left with the manager, agent or other officer of the bank, such payment shall be valid and shall discharge the bank. 53 V., c. 32, s. 12.

26. If the transmission of any deposit or share is by virtue of the marriage of a female depositor or shareholder, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission has taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it is notarial, an authentic copy thereof, or the letters of administration, or act of tutorship or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the manager, agent or other officer of the bank, who shall thereupon enter the name of the person entitled under such transmission in the books of the bank. 53 V., c. 32, s. 13.

DEPOSITS AND LOANS.

27. The bank may receive deposits of money for the benefit of persons depositing the same, and may invest the same as hereinafter provided, and may accumulate the revenues and profits derived from the investment of so much thereof as is not required to meet ordinary demands by the depositors, and out of such accumulation may allow and pay to the depositors thereof such rate of interest on such deposits as is from time to time fixed.

R.S., 1906.
fixed by the Governor in Council, not being more than five per centum per annum. 53 V., c. 32, s. 14.

28. Every depositor, on making his first deposit in the bank, shall disclose and declare his name, residence, addition and occupation. 53 V., c. 32, s. 15.

29. The bank may receive deposits from any person whatever, and whether such person is qualified by law to enter into ordinary contracts or not; and the bank may pay the principal or any part thereof, and the whole or any part of the interest thereon, to such person, without the authority, aid, assistance or intervention of any person or official being required: Provided that, if the person making any deposit in the bank is not, by the laws of the province of Quebec, authorized so to do, the total amount of deposits made by such person shall not exceed the sum of two thousand dollars. 53 V., c. 32, s. 16.

30. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person who appears prima facie to be entitled to such interest, dividend or deposit, by the production of a declaration in writing, and of the documents in this Act required in support thereof shall be valid; and the discharge of such person shall be a sufficient discharge of the bank from all or any further claim by any person whatever for such interest, dividend or deposit. 53 V., c. 32, s. 17.

31. The bank shall always hold at least twenty per centum of the moneys deposited with it.—

(a) in public securities of the Dominion of Canada, or of any of the provinces thereof, or of the United Kingdom, or of any British colony or possession, or of the United States, or of any state thereof; or,

(b) in deposits in chartered banks in Canada; or,

(c) in Canadian municipal bonds or securities; or,

(d) in school bonds or debentures issued in the province of Quebec, if they are secured by the school municipality in which the schools are situate; or,

(e) in any other security approved by the Treasury Board. 63-64 V., c. 28, s. 2.

32. The bank may, subject to the requirements of this Act, invest any moneys deposited with it,—

(a) in any of the securities mentioned in the next preceding section; or,

(b) in the purchase of bonds or debentures of any building society, loan or investment company, water-works company, gas company, street railway company, electric light or power company, electric railway or street railway company, telegraph or telephone company, water-power company,...
pany, navigation company, or heat and light company: Provided such society or company is incorporated in Canada and has a paid-up capital of at least five hundred thousand dollars; or,

(c) in the purchase of the bonds or debentures of any tele-
graph cable company having a paid-up capital of at least five hundred thousand dollars. 63-64 V., c. 28, s. 2.

33. The bank may continue to hold any stock of any exist-
ing chartered bank held by it before it received its charter, and may sell and dispose of such stock. 63-64 V., c. 28, s. 2.

34. The bank may lend any of such moneys upon the per-
sonal security of individuals or to corporate bodies, if, in addition to such personal or corporate security, collateral securities of the nature aforesaid, or foreign public securities, or stock of some chartered bank in Canada, or bonds or debentures or stock of an incorporated institution or company, the market value whereof is not less than the amount lent, are taken, with authority to sell such securities if the loan is not paid. 63-64 V., c. 28, s. 2.

35. The bank may lend any of such moneys without col-
lateral security,—

(a) to the Government of Canada, or to the government of any province of Canada;
(b) to the corporation of any municipality in Canada with a population of at least two thousand inhabitants;
(c) to any fabrique de paroisse, or to syndics pour l'érection d'églises, specially authorized by Act of the Legislature of Quebec to issue bonds binding on the taxable property of the parish; or,
(d) upon a resolution of their respective boards of directors, to incorporated companies, or incorporated institutions, within the limits of their borrowing powers, and not exceeding in any case their paid-up capital, if such company or institution has a paid-up capital of not less than five hundred thousand dollars, and has paid continuously for the previous five years a dividend at the rate of at least five per centum per annum. 63-64 V., c. 28, s. 2.

36. The bank shall not make any loan, directly or indi-
directly, upon the security of real or immovable property, or with any reference to the security of real or immovable pro-
perty; but nothing herein contained shall prevent the bank from taking security upon real or immovable property subsequently to the making of the loan and in addition to the security originally taken therefor and as collateral thereto. 53 V., c. 32, s. 21.

413

37.

R.S., 1906.
37. In the event of the non-payment of any loan within thirty days after such loan becomes due and payable, or within such shorter time thereafter as shall have been fixed by any agreement made in that behalf between the bank and the borrower at the time such loan is contracted, the bank may sell in manner herein provided any collateral securities, other than real estate, held by it as security for such loan, or so much as will suffice to pay the amount of such loan and all interest thereon and the costs and expenses of sale, and shall return the surplus, if any, to the borrower, or person or corporation depositing such securities. 53 V., c. 32, s. 22.

38. Except as hereinafter provided, no such sale shall be made except by public auction, after notice thereof by advertisement stating the time and place of such sale, in at least two newspapers published in or nearest to the place where the sale is to be made, of which newspapers one at least shall be published in the English language and one other in the French language; and in addition to such notice by advertisement, notice of the time and place of such sale shall be given to the person or corporation depositing such collateral security, by addressing and mailing to the last address of such person, or to the address of such corporation, a letter containing such notice. 53 V., c. 32, s. 22.

39. Nothing herein contained shall prevent the bank from collecting or realizing such loan, or any balance due thereon, out of such collateral securities, in any way which has been agreed upon with the person depositing the same. 53 V., c. 32, s. 22.

40. The president or vice-president, manager, cashier or other officer of the bank, thereunto authorized by the directors, may transfer and convey any security so sold to the purchaser, and by such transfer and conveyance the property in such security shall become vested in such purchaser, but without any warranty from the bank, or any officer thereof.

2. The bank at any such sale may become the purchaser of any of the securities held by it. 53 V., c. 32, s. 22.

41. The bank may purchase any lands or immovable property offered for sale under execution at the suit of the bank, or exposed for sale by the bank under a power of sale given to it in that behalf in all cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property which it may so purchase, and shall acquire such title thereto, as any individual purchasing at sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of any such lands or property at pleasure. 53 V., c. 32, s. 23.
42. The bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or may purchase and acquire any prior mortgage or charge on such land; Provided that the bank shall not hold any real or immovable property, howsoever acquired, except such as is required for its own use for any period exceeding seven years from the date of the acquisition thereof. 53 V., c. 32, s. 24.

43. Nothing in any charter, Act or law shall be construed as having prevented or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. 53 V., c. 32, s. 25.

44. Nothing herein contained shall prevent the bank from depositing money in any of the chartered banks carrying on the general business of banking within the province of Quebec. 53 V., c. 32, s. 26.

GENERAL.

45. The directors of the bank shall continue to distribute to charitable institutions yearly, as heretofore, the interest accruing on the amounts invested for that purpose. 53 V., c. 32, s. 27.

46. The principal of the Poor Fund of the City and District Savings Bank of Montreal, which has been ascertained and settled at one hundred and eighty thousand dollars, shall continue invested and shall be held by the said bank in the city and municipal debentures in which the same is now invested and held, with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise. 53 V., c. 32, s. 27.

47. The principal of the Charity Fund of La Caisse d'Économie de Notre-Dame de Québec, which has been ascertained and settled at eighty-three thousand dollars, shall continue invested and shall be held by the said bank, in debentures of the city of Quebec, with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise. 53 V., c. 32, s. 27.

48. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute thereto out of the funds of the bank. 53 V., c. 32, s. 28.

Bank not to issue notes.

49. The bank shall not issue any bank note, or note intended to circulate as money or as a substitute for money, or be deemed a bank within the meaning of the Bank Act. 53 V., c. 32, s. 29.

Bank not bound by trusts.

50. The bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit or share therein is subject.

2. The receipt of the person in whose name any such deposit or share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of the persons, shall be a sufficient discharge to the bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the bank. 53 V., c. 32, s. 30.

Deposit made upon express condition.

51. If such deposit is made upon express conditions as to the person or persons to whom such deposit shall be paid, such deposit shall be governed by such conditions, notwithstanding any trust to which such deposit is then subject, and whether or not the bank has had notice of such trust; and the bank shall not be bound to see to the application of the money paid upon receipt whether given by one of a number of persons in whose name any deposit or share stands or by all of them. 53 V., c. 32, s. 30.

Application of money paid.

52. Monthly returns shall be made, by the bank, to the Minister, and shall be made up within the first ten days of each month, and shall exhibit the condition of the bank on the last juridical day of the month next preceding; and such monthly returns shall be signed by the president or vice-president, or the director then acting as president, and by the manager, cashier or other principal officer of the bank at its chief place of business, and shall be published in the Canada Gazette.

2. Such monthly returns shall be in the form set forth in the schedule to this Act. 53 V., c. 32, s. 31.

Publication.

53. The bank shall furnish, annually, to the Minister, to be laid before Parliament, certified lists of the shareholders, with their additions and residences, and the number of shares they respectively hold and the amounts paid up thereon. 53 V., c. 32, s. 32.

Annual list of shareholders for Parliament.

54. The bank shall, within twenty days after the close of each calendar year, transmit or deliver to the Minister, to be laid

R.S., 1906.
laid by him before Parliament, a return of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect to which no transactions have taken place, or upon which no interest has been paid during the five years prior to the date of such return.

2. In case of moneys deposited for a fixed period, the period of five years in this section referred to shall be reckoned from the date of the termination of such fixed period. 53 V., c. 32, s. 33.

55. Such return shall be signed in the manner required for the monthly returns under this Act, and shall set forth the name of each shareholder or creditor, his last known address, the amount due, the agency of the bank at which the last transaction took place, and the date thereof; and if such shareholder or creditor is known to the bank to be dead, such return shall show the names and addresses of his legal representatives, so far as known to the bank. 53 V., c. 32, s. 33.

WINDING-UP.

56. Upon the winding-up of the bank in insolvency or under any general winding-up Act or otherwise, and before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank or the commencement of the winding-up thereof, whichever shall first happen, the assignees, liquidators, directors or other officials in charge of such winding-up shall, notwithstanding any statute of limitation, or other enactment or law relating to prescription, pay to the Minister out of the assets of the bank any moneys payable either to shareholders or depositors, which may then remain unclaimed.

2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect to the amount so paid. 53 V., c. 32, s. 33.

57. All moneys paid the Minister as aforesaid shall be held by him, subject to all rightful claims on behalf of any person other than the bank, and in case a claim to any moneys so paid as aforesaid should be thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the parties entitled thereto, together with interest on the principal sum thereof at the rate of three per centum per annum for a period not exceeding six years from the date of payment thereof to the Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum, unless interest thereon was payable by the bank paying the same to the Minister. 53 V., c. 32, s. 33.

58. Every liquidator or other officer or person appointed to wind up the affairs of the bank in case of its insolvency, shall R.S., 1906.
shall have all the powers in this Act given to directors with respect to calls. 53 V., c. 32, s. 8.

OFFENCES AND PENALTIES.

59. Every officer, clerk, or servant, who is employed under the provisions of this Act, and who defaces, alters, erases, or in any manner or way whatsoever, changes the effect of the books of account kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose, and every such officer, clerk or servant, who sequesters, appropriates or steals any bond, obligation, bill or note, or any security for money, or any money or effects entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property belongs, is guilty of an indictable offence, and, on conviction thereof, shall be liable to imprisonment for life: Provided that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen or impair any remedy which His Majesty, or the Minister or any other person, would otherwise have against any other person whatsoever. 53 V., c. 32, s. 34.

60. Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, and who is not such owner, and who demands or claims from the bank with which such deposit has been made, or from any person employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of an indictable offence and shall be punished accordingly. 53 V., c. 32, s. 35.

61. The making of any willfully false or deceptive statement in any account, return, report or other document respecting the affairs of the bank is an indictable offence punishable by imprisonment for a term not exceeding five years, and every president, vice-president, director, auditor, manager, cashier or other officer of the bank, who prepares, signs, approves or concurs in any such account, statement, return, report or document containing such false or deceptive statement, or uses the same with intent to deceive or mislead any person, shall be held to have willfully made such false statement, and shall further be responsible for all damages sustained by such person in consequence thereof: Provided that nothing in this section shall have the effect of restricting the penalty for any act done, punishable under the Criminal Code. 53 V., c. 32, s. 36.

62. If the bank neglects to transmit or deliver to the Minister the returns required by this Act to be so transmitted or delivered within the time in this Act limited therefor, it shall incur
incur a penalty of fifty dollars for each and every day during which such neglect continues. 53 V., c. 32, s. 33.

63. If the bank shall hold any real or immovable property howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, it shall incur a penalty not exceeding five hundred dollars, which shall be recoverable with costs in any court of competent jurisdiction by any person who sues for the same, and one-half of such penalty shall be paid to the Minister for the public uses of Canada and the other half thereof to the person suing for the same. 53 V., c. 32, s. 24.

64. Every director who refuses to make or enforce or to concur in making or enforcing any call provided for by this Act to be made in case of an insufficiency in the funds of the bank to satisfy its debts and liabilities, is guilty of an indictable offence and shall be personally responsible for any damages suffered by reason of such refusal. 53 V., c. 32, s. 8.

SCHEDULE.

Return of the amount of liabilities and assets of the (name of the bank) on the day of

CAPITAL STOCK, $  CAPITAL PAID UP, $

LIABILITIES.

1. Dominion Government deposits, payable on demand ........................................ 
2. Provincial Government deposits, payable on demand ........................................ 
3. Other deposits, payable on demand ................................................................. 
4. Dominion Government deposits, payable after notice or on a fixed day ................ 
5. Provincial Government deposits, payable after notice or on a fixed day ................ 
6. Other deposits, payable after notice or on a fixed day ...................................... 
7. Special Poor Fund or Charity Fund Trust ......................................................... 
8. Liabilities not included under the foregoing heads ...........................................

27 1/2  419

ASSETS.

R.S., 1906.
Assets.

1. Dominion, provincial and other public securities

2. Cash in hand and on deposit in chartered banks

3. Canadian municipal bonds or securities, school bonds or debentures, and securities approved by Treasury Board

4. Other bonds, debentures and securities

5. Loans to governments, municipal corporations, fabriques de paroisses, syndics pour l'érection d'églises and corporations on resolutions of their boards of directors

6. Loans for which bank stocks are held as collateral security

7. Loans for which stocks, bonds, debentures or securities, other than bank stocks, are held as collateral security

8. Special Poor Fund or Charity Fund investments

9. Investment in bank stock made previous to the incorporation of the bank

10. Bank premises

11. Other assets, not included under the foregoing heads

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

E. F.,
Accountant, (or Inspector).

We declare that the foregoing return is made up from the books of the bank, and that it is correct, to the best of our knowledge and belief, and shows truly and clearly the financial position of the bank.

(Place) this day of A. B., President.
C. D., Cashier.

6-64 V., c. 28, s. 5, and schedule.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 33.

An Act respecting returns by certain persons and corporations receiving moneys on deposit at interest.

1. This Act may be cited as the Savings Deposits Returns Act.

2. Every person, corporation or institution, except chartered banks, receiving money in small sums, on deposit at interest as savings, shall make such returns as to such deposits, and the investment thereof, as the Governor in Council, from time to time, requires; and shall register with the Minister of Finance and notify in such manner as the Governor in Council by order directs, the name of such person, corporation or institution, and that of the officer or person on whom process may be served in any suit or proceeding. R.S., c. 126, s. 1.

3. Every willful refusal or neglect to obey any order in council made under this Act is an indictable offence. R.S., c. 126, s. 1.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most EXCELLENT MAJESTY.
CHAPTER 34.

An Act respecting Insurance.

SHORT TITLE.

1. This Act may be cited as the Insurance Act. R.S., c. 124, Short title. s. 1.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Finance; 'Minister.'

(b) 'Superintendent' means the Superintendent of Insurance; 'Superintendent.'

(c) 'company' means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance;

(d) 'Canadian company' means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein;

(e) 'agent' means the chief agent of the company in Canada, named as such in the power of attorney herein-after referred to, by whatever name he is designated;

(f) 'chief agency' means the principal office or place of business of the company in Canada;

(g) 'inland marine insurance' means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal;

(h) 'Canadian policy' or 'policy in Canada,' as regards Canadian life insurance, means a policy issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued;

(i) 'Canadian policy' or 'policy in Canada,' as regards fire and inland marine insurance, means a policy of insurance on any property within Canada issued by any company licensed under this Act to transact the business of fire or inland marine insurance;

(j) 'license' includes certificate of registration; 'License.'

R.S., 1906. 423
'Policy.' (k) 'policy' includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;

'President.' (l) 'president,' as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof;

'Secretary.' (m) 'secretary' means and includes the officer by whom the usual duties of a secretary are performed;

'Guarantee insurance.' (n) 'guarantee insurance' means the guaranteeing of the fidelity of persons in positions of trust;

'Accident insurance.' (o) 'accident insurance' means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment;

'Plate glass insurance.' (p) 'plate glass insurance' means insurance against the breakage of plate or other glass either local or in transit;

'Steam boiler insurance.' (q) 'steam boiler insurance' means insurance against loss or damage to the life, person or property of the insured or of another for which the insured is liable, caused by the explosion of steam boilers;

'Inland transportation insurance.' (r) 'inland transportation insurance' means insurance against loss or damage to goods, wares, merchandise or property of any kind, including matter transmitted by mail, in transit otherwise than by water, from place to place in Canada;

'Sickness insurance.' (s) 'sickness insurance' means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

'Annual statement.' (t) 'annual statement,' in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canada business and of the general business of the company required by this Act to be made;

'Policyholder in Canada.' (u) 'policyholder in Canada' means as respects life insurance any person in favour of whom any company licensed under this Act to transact the business of life insurance in Canada has, while such person was resident in Canada, issued a policy;

'Policyholder.' (v) 'policyholder,' as respects life insurance when used in reference to the person to whom a tender is made by the Minister as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made and includes the assignee of such person;

'Policies.' (w) in the sections of this Act respecting the valuation of policies of life insurance once in every five years and the action of the Superintendent on such valuation, and respecting the computing or estimating of the reserve necessary to be held in order to cover the liability of companies on their policies, the word 'policies' includes annuity

R.S., 1906.
annuity contracts. R.S., c. 124, s. 2; 57-58 V., c. 20, ss. 1 and 11; 58-59 V., c. 20, s. 2; 62-63 V., c. 13, ss. 1 and 2.

3. Nothing in this Act contained shall be deemed to diminish, impair or in any way take away or limit any power of lending or investing possessed on the eleventh day of August, in the year one thousand eight hundred and ninety-nine, by any company in this Act mentioned or referred to, or to diminish or limit the period during which any such company might, by virtue of its corporate powers possessed on the said eleventh day of August, one thousand eight hundred and ninety-nine, hold any parcel of real estate or any interest therein. 62-63 V., c. 13, ss. 8 and 9.

APPLICATION OF ACT.

4. The provisions of this Act shall not apply,—

(a) to any company transacting, in Canada, ocean marine insurance exclusively; or,

(b) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or,

(c) to any company incorporated by an Act of the Legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance, wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or,

(d) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or,

(e) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or,

(f) to any society or organization exempted under this section by the Treasury Board from the provisions of this Act.

2. Upon its being established to the satisfaction of the Treasury Board that the occupation of the members of any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively, is of such a hazardous nature that the members of such society or organization are either wholly

R.S., 1906.
wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon the payment of very high premiums, the Treasury Board may exempt from the provisions of this Act such society or organization or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance, formed in connection with such society or organization and exclusively from its members and which insures such members exclusively.

3. Any company incorporated by an Act of the Legislature of the late province of Canada or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated and which is within the exclusive control of the legislature of such province, may, by leave of the Governor in Council, avail itself of the provisions of this Act on complying with the provisions thereof; and if it so avails itself the provisions of this Act shall thereafter apply to it, and such company shall thereafter have the power of transacting its business of insurance throughout Canada.

4. Any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively, or any association for the purpose of life insurance on such system only formed in connection with any such society or association and exclusively from its members, and which insures the lives of such members exclusively may apply to the Minister to be allowed to avail itself of the provisions of the second Part of this Act, and upon such application being assented to, such society or association shall cease to be exempt from the application of this Act. R.S., c. 124, ss. 3 and 43; 51 V., c. 28, s. 1; 58-59 V., c. 19, s. 1.

PART I.

GENERAL.

License.

5. No company or person, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance, or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or carry on any business of life or fire or inland marine insurance, in Canada, or prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without first obtaining a license from the Minister to carry on such business in Canada. R.S., c. 124, s. 4.
6. The Minister, as soon as any company applying for a license has deposited in his hands the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall, subject to the provisions hereinafter contained, issue the license. R.S., c. 124, s. 6.

7. Before issuing a license to a company legally formed elsewhere than in Canada, the Minister must be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable. 58-59 V., c. 20, s. 5.

8. The license shall be in such form as is, from time to time, determined by the Minister, and shall specify the business to be carried on by the company; and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. R.S., c. 124, s. 5.

9. Subject to the right of renewal of licenses granted previously to the eleventh day of August, in the year of Our Lord one thousand eight hundred and ninety-nine, a license shall not be granted to a company to carry on the business of life insurance in connection with any other branch of insurance. A license may be granted to a company to carry on the following four classes of insurance, viz.:—fire insurance, cyclone or tornado insurance, inland marine insurance and inland transportation insurance, or any one or more of the said classes.

3. A license may be granted to a company to carry on any two of the following classes of insurance, viz.:—sickness insurance, guarantee insurance, accident insurance, plate-glass insurance, steam-boiler insurance and inland transportation insurance.

4. A license may, on the report and recommendation of the Superintendent approved by the Treasury Board, be granted to a company,—

(a) to carry on accident insurance and sickness insurance and also one other class of insurance; or,

(b) to carry on any class or classes of insurance not hereinbefore in this section mentioned; but not for more than two such classes of insurance; or,

(c) to carry on any of the classes of insurance hereinbefore in this section mentioned and also one other class of insurance not in this section mentioned.

5. Subject to the right of renewal of licenses granted previously to the eleventh day of August, in the year of Our Lord one thousand eight hundred and ninety-nine, and except as in this section provided, a license shall not be granted to a company to carry on more than two classes of insurance. 62-63 V., c. 13, s. 2.

10. R.S., 1906.
10. Subject to the right of renewal of licenses granted previously to the eleventh day of August, in the year of Our Lord one thousand eight hundred and ninety-nine, a license shall not be granted to a company which is by its charter authorized or empowered to carry on classes or branches of insurance greater in number or variety than those for which a license could be granted under the provisions of the last preceding section: Provided that any company incorporated elsewhere than in Canada having a paid-up wholly unimpaired capital of at least three hundred thousand dollars in the case of a company authorized among other classes of business to transact the business of fire insurance, and in the case of any other company of at least one hundred thousand dollars; and,—

(a) which holds over and above all liabilities estimated according to the existing Dominion Government standard a rest or surplus fund equal to at least twenty per centum of such paid-up capital, and the market value of whose stock is at a premium of at least twenty per centum; and,

(b) which has carried on successfully for a period of at least five years the business for which the license is sought; and,

(c) if the business for which a license is sought consists only of one class of insurance or of such classes as may for the purpose of a license be combined under the provisions of the last preceding section; or,

(d) which while not in all respects complying with the requirements of the foregoing paragraphs of this proviso does not materially fall short thereof in any essential particular;

shall be deemed eligible for and entitled to such license upon depositing, keeping and maintaining in Canada to the amount in the next following section specified, assets of the character required by this Act in determining whether the assets of a company incorporated or formed elsewhere than in Canada exceed its liabilities. 62-63 V., c. 13, s. 2.

11. Such assets so required to be deposited, kept and maintained by the company for which the license is asked shall be, to the extent the Treasury Board on the report of the Superintendent shall fix or determine, in excess of the amount which would be required if such company’s charter powers were limited to the purposes for which such license is so asked.

2. Such excess shall, in the case of a company applying for a license to transact fire insurance or life insurance, be not less than fifty thousand dollars, and, in case of any other company, not less than ten thousand dollars, and in no case more than two hundred thousand dollars. 62-63 V., c. 13, s. 2.

Deposits.
Deposits.

12. Every company carrying on the business of life insurance and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter specified in that behalf, the sum of fifty thousand dollars.

2. Every company incorporated or legally formed elsewhere than in Canada, carrying on the business of fire or of inland marine insurance or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities, the sum of one hundred thousand dollars. R.S., c. 124, s. 7.

13. All such deposits may be made,—

(a) by any company, in securities of the Dominion of Canada, or in securities issued by any of the provinces of Canada;

(b) by any company incorporated in the United Kingdom, in securities of the United Kingdom;

(c) by any company incorporated in the United States, in securities of the United States.

2. The value of such securities shall be estimated at their market value, not exceeding par at the time when they are deposited. 57-58 V., c. 20, s. 4.

14. If any other than the aforesaid securities are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board directs.

2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the market value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit.

3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license. R.S., c. 124, s. 8.

15. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further sums of money or securities beyond the sum herein required to be deposited.

2. Any such further sums of money, or securities therefor, so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be deposited by such company, and as if the same had been part of the sum so required to be deposited. 57-58 V., c. 20, s. 5.

Withdrawal of excess.

16. If at any time it appears that a company has on deposit with the Minister a sum in excess of the amount required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interest of the company's Canadian policyholders will not be prejudiced thereby, and upon the giving of such notice, and the exercise of such other precautions, as may seem expedient, authorize the withdrawal of the amount of such excess or such portion thereof as may be deemed advisable: Provided that such withdrawal may be authorized without the giving of any notice. 57-58 V., c. 20, s. 5.

Notice of withdrawal.

17. If it appears from the annual statements, or from an examination of the affairs and condition of any company carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and on its failure so to do within sixty days, after being so notified, he shall withdraw its license. R.S., c. 124, s. 9.

Exception.

18. Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policyholders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure so to do within sixty days, after being so called upon, he shall withdraw its license.

Assets in case of foreign company.

2. If any such company as is mentioned in this and the last preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the foregoing provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, appointed by the company and approved by the Minister.

Trust deed and dealing with assets.

3. The trust deed shall first be approved by the Minister, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the value
value of the assets held by them shall not fall below the value required by this section.

4. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, in the year one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section seven of The Consolidated Insurance Act, 1877, the foregoing requirements of this section shall not apply to policies issued by such company previously to that date.

5. In any such case the deposit of such company, which was in the hands of the Minister, on the twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with the fourth and fifth sections of the Act passed by the Parliament of Canada in the thirty-fourth year of Her late Majesty's reign, and intituled An Act to amend the Act respecting Insurance Companies; and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable, shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars required by this Act. R.S., c. 124, s. 10; 62-63 V., c. 13, s. 5.

19. So long as the conditions of this Act are satisfied by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. 57-58 V., c. 20, s. 6.

Documents to be filed.

20. Every company shall, before the issue of a license to it, file in the office of the Superintendent,—

(a) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof;

(b) a power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf; and,
21. Such power of attorney shall,—

(a) declare at what place in Canada the head office, or chief agency of such company is or is to be established; and,

(b) expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any province of Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent, all notices which the law requires to be given, or which it is thought advisable to give; and,

(c) declare that service of process for or in respect of such liabilities and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever. R.S., c. 124, s. 12.

22. Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

2. Every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the agency or agent, without such amendment or change having been duly notified to the Superintendent. R.S., c. 124, s. 14.

23. Duplicates of all such documents, duly verified as aforesaid, shall be filed in the office of one of the superior courts in the province in which the head office or agency of the company is situated; or, if the agency is in the province of Quebec, with the prothonotary of the Superior Court of the district wherein such agency is established. R.S., c. 124, s. 15.

Service of Process.

24. After such power of attorney and certified copies are filed as aforesaid, any process in any suit or proceeding against any such company, in respect of any liabilities incurred in any province
province of Canada, may be validly served on the company at its agency; and such service shall be deemed to be service on the company.

2. If such power of attorney becomes invalid or ineffective from any reason whatsoever, or if other service cannot be effected, the court or a judge may order constructive service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be deemed to be due service upon the company of such process or proceeding. R.S., c. 124, s. 16.

Notice.

25. Every company on first obtaining such license shall forthwith give due notice thereof in the Canada Gazette, and in at least one newspaper in the county, city or place where the head office or agency is established, and shall continue the publication thereof for the space of four weeks. R.S., c. 124, s. 17.

26. When a company ceases to carry on business in Canada, or gives notice that it intends to so cease to carry on business, notice thereof shall, for the space of three calendar months, be given in the manner aforesaid.

2. Such giving of such notice shall be a condition precedent to the release of the company’s deposit. R.S., c. 124, s. 17; 57-58 V., c. 20, s. 7.

27. The Minister shall cause to be published quarterly in the Canada Gazette a list of the companies licensed under this Act, with the amount of deposits made by each company.

2. Upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the Canada Gazette for the space of four weeks. R.S., c. 124, s. 18.

Annual Returns.

28. The president, vice-president or managing director, and the secretary, actuary or manager of every Canadian company licensed under this Act, shall prepare annually, under their oaths, a statement of the condition and affairs of such company at the thirty-first day of December in each year, which shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as is deemed necessary by the Minister. 57-58 V., c. 20, s. 8.

29. In the case of companies carrying on the business of Life companies, such statements shall be in the form A in the schedule R.S., 1906.
schedule to this Act, with suitable changes made therein in the case of companies carrying on business on the assessment plan.

2. In the case of companies carrying on the business of fire or inland marine insurance, such statement shall be in the form B in the schedule to this Act.

3. In the case of companies carrying on business other than life, fire or inland marine insurance, such statement shall be in the said form B as nearly as circumstances will permit, necessary changes only being made therein.

4. Such statements shall be sworn to before some person duly authorized to administer oaths in any legal proceeding, in the form C in the schedule to this Act.

5. The Minister may, from time to time, make such changes in the form of such statements as seem best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. 57-58 V., c. 20, s. 8.

30. Every company incorporated or legally formed elsewhere than in Canada licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canada business of such company, be the same so far as applicable, as is required of Canadian companies; and, as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situated.

2. Where such company is not required by law to furnish a statement to the government of the country in which its head office is situated, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders.

3. In the event of no such statement being submitted to such members or shareholders, then such statement shall show in concise form the assets and liabilities of the company at such balancing day and the income and expenditure of the company for the year ending on such balancing day.

4. The statements mentioned in the last preceding section, and the statements of Canada business provided for in this section, shall be deposited in the office of the Superintendent on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter.

5. The blank forms of the statements of the Canada business shall be supplied by the Superintendent. 58-59 V., c. 20, s. 1.

31. The statement of general business provided for in the last preceding section shall be deposited in the office of the Superintendent.

R.S., 1906.
Superintendent within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown. 55-59 V., c. 20, s. 1; 62-63 V., c. 13, s. 3.

32. Such statements shall, as to the Canada business, be verified by the oath of the company's agent in Canada; and, as to the general business, be verified by the oath of the president, vice-president or managing director, and secretary or actuary of the company. 57-58 V., c. 20, s. 8.

33. Such agent shall keep at his agency in Canada records and documents sufficient to enable him to prepare and furnish the required statement of Canada business, and such that the said statement may be readily verified therefrom; Provided that in the case of any company having in Canada in addition to such agent, one or more general agents reporting to the head office, and not to such agent, it shall be sufficient for such agent to keep on file at the agency, in addition to the necessary records and documents relating to the business transacted by or through each agent, annual statements of the business transacted by each such general agent, duly verified by the oath of each such general agent, and such additional records and documents transmitted through the company's head office as shall, taken together, show the company's entire Canadian business.

2. The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent. 57-58 V., c. 20, s. 8.

Superintendent and his Duties.

34. The Governor in Council may appoint an officer at a salary not exceeding four thousand dollars per annum to be called the Superintendent of Insurance who shall have the rank of a deputy head of a department: Provided that the possession of such rank shall not be deemed to confer the office of deputy head upon the Superintendent nor affect the administration of the department to which he is attached.

2. The Superintendent shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as required in some cases.

To be verified on oath.

Records and documents to be kept by chief agent.

Time up to which annual statements are made.
as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs. R.S., c. 124, s. 25; 4-5 E. VII., c. 46, ss. 1 and 2.

35. The Superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act and shall,—

(a) enter in a book, under the heading of such company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, and value at which they are received as deposit;

(b) in each case, before the issue of any new license, or the renewal of any license, make a report to the Minister that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

(c) keep a record of the licenses as they are issued;

(d) visit the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision;

(e) prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company’s business, together with an analysis of each branch of insurance with each company’s name, giving items, classified from the statements made by each company. R.S., c. 124, s. 25.

36. If the Superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the office of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions.

2. The officers or agents of such company shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power.

3. For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of such company relative to its business. R.S., c. 124, s. 25.

436

37.
37. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company after such investigation.

2. A special report shall be communicated in writing to the Minister, stating the Superintendent’s opinion as to the standing and financial position of every company so visited and all other matters desirable to be made known to the Minister. R.S., c. 124, s. 25.

38. If it appears to the Superintendent that the assets of any company are insufficient to justify its continuance of business under the requirements of this Act in that behalf respecting the amount of deposits and assets, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister.

2. If the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the Superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. R.S., c. 124, s. 25.

39. Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value, or procure to be valued under his supervision, all the policies of life insurance of Canadian companies, and the Canadian policies of life insurance of companies other than Canadian companies, licensed under this Act to transact the business of life insurance in Canada.

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or declared in respect thereof, be based on the mortality table of the Institute of Actuaries of Great Britain, and on a rate of interest of three and one-half per centum per annum; and as to policies issued prior to the said date, and bonus additions or profits accrued or declared in respect thereof, such valuation shall, until the first day of January, one thousand nine hundred and ten, be based on the said mortality table and a rate of interest of four and one-half per centum per annum; and on and after the said last mentioned date, shall, until the first day of January, one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of four per centum per annum: and on and after the first day of January, one thousand nine hundred and four hundred and thirty-seven.

R.S., 1906.
and fifteen, be based on the said mortality table, and a rate of interest of three and one-half per centum per annum: Provided that in the valuation of annuity contracts the table of mortality experience of (British) Government Life Annuities may be used instead of the table of the Institute of Actuaries in this subsection mentioned. 62-63 V., c. 13, s. 5.

40. If it appears to the Superintendent that the liabilities of any Canadian life insurance company, including matured claims and the full reserve or re-insurance value for outstanding policies estimated or computed on the basis mentioned in the last preceding subsection, exceed its assets, he shall report the fact to the Treasury Board; and the Treasury Board, after full consideration of the matter and after a reasonable time has been given to the company to be heard by the Board, may,—

(a) forthwith withdraw the company’s license; or,

(b) upon such terms and conditions as the Board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company’s license shall be continued.

2. Upon the company’s failure to make good such deficiency within the time so limited, its license shall be withdrawn: Provided that if the company’s liabilities exceed its assets by twenty per centum or upwards, its license shall be forthwith withdrawn. 62-63 V., c. 13, s. 5.

41. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as the Board deems proper to value and appraise the company’s liabilities and assets and report upon its condition and its ability, or otherwise, to meet its engagements. 62-63 V., c. 13, s. 5.

42. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities, doings, or conditions, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. 57-58 V., c. 20, s. 9.

43. The Minister may, from time to time, instruct the Superintendent to visit the head office of any company licensed under this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company.
2. If such company declines to permit such examination, or refuses to give any information necessary for such purpose in its possession or control, its license shall be withdrawn. R.S., c. 124, s. 25.

Office Expenses.

44. Every company licensed under this Act, and every company transacting life insurance business under this Act, having ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, and having before that date given written notice to that effect to the Minister, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the office of the Superintendent, which shall be paid upon the demand of the Superintendent.

2. The sum to be contributed annually by companies carrying on the business of fire or inland marine insurance, in respect exclusively of such business carried on by them, shall not exceed in all eight thousand dollars. R.S., c. 124, s. 25.

Officers and Clerks.

45. The Governor in Council may, from time to time, appoint such officers and clerks under the Superintendent, as are necessary for the purposes of this Act. R.S., c. 124, s. 25.

46. The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada or licensed under this Act. R.S., c. 124, s. 25.

Annual Report.

47. The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof. R.S., c. 124, s. 25.

Change of Head Office.

48. Notwithstanding anything contained in its Act of incorporation, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may,—

(a) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special meeting duly called for considering the by-law; or,

(b) if the company has no shareholders, by by-law passed and approved of by the votes of two-thirds of the members present.
present or represented at a general meeting duly called for considering the by-law; or,

(c) if the company has both shareholders and members entitled to vote, by by-law passed and approved of by at least two-thirds of the votes cast by such shareholders and members at a special meeting duly called for considering the by-law;

To any place in Canada.

change the head office of such company from any place in Canada to any other place in Canada. 62-63 V., c. 13, s. 10.

Investments.

49. Any life insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of,—

(a) the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada; or,

(b) the stock of any chartered bank in Canada, or the debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water works company, water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, which has earned and paid regular dividends upon its ordinary preferred or guaranteed stocks for the two years next preceding the purchase of such bonds or debentures, if such society, commission or company is incorporated in Canada; or,

(c) life, endowment, or other policies or contracts issued by the company, or by any other life insurance company; or,

(d) the public consols, stocks, bonds, debentures or other securities, of the United Kingdom, or of any colony or dependency thereof, or of the United States or of any state thereof; or,

(e) ground rents and mortgages on real estate in any province of Canada; or,

(f) any securities accepted by the Treasury Board as deposits from insurance companies under this Act.

2. Any such life insurance company may lend its funds or any portion thereof, on the security of,—

(c) any of the bonds, stocks, debentures or securities mentioned in the last preceding subsection; or,

R.S., 1906.
(b) real estate or leaseholds for a term or terms of years or other estate or interest in real property in any province of Canada. 62-63 V., c. 13, s. 8.

50. Any such life insurance company may invest in foreign securities, or deposit outside of Canada, such portion of its funds as is necessary or desirable for the maintenance of any foreign branch: Provided that such investment, when not required by the law of the country where such branch is established, but deemed desirable in the interest of such branch, shall not exceed one hundred thousand dollars, Canadian currency. 62-63 V., c. 13, s. 8.

51. Any such life insurance company doing business in the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United States exceeding the amount which may be invested or deposited under the authority of the last preceding section, may invest a portion of its funds in,—

(a) the purchase of bonds or debentures of any of the states of the United States, or of any municipal corporation in the United States; or,

(b) mortgages on real estate in the United States; or,

(c) the purchase of debentures, bonds or preferred or guaranteed stocks of any building society, loan or investment company, trust company, water works or water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company or fire insurance company, if the society, commission or company is incorporated in the United States; or,

(d) the purchase of debentures or bonds of any steam railway company incorporated in the United States, which has earned and paid regular dividends upon its ordinary, preferred or guaranteed stocks for the two years next preceding the purchase of such debentures or bonds;

or any such life insurance company may, in the event aforesaid, lend a portion of its funds on the security of any such debentures, bonds, preferred or guaranteed stocks or mortgages: Provided that the amount so invested or lent in the United States, including any sum invested or deposited under the authority of the last preceding section, shall not at any time exceed by over ten per centum the said reserve or reinsurance value of its policies in force in the United States, calculated upon the basis prescribed in this Act.

2. Any such life insurance company doing business in the United Kingdom, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United Kingdom
Kingdom exceeding the amount which may be invested or deposited under the authority of the last preceding section, may invest a portion of its funds in the purchase of bonds or debentures of any of the municipalities of the United Kingdom, or mortgages on real estate therein, or may lend it on the security of any such bonds, debentures or mortgages: Provided that the amount so invested or lent in the United Kingdom, including any sum invested or deposited under the authority of the last preceding section, shall not at any time exceed by over ten per centum the said reserve or reinsurance value of its policies in force in the United Kingdom, calculated on the basis prescribed by this Act. 62-63 V., c. 13, s. 8.

52. Any such life insurance company which does business outside of Canada, elsewhere than in the United Kingdom and the United States, and also does business in the United Kingdom and the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force outside of Canada exceeding the amount which may be invested or deposited under the authority of the two last preceding sections, may invest a further portion of its funds in the purchase of the securities mentioned in the last preceding section, or may lend such further portion upon the security thereof: Provided that the total amount so invested or lent outside of Canada under the authority of the two last preceding sections by such company shall never exceed by over ten per centum the said reserve upon its said outstanding policies in force outside of Canada, calculated on the basis prescribed by this Act. 62-63 V., c. 13, s. 8.

53. Any insurance company, other than a life insurance company, which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of any of the bonds, stocks, debentures, or other securities in which a life insurance company is by this Act hereinafter authorized to invest its funds, except annuity contracts or life, endowment or other policies of life insurance, or may lend its funds, or any portion thereof, on the security of any of the bonds, stocks, debentures or other securities aforesaid, except annuity contracts or life, endowment or other policies of life insurance as aforesaid, and on real estate, or leases for a term or terms of years, or other estate or interest in real property, in any province of Canada. 62-63 V., c. 13, s. 8.

54. Any company which derives its corporate powers or any of them from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may take any additional securities of any nature to further secure the repayment of any liability thereto, or to

R.S., 1906.
further secure the sufficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds. 62-63 V., c. 13, s. 8.

55. Such securities may be taken and accepted either in the name of the company or in the name of any officer of the company or other person in trust for the company. 62-63 V., c. 13, s. 8.

56. Any loan by this Act authorized to be made may be on such terms and conditions, and in such manner and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine. 62-63 V., c. 13, s. 8.

57. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative authority of the said Parliament, may hold such real estate as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, and not held by way of security, shall be held by such company or any trustee on its behalf, for a longer period than twelve years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by such company for a longer period than twelve years without being disposed of, shall be forfeited to His Majesty for the use of Canada: Provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing from the Minister to such company of the intention of His Majesty to claim such forfeiture.

3. It shall be the duty of such company to give the Minister when required a full and correct statement of all lands at the date of such statement held by the company, or in trust for it, and subject to the foregoing provisos. 62-63 V., c. 13, s. 9.

Penalties and Forfeitures.

58. Every company which makes default in depositing in the office of the Superintendent the annual statement hereinbefore provided for, and every company or person who neglects or refuses to make the statements required by Part IV. of this Act, shall be liable to a penalty not exceeding five hundred dollars. 62-63 V., c. 13, s. 9.

R.S., 1906.
Act, shall incur a penalty of ten dollars for each day during which such default, neglect or refusal continues.

2. All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the office of the Superintendent.

3. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn as is deemed expedient, and until such penalties are paid, the license of such company shall not on expiry be renewed. 57-58 V., c. 20, s. 8.

59. Every person, who after publication of notice in the Canada Gazette of the suspension or cancellation under this Part of any company’s license, delivers any policy of insurance, collects any premium or transacts any business of insurance on behalf of such company, shall for a first offence on summary conviction before two justices of the peace, or any magistrate having the powers of two justices of the peace, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months. R.S., c. 124, s. 25.

60. Every person who,—

(a) delivers any policy of insurance or interim receipt of;

or,

(b) except only on policies of life insurance issued to persons not resident in Canada at the time of issue, collects any premium in respect of any policy of; or,

(c) carries on any business of insurance on behalf of;

any life, fire or inland marine insurance company, without the license provided for by this Act in that behalf, shall, on summary conviction thereof, before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs; and in default of payment, to imprisonment, with or without hard labour, for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment, with hard labour, for a term not exceeding six months and not less than three months: Provided that procuring applications for or on behalf of any assessment life insurance company for the purpose of making such company eligible for a license under Part II. of this

R.S., 1906.
this Act, shall not subject any person procuring the same to any penalty under this Act.

2. One-half of any pecuniary penalty specified in this section when recovered shall belong to His Majesty, and the other half thereof to the informer. R.S., c. 124, s. 22; 57-58 V., c. 20, s. 13.

61. (a) Every director, manager, agent, or other officer of any assessment life insurance company subject to the provisions of Part II. of this Act which carries on business without being licensed or registered; and,

(b) every person who transacts any business of insurance on behalf of any such company which so carries on business without being registered or licensed; and,

(c) every director, manager, agent, or other officer of such company, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, certificate, circular or advertisement on which the words Assessment System are not printed as by Part II. of this Act required;

shall for a first offence, on summary conviction before two justices of the peace, or any magistrate having the powers of two justices of the peace, be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs, and, in default of payment, to imprisonment, with or without hard labour, for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment, with hard labour, for a term not exceeding six months and not less than three months. R.S., c. 124, s. 42.

62. Every assessment life insurance company which neglects to print the words Assessment System on any policy, application, circular or advertisement, as required by Part II. of this Act, shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence, be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs. R.S., c. 124, s. 42.

63. All informations or complaints for any of the aforesaid offences shall be made or laid in writing within one year after the commission of the offence. R.S., c. 124, s. 23.

64. Every assessment life insurance company, obtaining the exemption provided for by Part II. of this Act, which fails to make attested returns of its condition and affairs when called for by the Superintendent, as required by Part II. of this Act, and every officer of any such company whose duty it is to make such attested returns, shall, for each day during which such failure R.S., 1906.
failure continues, be liable to a penalty of ten dollars. R.S., c. 124, s. 38.

65. Notwithstanding anything hereinbefore mentioned, in case of any contract entered into or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any assessment life insurance company, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred. R.S., c. 124, s. 36.

66. Every company which,—
   (a) carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or,
   (b) carries on any such business after any such license received has been revoked,—
shall on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs. 57-58 V., c. 20, s. 15.

67. Every person who,—
   (a) without receiving the license required by Part IV. of this Act, carries on any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or,
   (b) carries on any such business after any such license received has been revoked,—
shall on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month, and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months. 57-58 V., c. 20, s. 15.

68. Every person who delivers any policy of insurance or collects any premium of insurance on behalf of any company or person carrying on business in violation of the provisions of Part IV. of this Act, shall on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty

R.S., 1906.
twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months. 57-58 V., c. 20, s. 15.

69. Unless otherwise provided in any special Act passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, incorporating any insurance company, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated obtains a Time for. license from the Minister under the provisions of this Act. R.S., c. 124, s. 24.

PART II.

LIFE INSURANCE.

Application of Part.

70. This Part applies only to life insurance companies, and to other insurance companies carrying on life and other insurance, in so far only as relates to the life insurance business of such companies. R.S., c. 124, s. 26.

Conditions on Policies.

71. No condition, stipulation or proviso modifying or impairing the effect of any policy or certificate of life insurance issued after the first day of January, one thousand eight hundred and eighty-six, by any company doing business within Canada under the authority of the Parliament of Canada, shall be good or valid unless such condition, stipulation or proviso is set out in full on the face or back of the policy. R.S., c. 124, s. 27.

72. No policy or certificate shall contain or have endorsed upon it any condition providing that such policy or certificate shall be avoided by reason of any statement contained in the application therefor being untrue, unless such condition is limited to cases in which such statement is material to the contract. R.S., c. 124, s. 28.

73. Where, in any contract of life insurance existing on the twenty-third day of July, one thousand eight hundred and ninety-four, or thereafter entered into with any company licensed to carry on business in Canada, the age of the person whose life is insured is given erroneously in any statement R.S., 1906.
statement or warranty made for the purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted, if it appears that such statement or warranty was made in good faith and without any intention to deceive: Provided that the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover, as the net annual premium, proper to the stated age of such person, calculated on the basis prescribed by this Act, bears to the net annual premium, proper to the actual age of such person, calculated on the basis prescribed by this Act, the stated age and the actual age being both taken as at the date of the contract, and that in no case shall the amount receivable exceed the amount stated or indicated in the contract. 57-58 V., c. 20, s. 10.

**Forfeiture and Renewal of Licenses.**

**74.** Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister may withdraw the license of such company. R.S., c. 124, s. 29.

**75.** Such license may be renewed if, within thirty days after such withdrawal, such undisputed claim or final judgment upon or against the company is paid and satisfied. R.S., c. 124, s. 30.

**76.** When the license of a company carrying on the business of life insurance has been withdrawn by the Minister under any of the foregoing sections of this Act, such license may be renewed, if, within thirty days after such withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister. R.S., c. 124, s. 31.

**Companies ceasing to do business and Release of Deposits.**

**77.** In the case of any company which, previously to the twenty-eighth day of April, one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the Minister, the premiums due or to become due on policies actually issued before the last mentioned date, may continue to be collected, and the claims arising thereon
thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted.

2. The deposit in the hands of the Minister in such case shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed. R.S., c. 124, s. 32.

78. When any company licensed under this Act desires to discontinue business and to have its assets in Canada released, and gives written notice to that effect to the Minister, it may, with the consent of the policyholders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as practicable.

2. The trustees holding securities for such company may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender.

3. Such company shall file with the Minister a list of all Canadian policyholders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered.

4. The company shall, at the same time, publish in the Canada Gazette a notice that it will apply to the Minister for the release of its assets and securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named. R.S., c. 124, s. 33.

79. After the day so named, upon the application for release being made, if the Minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Minister, shall be retained, sufficient in amount to cover the full equitable net surrender value of such policies, including bonus additions and accrued profits, as have not been transferred or surrendered, or in respect to which opposition has been filed; and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company.

2. The portion retained shall be tendered in the manner hereinafter described to the aforesaid policyholders pro rata, according to the aforesaid values of their respective policies; and on the acceptance of the amount so tendered, such policies shall thereby be deemed to be cancelled.

3. If such tender is refused by any policyholder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policyholder shall not be barred from any recourse he has, either at law or in equity.
against the company to compel the fulfilment of its contract under such policy. R.S., c. 124, s. 33.

**80.** The tender referred to in the last preceding section shall be made in the following manner:—

(a) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in the Canada Gazette for at least thirty days previously to the day named in such notice;

(b) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister determines;

(c) A notice in the form E in the schedule to this Act, or to the like effect, shall be sent by mail, postpaid or franked, from the office of the Superintendent to each of the policyholders named in the said list, whose address is known to him; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice in form D.

2. Any policyholder who does not signify in writing to the Superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same: Provided that the Minister may, at any time prior to the payment over to the company of the amount so refused, allow any policyholder to signify his acceptance of such amount, and such acceptance, so allowed, shall have the same effect as if made on or before the day named in the said notice. R.S., c. 124, s. 34.

**81.** The surrender values to cover which a portion of assets is retained as aforesaid shall be determined by the Superintendent on the basis provided in this Act for the valuation once in every five years or oftener at the discretion of the Minister of policies of life insurance; and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Minister before the latter shall hand over the securities. R.S., c. 124, s. 33.

**82.** Nothing herein contained shall prevent any policyholder from making special arrangements with the company whereby his policy may be continued in force.

2. On proof being given of such arrangement, such policy may be omitted or removed from the lists of policies filed with the Minister as aforesaid, and this Act shall thereafter not apply in respect of such policy. R.S., c. 124, s. 33.

**83.** In computing or estimating the reserve necessary to be held in order to cover the liability of Canadian companies on their policies, and the liability of companies other than Canadian companies on all Canadian policies, each company may,—

R.S., 1906.
(a) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or declared in respect thereof, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding three and a half per centum per annum;

(b) as to policies issued prior to the first day of January, one thousand nine hundred, and bonus additions or profits accrued or declared in respect thereof until the first day of January, one thousand nine hundred and ten, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one-half per centum per annum;

(c) on and after the first day of January, one thousand nine hundred and ten, and until the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding four per centum per annum;

(d) on and after the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding three and a half per centum per annum.

2. If it appears to the Superintendent that such reserve falls below that computed on the basis provided in this Act for the valuation once in every five years or oftener at the discretion of the Minister of policies of life insurance, he shall so report to the Minister, who may thereupon direct the Superintendent to compute on the said basis or to procure to be so computed under his supervision, the reserve aforesaid, and the amount so computed, if it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities.

3. In such case the company shall furnish to the Superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the Superintendent an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister.

4. Any company, instead of itself computing or estimating the reserve aforesaid, may require it to be computed by the Superintendent on the basis referred to in this section on payment to him of three cents for each policy or bonus addition so computed, which amount the Superintendent shall pay over to the Minister. 62-63 V., c. 13, s. 6

Assessment Life Insurance Companies.

84. No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments R.S., 1906.
assessments or dues collected or to be collected from the members thereof for that purpose. R.S., c. 124, s. 36.

85. Any company incorporated or legally formed within Canada, which transacts business of the nature described in the last preceding section may, at the discretion of the Minister, on report of the Superintendent, approved by the Treasury Board, be exempted from the operation of the foregoing provisions of this Act, except such as relate to,—

(a) the Superintendent and his duties;
(b) conditions of policies;
(c) forfeiture and renewal of licenses; and,
(d) offences and penalties relating to assessment life insurance companies;

and be permitted to transact the business of life insurance on the conditions specified in the following sections of this Part. R.S., c. 124, s. 37.

86. Companies to be so exempted shall register their titles or corporate names in the office of the Superintendent.

2. The registration of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister. R.S., c. 124, s. 38.

87. Such companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the Superintendent shall include such returns in his annual report. R.S., c. 124, s. 38.

88. Corporations or associations incorporated or legally formed in Canada or elsewhere than in Canada for the purpose of carrying on the business of life insurance upon the assessment plan may be licensed by the Minister, under the provisions of this Act, to transact business in Canada upon depositing with him fifty thousand dollars, and thereafter shall have the right to transact business so long as they continue to pay their losses to the full limit named in their certificates or policies, and have complied with all the requirements of this Act and of the Superintendent.

2. This section shall not interfere with the renewal of certificates of registration granted before the twenty-second day of July in the year of Our Lord one thousand eight hundred and ninety-five. R.S., c. 124, s. 39; 58-59 V., c. 20, s. 4.

89. In addition to such deposit of fifty thousand dollars, the Minister, upon the report of the Superintendent, approved by
Part II.  Insurance.  Chap. 34.  

by the Treasury Board, may, from time to time, require such other and further deposit from such corporations or associations, if incorporated or formed elsewhere than in Canada, as is recommended in such report and so approved, to be made by such corporations or associations, or deposited with trustees to be named by the Minister, upon such trusts as are determined by the Governor in Council.  R.S., c. 124, s. 39.

90. Death claims shall be a first charge on all moneys realized from assessments, by any assessment company to which this Act applies, and no deduction shall be made from any such death claims on any account whatsoever.

2. No portion of any moneys received from assessments by such companies for death claims shall be used for any expense whatever; and every notice of any assessment shall truly specify the cause and purpose thereof.  R.S., c. 124, ss. 39 and 40.

91. Every application, policy and certificate, issued or used,—

(a) in Canada by any such company incorporated elsewhere than in Canada;

(b) by any such company incorporated or formed in Canada to which this Act applies;

shall have printed thereon, in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in good sized type, the words:

This association is not required by law to maintain the reserve which is required of ordinary life insurance companies.  R.S., c. 124, ss. 39 and 40.

92. Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement.

2. The condition embodied in this section shall be inserted in every policy issued or delivered by any such company to any person insured in Canada.  R.S., c. 124, ss. 39 and 40.

93. Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of competent jurisdiction in the province wherein the policyholder may bring such action.  R.S., 1906.
holder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause. R.S., c. 124, s. 39.

94. No company which is authorized to assure or assures to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever, shall be eligible for license as an assessment company under the foregoing provisions of this Act. 57-58 V., c. 20, s. 13.

95. No company shall be eligible for license as an assessment company.—
(a) if a new company, until it has received at least five hundred applications for membership calling for an amount of insurance not less than five hundred thousand dollars;
(b) if a company already engaged in business, unless it has five hundred members or policyholders holding policies for not less than five hundred thousand dollars. 57-58 V., c. 20, s. 13.

96. The words Assessment System shall be printed in large type at the head of every policy and every application for a policy, and also in every circular and advertisement issued or used in Canada in connection with the business of an assessment company. R.S., c. 124, s. 41.

97. If any company licensed or registered under this Act to carry on the business of life insurance on the assessment system files in the office of the Superintendent notice of its intention, after the date mentioned in the said notice, to maintain, in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the said policies the said reserve, and comply with all other provisions of this Act applicable thereto, as if it were licensed under Part II. of this Act.

2. Such company shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon assessment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred
deferred, whether for a life or for a term of years, or any endowment whatever. 62-63 V., c. 13, s. 7.

98. The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding section referred to, shall be applicable to the policies issued prior to the said date, and shall be dealt with in regard to such policies as if the said notice had not been given.

2. Any such company shall, at the time of the filing of such notice, make with the Minister such deposit, if any, in respect of the policies to be issued in pursuance of such notice, as the Treasury Board may fix and determine. 62-63 V., c. 13, s. 7.

99. For the purpose of carrying out the provisions of the two last preceding sections, separate and distinct registers and books of account shall be opened and kept, showing, respectively, all policies issued and business transacted by such company after the date mentioned in the said notice, and all policies issued and business transacted before the said date.

2. Such books and registers shall show all assets, liabilities, moneys and securities belonging or appertaining to the said respective portions of such company’s business; and the assets and the entire business of the said respective portions shall be kept absolutely separate and distinct.

3. The reserves or assets applicable to the policies issued by such company after the date mentioned in the said notice shall not be available in any way for any liability of such company arising out of any policy issued by it on the assessment plan. 62-63 V., c. 13, s. 7.

100. The provisions of this Act applicable to assessment life insurance companies, other than the provisions contained in the three last preceding sections, shall be applicable to the policies of the company issued prior to the said date, in the same manner and to the same extent as if the provisions contained in the said sections had not been enacted. 62-63 V., c. 13, s. 7.

PART III.

FIRE AND INLAND MARINE INSURANCE.

Application of Part.

101. This Part applies only to fire and inland marine insurance companies, and to other insurance companies carrying on fire and other insurance or inland marine and other insurance, in so far only as relates to the fire or inland marine insurance business of such companies. R.S., c. 124, s. 44.

Forfeiture

R.S., 1906.
Forfeiture and Renewal of Licenses.

102. Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim arising from loss insured against in Canada remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister. R.S., c. 124, s. 45.

103. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim, or the amount of any final judgment as provided in the last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied. R.S., c. 124, s. 46.

Companies ceasing to do Business and Release of Deposits.

104. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks, in some company or companies licensed in Canada, or obtain the surrender of the policies.

2. The securities of such company shall not be delivered to the company until all its outstanding risks are insured to the satisfaction of the Minister. R.S., c. 124, s. 47.

105. Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in the Canada Gazette a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

2. After that day if the Minister, with the concurrence of the Treasury Board, is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and that the remainder be released.

3. Thereafter from time to time, as such risks lapse, or proof is adduced that they have been satisfied, further amounts may

R.S., 1906.
may be released on the authority aforesaid. 57-58 V., c. 20, s. 14.

106. When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not reinsured, or surrendered, as if such license had not been withdrawn. R.S., c. 124, s. 47.

Fire Policies.

107. No fire policy shall be issued for or extend over a duration longer period than three years. R.S., c. 124, s. 48.

PART IV.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

Licenses.

108. No company or person shall issue any policy other than a life, fire, or inland marine insurance policy, or receive any premium in respect thereof, or carry on any business of insurance other than life, fire, or inland marine insurance, without first obtaining a license from the Minister to carry on such business in Canada.

2. The Treasury Board shall determine in each case what deposit shall be required to be made with the Minister, and the sections of this Act which shall apply to such company or person. 57-58 V., c. 20, s. 15.

109. Any person receiving such license shall make annual statements under oath of such business at the same time and in the same form and manner as a company transacting the same business would under the provisions of this Act be required to make the same. 57-58 V., c. 20, s. 15.

110. The Superintendent shall have the same powers with regard to a person receiving a license as are conferred on him by any of the provisions of this Act with regard to insurance companies.

2. Such person shall contribute towards the expenses of the office of the Superintendent a sum in proportion to the gross premiums received in Canada during the previous year. 57-58 V., c. 20, s. 15.

111. The Treasury Board, upon the report of the Superintendent, may revoke any license issued under this Part if sufficient cause therefor is shown by such report. 57-58 V., c. 20, s. 15.
SCHEDULE.

FORM A.

DETAILS OF YEARLY STATEMENT—LIFE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the company;

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate;

The amount of loans secured by bonds or stocks or other collaterals;

The amount of loans, as above, on which interest has not been paid within one year previous to such statement, with a schedule thereof;

The amount of loans made in cash to policyholders on the company's policies assigned as collaterals;

Premium notes, loans or liens, on policies in force, the reserve on each policy being in excess of all indebtedness thereon;

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind;

Amount of cash at head office;

Amount of cash in banks, with details;

Bills receivable;

Agents' ledger balances.

Other Assets.

Interest due and accrued;

Rent due and accrued;

Due from other companies for losses or claims on policies of the company reinsured;

Net amount of uncollected and deferred premiums;

Commuted commissions;

All other property owned by the company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those reinsured;

Premium obligations in excess of net values of their policies;

R.S., 1906.
Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted; Dividends to stockholders, and dividends of surplus or other profits to policyholders, due and unpaid; Amount due on account of office expenses; Amount of loans; Amount of all other claims against the company.

Income.
Amount of cash premiums received, less reinsurance. Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including reconverted additions and by surrendered policies; Cash received for annuities; Amount of interest received; Amount received for rents; Net amount received for profits on bonds, stocks and other property actually sold; All other income in detail.

Premium Note Account.
Premium notes, loans or liens on hand at date of last previous statement; Additions and deductions in detail during the year; Balance of note assets at date.

Expenditure.
Total amount actually paid for losses and matured endowments; Cash paid to annuitants and for surrendered policies; Premium notes, loans or liens used in purchase of surrendered policies; The same voided by lapse; Cash surrender values including reconverted additions applied in payment of premiums; Dividends paid to policyholders, or applied in payment of premiums; Premium notes, loans or liens used in payment of dividends to policyholders; Cash paid stockholders for interest or dividends; Cash paid for commissions, salaries and other expenses of officials; Cash paid for taxes, licenses, fees or fines; All other expenditures in detail.

Exhibit of Policies.
Number and amount of policies and additions in full at the end of the previous year; 459
New R.S., 1906.
New policies and charges;
Policies terminated, and the manner of termination;
Number and amount of policies in force at date of state-
ment:
Reinsurances.
R.S., c. 124, sch. form A.

**FORM B.**

**DETAILS OF ANNUAL STATEMENTS—FIRE AND INLAND MARINE INSURANCE.**

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stock-
holder;

*The Property or Assets held by the Company, specifying,—*

The value (as nearly as may be) of the real estate held by
the company;
The amount of cash on hand and deposited in banks to the
credit of the company—specifying in what banks the same is
deposited, with amounts separately;
The amount of cash in the hands of agents;
The amount of loans secured by bonds and mortgages con-
stituting either a first or second lien on real estate, in separate
schedules;
The amount of loans on which interest has not been paid
within one year previous to such statement, with a schedule
thereof;
The amounts due the company for which judgments have
been obtained;
The amount of Canadian stocks held by the company, and
of any other stocks owned by the company, specifying in
detail the amount, number of shares, and par and market value
of each kind of stock owned by the company absolutely;
The amount of stocks held as collateral security for loans,
with the amount loaned on each kind of stock, its par and
market value;
The amount of assessments on stock and premium notes,
paid and unpaid;
The amount of interest actually due and unpaid; also the
amount of interest accrued and unpaid;
The amount of premium notes on hand on which policies
are issued, with amount paid thereon; also, bills receivable
held by the company and considered good, the amounts of each
class separately, and the amounts on each class overdue;
The amount of all other property belonging to the company,
with a detail thereof.

460 **Liabilities**

R.S., 1906.
Liabilities of the Company, specifying,—

The amount of losses due and yet unpaid;
Amount of losses adjusted, but not due;
Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken—the amounts of each class separately, carrying out the totals in one sum;
Amount of claims for losses resisted by the company, distinguishing those in suit;
Amount of dividends declared and due, and remaining unpaid;
Amount of dividends declared, but not yet due;
Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest paid therefor;
The amount of unearned fire premiums;
Amount of unearned inland marine premiums;
Amount received for marine (ocean) premiums, not marked off;
Amount of all other claims against the company, with a detailed statement thereof;
Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock;

Income of the Company, specifying,—

Amount of cash premiums received, less reinsurance;
Amount of notes received for premiums, less reinsurance;
Amount of interest money received;
Amount of income received from all other sources.

Expenditure of the Company, specifying,—

Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at $ ;
Amount paid for losses which occurred during the year, deducting savings and salvage;
Total amount actually paid during the year for losses in each branch, in separate columns;
Amount and rate of dividends paid during the year;
Amount of expenses paid during the year, including commissions and fees to agents and officers of the company;
Amount of all other payments and expenditures, with details thereof.

Miscellaneous.

Gross amount of risks taken during the year, original and renewal, in each branch of the company’s business separately—deducting amount of reinsurance effected thereon in each branch separately;

461 And

R.S., 1906.
And amount of risks in force at end of the year in each branch of the company’s business, deducting reinsurance; and showing at foot, in separate columns, the net amount of risks then in force.

R.S., c. 124, sch., form B.

**Form C.**

*Form of Declaration to accompany the Statement.*

Province of \\
County of \\
President, and

Secretary of Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

Signatures.

Subscribed and sworn to before me, this day of A.D. 19.

R.S., c. 124, sch., form C.

**Form D.**

In the matter of the (here insert name of the company). Notice is hereby given that the Minister of Finance has, pursuant to the seventy-ninth and eightieth sections of the Insurance Act, directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said eightieth section; and the assets...

R.S., 1906.
assets so retained are hereby tendered to the aforesaid policyholders pro rata according to the aforesaid values of their respective policies. A list of such policyholders and of the amounts tendered to them respectively is hereunder given, and notice is hereby given that any policyholder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D. 19 , shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

List of policyholders and amounts tendered:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address so far as Known</th>
<th>Amount and Number of Policies</th>
<th>Amount Tendered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dated at Ottawa this day of A.D. 19.

(Signed)

Minister of Finance,
Canada.

(Signed)

Superintendent of Insurance.

R.S., c. 124, sch., form D.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE,
DEPARTMENT OF FINANCE,
OTTAWA, 19.

In the matter of the (here insert the name of the company).
You are hereby notified that the Minister of Finance has, pursuant to the seventy-ninth section of the Insurance Act, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said seventy-ninth section. The assets so retained are tendered to the aforesaid policyholders pro rata according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A.D. 19 , you signify in writing to the Superintendent of Insurance your acceptance

R.S., 1906.
acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, etc.,

(Signed)

Superintendent of Insurance.

<table>
<thead>
<tr>
<th>Name</th>
<th>Number and Amount of Policy</th>
<th>Amount Tendered</th>
</tr>
</thead>
</table>

R.S., c. 124, sch. form E.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 35.

An Act respecting the Department of Railways and Canals.

SHORT TITLE.

1. This Act may be cited as the Department of Railways and Canals Act.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Railways and Canals;
(b) 'Department' means the Department of Railways and Canals;
(c) 'railway' and 'canal' mean and include respectively, every railway and the rolling stock thereon, and every canal and lock which belong to Canada; and every railway and the rolling stock thereon, and every canal and lock acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, except works for which money has been appropriated as a subsidy only, and all works and property appertaining or incidental to such railway or canal, or which are placed under the control of the Minister by the Governor in Council. R.S., c. 37, s. 1.

DEPARTMENT OF RAILWAYS AND CANALS.

3. There shall be a department of the Government of Canada which shall be called the Department of Railways and Canals, over which the Minister of Railways and Canals for the time being, appointed by commission under the Great Seal of Canada, shall preside.

2. The Minister shall have the management and direction of the Department, and shall hold office during pleasure. R.S., c. 37, s. 2.

4. The Governor in Council may appoint an officer who shall be the chief officer of the Department, and who shall be called the Deputy Minister of Railways and Canals, a secretary for the R.S., 1906.
the Department, two or more chief engineers and such other
officers as are necessary for the proper conduct of the business
of the department, all of whom shall hold office during pleasure.

2. In case of the absence of the Secretary, or of his inability
to act, the Minister may, in writing, authorize some other officer
of the Department to act for the time in his stead.

3. One of such chief engineers shall act as chief engineer of
one branch of the Department, and another shall act as chief
engineer of the other branch of the Department, and with
respect to such works, or classes of works, as the Governor in
Council, from time to time, directs. R.S., c. 37, s. 3.

5. The Secretary of the Department shall, unless otherwise
directed in any case by the Minister,—

(a) keep separate accounts of the moneys appropriated for
and expended on each railway or canal under the manage-
ment of the Minister;
(b) submit such accounts to be audited in such manner as is
appointed by law, or by the Governor in Council;
(c) have charge of all plans, contracts, estimates, documents,
titles, models and other like things relating to any such
railway or canal;
(d) keep proper accounts with each contractor or other
person employed by or under the Department;
(e) see that all contracts are properly drawn out and
executed;
(f) prepare all certificates upon which any certificate for the
payment of money is to issue;
(g) keep minutes of all proceedings of the Department;
(h) prepare reports and conduct, under the direction of the
Minister, the correspondence of the Department;
(i) generally do and perform all such acts and things appert-
taining to the business of the Department as he is, from
time to time, directed by the Minister to do and perform.
R.S., c. 37, s. 4.

6. The chief engineers respectively shall,—

(a) prepare maps, plans and estimates for all railways and
canals which are about to be constructed, altered or repaired
by or under the management of the Minister;
(b) report, for the information of the Minister, on any ques-
tion relating to any such railway or canal which is sub-
mitted to them;
(c) examine and revise the plans, estimates and recommenda-
tions of other engineers, architects and officers touching
any such railway or canal;
(d) generally advise the Minister on all engineering or
architectural questions affecting any such work. R.S.,
c. 37, s. 5.
POWERS OF THE MINISTER.

7. The Minister shall have the management, charge and powers of the direction of all Government railways and canals, and of all works and property appertaining or incident to such railways and canals, also of the collection of tolls on the public canals and of matters incident thereto, and of the officers and persons employed in that service. R.S., c. 37, s. 6; 52 V., c. 19, s. 3.

8. Whenever, by any Act or document, the Minister of Public Works is given any power or authority, or has a duty cast upon him in regard to railways or canals, or other public works of any of the classes which, by this or any other Act or by an order in council made under any Act, are placed under the management, charge and direction of the Minister of Railways and Canals, or in regard to any railway, canal or other work of any of the classes aforesaid, whether the same are or are not the property of His Majesty, the power or authority so given, or the duty so cast upon the Minister of Public Works, shall be exercised or performed by the Minister of Railways and Canals. R.S., c. 37, s. 6.

9. The Minister shall direct the construction, maintenance, and repair of all railways and canals, and of all other works appertaining or incident thereto, constructed or maintained at the expense of Canada, and which are placed under his management and control. R.S., c. 37, s. 7.

10. Nothing in this Act shall authorize the Minister to cause expenditure not previously sanctioned by Parliament, except for such repairs and alterations as the necessities of the public service demand. R.S., c. 37, s. 8.

11. The Minister or the Deputy Minister, or any officer of the Department whose duty it is to investigate or pay or certify for payment any claim, may require any account sent in by any contractor, or any person in the employ of the Minister, or any claim for damages, to be attested on oath, which oath, as well as that taken by any witness, may be administered by the Minister, the Deputy Minister or such officer. R.S., c. 37, s. 9.

12. The Minister may send for and examine, on oath, all papers and such persons as he deems necessary, touching any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things as it is necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements.

2. Such persons shall comply with the summons of the Minister after due notice; and every person so summoned who neglects or refuses to attend and be examined, shall incur a penalty of twenty dollars in each case. R.S., c. 37, s. 10.

13. The Minister, in all cases in which any public work under his control is being carried out by contract, shall take all reasonable care that good and sufficient security is given to and in the name of His Majesty, for the due performance of the work, within the amount and time specified for its completion.

2. In all cases in which it seems to the Minister not to be expedient to let such work to the lowest tenderer, he shall report the same and obtain the authority of the Governor in Council previously to passing by such lowest tender. R.S., c. 37, s. 12.

14. No sum of money shall be paid to the contractor on any contract, nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security has been given. R.S., c. 37, s. 12.

EXECUTION OF CONTRACTS.

15. No deed, contract, document or writing relating to any matter under the control or direction of the Minister shall be binding upon His Majesty, unless it is signed by the Minister, or unless it is signed by the Deputy Minister, and countersigned by the Secretary of the Department, or unless it is signed by some person specially authorized by the Minister, in writing, for that purpose: Provided that such authority from the Minister, to any person professing to act for him, shall not be called in question except by the Minister, or by some person acting for him or for His Majesty. R.S., c. 37, s. 23.

PROCEDURE.

16. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any railway or any canal under the control of the Minister, or in respect of the construction, maintenance, working or repair of the same, may be instituted in the name of the Attorney General of Canada. R.S., c. 37, s. 26.

EVIDENCE.

17. A copy of any map, plan or other document in the custody of the Secretary of the Department, certified by him to be a true copy, shall be held to be authentic, and shall be prima facie of the same legal effect as the original. R.S., c. 37, s. 24.

MONEYS PAYABLE BY HIS MAJESTY NOT ATTACHABLE.

18. Moneys in the hands of an officer, employee or servant of the Minister, as an officer or servant of His Majesty, due or payable by His Majesty to any person, or out of which any payment

R.S., 1906.
ment on behalf of His Majesty is to be made, and given to or being in the possession of such officer, employee or servant for the purpose of making such payment, shall not be subject to any execution, attachment or garnishee process.

2. If any such officer, employee or servant is served with any execution, attachment or garnishee process in regard to such moneys, the same may be set aside, with costs, by any court of competent jurisdiction. R.S., c. 37, s. 25.

STORES ACCOUNTS.

19. Advances for railway stores account may be made, from time to time, out of the Consolidated Revenue Fund of Canada, to the Minister, to enable him to obtain, produce, manufacture, use and dispose of all necessary materials, equipment and stores, required or used in connection with the construction, renewal, maintenance and operation of the Canadian Government railways: Provided that the making of such payments shall be subject to all the provisions and regulations in that behalf of the Consolidated Revenue and Audit Act. 3 E. VII., c. 59, s. 1.

20. Stores accounts as heretofore established in connection with the Intercolonial Railway and the Prince Edward Island Railway shall, respectively, be debited with the cost of materials, equipment and stores purchased and of work performed and expenses incurred in connection therewith, together with the cost of establishing, maintaining and conducting the railway stores, and shall be credited with the values of materials, equipment and stores as issued and charged to proper appropriations, or otherwise disposed of. 3 E. VII., c. 59, s. 2.

21. The balance to the debit of the respective stores accounts so established, shall not at any time exceed, for the Intercolonial Railway the sum of one million five hundred thousand dollars, and for the Prince Edward Island Railway the sum of one hundred thousand dollars. 3 E. VII., c. 59, s. 3.

TOLLS ON CANALS.

22. The Governor in Council may impose and authorize the collection of tolls and dues upon any canal, and may, from time to time, in like manner, alter and change such dues or tolls, and may declare the exemptions therefrom; and all such dues and tolls shall, if so demanded by the collector thereof be payable in advance and before the right to the use of the canal in respect of which they are incurred accrues.

2. All tolls and dues imposed under this Act may be recovered, with costs, in any court of competent jurisdiction, by the collector or person appointed to receive the same, in his own name. R.S., 1906.
name or in the name of His Majesty, and by any form of proceeding by which debts to the Crown are recoverable.

3. The goods on board of any steambot, vessel, raft, erib or other craft, to whomsoever the same belong, shall be liable for any tolls, dues or penalties imposed and levied under this Act, and they or any of them may be seized, detained and sold in the same manner as the steambot, vessel, raft, erib or other craft in which they are, and as if they belonged to the person violating any such regulation, saving the recourse of the real owner thereof against such person who is deemed the owner for the purposes of this Act.

4. The same tolls shall be payable on steamboats or vessels of any kind, and passengers, taken down the river St. Lawrence past any of the canals between Montreal and Kingston, as would be payable on such steamboats, vessels or passengers, if the same had been taken through the canal or canals past which they are so taken down; and such tolls shall be levied in like manner, and under the like penalties and forfeitures for the non-payment thereof. R.S., c. 37, s. 13.

23. All tolls, dues or other revenues imposed and collected under this Act, shall be paid by the persons receiving the same to the Minister of Finance in such manner and at such intervals as he appoints, but such intervals shall in no case exceed one month. R.S., c. 37, s. 14.

**Regulations for Use of Canals.**

24. The Governor in Council may, from time to time, make such regulations as he deems necessary for the management, maintenance, proper use and protection of all or any of the canals or for the ascertaining and collection of the tolls, dues and revenues thereon. R.S., c. 37, s. 15.

25. The Governor in Council may, by such regulations,—

(a) impose such penalties, not exceeding in any one case four hundred dollars, for any violation of any such regulation, as he deems necessary for ensuring the observance of the same and the payment of the tolls and dues imposed as aforesaid;

(b) provide for the non-passing or detention and seizure, at the risk of the owner, of any steamboat, vessel or other craft, timber or goods, on which tolls or dues have accrued and have not been paid, or in respect of which any such regulations have been violated, or any injury done to such canals and not paid for, or for or on account of which any penalty has been incurred and remains unpaid, and for the sale thereof, if such tolls, dues, damages or penalty are not paid by the time fixed for the purpose, and for the payment of such tolls, dues, damages or penalty out of the proceeds of

R.S., 1906.
of such sale: Provided that no such regulation shall impair the right of the Crown to recover such tolls, dues, penalty or damages in the ordinary course of law.

2. The surplus proceeds of any such sale, if any, shall be returned to the owner or his agent. R.S., c. 37, s. 16.

**PENALTIES.**

26. Every one who is an officer or servant of, or a person employed by the Minister on any canal, and who wilfully or negligently violates any order or regulation of the Department, or any order in council, respecting the canal on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or duties, or any of them, are to be performed, if such violation causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been but for such violation, although no actual injury occurs, is guilty of an indictable offence, and shall, according as the court before which the conviction is had considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding five years, or to both penalty and imprisonment, in the discretion of the court. R.S., c. 37, s. 17.

27. If such violation does not cause injury to any property or person, or expose any property or person to the risk of injury, or make such risk greater than it would have been but for such violation, the officer, servant or other person guilty thereof shall incur a penalty, not exceeding the amount of thirty days' pay and not less than fifteen days' pay of the offender from the Department, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable, with costs, before any one justice of the peace having jurisdiction where the offence has been committed or where the offender is found. R.S., c. 37, s. 18.

28. A moiety of every pecuniary penalty recovered under any of the two sections last preceding shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the informer, unless he is an officer or servant of, or person in the employ of the Minister, in which case the whole penalty shall belong to His Majesty, for the uses aforesaid. R.S., c. 37, s. 19.

**RECOVERY OF PENALTIES.**

29. All pecuniary penalties imposed by this Act, or by any regulation made under the authority thereof, shall be recoverable R.S., 1906.
under Criminal Code.

**Railways and Canals.**

1. Any person, having possession or custody of any property of Canada, which is required by the Government for any public purpose, may, upon the requisition of the Minister, deliver the same to the Minister, or to any person in authority under the Minister, and shall be reimbursed for the same or the loss thereof, and any person not so reimbursed may sue in any court of competent jurisdiction for such reimbursement, with costs.

2. Such penalties shall, except as hereinbefore provided, belong to His Majesty, for the public uses of Canada. R.S., c. 37, s. 20.

**General.**

30. All contracts, bonds, agreements or leases for or respecting any railway or canal now the property of Canada, or for any tolls for the same, entered into by the Commissioner of Public Works of the late province of Canada, or by the Board of Works of the province of Nova Scotia or of the province of New Brunswick, or by any commissioners or other persons duly authorized to enter into the same in any province of Canada, shall enure to the use of His Majesty, and may be enforced as if they had been entered into with His Majesty under the authority of this Act. R.S., c. 37, s. 21.

31. The Governor in Council may, from time to time, require any person, or any provincial authority, having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records, which are not private property and which relate to any railway, building or property connected therewith, or to any canal under the control of the Minister, to deliver the same without delay to the Secretary of the Department. R.S., c. 37, s. 22.

32. All proclamations, regulations or orders in council made under this Act, shall be published in the Canada Gazette. R.S., c. 37, s. 27.

33. The Minister shall make and submit to the Governor General an annual report on all the railways and canals under his control, which shall be laid before both Houses of Parliament within twenty-one days after the commencement of the session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as is requisite. R.S., c. 37, s. 28.

OTTAWA: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 36.

An Act respecting Government Railways.

SHORT TITLE.

1. This Act may be cited as the Government Railways Act. Short title. R.S., c. 38, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'Minister' means the Minister of Railways and Canals; 'Minister.'
   (b) 'Deputy' means the Deputy of the Minister of Railways and Canals; 'Deputy.'
   (c) 'Secretary' means the Secretary of the Department of Railways and Canals; 'Secretary.'
   (d) 'Department' means the Department of Railways and Canals; 'Department.'
   (e) 'superintendent' means the superintendent of the Government railway or railways of which he has, under the Minister, the charge and direction; 'Superintendent.'
   (f) 'engineer' means any engineer or person permanently or temporarily employed by the Minister to perform such work as is ordinarily performed by a civil engineer; 'Engineer.'
   (g) 'lands' includes all granted or ungranted, wild or cleared, public or private lands, and all real property, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by the Crown; 'Lands.'
   (h) 'toll' includes any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matters or thing conveyed on the railway; 'Toll.'
   (i) 'goods' includes things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith; 'Goods.'
   (j) 'county' includes any union of counties, county, riding or like division of a county in any province, or any division thereof into separate municipalities, in the province of Quebec; 'County.'
   (k) 'highway' means any public road, street, lane or other public way or communication; 'Highway.'
Government Railways.

Railway.' (l) 'railway' means any railway, and all property and works connected therewith, under the management and direction of the Department;

Constable.' (m) 'constable' means a railway constable appointed under this Act. R.S., c. 38, s. 2; 50-51 V., c. 16, sch. A.

Powers exercised by deputies.

3. Whenever the powers herein given to the Minister are exercised by the superintendent, or by any other person or officer, employee or servant of the Department thereunto specially authorized by the Minister, or his Deputy, or an acting deputy, the same shall be presumed to be exercised by the authority of the Minister, unless the contrary is made to appear. R.S., c. 38, s. 3.

Application of Act.

4. This Act applies to all railways which are vested in His Majesty, and which are under the control and management of the Minister. R.S., c. 38, s. 4.

Powers.

5. The Minister may by himself, his engineers, superintendents, agents, workmen and servants,—

(a) explore and survey the country through which it is proposed to construct any Government railway;

(b) enter into and upon any public lands or the lands of any corporation or person whatsoever for that purpose;

(c) make surveys, examinations or other arrangements on such lands necessary for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

(d) fell or remove any trees standing in any woods, lands or forests where the railway is to pass, to the distance of six rods on either side thereof;

(e) make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches or other works as he thinks proper;

(f) make conduits or drains into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

(g) cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

(h) construct, maintain and work the railway across, along or upon any stream of water, watercourse, canal, highway or railway which it intersects or touches; but the

474 stream,
stream, watercourse, highway, canal or railway so intersected or touched, shall be restored to its former state, or to such state as not to impair its usefulness;

(i) make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

(j) erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time, alter, repair or enlarge the same, and purchase and acquire stationary or locomotive engines and carriages, wagons, floats and other machinery necessary for the accommodation and use of the passengers, freight or business of the railway;

(k) take, transport, carry and convey persons and goods on the railway, and construct, make and do all other matters and things necessary and convenient for making, extending and using the railway;

(l) enter into and upon any lands of His Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of railway between the first day of November in any year and the fifteenth day of April next following, and erect and maintain temporary snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner by law provided, to have been actually suffered: Provided that all such snow fences so erected shall be removed on or before the fifteenth day of April next following the erection thereof;

(m) change the location of the line of railway in any particular part at any time, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage; and all the provisions of this Act shall relate as fully to the part of such line of railway so at any time changed or proposed to be changed, as to the original line.

2. Where the Minister, in the execution of any of the powers vested in him, effects a crossing, intersection, junction or union of the railway with any other railway at any point on its route, and upon the lands of such other railway, the Exchequer Court of Canada shall, in the event of disagreement upon the amount of compensation to be made therefor or as to the point or manner of such crossing or connection, determine the same. R.S., c. 38, s. 5; 50-51 V., c. 16, s. 58.

6. The Minister may, by and with the authority of the Governor in Council, build, make and construct, and work and use, sidings or branch lines of railway, not exceeding in any one case six miles in length for the purpose of.—

475

(a) R.S., 1906.
Chap. 36. Government Railways.

(a) connecting any city, town, village, manufactory, mine, or any quarry of stone or slate, or any well or spring, with the main line of the railway, or with any branch thereof; or,
(b) giving increased facilities to business; or,
(c) transporting the products of any such manufactory, mine, quarry, well or spring.

2. The Minister and those acting under him shall, for every such purpose, have and may exercise all the powers given them with respect to the main line; and all provisions of this Act which are applicable to extensions shall extend and apply to every such siding or branch line of railway.

3. If the branch or siding does not exceed one mile in length, the Minister may construct such branch or siding without an order in council; and in the event of his so constructing a branch or siding not exceeding one mile in length, all the provisions of this Act which are applicable to extensions, as aforesaid, shall likewise apply in the manner aforesaid. R.S., c. 38, s. 6.

7. The Minister shall not cause any obstruction in or impede the free navigation of any river, stream or canal, to or across or along which the railway is carried. R.S., c. 38, s. 7.

8. If the railway is carried across any navigable river or canal, the Minister shall leave openings between the abutments or piers of the bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of the canal, as will prevent the free navigation of the river or canal from being obstructed or impeded, subject to such regulations as to the opening of such swingbridge or drawbridge as the Governor in Council makes from time to time. R.S., c. 38, s. 8.

9. No train shall be allowed to pass over any canal, or over the navigable channel of any river, without such proper flooring being first laid under and on both sides of the railway track over such canal or channel as the Minister deems sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft or persons navigating such canal or river. R.S., c. 38, s. 9.

Running Powers on Grand Trunk and Canada Atlantic.

10. The Minister shall, subject to the provisions of this Act, have, for the purposes of and in connection with the business and traffic of any railway in his charge or direction by virtue of this Act, running powers over the whole or any portion of the line of the Grand Trunk Railway Company of Canada between

R.S., 1906.
between Montreal and Coteau Junction, and over all or any of the lines and tracks of the system known or formerly known as the Canada Atlantic Railway System, as the said lines and tracks now exist or as they are hereafter constructed, reconstructed or extended. 4-5 E. VII., c. 36, s. 1.

11. Such running powers shall consist of the right, in perpetuity or for such period or periods from time to time as the Governor in Council determines, to run the engines of any such Government railway, alone or with trains, passenger, freight or mixed, as frequently and at such times as the Minister sees fit, each way, daily or otherwise, over the said lines and tracks, and shall include the right, from time to time as the Minister deems desirable, to use any or all of the terminals, buildings, stations, tracks, sidings, fixtures and appurtenances in connection with, appertaining to or forming part of the said lines and tracks to which such running powers extend as aforesaid, as they now exist or as they or any of them are hereafter constructed, reconstructed or extended, and any other terminals, buildings, stations, tracks, sidings, fixtures or appurtenances in addition thereto or in lieu thereof, now or hereafter owned, leased or used in connection with the said lines and tracks to which the said running powers extend, or by the Government for the purposes of any such Government railway. 4-5 E. VII., c. 36, s. 2.

12. In exercising any such running powers, the Minister shall have the power to do a through freight and passenger business and a local passenger business. 4-5 E. VII., c. 36, s. 3.

13. The Minister shall submit all tariffs of the tolls to be charged for the carriage of traffic upon the said lines and tracks to which such running powers extend to the Board of Railway Commissioners for Canada, as and in the manner in the Railway Act provided for the submission of tariffs by railway companies to such Board, and the Board shall have the like jurisdiction with regard to the approval, disallowance and substitution of tariffs so submitted by the Minister as it has under the said Act, in the case of the tariffs submitted by railway companies. 4-5 E. VII., c. 36, s. 4.

14. The terms and conditions, and the payment or compensation upon, for or subject to which the said running powers may be so exercised shall, subject to this Act, be determined by the said Board upon the application of the Minister in accordance with the rules of procedure of the Board, subject to a right of appeal to the Supreme Court of Canada.

2. No compensation shall be payable for such running powers unless or until they are actually exercised, and then only in so far as they are exercised. 4-5 E. VII., c. 36, s. 5.

15. R.S., 1906.
Government Railways.

HIGHWAYS AND BRIDGES.

Consent of municipality.

15. The railway shall not be carried along an existing highway, but shall merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor.

2. No obstruction of such highway with the works shall be made without diverting the highway so as to leave an open and good passage for carriages, and, on the completion of the works, the highway shall be replaced.

3. In either case the rail itself, if it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

4. This section shall not limit or interfere with the powers of the Minister to divert or alter any road, street or way, when another convenient road is substituted in lieu thereof. R.S., c. 38, s. 10.

Rise of rail above road limited.

16. No part of the railway which crosses any highway, unless carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway subject to the provisions aforesaid. R.S., c. 38, s. 11.

Height of bridge over highway.

17. The span of the arch of any bridge erected for carrying the railway over or across any highway, shall be constructed and continually maintained at an open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet. R.S., c. 38, s. 12.

Ascent of bridge carrying highway over railway.

18. The inclination of the ascent or descent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. R.S., c. 38, s. 13.

Height of bridge carrying highway over railway.

19. Every bridge or other erection or structure or tunnel through or under which any railway to which this Act applies passes, shall, at all times be so maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway.

2. The Minister, before using higher freight cars than those which admit of such open and clear headway of at least seven feet, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other erection, structure
structure or tunnel, raise every such bridge or other erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit of such open and clear headway of at least seven feet: Provided that this section shall not apply to any bridge, erection, structure or tunnel existing before the first day of March, one thousand eight hundred and eighty-seven, which is exempted by the Governor in Council. R.S., c. 38, s. 14.

20. Whenever a highway bridge or any other erection, or structure, or tunnel, is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any highway bridge or other erection, or structure, or tunnel already built over or on the line of railway, or to make large repairs to the same, the lower beams, members or portions of the super-structure of any such tunnel, highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed at the cost of the Crown or of the municipality or other owner of the bridge, erection, structure, or tunnel, as the case may be, and shall at all times, be maintained at a sufficient height from the surface of the rails of the railway, to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge or other erection, or tunnel.

2. After any such construction, reconstruction or large repairs, the Minister, before using higher freight cars than those used on the railway at the time of such construction, reconstruction, or large repairs, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, or tunnel, raise the said tunnel or bridge, or other erection or structure, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of at least seven feet over the top of the highest freight cars, then about to be used on the railway. R.S., c. 38, s. 14.

21. Sign-boards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the sign-board.

2. Such sign-board shall have the words Railway Crossing painted on each side of the sign-board, in letters not less than six inches in length. R.S., c. 38, s. 15.

FENCES.

22. Within six months after any lands have been taken for the use of the railway, the Minister, if thereunto required by the proprietors of the adjoining lands, shall erect and there-
with swing gates or sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the railway, for the use of the proprietors of the lands adjoining the railway.

2. The Minister shall also, within the time aforesaid, construct and thereafter maintain cattle-guards at all public road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

3. In the case of a hurdle gate fifteen inches longer than the opening, two upright posts supporting the gate at each end shall be deemed to be proper fastenings within the meaning of this section.

4. Every railway gate at a farm crossing shall be of sufficient width for the purposes for which it is intended. R.S., c. 38, s. 16; 50-51 V., c. 18, s. 2.

23. Until such fences and cattle-guards are duly made, and at any time thereafter during which such fences and cattle-guards are not duly maintained, His Majesty shall, subject to the provisions of this Act relating to injuries to cattle, be liable for all damages done by the trains or engines on the railway, to cattle, horses or other animals on the railway, which have gained access thereto for want of such fences and cattle-guards. R.S., c. 38, s. 17.

24. After the fences or guards have been duly made, and while they are maintained, no such liability shall accrue for any such damages, unless negligently or wilfully caused. R.S., c. 38, s. 18.

25. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow of the safe passage of trains. R.S., c. 38, s. 19.

INJURIES TO CATTLE.

26. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person to prevent their loitering or stopping on such highway at such intersection. R.S., c. 38, s. 20.

27. All horses, sheep, swine or other cattle found at large in violation of the next preceding section may, by any person finding the same at large, be impounded in the pound nearest to the place where the same are so found and the pound keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations, as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R.S., c. 38, s. 21.

R.S., 1906.
28. If the horses, sheep, swine or other cattle of any person, which are at large contrary to the provisions hereinbefore contained, are killed or injured by any train at such point of intersection, such person shall not have any right of action or be entitled to compensation in respect of the same, unless they are killed or injured through the negligence or wilfulness of some officer, employee or servant of the Minister. R.S. c. 38, s. 22.

29. Neither His Majesty, nor any officer, employee or servant of the Minister, except where the killing or injuring is negligent or wilful, shall be liable for any damage done by any train or engine to cattle, horses or other animals, on the railway, in any of the following cases, that is to say:—

(a) When they are permitted to be at large upon a highway, within half a mile of the intersection of the highway with any railway on grade, and not in charge of some person to prevent their loitering or stopping on the highway at such intersection;

(b) When they gain access to the railway from property other than that of the owner, or other than that in which the owner has a right of pasturage;

(c) When they gain access to the railway through a gate of a farm or private crossing, the fastenings of which are in good order, unless such gate is left open by an employee of the Minister;

(d) When they gain access to the railway through or over a fence at least four feet high, and of the strength of an ordinary division fence, erected and maintained by the Minister as hereinbefore provided;

(e) When they are at large and not in charge of some person as hereinbefore provided, and gain access to the railway from the highway at the point of intersection. R.S., c. 38, s. 23.

WORKING THE RAILWAY.

30. There shall be provided and used in and upon trains run for the conveyance of passengers, such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and as best afford good and sufficient means,—

(a) of immediate communication between the conductors and the engine drivers of such trains while the trains are in motion; and,

(b) of applying, by the power of the steam engine or otherwise, at the will of the engine driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains; and,

(c) of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means. R.S., c. 38, s. 24.

31. Every locomotive or railway engine, or train of cars on the railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute: Provided that, whenever there has been adopted and is in use on any Government railway at any crossing thereof at rail level by any other railway an interlocking switch and signal system or other device, which, in the opinion of the Minister, will render it safe to permit engines and trains to pass over such crossing without being stopped, the Minister may, by written order, give permission for engines and trains to pass without stopping, under such regulations as to speed and other matters as the Minister deems proper.

2. The Minister may at any time modify or revoke such order. R.S., c. 38, s. 25; 50-51 V., c. 18, s. 1.

32. When a railway passes any draw or swingbridge over a navigable river, canal or stream, which is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least three minutes before crossing to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing. R.S., c. 38, s. 26.

33. An employee shall be stationed at each point on the line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R.S., c. 38, s. 27.

34. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced. R.S., c. 38, s. 28.

35. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, a person shall be stationed on the last car in the train, who shall warn persons standing on or crossing the track of the railway, of the approach of such train. R.S., c. 38, s. 29.

36. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle. R.S., c. 38, s. 35.

37. The bell shall be rung or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and shall be kept ringing or be sounded, at short intervals, until the engine has crossed such highway.

2. His Majesty shall be liable for all damages sustained by any person by reason of any neglect to comply with this provision.

3. One-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such
such engine, and neglecting to sound the whistle or ring the bell as aforesaid, or shall be recoverable from such engineer. R.S., c. 38, s. 36.

38. Every servant of the Minister employed on a passenger train, or at a station for passengers, shall wear, upon his hat or cap, a badge which shall indicate his office; and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. R.S., c. 38, s. 30.

39. The trains shall be started and run at regular hours fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places established for receiving and discharging way-passengers and goods from the trains. R.S., c. 38, s. 31.

40. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare lawfully authorized therefor. R.S., c. 38, s. 32.

41. His Majesty shall have a lien on all goods transported over the railway, for the freight and charges thereon, as well as for any balance previously due for freight or otherwise by the owner or consignee; and the said goods shall be liable to be sold by public auction for the payment of the charges thereon and other balances due.

2. If the owner or his agent does not, within ten days after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove the goods from the railway premises, the superintendent may sell the same at public auction, after giving ten days' public notice of such sale, to defray the railway claims and all expenses incurred in respect thereof, and in the meantime the said goods shall be at the risk of the owner thereof. R.S., c. 38, s. 33.

42. If any goods remain in the possession of His Majesty unclaimed for the space of twelve months, the superintendent may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such newspapers as he deems necessary, sell such goods by public auction at a time and place mentioned in such advertisement, and may, out of the proceeds thereof, defray the railway claims and all expenses incurred in respect thereof; and the balance of the proceeds, if any, shall be R.S., 1906.
be paid to the Minister of Finance, to be kept until claimed by the person entitled thereto. R.S., c. 38, s. 34.

43. Passengers shall produce and deliver up their railway tickets to the conductor or other person in charge of the train, whenever requested so to do by such officer; and if any passenger refuses so to do, or to pay the proper fare, he may be removed from the train: Provided that a passenger shall not be so removed unless the place of removal is not more than half a mile distant from a station, or not more than a mile distant from a dwelling house in sight of the place of removal and accessible therefrom, and that before such removal, the train shall be stopped.

2. No unnecessary force shall be used in such removal. R.S., c. 38, s. 37.

44. No person who is injured while on the platform of a car, or on any baggage, wood or freight car, in violation of any printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have any claim in respect of the injury, if there was at the time room inside of such passenger cars, sufficient for the proper accommodation of the passengers. R.S., c. 38, s. 38.

45. Any officer, employee or servant of the Minister may refuse to take any package or parcel which he suspects to contain goods of a dangerous nature, and may require the same to be opened to ascertain the fact.

2. No such goods of a dangerous nature shall be carried, except in cars specially designated for that purpose, on each side of which shall be plainly marked, in large letters, the words Dangerous Explosives. R.S., c. 38, s. 39.

Tolls.

46. The Governor in Council may impose and authorize the collection of tolls and dues upon any railway vested in His Majesty, or under the control or management of the Minister, and, from time to time, in like manner, may alter and change such tolls or dues, and may declare the exemptions therefrom.

2. All such tolls and dues shall be payable in advance, if so demanded by the collector thereof. R.S., c. 38, s. 40.

47. All such tolls and dues may be recovered, with costs, in any court of competent jurisdiction, by the collector or person appointed to receive the same, in his own name or in the name of His Majesty, and by any form of proceeding by which debts to His Majesty may be recovered. R.S., c. 38, s. 41.

48. All tolls, dues or other revenues imposed and collected in respect of any Government railway, shall be paid by the persons

R.S., 1906.
sons receiving the same to the Minister of Finance, in such manner and at such intervals as are appointed by him; but such intervals shall in no case exceed one month. R.S., c. 38, s. 42.

RULES AND REGULATIONS.

49. The Governor in Council may, from time to time, make such regulations as he deems necessary,—

(a) for the management, proper use and protection of all or any of the Government railways, including station houses, yards and other property in connection therewith;

(b) for the ascertaining and collection of the tolls, dues and revenues thereon;

(c) to be observed by the conductors, engine drivers and other officers and servants of the Minister, and by all companies and persons using such railways;

(d) relating to the construction of the carriages and other vehicles to be used in the trains on such railways. R.S., c. 38, s. 43.

50. The Governor in Council may, by such regulations,—

(a) impose such fines, not exceeding in any one case four hundred dollars, for any violation of any such regulation, as he deems necessary for ensuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid; and,

(b) provide for the retention out of the salary of any officer, employee or servant of the Minister, of the amount of any forfeiture incurred by him for violation of any such regulation. R.S., c. 38, s. 44.

51. The Governor in Council may also, by such regulations, provide for the detention and seizure, at the risk of the owner of any carriage, animal, timber or goods,—

(a) on which tolls or dues have accrued and have not been paid; or,

(b) in respect of which any such regulations have been violated; or,

(c) in respect of which any injury has been done to such railways and not paid for; or,

(d) for or on account of which any fine has been incurred and remains unpaid. R.S., c. 38, s. 44.

52. The Governor in Council may also, by such regulations, provide for the sale of any such carriage, animal, timber or goods, if such tolls, dues, damages or fine is not paid by the time fixed for the purpose, and for the payment of such tolls, dues, damages or fine, out of the proceeds of such sale.

2. The surplus, if any, shall be returned to the owner or his agent. R.S., c. 38, s. 44.

53. R.S., 1906.
53. No regulations made under this Act shall impair the right of the Crown to recover such tolls, dues, fines or damages in the ordinary course of law; and any such tolls, dues, fines or damages may always be recovered under the foregoing provisions of this Act. R.S., c. 38, s. 44.

54. All such regulations made under this Act shall be taken and read as part of this Act. R.S., c. 38, s. 44.

**GENERAL.**

55. All Government railways are and shall be public works of Canada. R.S., c. 38, s. 45.

56. The Governor in Council may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy such lands as are necessary for the purpose. R.S., c. 38, s. 46.

57. Every company owning or operating an electric telegraph shall, when required so to do by the Governor in Council, or any person authorized by him, place the same, and the apparatus and operators used or employed in connection therewith at the exclusive use of the Government of Canada, and shall thereafter be paid reasonable compensation for such service. R.S., c. 38, s. 47.

58. His Majesty’s naval or military forces, and all artillery, ammunition, baggage, provisions or other stores for their use, and all officers and others travelling on His Majesty’s naval, military or other service, and their baggage and stores, shall, at all times, when such service is required by one of His Majesty’s principal secretaries of state, or by the commander of His Majesty’s forces in Canada, or by the chief naval officer on the North American or North Pacific station, be carried on the railway on such terms and conditions and under such regulations as the Governor in Council makes, from time to time, or as are agreed upon between the Government of Canada and one of His Majesty’s principal secretaries of state. R.S., c. 38, s. 48.

59. The Minister, or any person acting for him, in investigating or making inquiry into any accident upon the railway, or relating to the management of the railway, may examine witnesses under oath; and for that purpose may administer such oath. R.S., c. 38, s. 49.

60. His Majesty shall not be relieved from liability by any notice, condition or declaration, in the event of any damage arising from any negligence, omission or default of any officer, employee or servant of the Minister; nor shall any officer, employee

R.S., 1906.
ployee or servant be relieved from liability by any notice, condition or declaration, if the damage arises from his negligence or omission. R.S., c. 38, s. 50.

61. All thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to the railway shall be cut down and kept constantly cut down, or rooted out. R.S., c. 38, s. 51.

62. All proclamations, regulations and orders in council made under this Act shall be published in the Canada Gazette. R.S., c. 38, s. 52.

PROTECTION OF OFFICERS.

63. No action shall be brought against any officer, employee or servant of the Minister for anything done by virtue of his office, service or employment, unless within three months after the act is committed, and upon one month's previous notice thereof in writing; and the action shall be tried in the county or judicial district where the cause of action arose. R.S., c. 38, s. 53.

RAILWAY CONSTABLES.

64. (a) Any two justices of the peace, or a stipendiary or police magistrate, in the province of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, or Prince Edward Island or in the Northwest Territories;

(b) Any judge of the Court of King's Bench or Superior Court, or clerk of the peace or clerk of the Crown, or judge of the sessions of the peace, in the province of Quebec;

(c) In the province of Saskatchewan or Alberta, any judge of the Supreme Court of the Northwest Territories, pending the abolition of the said Court in the province, and thereafter any judge of such superior court as may be established by the legislature of the province, in lieu thereof; and,

(d) Any judge of the Territorial Court or any two justices of the peace or a stipendiary or police magistrate in the Yukon Territory;

may, on the application of the superintendent of any railway which passes within the local jurisdiction of such justices of the peace, magistrate, judge, clerk, or judge of the sessions of the peace, as the case may be, in their or his discretion, appoint any persons recommended for that purpose by such superintendent to act as constables on and along the railway.

R.S., 1906.
2. Every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

'I, A. B., having been appointed a constable to act upon and along (here name the railway), under the provisions of the Government Railways Act, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God.' R.S., c. 38, s. 54.

65. Such oath or declaration shall be administered in the province of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, or Prince Edward Island, or in the Northwest Territories, by any one such justice or magistrate, and, in the province of Quebec, by any such judge, clerk, or judge of the sessions of the peace, and in the provinces of Saskatchewan and Alberta, and in the Yukon Territory, by any such judge or magistrate or by any justice of the peace.

2. Every constable who is so appointed, and has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts on such railway, or on any of the works belonging thereto, or on and about any trains, roads, wharfs, quays, landing-places, warehouses, lands and premises thereof, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, and in all places not more than one-quarter of a mile distant from such railway.

3. Such constable shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of crimes and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick. R.S., c. 38, s. 54.

66. Any such constable may take such persons as are punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts, rules or regulations affecting any such railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway passes; and every such justice may deal with all such cases as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R.S., c. 38, s. 54.
67. Any judge, or two justices of the peace, or stipendiary magistrate or police magistrate, or other officer, having power as hereinbefore provided to appoint persons to act as constables on and along the railway, may dismiss any such constable acting within his or their jurisdiction; and the superintendent may dismiss any such constable who is acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. R.S., c. 38, s. 54.

68. The superintendent shall cause to be recorded in the Record of constables. office of the clerk of the peace or of the municipality for every county, city, town, parish, district or other local jurisdiction through which such railway passes, the name and designation of every constable so appointed at his instance, the date of his appointment and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be.

2. Such clerk of the peace or of the municipality shall keep such record, in such form as the Governor in Council from time to time directs, in a book which shall be open to public inspection, on payment of such fee or fees as the Governor in Council, from time to time, authorizes. R.S., c. 38, s. 54.

**Penalties and Forfeitures.**

69. Every constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction through which the railway passes, to a penalty not exceeding eighty dollars or to imprisonment for a term not exceeding two months.

2. The amount of such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the Minister. R.S., c. 38, s. 55.

70. Every person who assaults or resists any constable in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months. R.S., c. 38, s. 56.

71. Every officer or agent of the Minister, and every conductor of a train, who directs or knowingly permits any baggage, freight, merchandise or lumber cars to be placed in rear of the passenger cars, is guilty of an indictable offence, and shall be punishable accordingly. R.S., c. 38, s. 57.

72. R.S., 1906.
Chap. 36. Government Railways.

72. Every person who is intoxicated, while he is in charge of a locomotive engine, or acting as the conductor of a car or train of cars, is guilty of an indictable offence. R.S., c. 38, s. 58.

73. Every officer or servant of, and every person employed by the Minister on any railway under the control of the Minister, who wilfully or negligently violates any rule, order or regulation of the Department, or regulation of the Governor in Council, lawfully made or in force, respecting the railway on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, is guilty of an indictable offence if such violation causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been but for such violation, although no actual injury occurs.

2. Such person shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by a fine not exceeding four hundred dollars, or by imprisonment not exceeding the term of five years, or by both fine and imprisonment. R.S., c. 38, s. 59.

74. If such violation does not cause injury to any property or person or expose any property or person to the risk of injury, or make such risk greater than it would have been but for such violation, the officer, servant or other person guilty thereof shall, in the discretion of the justice of the peace before whom the conviction is had, incur a penalty not exceeding the amount of thirty days' pay and not less than fifteen days' pay of the offender from the Department.

2. Such penalty shall be recoverable, before any one justice of the peace having jurisdiction where the offence was committed, or where the offender is found. R.S., c. 38, s. 60.

75. Every person who sends or carries, by the railway, any aquafortis, oil of vitriol, gunpowder, dynamite, nitro-glycerine, or any other goods of a dangerous nature, without, at the time of sending or carrying the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the Minister with whom the same are left, shall incur a penalty of five hundred dollars for every such offence. R.S., c. 38, s. 61.

76. Every person who wilfully obstructs any officer or employee of the railway in the execution of his duty, shall, on summary conviction, be liable for every offence to a penalty not exceeding.

R.S., 1906.
exceeding forty dollars; and in default of payment to imprison-
ment for any term not exceeding three months. R.S., c. 38,
s. 63.

77. Every person who rides, leads or drives any horse or
any other animal, or permits any such horse or other animal to
enter upon the railway, and within the fences and guards,
without the consent of an officer or employee of the Minister,
shall, for every such offence, incur a penalty not exceeding
forty dollars, and shall also pay to the person aggrieved all
damages sustained thereby: Provided that no person shall be
liable to the said penalty when he rides, leads or drives any
horse or other animal over a farm crossing, unless he allows
such horse or other animal to unnecessarily loiter or remain
upon the railway or the appurtenances thereof. R.S., c. 38,
s. 64.

78. Every person not connected with the Department or
employed by the Minister, who walks along the track of the
railway, except where the same is laid across or along a high-
way, shall, for every such offence, incur a penalty not exceeding
twenty dollars. R.S., c. 38, s. 65.

79. Except as herein otherwise provided, all pecuniary
penalties imposed by this Act, or by any regulation made under
the authority hereof, shall be recoverable with costs on summary
conviction before a justice of the peace, and, in default of
immediate payment of such penalty, after conviction therefor,
may be levied by distress and sale of the goods and chattels of
the offender, and, for want of sufficient distress and in default
of immediate payment, such offender shall be liable to imprison-
ment for any term not exceeding thirty days, unless a longer
time is, by this Act, in that behalf provided.

2. A moiety of every penalty shall belong to His Majesty
for the public uses of Canada, and the other moiety to the
informers, unless he is an officer or servant of or person in the
employ of the Minister, in which case the whole penalty shall
belong to His Majesty for the uses aforesaid. R.S., c. 38, s. 66.

INTERCOLONIAL RAILWAY.

80. All railways, and all branches and extensions thereof,
and ferries in connection therewith, vested in His Majesty,
under the control and management of the Minister, and
situated in the provinces of Quebec, Nova Scotia and New
Brunswick, are hereby declared to constitute and form the
Intercolonial Railway. 54-55 V., c. 50, s. 1.

81. R.S., 1906.
Defeats expropriation for Intercolonial cured.

81. In the case of lands which were taken for the Intercolonial Railway, under an Act passed in the thirty-first year of the reign of Her late Majesty Queen Victoria, intituled _An Act respecting the construction of the Intercolonial Railway_, if a plan of such lands was deposited of record in the office of the registrar of deeds for the county or registration division in which the lands were situate, but no description thereof was so deposited, as in the seventh section of the said Act required, the deposit of the plan only shall be held, taken and construed to have been a sufficient compliance with the provisions of the said section, and to have operated as a dedication to the public of such lands whereupon the same became and were vested in Her late Majesty. R.S., c. 38, s. 68.

82. In any case where lands now in the possession of His Majesty for the said railway were taken under any Act of the province of Nova Scotia or New Brunswick and,—

(a) in which, under the provisions of such Act, a plan and description of the lands so taken should have been recorded, filed or deposited in the office of the registrar of deeds of the county in which such lands were situate, but a plan only, without any description, was in fact so recorded, filed or deposited; or,

(b) in which a plan and description or plan only of the lands taken was recorded, filed or deposited as aforesaid, although the Act under which the lands were taken did not require any plan or description to be so recorded, filed or deposited; the recording, filing or depositing of the plan and description, or of the plan only, as the case may be, shall be taken and construed to have been a sufficient compliance with the provisions of such Act, and to have vested in the Crown such an interest in the lands taken as would now be vested in the Crown if the provisions of such Act had been fully and literally complied with.

2. A certified copy of any such plans and descriptions, or plans only, as the case may be, mentioned in this or the last preceding section, may be used and shall be evidence in like manner and with the like effect and under like circumstances as is provided in the Expropriation Act in regard to the plans and descriptions therein mentioned. R.S., c. 38, ss. 68 and 69.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 37.

An Act respecting Railways.

SHORT TITLE.

1. This Act may be cited as the Railway Act. 3 E. VII., Short title. c. 58, s. 1.

INTERPRETATION.

2. In this Act, and in any Special Act as hereinafter defined, Definitions. in so far as this Act applies, unless the context otherwise requires,—

(1) 'Board' means the Board of Railway Commissioners 'Board.' for Canada;
(2) 'by-law,' when referring to an act of the company, in- 'By-law.' cludes a resolution;
(3) 'charge,' when used as a verb with respect to tolls, 'Charge.' includes to quote, demand, levy, take or receive;
(4) 'company' (a) means a railway company, and includes every such company and any person having authority to construct or operate a railway,
(b) in the sections of this Act relating to telephone tolls, means a company, as defined in the last preceding paragraph, having authority to construct and operate, or to operate a telephone system or line and to charge telephone tolls, and includes also a telephone company and every company and person having legislative authority from the Parliament of Canada to construct and operate, or to operate a telephone system or line, and to charge telephone tolls, and
(c) in the sections of this Act which require companies to furnish statistics and returns to the Minister or provide penalties for default in so doing, means further any company constructing or operating a line of railway in Canada, even although such company is not otherwise within the legislative authority of the Parliament of Canada, and includes any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;
(5) 'costs' includes fees, counsel fees and expenses; 'Costs.'
(6) R.S., 1906.
(6) 'county' includes any county, union of counties, riding, or division corresponding to a county, and, in the province of Quebec, any separate municipal division of a county;

(7) 'court' means a superior court of the province or district, and, when used with respect to any proceedings for (a) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or (b) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered, includes the county court of the county where the lands lie;

(8) 'Exchequer Court' means the Exchequer Court of Canada;

(9) 'express toll' means any toll, rate or charge to be charged by the company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;

(10) 'goods' includes personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;

(11) 'highway' includes any public road, street, lane or other public way or communication;

(12) 'inspecting engineer' means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;

(13) 'judge' means a judge of a superior or county court hereinbefore mentioned, as the case may be;

(14) 'justice' means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression 'two justices' means two justices assembled and acting together;

(15) 'lands' means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure;

(16) 'lease' includes an agreement for a lease;

(17) 'Minister' means the Minister of Railways and Canals;

R.S., 1906.
(18) 'owner,' when, under the provisions of this Act or the 'Owner.' Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company;

(19) 'plan' means a ground plan of the lands and property 'Plan.' taken or intended to be taken;

(20) 'legislature of any province' or 'provincial legisla- legislature.' means and includes any legislative body other than the Parliament of Canada;

(21) 'railway' means any railway which the company has 'Railway,' authority to construct or operate, and includes all branches, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct;

(22) 'registrar of deeds' or 'registrar' includes the regis- Registrar of deeds.' trar of land titles, or other officer with whom the title to the land is registered;

(23) 'office of the registrar of deeds' or 'registry of deeds,' Registry of deeds.' or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered;

(24) 'rolling stock' means and includes any locomotive, 'Rolling stock.' engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company;

(25) 'Railway Act, 1888;' means the Act passed in the Railway Act, 1888.' fifty-first year of Her late Majesty's reign, chapter twenty-nine, intituled An Act respecting Railways, and the several Acts in amendment thereof;

(26) 'Secretary' means the Secretary of the Board; 'Secretary.'

(27) 'sheriff' means the sheriff of the district, county, rid- Sheriff.' ding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff;

(28) 'Special Act.' means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes

(a) all such Acts,

(b) with respect to the Grand Trunk Pacific Railway Company, the National Transcontinental Railway Act, and the Act in amendment thereof passed in the fourth year of His Majesty's reign, chapter twenty-four, intituled An Act to amend the National Transcontinental Railway 495 R.S., 1906.
Railway Act, and the scheduled agreements therein referred to, and

(c) any letters patent, constituting a company’s authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted;

(29) ‘telephone toll’ means and includes any toll, rate, or charge to be charged by the company to the public, or to any person, for the use of a telephone system or line, or any part thereof, or for the transmission of a message by telephone, or for the installation and use of telephone instruments, lines, or apparatus, or for any service incidental to a telephone business;

(30) ‘toll’ or ‘rate’ means and includes any toll, rate or charge made for the carriage of any traffic, or for the collection, loading, unloading or delivery of goods, or for warehousing or wharfage, or other services incidental to the business of a carrier;

(31) ‘traffic’ means the traffic of passengers, goods and rolling stock;

(32) ‘train’ includes any engine, locomotive or other rolling stock;

(33) ‘the undertaking’ means the railway and works, of whatsoever description, which the company has authority to construct or operate;

(34) ‘working expenditure’ means and includes

(a) all expenses of maintenance of the railway,

(b) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company, or in respect of property leased to or held by the company, apart from the rent of any leased line,

(c) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for,

(d) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company,

(e) all rates, taxes, insurance and compensation for accidents or losses,

(f) all salaries and wages of persons employed in and about the working of the railway and traffic,

(g) all office and management expenses, including directors’ fees, and agency, legal and other like expenses,

(h) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act, and

(i) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;

R.S., 1906.
(35) when any matter arises in respect of any lands which are not situated wholly in any one district, county, riding, division, city or place, and which are the property of one and the same person, 'clerk of the peace,' 'justice,' and 'sheriff,' respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. 57-58 V., c. 28, s. 144; 3 E. VII., c. 58, ss. 2, 156, and 302; 4 E. VII., c. 32, s. 4; 6 E. VII., c. 42, ss. 27 and 29.

3. This Act shall, subject to the provisions thereof, be construed as incorporate with the Special Act, and, unless otherwise expressly provided in this Act, where the provisions of this Act, and of any Special Act passed by the Parliament of Canada, relate to the same subject-matter, the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to override the provisions of this Act. 3 E. VII., c. 58, ss. 3 and 5.

4. If in any Special Act passed by the Parliament of Canada previously to the first day of February, one thousand nine hundred and four, it is enacted that any provision of the Railway Act, 1888, or other general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner. 3 E. VII., c. 58, s. 5.

APPLICATION.

5. This Act shall, subject as herein provided, apply to all persons, companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada. 3 E. VII., c. 58, s. 3.

6. Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. 3 E. VII., c. 58, s. 6.

7. The provisions of this Act in respect of tolls, tariffs and traffic by joint tariffs shall, so far as they are applicable, extend to the traffic carried by any company by sea or by inland water, 32 between R.S., 1906.
between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places.

2. The provisions of this Act in respect of tolls shall, in so far as they are applicable, extend and apply to,—

(a) any company which has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and,

(b) the traffic so carried over, upon or through such structure. 3 E. VII., c. 58, s. 277; 6 E. VII., c. 42, s. 24.

8. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by Special Act of the legislature of any province, and which connects with or crosses or may hereafter connect with or cross any railway within the legislative authority of the Parliament of Canada, shall, although not declared by Parliament to be a work for the general advantage of Canada, be subject to the provisions of this Act relating to,—

(a) the connection or crossing of one railway or tramway with or by another, so far as concerns the aforesaid connection or crossing;

(b) the through traffic upon a railway or tramway and all matters appertaining thereto;

(c) criminal matters, including offences and penalties; and,

(d) navigable waters:

Provided that, in the case of railways owned by any provincial government, the provisions of this Act with respect to through traffic shall not apply without the consent of such government. 3 E. VII., c. 58, s. 7.

PROVINCIAL LEGISLATION REGARDING SUNDAY.

9. Notwithstanding anything in this Act, or in any other Act, every railway, steam or electric street railway or tramway, situate wholly within one province of Canada, and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway or tramway is situate which was in force on the tenth day of August, one thousand nine hundred and four, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.
2. Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada.

3. The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the tenth day of August, one thousand nine hundred and four, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act shall, to the extent aforesaid, be by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada.

4. Notwithstanding anything in this Act, or in any other Act, every railway, steam or electric street railway or tramway, wholly situate within the province, and which has been declared by the Parliament of Canada to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall, from and after such proclamation, be subject to such Act in so far as it has been so confirmed.

5. Nothing in this section shall apply to any railway or part of a railway,—

(a) which forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon; or,

(b) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or,

(c) which the Governor in Council by proclamation declares to be exempt from the provisions of this section. 4 E. VII., c. 32, s. 2.

COMMISSION.

Constitution.

10. There shall be a commission, to be known as the Board of Railway Commissioners for Canada, consisting of three members appointed by the Governor in Council.

2. Such commission shall be a court of record, and have an official seal which shall be judicially noticed.

3. Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may R.S., 1906.
Chap. 37. Railways.

may be removed at any time by the Governor in Council for cause: Provided that,—

(a) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and,

(b) if a judge of any superior court in Canada is appointed chief commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

4. A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment.

5. One of such commissioners shall be appointed, by the Governor in Council, chief commissioner of the Board, and shall be entitled to hold the office of chief commissioner so long as he continues a member of the Board.

6. Another of the commissioners shall be appointed, by the Governor in Council, deputy chief commissioner of the Board. 3 E. VII., c. 58, s. 8; 4-5 E. VII., c. 35, s. 1.

11. Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company, railway, matter or thing, such power, authority or duty may, or shall be exercised by the Board. 3 E. VII., c. 58, s. 8.

12. In case of the absence of the Chief Commissioner, or of his inability to act, the Deputy Chief Commissioner shall exercise the powers of the Chief Commissioner in his stead; and, in such case, all regulations, orders and other documents signed by the Deputy Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner.

2. Whenever the Deputy Chief Commissioner appears to have acted for and instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. 3 E. VII., c. 58, s. 9.

13. Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case: Provided that, in any case where there is no opposing party, and no notice to be given to any interested party, any one commissioner may act alone for the Board.

2. The Chief Commissioner, when present, shall preside, and his opinion upon any question, which in the opinion of the commissioners is a question of law, shall prevail.

3. No vacancy in the Board shall impair the right of the remaining commissioners to act. 3 E. VII., c. 58, ss. 10 and 16.

14. Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested
disinterested person to act as commissioner pro hac vice; and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner pro hac vice: Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. 3 E. VII., c. 58, s. 11.

15. No commissioner shall, directly or indirectly,—
   (a) hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company subject to this Act; or,
   (b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways, or of any rolling stock to be used thereon.

2. If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to or vest in any such commissioner by will or succession for his own benefit, he shall, within three months thereafter absolutely sell and dispose of the same, or his interest therein. 3 E. VII., c. 58, s. 11.

16. Each commissioner shall during his term of office reside in the city of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines. 3 E. VII., c. 58, s. 12.

17. The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. 3 E. VII., c. 58, s. 13.

18. The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board. 3 E. VII., c. 58, s. 14.

19. Whenever circumstances render it expedient to hold sitting outside of Ottawa, the Board may hold such sitting in any part of Canada. 3 E. VII., c. 58, s. 15.

20. The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.
2. They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. 3 E. VII., c. 58, s. 16.

21. The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. 3 E. VII., c. 58, s. 21.

22. There shall be a secretary of the Board who shall be appointed by the Governor in Council, and who shall hold office during pleasure, and reside in the city of Ottawa. 3 E. VII., c. 58, s. 17.

23. It shall be the duty of the Secretary,—

(a) to attend all sessions of the Board;
(b) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;
(c) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;
(d) to obey all rules and directions which may be made or given by the Board touching his duties or office;
(e) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

2. The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order.

3. Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. 3 E. VII., c. 58, ss. 17 and 18.

24. In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. 3 E. VII., c. 58, s. 19.

25. There shall be attached to the Board such officers, clerks, stenographers and messengers as the Board, with the approval of the Governor in Council, from time to time, appoints.

2. The Board may at will dismiss any such officer, clerk, stenographer or messenger. 3 E. VII., c. 58, s. 21.

R.S., 1906.
26. The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

(a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction; or,

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give, or with respect to any matter, act or thing, which by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

2. The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company, or person is or may be required or authorized to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and shall for the purposes of this Act have full jurisdiction to hear and determine all matters whether of law or of fact.

3. The Board shall, as respects the attendance and examina-
tion of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a superior court.

4. The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, shall not be a bar to the exercise by the Board of any jurisdiction conferred by this Act; but every such receiver, manager, or official shall be bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court.
5. The decision of the Board as to whether any company, municipality or person is or is not a party interested within the meaning of this section shall be binding and conclusive upon all companies, municipalities and persons. 6 E. VII., c. 42, s. 2.

27. In order to the ascertainment of the true net earnings of—

(a) the Eastern Division of the Grand Trunk Pacific Railway, for the purposes of the scheduled agreements referred to in the Act passed in the fourth year of His Majesty's reign, chapter twenty-four, intituled An Act to amend the National Transcontinental Railway Act; and,

(b) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal or interest of any bonds made by the said Company and guaranteed by the Government are unpaid by the said Company;

the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

2. In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest, and to the provisions of the National Transcontinental Railway Act, and of the said Act in amendment thereof, and of the said scheduled agreements.

3. Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said Company should have received under a just and reasonable apportionment; and such agreement shall be material evidence only and not conclusive.

4. Either party to any such question may appeal from any such determination to the Supreme Court of Canada. 4 E. VII., c. 32, s. 4.

28. The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto, shall have the same powers as, upon any application or complaint, are vested in it by this Act.

2. Any power or authority vested in the Board under this Act may, though not so expressed in this Act, be exercised from time to time.

R.S., 1906.
time to time, or at any time, as the occasion may require. 3 E. VII., c. 58, s. 24.

29. The Board may review, rescind, change, alter or vary any order or decision made by it. 3 E. VII., c. 58, s. 25.

30. The Board may make orders and regulations,—
(a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof;
(b) with respect to the use of the steam whistle within any city, town or village, or any portion thereof;
(c) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another;
(d) for the coupling of cars;
(e) requiring proper shelter to be provided for all railway employees when on duty;
(f) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, and generally in connection with the railway, respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;
(g) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public;
(h) with respect to any matter, act or thing which by this or the Special Act is sanctioned, required to be done, or prohibited; and,
(i) generally for carrying this Act into effect.

2. Any such orders or regulations may be made to apply to any particular district, or to any railway, or section or portion thereof, and the Board may exempt any railway, or section or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

3. The Board may, by regulation, provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation made under this section shall be liable: Provided that no such penalty shall exceed one hundred dollars.
4. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred. 3 E. VII., c. 58, ss. 25 and 40.

Publication.

31. Any rule, regulation, order or decision of the Board shall, when published by the Board, or by leave of the Board, for three weeks in the Canada Gazette, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. 3 E. VII., c. 58, ss. 30 and 40.

Regulations and Orders of the Railway Committee of the Privy Council.

32. All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of the Railway Act, 1888, in force on the first day of February, one thousand nine hundred and four, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

2. The Board shall have the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders which the Board may make under this Act. 3 E. VII., c. 58, s. 33.

33. Notwithstanding the repeal of the Railway Act, 1888, the orders of the Railway Committee of the Privy Council in force on the first day of February, one thousand nine hundred and four, may be made rules or orders of the Exchequer Court, or of any superior court of any province in Canada, and may be enforced in all respects, as nearly as may be, in the same manner as provided by this Act, in the case of similar orders by the Board.

2. All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the first day of February, one thousand nine hundred and four, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. 3 E. VII., c. 58, s. 34.

34. The Governor in Council shall continue to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the first day of February, one thousand nine hundred and four, under the Railway Act, 1888, in as full and ample a manner as if the said
said Act had not been repealed and as if this Act had not been passed.

2. Any order or decision so sanctioned or confirmed shall have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the first day of February, one thousand nine hundred and four. 4 E. VII., c. 32, s. 1.

Salaries and Payments.

35. The Chief Commissioner shall be paid an annual salary of ten thousand dollars, and the other two commissioners shall be paid each an annual salary of eight thousand dollars.

2. The Secretary shall be paid an annual salary to be fixed by the Governor in Council, not exceeding four thousand dollars.

3. Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada. From unappropriated funds.
3 E. VII., c. 58, s. 20.

36. The officers, clerks, stenographers and messengers attached to the Board shall receive such salaries or remuneration as approved by the Governor in Council upon the recommendation of the Board. 3 E. VII., c. 58, s. 21.

37. Whenever the Board, by virtue of any power vested in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. 3 E. VII., c. 58, s. 21.

38. The salaries or remuneration of all such officers, clerks, stenographers, and messengers, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. 3 E. VII., c. 58, s. 21.

Franking Privilege.

39. All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council. 3 E. VII., c. 58, s. 22. 

Practice

R.S., 1906.
Practice and Procedure.

Notices, how signed. 40. Any notice required or authorized to be given in writing,—

By Board. (a) by the Board, may be signed by the Secretary or Chief Commissioner;

By Minister and others. (b) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be;

By a company. (c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and,

By any person. (d) by any person, may be signed by such person or his duly authorized agent or solicitor. 3 E. VII., c. 58, s. 28.

Notices, how served. 41. Any such notice required to be given to any company, municipality, corporation, co-partnership, firm or individual shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor,—

Railway company. (a) in the case of any railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

Municipality. (b) in the case of any municipality, or civic or municipal corporation, to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;

Other companies. (c) in the case of any company other than a railway company, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

Co-partnership. (d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or, at the last place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm, to a clerk employed therein; and,

Individuals. (e) in the case of any individual, to him, or, at his last place of abode, to any adult member of his household, or, at his office or place of business, to a clerk in his employ.

Other cases. 2. If, in any case within the jurisdiction of the Minister, or the Board, it shall be made to appear to the satisfaction of the Minister, or the Board, as the case may be, that service of any such notice cannot conveniently be made in the manner provided in the last preceding subsection, the Minister, or the Board, as the case may be, may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the Canada Gazette, and also, if required, in any other newspaper; and such publication in each case

R.S., 1906.
case shall be deemed to be equivalent to service in the manner provided in the said subsection.

3. Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. 3 E. VII., c. 58, s. 28.

42. Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. 3 E. VII., c. 58, s. 29.

43. Unless otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow notice for any period less than ten days. 3 E. VII., c. 58, s. 31.

44. Notice of any application to the Board for permission, as provided by the Lord's Day Act, to perform any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Railways and Canals, and shall fully set out the reasons relied upon.

2. The costs of any such application shall be borne by the Costs, applicant, and, if more than one, in such proportions as the Board determines.

3. In all other respects the procedure provided by this Act shall, so far as applicable, apply to any such application. 6 E. VII., c. 27, s. 3.

45. When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

2. Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. 3 E. VII., c. 58, s. 32.

46.
46. Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

2. To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:

'To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).

'Dated this ... day of A.D. 19 ...

Chief Commissioner of the Board of Railway Commissioners for Canada.'

3. The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

4. When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under the Railway Act, 1888, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court. 3 E. VII., c. 58, s. 35.

47. The Board may direct in any order that such order or any portion or provision thereof, shall come into force, at a future time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

2. The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. 3 E. VII., c. 58, s. 36.

48. Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if

R.S., 1906.
such application had been for such partial, other, or further relief. 3 E. VII., c. 58, s. 37.

49. The Board may, if the special circumstances of any case so require, make an interim ex parte order authorizing, requiring or forbidding any thing to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. 3 E. VII., c. 58, s. 38.

50. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing, or in its discretion, upon ex parte application, extend the time so specified. 3 E. VII., c. 58, s. 39.

51. The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. 3 E. VII., c. 58, s. 40.

52. The Board may, upon terms or otherwise, make or allow amendments in any proceedings before it. 3 E. VII., c. 58, s. 40.

53. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. 3 E. VII., c. 58, s. 41.

54. In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be prima facie evidence only.

2. The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

3. The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. 3 E. VII., c. 58, s. 42.

55. The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law.

2. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon, and remit the matter.
m. The Governor in Council may, at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made inter partes or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

2. An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless the same is allowed by a judge of the said Court upon application and upon notice to the parties and the Board, and hearing such of them as appear and desire to be heard; and the costs of such application shall be in the discretion of the judge.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, upon leave therefor having been first obtained from the Board; and the granting of such leave shall be in the discretion of the Board.

4. Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

5. On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

6. The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

7. The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act.
8. Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

9. Save as provided in this section,—
   (a) every decision or order of the Board shall be final; and, Proceedings of Board final save as above.
   (b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or any other process or proceeding in any court. 3 E. VII., c. 58, s. 44; 6 E. VII., c. 42, s. 3.

57. The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, and the Board shall without delay comply with the requirements of such reference. 3 E. VII., c. 58, s. 45.

58. The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed.

   2. The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

   3. The Board may prescribe a scale under which such costs shall be taxed. 3 E. VII., c. 58, s. 46.

59. When the Board, in the exercise of any power vested in it by this Act, or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

   2. The Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. 3 E. VII., c. 58, s. 47.

Inquiries.

60. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter or thing over which the Board has jurisdiction under this or the Special Act.
Chap. 37. Railways.

2. The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Minister is authorized to deal with under this Act or the Special Act. 3 E. VII., c. 58, s. 48.

Powers.

61. The Minister, the Board, inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

(b) inspect any works, structure, rolling stock or property of the company;

(c) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

(d) require the production of all material books, papers, plans, specifications, drawings and documents; and,

(e) administer oaths, affirmations or declarations;

and shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. 3 E. VII., c. 58, s. 49.

Annual report to be made.

62. The Board shall, within three months after the thirty-first day of March in each year, make to the Governor in Council through the Minister an annual report respecting,—

(a) applications to and proceedings of the Board under this Act, during the year next preceding the thirty-first day of March;

(b) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act; and,

(c) such matters as the Governor in Council directs.

2. The said report shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament. 6 E. VII., c. 42, s. 1.

WITNESSES AND EVIDENCE.

Powers regarding witnesses and evidence.

63. The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents,

R.S., 1906.
ments, or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

2. The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. 6 E. VII., c. 42, s. 2.

64. The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

2. All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

3. All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board.

4. Any oath administered out of Canada, before any commissioner authorized, to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

5. Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, etc., to be prima facie evidence.

R.S., 1906.
vice-consul, acting-consul, pro-consul, or consular agent, in
testimony of any oath having been administered by or before
him, shall be admitted in evidence before the Board without
proof of any such signature or seal being the signature or seal
of the person or corporation whose signature or seal it purports
to be, or of the official character of such person.

6. No informality in the heading or other formal requisites
of any oath made before any person under any provision of
this section shall be an objection to its reception in evidence
before the Board, if the Board thinks proper to receive it; and
if it is actually sworn to by the person making it before any
person duly authorized thereto, and is received in evidence, no
such informality shall be set up to defeat an indictment for
perjury. 6 E. VII., c. 42, s. 4.

65. Every person summoned to attend before the Minister
or the Board, or before any inspecting engineer, or person
appointed under this Act to make inquiry and report, shall,
in the discretion of the Minister or the Board, receive the like fees
and allowances for so doing as if summoned to attend before the
Exchequer Court. 3 E. VII., c. 58, s. 50.

66. No person shall be excused from attending and pro-
ducing books, papers, tariffs, contracts, agreements and docu-
ments, in obedience to the subpoena or order of the Board, or of
any person authorized to hold any investigation or inquiry under
this Act, or in any cause or proceeding based upon or arising
out of any alleged violation of this Act, on the ground that the
documentary evidence required of him, may tend to criminate
him or subject him to any proceeding or penalty; but no such
book, paper, tariffs, contract, agreement or document so pro-
duced shall be used or receivable against such person in any
criminal proceeding thereafter instituted against him, other-
than a prosecution for perjury in giving evidence upon such in-
vestigation or inquiry, cause or proceeding. 3 E. VII., c. 58,
s. 50.

67. In any proceeding before the Board and in any action
or proceeding under this Act, every written or printed docu-
ment purporting to have been issued or authorized by the com-
pany, or any officer, agent, or employee of the company, or any
other person or company for or on its behalf, shall, as against
the company, be received as prima facie evidence of the issue of
such document by the company and of the contents thereof,
without any further proof than the mere production of such
document. 3 E. VII., c. 58, s. 50.

68. Every document purporting to be signed by the Minister,
or by the Chief Commissioner and Secretary or either of them,
or by an inspecting engineer, shall, without proof of any such
signature, be prima facie evidence that such document was duly
signed

R.S., 1906.
signed and issued by the Minister, the Board, or inspecting engineer as the case may be.

2. If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it shall be prima facie evidence of such regulation, order, direction, decision or report. 3 E. VII., c. 58, s. 26.

69. Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of the signature of the Secretary, be prima facie evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

2. A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall be prima facie evidence of such regulation, order or document, without proof of signature of the Secretary. 3 E. VII., c. 58, s. 27.

70. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. 3 E. VII., c. 58, s. 66.

71. The certificate of proprietorship of any share shall be prima facie evidence of the title of any shareholder, his executors, administrators or assigns, or its successors and assigns, as the case may be, to the share therein specified. 3 E. VII., c. 58, s. 100.

72. A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call or interest accrued thereon, and that such share has been purchased by a purchaser therein named shall be sufficient evidence of such facts. 3 E. VII., c. 58, s. 106.

73. A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this Act deposited R.S., 1906.
Act and the Special Act, and of any assignment thereof, or
other instrument in any way affecting such mortgage or security,
deposited in the office of the Secretary of State of Canada,
certified to be a true copy by the Secretary of State, or by the
Deputy Registrar General of Canada, shall be prima facie
evidence of the original, without proof of the signature of such
official. 3 E. VII., c. 58, s. 112.

74. A copy of any plan, profile, book of reference, cer-
tified copy thereof, or other document, relating to the location
or construction of any railway, and deposited under the provi-
sions of this Act with the registrar of deeds of any district or
county through which the railway passes, certified by such
registrar, in the manner hereinafter required, to be a true
copy, shall be prima facie evidence of the original so deposited,
that such original was so deposited at the time certified thereon,
and that the same was signed, certified, attested or otherwise
executed by the persons by whom and in the manner in which
the said original purports to be signed, certified, attested or
executed, as shown or appearing by such certified copy; and,
in the case of a plan, that such plan is prepared according to a
scale and in manner and form sanctioned by the Board.
3 E. VII., c. 58, s. 127.

75. The records relating to appointments and dismissals
of railway constables, required by this Act to be kept by the
respective clerks of the peace for the counties, parishes, districts
or other local jurisdictions in which such constables are
appointed, shall, without further proof than the mere production
of such records, be prima facie evidence of the due appointments
of such constables, of their jurisdiction to act as such, and of
the other facts by this Act required to be so recorded. 3 E.
VII., c. 58, s. 241.

76. A copy of any by-law, rule or regulation of the com-
pany, certified as correct by the president, secretary or other
executive officer of the company, and bearing the seal of the
company, shall be evidence thereof. 3 E. VII., c. 58, s. 250.

77. Whenever it is shown that any company charges one
person, company, or class of persons, or the persons in any
district, lower tolls for the same or similar goods, or lower
tolls for the same or similar services, than it charges to other
persons, companies, or classes of persons, or to the persons in
another district, or makes any difference in treatment in respect
of such companies or persons, the burden of proving that such
lower toll or difference in treatment, does not amount to an
undue preference or an unjust discrimination shall lie on the
company. 3 E. VII., c. 58, s. 254.
78. If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. 3 E. VII., c. 58, s. 279.

COMPANIES.

Incorporation.

79. Every company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. 3 E. VII., c. 58, s. 51.

Offices.

80. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada: Provided that notice of any such change shall be given to the Secretary of the Board.

2. The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him.

3. The directors of the company may establish one or more offices in other places in Canada or elsewhere. 3 E. VII., c. 58, s. 52.

Provisional Directors.

81. The persons mentioned by name as such in the Special Act shall be the provisional directors of the company.

2. A majority of such provisional directors shall form a quorum.

3. The provisional directors may,—

(a) forthwith open stock books and procure subscriptions of stock for the undertaking;
(b) receive payments on account of stock subscribed;
(c) cause plans and surveys to be made; and,
(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

4. The moneys so received and deposited shall not be with drawn, except for the purposes of the undertaking, or upon the dissolution of the company.

5. The provisional directors shall hold office as such until the first election of directors. 3 E. VII., c. 58, s. 53.

R.S., 1906.
82. If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. 3 E. VII., c. 58, s. 54.

Capital.

83. The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

2. The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. 3 E. VII., c. 58, s. 55.

84. So soon as twenty-five per centum of the capital has been subscribed, and ten per centum of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per centum on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

2. Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. 3 E. VII., c. 58, s. 56.

85. The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if,—

(a) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and,

(b) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.

2. Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. 3 E. VII., c. 58, s. 57.

R.S., 1906.
86. The stock of the company shall be personal property. Personal property.

3 E. VII., c. 58, s. 97.

87. Shares in the company may be sold and transferred by the holders thereof by instrument in writing, made in duplicate. How transferred.

2. One of such duplicate transfers shall be delivered to the directors to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose.

3. No interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. Dividends.

88. Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the Form of transfer.

names and descriptions of the contracting parties as the case requires, that is to say:

'I, (A. B.), in consideration of the sum of paid to me by (C. D.), hereby sell and transfer to him share (or shares) of the stock of the , to hold to him, the said (C. D.), his executors, administrators and assigns (or successors and assigns, as the case may be), subject to the same rules and orders and on the same conditions upon which I held the same immediately before the execution hereof. And I, the said (C. D.), do hereby agree to accept of the said (A. B.’s) share (or shares) subject to the same rules, orders and conditions.

‘Witness our hands this day of , in the year 19 .’

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. As to paid-up shares.

3 E. VII., c. 58, s. 96.

89. No shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon. Restrictions on transfers.

2. No transfer of less than a whole share shall be valid. 3 E. VII., c. 58, s. 97.

90. The want of a certificate of proprietorship shall not prevent the holder of any share from disposing thereof. Certificate.

3 E. VII., c. 58, s. 101.

91. If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, donatio mortis causa, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him, which shall declare the manner of such transmission.

521

R.S., 1906.
mission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

2. The person to whom the share is so transmitted as aforesaid, shall not, without complying with this section, be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. 3 E. VII., c. 58, s. 98.

92. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security, and shall not be bound to recognize any claim on the part of any other person whatsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing in this section contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. 3 E. VII., c. 58, s. 99.

93. Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

2. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. 3 E. VII., c. 58, ss. 102 and 103.

94. Every shareholder so forfeiting shall be by such forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. 3 E. VII., c. 58, s. 104.

95. The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefore having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

2. The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest,
interest, and the expenses attending such sale and declaration of forfeiture.

3. If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

4. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid.

5. Any shareholder may purchase any forfeited share sold. 3 E. VII., c. 58, s. 105.

96. A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto.

2. Such certificate shall be by the treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share.

3. The purchaser shall not be bound to see to the application of the purchase money.

4. The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. 3 E. VII., c. 58, s. 106.

97. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company.

2. Upon the principal moneys so paid in advance, or so Interest. much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon.

3. Such interest shall not be paid out of the capital subscribed. 3 E. VII., c. 58, s. 107.

98. Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up: Provided that no action shall be instituted for R.S., 1906.
or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. 3 E. VII., c. 58, s. 108.

99. Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. 3 E. VII., c. 58, s. 58.

100. All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. 3 E. VII., c. 58, s. 109.

101. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. 3 E. VII., c. 58, s. 110.

Meetings of Shareholders.

102. A general meeting of the shareholders for the election of directors, and for the transaction of other business connected with or incident to the undertaking, to be called the annual meeting, shall be held annually on the day mentioned in the Special Act, or on such other day as the directors may determine.

2. Other general meetings, to be called special meetings, may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene a special meeting, fail, for twenty-one days thereafter, to call such meeting. 3 E. VII., c. 58, s. 59; 4 E. VII., c. 32, s. 3.

103. All general meetings, whether annual or special, shall be held at the head office of the company. 3 E. VII., c. 58, s. 60.

104. At least four weeks' public notice of any meeting shall be given by advertisement published in the Canada Gazette, and in at least one newspaper published in the place where the head office is situate.

2. Such notices shall specify the place and the day and the hour of meeting.

3. All such notices shall be published weekly.
4. A copy of the Canada Gazette containing such notice shall, evidence of
on production thereof, be sufficient evidence of such notice
having been given. 3 E. VII., c. 58, s. 61.

105. Any business connected with or incident to the under-
taking may be transacted at an annual meeting, except such
business as is, by this Act or the Special Act, required to be
transacted at a special meeting.

2. No special meeting shall enter upon any business not set forth in the notice upon which it is convened. 3 E. VII., c. 58, s. 62.

106. The number of votes to which each shareholder shall be entitled, at any meeting of the shareholders, shall be in the proportion of the number of shares held by him, on which all calls due have been paid. 3 E. VII., c. 58, s. 63.

107. Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:—

'I, of , one of the shareholders of the proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said thinks proper.

In witness whereof, I have hereunto set my hand and seal the day of in the year .

2. The votes by proxy shall be as valid as if the constituents had voted in person. 3 E. VII., c. 58, ss. 64 and 65.

108. Every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority vote. If the company and be deemed the decisions and acts of the

2. All decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. 3 E. VII., c. 58, s. 65.

109. All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. 3 E. VII., c. 58, s. 67.

President and Directors.

110. A board of directors of the company, to manage its affairs, the number of whom shall be stated in the Special Act shall be chosen at the annual meeting.

525 2
R.S., 1906.
2. If such election is not held at the annual meeting, the
directors shall cause such election to be held at a special meeting
duly called for that purpose, within as short a delay as possible
after the annual meeting.

3. No person shall vote at such special meeting except those
who would have been entitled to vote if the election had been
held at the annual meeting. 3 E. VII., c. 58, ss. 68 and 69.

111. The mayor, warden, reeve or other head officer of any
municipal corporation, in any province of Canada holding
stock in any company to the amount of twenty thousand dollars
or upwards, shall be ex officio one of the directors of the company,
in addition to the number of directors authorized by the
Special Act, unless in such Special Act provision is made
for the representation of such corporation on the directorate
of such company. 3 E. VII., c. 58, s. 58.

112. No person shall be a director unless he is a shareholder,
owning twenty shares of stock, and has paid all calls due there-
on, and is qualified to vote for directors at the election at
which he is chosen.

2. No person who holds any office, place or employment
in the company, or who is concerned or interested in any con-
tract under or with the company, or is surety for any contractor
with the company, shall be capable of being chosen a director,
or of holding the office of director.

3. If the company has received aid towards the construction
of its railway or undertaking or any part thereof from the
Government, under any Act of the Parliament of Canada, a
majority of its directors shall be British subjects. 3 E. VII.,
c. 58, ss. 71 and 79; 4 E. V. I., c. 32, s. 5.

113. The directors appointed at the last election, or those
appointed in their stead in case of vacancy, shall remain in
office until the next ensuing election of directors. 3 E. VII.,
c. 58, s. 72.

114. Vacancies in the board of directors shall be filled in
the manner prescribed by the by-laws. 3 E. VII., c. 58, s. 70.

115. In case of the death, absence or resignation of any
of the directors, others may, unless otherwise prescribed by
the by-laws, be appointed in their stead by the remaining
directors.

2. In case such remaining directors do not constitute a
quorum, the shareholders, at a special meeting to be called
for that purpose, may, unless otherwise prescribed in the
by-laws, elect such other directors.

3. If such appointment or election is not made, such death,
absence or resignation shall not invalidate the acts of the re-
main directing directors. 3 E. VII., c. 58, s. 73.

R.S., 1906.
116. The directors shall, at their first or at some other meeting after their election, elect one of their number to be the president of the company; and they may, in like manner, elect a vice-president.

2. The president shall hold his office until he ceases to be a director, or until another president has been elected in his stead.

3. Unless otherwise provided by by-law, the president shall always, when present, preside at all meetings of the directors.

4. The vice-president shall act as chairman in the absence of the president. 3 E. VII., c. 58, s. 74.

117. A majority of the directors shall form a quorum.

2. The directors at any meeting regularly held, at which not less than a quorum is present, shall be competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. 3 E. VII., c. 58, ss. 68, 75 and 76.

118. No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. 3 E. VII., c. 58, s. 77.

119. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings, if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. 3 E. VII., c. 58, s. 78.

120. No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. 3 E. VII., c. 58, s. 79.

121. The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for,—

(a) the management and disposition of the stock, property, business and affairs of the company;

(b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and,

(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable. 3 E. VII., c. 58, s. 80.

122. R.S., 1906.
122. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.

2. Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. 3 E. VII., c. 58, s. 81.

123. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.

2. The directors may, at any meeting of directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.

3. A certificate of any such absence or illness of the president, signed by the secretary of the company, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar.

4. Such certificate shall be prima facie evidence of such absence or illness at and during the period in the said certificate mentioned. 3 E. VII., c. 58, ss. 82 and 83.

124. The directors shall cause to be kept, and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. 3 E. VII., c. 58, s. 84.

Calls.

125. The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such calls, the notices of each call, and the other provisions of this Act and of the Special Act, in respect of calls, are duly observed and given.

2. At least thirty days' notice shall be given of each call.

3. No call shall exceed the amount prescribed in the Special Act.
4. No call shall be made at a less interval than two months Intervals.
   from the previous call.
5. A greater amount shall not be called in, in any one year, Annual
   amount.
6. Nothing herein contained shall prevent the directors Resolution.
   from making more than one call by one resolution of the Board.
3 E. VII., c. 58, s. 85.

126. At least four weeks’ notice of any call upon the share- Publication
   holders of the company shall be given by weekly publication in of notice of
   the Canada Gazette, and in at least one newspaper published in the place where the head office of the company is situate.
2. A copy of the Canada Gazette containing any such notice Evidence.
   shall on production thereof be sufficient evidence of such notice having been given. 3 E. VII., c. 58, s. 86.

127. Every shareholder shall be liable to pay the amount Liability of
   of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time, appointed by the company or the directors. 3 E. VII., c. 58, s. 87.

128. If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest upon such amount, at the rate of five per centum per annum, from the day appointed Five per
   for the payment thereof to the time of the actual payment. cent.
3 E. VII., c. 58, s. 88.

129. If, at the time appointed for the payment of any Failure to
   call, any shareholder fails to pay the amount of the call, he may pay call.
   be sued therefor in any court of competent jurisdiction, and Suit.
   such amount shall be recoverable with lawful interest from the day on which the call became payable. 3 E. VII., c. 58, s. 89.

130. In any action or suit to recover any money due upon Pleadings.
   any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls. 3 E. VII., c. 58, s. 90.

Dividends and Interest.

131. Dividends, at and after the rate of so much per share Declaration
   upon the several shares held by the shareholders in the stock of
dividends.
   the company, may, from time to time, be declared and paid by
   the directors out of the net profits of the undertaking. 6 E.
   VII., c. 42, s. 5.
34

132. R.S., 1906.
529
Reserve fund.

132. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval.

2. The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. 3 E. VII., c. 58, s. 92.

No dividend out of capital.

133. No dividend shall be,—

(a) declared whereby the capital of the company is in any degree reduced or impaired; or,

(b) paid out of such capital; or,

(c) paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

Provided that the directors may in their discretion, until the railway is completed and opened to the public, pay interest at any rate, not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid, and that such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. 3 E. VII., c. 58, s. 93.

If shareholder in arrears.

No interest.

134. No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. 3 E. VII., c. 58, s. 94.

Arrears deducted from dividend.

135. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. 3 E. VII., c. 58, s. 94.

 Bonds, Mortgages and Borrowing Powers.

Authorized.

136. Subject to the provisions of this Act and of the Special Act, the directors of the company may, when thereunto authorized by the Special Act, issue bonds, debentures, perpetual or terminable debenture stock, or other securities, if duly empowered in that behalf by the shareholders, at any special meeting called for the purpose by notice in the manner provided by this Act, or at any annual meeting in case like notice of intention to apply for such authority at such annual meeting has been given, at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon, are present in person, or represented by proxy.

R.S., 1906.
2. Such securities shall be signed by the president or other Securies, presiding officer and countersigned by the secretary, and such how exec- counter-signature, and the signature to the coupons attached to uted. such securities, may be engraved.

3. Such securities may be made payable at such times and in such manner and at such place or places in Canada or else- Where, and may bear such rate of interest, not exceeding five per centum per annum, as the directors think proper.

4. No such security shall be for a less sum than one hundred Amount. dollars.

5. The directors may, for the purpose of raising money for Terms of prosecuting the undertaking, issue, and sell or pledge, all or any sale. of the said securities, at the best price, and upon the best terms and conditions, which at the time they may be able to obtain.

6. The power of issuing securities conferred upon the com- company by this Act, or under the Special Act, shall not be Extent of con-strued as being exhausted by any issue, and such power may be borrowing power. exercised from time to time: Provided that the limit to the amount of securities fixed in the Special Act shall not be ex- ceeded. 3 E. VII., c. 58, s. 111.

137. No power to issue or dispose of any such securities Provin- conferred by any Special Act of a provincial legislature shall, if railway. such railway is thereafter brought under the legislative author- ity of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. 3 E. VII., c. 58, s. 111.

138. The company may secure such securities by a mort- Mortgage. gage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein: Provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

2. By the said mortgage, the company may grant to the Powers which may be granted in mortgage. holders of such securities, or the trustees named in such mort- gage, all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be: and all the powers, rights and remedies, so provided for in such mortgage, shall be valid and binding and available to the said holders in manner and form as therein provided. 3 E. VII., c. 58, s. 112.

139. The company may except from the operation of any Property ex- such mortgage any assets, property, rents or revenue of the cepted from company mortgage. 34 34 1 531 R.S., 1906.
company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company.

2. Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. 3 E. VII., c. 58, s. 112.

140. Every such mortgage deed, and every assignment thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in the Canada Gazette.

2. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property. 3 E. VII., c. 58, s. 112.

141. Subject as hereinbefore provided to the payment of penalties and the working expenditure of the railway, and to any lawful restriction or exception contained in the mortgage deed, the securities so authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, at any time acquired. 3 E. VII., c. 58, s. 113.

142. Each holder of the said securities shall be deemed to be a mortgagee or encumbrancer upon the mortgaged premises pro rata with all the other holders.

2. No proceedings authorized by law or by this Act shall be taken to enforce payment of the said securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed. 3 E. VII., c. 58, s. 113.

143. If the company makes default in paying the principal of or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, shall, in respect thereof, subject to the provisions of the next following section, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. 3 E. VII., c. 58, s. 114.

R.S., 1906.
144. The rights given by the last preceding section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

2. The company shall be bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. 3 E. VII., c. 58, s. 114.

145. The exercise of the rights so given as provided by the two last preceding sections, shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. 3 E. VII., c. 58, s. 114.

146. All such securities may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided.

2. While so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. 3 E. VII., c. 58, s. 115.

147. The company may, for the purposes of the under-taking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange.

2. Every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown.

3. It shall not be necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange.

4. Nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, intended to be circulated as money, or as the note or bill of a bank. 3 E. VII., c. 58, s. 116.

148. Neither the president, vice-president or secretary, or any other officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been, in writing, offered and accepted by the company as money, or as the note or bill of a bank. 3 E. VII., c. 58, s. 116.
has been issued without proper authority. 3 E. VII., c. 58, s. 116.

Purchase of Railway Securities.

149. No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities: Provided that nothing in this section shall affect the powers or rights which any company in Canada had or possessed on the first day of February, one thousand nine hundred and four, by virtue of any Special Act, to acquire, have or hold shares, bonds, or other securities of any railway company in Canada or the United States. 3 E. VII., c. 58, s. 290.

CONSTRUCTION.

Limitation of Time for Construction.

150. If the construction of the railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon within two years after the passing of the Act authorizing the construction of the railway, or if the railway is not finished and put in operation within five years from the passing of such Act, then the powers granted by such Act, or by this Act, shall cease and be null and void as respects so much of the railway as then remains uncompleted. 3 E. VII., c. 58, s. 117.

General Powers.

151. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

Entry upon Crown lands. (a) enter into and upon any Crown lands without previous license therefor, or into and upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Surveys. (b) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

Receive grants and bonuses. (c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance
maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

(d) make, carry or place the railway across or upon the lands of any person on the located line of the railway;

(e) cross any railway, or join the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

(f) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them;

(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

(h) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway;

(i) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor;

(j) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track;

(k) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

(l) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

(m) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

(n) divert or alter the position of any water-pipe, gas-pipe, sewer, or drain, or any telegraph, telephone or electric lines, wires or poles;

(o) construct, acquire and use telegraph, telephone or electric lines and plant;

Disposing of property not required.

Placing of railway.

Cross and connect with other railways.

Construct and operate railways.

Transport passengers and freight.

Buildings, equipment, etc.

Tunnels and other works.

R.S., 1906.
(p) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and,

(q) do all other acts necessary for the construction, maintenance and operation of the railway. 3 E. VII., c. 58, s. 118.

152. Any company which has obtained from the Crown, by way of subsidy or otherwise, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof.

2. Such company may convey such right or interest or any part thereof, to any other company which has entered into any undertaking for the construction or operation, in whole, or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it. 3 E. VII., c. 58, s. 118.

153. If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown as aforesaid. 3 E. VII., c. 58, s. 118.

154. The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. 3 E. VII., c. 58, s. 119.

155. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. 3 E. VII., c. 58, s. 120.

156. Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers which it may exercise in Canada. 3 E. VII., c. 58, s. 121.
Location of Line.

157. The company shall prepare, and submit to the Minister, in duplicate, a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tidewaters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Minister may require.

2. Such map shall be prepared upon a scale of not less than six miles to the inch, or upon such other appropriate scale as the Minister may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Minister's approval of the general location as shown on the said map.

3. Before approving such map and location the Minister may, subject to the Special Act, make such changes and alterations therein as he may deem expedient, and upon being satisfied therewith shall signify his approval upon the map and the duplicate thereof.

4. The map when so approved and the application shall be filed in the Department of Railways and Canals, and the duplicate thereof with the Board.

5. The Minister in approving any such map and location may approve the whole or any portion thereof, and where he approves only a portion thereof he shall signify his approval upon the map and the duplicate thereof accordingly.

6. The provisions of this section shall only apply to the main line, and to branch lines over six miles in length. 3 E. VII., c. 58, s. 122; 6 E. VII., c. 42, s. 6.

158. Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway.

2. The plan shall show,—
   (a) the right of way, with lengths of sections in miles;
   (b) the names of terminal points;
   (c) the station grounds;
   (d) the property lines and owners' names;
   (e) the areas and length and width of lands proposed to be taken, in figures, stating every change of width;
   (f) the bearings; and,
   (g) all open drains, watercourses, highways and railways proposed to be crossed or affected.

3. The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

4. The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of reference.

537 of R.S., 1906.
of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained.

5. The Board may require any additional information for the proper understanding of the plan and profile.

6. The plan, profile and book of reference may be of a section or sections of the railway.

7. In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. 3 E. VII., c. 58, s. 122.

Sanction by Board. 159. Such plan, profile and book of reference shall be submitted to the Board which, if satisfied therewith, may sanction the same.

2. The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

3. In granting any such sanction the Board shall be bound by the general location as approved by the Minister: Provided that the Board may, unless the Minister otherwise specifically directs, sanction a deviation of not more than one mile from any one point on the said general location so approved.

4. Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole, or of any portion of the remainder of the railway, or such further or other information as the Board may deem expedient. 3 E. VII., c. 58, s. 123; 6 E. VII., c. 42, s. 7.

Deposit with Board. 160. The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.

2. The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. 3 E. VII., c. 58, s. 124.

Errors. 161. The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. 3 E. VII., c. 58, s. 125.

Corrections. 162. Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the company,

R.S., 1906.
company may apply to the Board for a certificate to correct the procedure.

2. The Board may, in its discretion, require notice to be given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from mistake, may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

3. Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction.

4. Two justices may exercise the powers of the Board under this section. 3 E. VII., c. 58, s. 126.

163. Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

2. All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

3. The registrar shall, at the request of any person, certify copies of any such plan, profile, book of reference, or document, so deposited in his office, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

4. Such certificate of the registrar shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original. 3 E. VII., c. 58, s. 127.

164. A plan and profile of the completed railway or of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period R.S., 1906.
With Board. period as the Board at any time directs, be made and filed with
the Board.

At registry
offices. 2. Plans of the parts of such railway so completed or in
operation located in different districts and counties, prepared
on such a scale, and in such manner, and form, and signed,
or authenticated in such manner, as the Board may from time
to time, by general regulation or in any individual case, san-
tion or require, shall be filed in the registry offices for the dis-
tricts and counties in which such parts are respectively situate.
3 E. VII., c. 58, s. 128.

Plans and
profiles, how
prepared. 165. All plans and profiles required by law to be deposited
by the company with the Board, shall be drawn to such scale,
with such detail, upon such materials, and shall be of such
character, as the Board may, either by general regulation, or in
any case, require or sanction.

Certification. 2. All such plans and profiles shall be certified and signed
by the president or vice-president or general manager, and also
by the engineer of the company.

Book of
reference. 3. Any book of reference, required to be so deposited, shall
be prepared to the satisfaction of the Board.

Board may
refuse
sanction. 4. Unless and until such plan, profile and book of reference
is so made satisfactory to the Board, the Board may refuse to
sanction the same, or to allow the same to be deposited with the
Board. 3 E. VII., c. 58, s. 129.

Further
plans, etc.,
as Board
requires. 166. In addition to such plans, profiles and books of refer-
ence, the company shall, with all reasonable expedition, pre-
pare and deposit with the Board, any other or further plans,
profiles, or books of reference of any portion of the railway, or
of any siding, station or works thereof, which the Board may
from time to time order or require. 3 E. VII., c. 58, s. 129.

Deviations,
changes or
alterations. 167. If any deviation, change or alteration is required by
the company to be made in the railway, or any portion thereof,
as already constructed, or as merely located and sanctioned, a
plan, profile and book of reference of the portion of such railway
proposed to be changed, showing the deviation, change or altera-
tion proposed to be made, shall, in like manner as hereinbefore
provided with respect to the original plan, profile and book of
reference, be submitted for the approval of the Board, and may
be sanctioned by the Board.

Plan,
profile, etc. 2. The plan, profile and book of reference of the portion of
such railway so proposed to be changed shall, when so san-
tioned, be deposited and dealt with as hereinbefore provided
with respect to such original plan, profile and book of reference.

Sanction. 3. The company may thereupon make such deviation, change,
or alteration, and all the provisions of this Act shall apply to
the portion of such line of railway so at any time changed or
proposed to be changed, in the same manner as they apply to
the original line.

Deposit. R.S., 1906.
4. The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference, as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

5. Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. 3 E. VII., c. 58, s. 130.

168. The company shall not commence the construction of the railway, or any section or portion thereof, until the plan, profile and book of reference has been submitted to and sanctioned by the Board as hereinbefore provided, nor until such plan, profile and book of reference so sanctioned has been deposited with the Board, and duly certified copies thereof with the registrars of deeds, in accordance with the provisions of this Act.

2. The company shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with. 3 E. VII., c. 58, s. 131.

**Mines and Minerals.**

169. No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. 3 E. VII., c. 58, s. 132.

170. The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

2. All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. 3 E. VII., c. 58, s. 132.

171. No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith...

R.S., 1906.
yards of any railway. thery with, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

2. Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

3. The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. 3 E. VII., c. 58, s. 133.

The taking or using of Lands.

172. No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council.

2. Any company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway as have not been granted or sold, and as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making and completing and using its said railway and works.

3. The company may not alienate any such lands so taken, used or occupied.

4. Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. 3 E. VII., c. 58, s. 134.

173. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. 3 E. VII., c. 58, s. 134.

174. Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval or military purposes, it shall first apply for and obtain the license and consent of the Crown, under the hand and seal of the Governor General.

R.S., 1906.
2. No such license or consent shall be given, except upon a license or report first made thereupon by the naval or military authorities, in which such lands are for the time being vested, approving of such license and consent being so given.

3. The company may, with such license and consent, at any Entry. time or times enter into and enjoy any of the said lands for the purposes of the railway. 3 E. VII., c. 58, s. 135.

175. No company shall take possession of or occupy any Indian lands. portion of any Indian reserve or lands, without the consent of the Governor in Council.

2. When, with such consent, any portion of any such reserve is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 3 E. VII., c. 58, s. 136.

176. The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

2. Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests.

3. If the parties fail to agree as to compensation, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted. 3 E. VII., c. 58, s. 137; 6 E. VII., c. 42, s. 8.

177. The lands which may be taken without the consent of the owner shall not exceed,—

(a) for the right of way, one hundred feet in breadth, except in places where the rail level is or is proposed to be more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

(b) for stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way. 3 E. VII., c. 58, s. 138.

178. R.S., 1906.
Where more ample space required.

178. Should the company require, at any point on the railway, more ample space than it possesses or may take under the last preceding section, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may apply to the Board for authority to take the same for such purposes, without the consent of the owner.

2. The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

3. The company, upon such application, shall also furnish to the Board, in duplicate,—

(a) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board;

(b) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

4. After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

In duplicate.

5. Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

Deposit with registrars of deeds.

6. Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Provisions of this Act which apply.

7. All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands authorized.
ized under this section to be taken, except the provisions relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof, when so sanctioned, with the Board and with registrars of deeds.

8. The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made under section one hundred and nine of The Railway Act, 1888. 3 E. VII., c. 58, s. 139; 6 E. VII., c. 42, s. 9.

179. The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

2. Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated,—

(a) such sum, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court; and,

(b) interest for six months upon the sum so fixed.

3. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction pro tanto of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

4. Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. 3 E. VII., c. 58, s. 140.

180. Whenever,—

(a) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

(b) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway; and,

(c) the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and

R.S., 1906.
the land on which such materials or water are situate, or
to which they have been brought;
the company may, if it cannot agree with the owner of the
lands for the purchase thereof, cause a land surveyor, duly
licensed to act in the province, or an engineer, to make a plan
and description of the property or right of way, and shall serve
upon each of the owners or occupiers of the lands affected a
copy of such plan and description, or of so much thereof as
relates to the lands owned or occupied by them respectively,
duly certified by such surveyor or engineer.

2. All the provisions of this Act shall, in so far as applicable,
apply, and the powers thereby granted may be used and exer-
cised to obtain the materials or water, so required, or the
right of way to the same, irrespective of the distance thereof:
Provided that the company shall not be required to submit any
such plan for the sanction of the Board.

3. The company may, at its discretion, acquire the lands
from which such materials or water are taken, or upon which
the right of way thereto is located, for a term of years or
permanently.

4. The notice of arbitration, if arbitration is resorted to,
shall state the extent of the privilege and title required.

5. The tracks, spurs or branch lines constructed or laid by
the company under this section shall not be used for any pur-
pose other than in this section mentioned, except by leave of the
Board, and subject to such terms and conditions as the Board
sees fit to impose. 3 E. VII., c. 58, s. 141.

181. Whenever the company can purchase a larger
quantity of land from any particular owner at a more reason-
able price, on the average, or on terms more advantageous, than
those upon which it could obtain the portion thereof which it
may take from him without his consent, it may purchase such
larger quantity.

2. The company may sell and dispose of any part of the
lands so purchased which may be unnecessary for its under-
taking. 3 E. VII., c. 58, s. 142.

182. Every company may, on and after the first day of
November, in each year, enter into and upon any lands of His
Majesty, or of any person, lying along the route or line of the
railway, and erect and maintain snow fences thereon, subject
to the payment of such land damages, if any actually suffered,
as are thereafter established, in the manner provided by law
with respect to such railway.

2. Every snow fence so erected shall be removed on or before
the first day of April then next following. 3 E. VII., c. 58,
s. 143.

183. All tenants in tail or for life, grévés de substitution,
guardians, curators, executors, administrators, trustees and all
persons
persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, 

femescovetl or other persons, seized, possessed of or interested in any lands, may contract and sell and convey to the company all or any part thereof. 3 E. VII., c. 58, s. 144.

184. When such persons have no right in law to sell or convey the rights of property in the said land, they may obtain from a judge, after due notice to the persons interested, the right to sell the said land.

2. The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. 3 E. VII., c. 58, s. 145.

185. The powers, by the last two preceding sections conferred upon,—

(a) rectors in possession of glebe lands in the province of Ontario;
(b) ecclesiastical and other corporations;
(c) trustees of land for church or school purposes;
(d) executors appointed by wills under which they are not invested with any power over the real property of the testator; and,
(e) administrators of persons dying intestate, but at their death seized of real property;

shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. 3 E. VII., c. 58, s. 146.

186. Any contract, agreement, sale, conveyance or assurance made under the authority of any of the last three preceding sections shall be valid and effectual in law, to all intents and purposes whatsoever; and any conveyance so authorized shall vest in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever.

2. The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. 3 E. VII., c. 58, s. 147.

187. The company shall not be responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. 3 E. VII., c. 58, s. 148.

188. Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining R.S., 1906.
ascertaining of the lands required for the railway, shall be binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

2. Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. 3 E. VII., c. 58, s. 149.

189. If, in any case not hereinafter provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

2. If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner herein prescribed. 3 E. VII., c. 58, s. 150.

190. Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, shall, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway. 3 E. VII., c. 58, s. 151.

191. After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any published, in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may be taken, or which suffer damage from the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained.

2. In case of disagreement between the parties, or any of them, all questions which arise between them shall be settled as hereinafter provided. 3 E. VII., c. 58, s. 152.

Compensation and Damages.

192. The deposit of a plan, profile and book of reference, and the notice of such deposit, shall be deemed a general notice to

R.S., 1906.
to all parties of the lands which will be required for the rail-
way and works.

2. The date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained. 3 E. VII., c. 58, s. 153.

193. The notice served upon the party shall contain,—  
(a) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described; and,
(b) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages. 3 E. VII., c. 58, s. 154.

194. Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated, or an engineer, who is a disinterested person, which certificate shall state,—  
(a) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway, or is within the limit of deviation allowed by this Act;
(b) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,
(c) that the sum so offered is, in his opinion, a fair compen-
sation for the land and damages aforesaid. 3 E. VII., c. 58, s. 155.

195. If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie.

2. Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained.

3. The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county. 3 E. VII., c. 58, ss. 157 and 158.

196. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, the judge shall, on the application of the company, appoint a person to be sole arbitrator for determining the compensation to be paid as aforesaid: Provided R.S., 1906.
Provided that the judge shall, at the request of either party on such application, appoint three arbitrators to determine such compensation, one of whom may be named by each party on such application.

2. Six days' notice of such application shall be given by the company to the opposite party.

3. If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in the last preceding section authorized: Provided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper. 3 E. VII., c. 58, s. 159; 6 E. VII., c. 42, s. 10.

197. The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their or his office, and shall proceed to ascertain such compensation in such way as they or he, or a majority of them, deems best.

2. The award of such arbitrators, or of any two of them, or of the sole arbitrator, shall, except as hereinafter provided, be final and conclusive.

3. No such award shall be made, nor shall any official act be done, by a majority of the arbitrators except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present has been adjourned. 3 E. VII., c. 58, s. 160.

198. The arbitrators or the sole arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands. 3 E. VII., c. 58, s. 161.

199. If, by any award of the arbitrators or of the sole arbitrator made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise they shall be borne by the opposite party and be deducted from the compensation.

2. The amount of the costs, if not agreed upon, may be taxed by the judge. 3 E. VII., c. 58, s. 162.

200.
200. The arbitrators, or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties, or such witnesses as appear before them or him. 3 E. VII., c. 58, s. 163.

201. Such arbitrators or arbitrator may with respect to powers of such arbitration,—

(a) enter upon and inspect any place, building or works Entry.

being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to them or him requisite;

(b) inspect any works, structure, rolling stock or property Inspection. of the company;

(c) require the production of all books, papers, plans, specific- Production. fications, drawings and documents relating to the matter before them, or him; and,

(d) administer oaths, affirmations or declarations. Oaths.

2. They shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things which they are required to produce as is vested in any court in civil cases.

3. The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

4. The provisions hereinbefore contained with respect to the production before the Board of books and papers which may tend to criminate the persons producing them shall apply to persons attending and giving evidence at any such arbitration. 3 E. VII., c. 58, s. 163.

202. The arbitrators or the sole arbitrator shall take down in writing the evidence brought before them or him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrators or arbitrator, unless the parties agree upon one.

2. The stenographer shall be sworn before the arbitrators, or Steno- grapher. before any one of them before entering upon his duties.

3. The expense of such stenographer, if not determined by his expenses. agreement between the parties, shall be taxed by the court or a judge thereof, and shall, in any case, form part of the costs of the arbitration. 3 E. VII., c. 58, s. 163.

203. After making the award, the arbitrators or the sole arbitrator shall forthwith deliver or transmit by registered letter, at the request of either party in writing, the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the clerk of the court, to be filed with the records of the said court. 3 E. VII., c. 58, s. 163.

204. R.S., 1906.
204. A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has, either by the consent of the parties, or by resolution of the arbitrators, or by the sole arbitrator, been prolonged, then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company. 3 E. VII., c. 58, s. 164.

205. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation.

2. The person to whom the sum is to be paid need not be named in the award. 3 E. VII., c. 58, s. 164.

206. If any arbitrator appointed by the judge dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, the judge, upon the application of either party, of which application six days' notice shall be given to the opposite party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, shall appoint another arbitrator in the place of such arbitrator: Provided that if any arbitrator named by one of the parties and appointed by the judge shall die or refuse or fail to act, such party may, upon such application, name the arbitrator who shall be appointed by the judge in the place of the arbitrator so deceased or not acting.

2. The proceedings shall not in any such case require to be recommenced or repeated. 3 E. VII., c. 58, s. 165.

207. Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment, which costs shall be taxed in the same manner as costs after an award.

2. The company may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described. 3 E. VII., c. 58, s. 166.

208. If a person offered or appointed as valuator, or as sole arbitrator, is not himself personally interested in the amount of the compensation he shall not be disqualified because he is professionally employed by either party, or has previously expressed
pressed an opinion as to the amount of compensation, or because he is related or of kin to any shareholder of the company.

2. No cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. 3 E. VII., c. 58, s. 167.

209. Whenever the award exceeds six hundred dollars, any party to the arbitration may, within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to a superior court; and upon the hearing of the appeal such court shall decide any question of fact upon the evidence taken before the arbitrators, as in a case of original jurisdiction.

2. Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an inferior court to the said superior court, subject to any general rules or orders from time to time made by the said last mentioned court, in respect to such appeals.

3. Such general rules and orders may, amongst other things, provide that any such appeal may be heard and determined by a single judge.

4. The right of appeal hereby given shall not affect the other remedies not affected.

210. (a) If the company has reason to fear any claim, mortgage, hypothèque, or encumbrance; or,
(b) If any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance and guarantee; or,
(c) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or,
(d) If, for any other reason, the company deems it advisable;
the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

2. Such conveyance, or award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. 3 E. VII., c. 58, s. 174.

211. Where the lands are situated elsewhere than in the province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints, shall be inserted in a newspaper published in the county in which the lands are situated.
the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

2. Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. 3 E. VII., c. 58, s. 174.

212. Where the lands are situated in the province of Quebec, the notice shall be published as required in cases of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. 3 E. VII., c. 58, s. 174.

213. The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 3 E. VII., c. 58, s. 173.

214. All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon shall for ever bar all claims to the land, or any part thereof, including any dower, mortgage, hypothèque or encumbrance upon the same.

2. The court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

3. If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

4. If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

5. The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. 3 E. VII., c. 58, s. 174.

The right of the Company to take Possession.

215. Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive
receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. 3 E. VII., c. 58, s. 169.

Proceedings in case of Resistance.

216. If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the company in possession.

2. The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. 3 E. VII., c. 58, s. 169.

217. Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. 3 E. VII., c. 58, s. 170.

218. The judge shall not grant any warrant under the last preceding section, unless,—

(a) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company; and,

(b) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per centum above the amount mentioned in the notice served upon the party stating the compensation offered. 6 E. VII., c. 42, s. 11.

219. The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay.

2. No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in R.S., 1906.
in accordance with the terms of the award. 3 E. VII., c. 58, s. 172.

Procedure.

220. Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation, or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is commenced in a county court having jurisdiction, it shall be continued in such county court. 3 E. VII., c. 58, s. 156.

Branch Lines.

221. The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or from any branch thereof. 3 E. VII., c. 58, s. 175.

Procedure.

222. Before commencing to construct any such branch line, the company shall,—

(a) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

(b) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in the Canada Gazette: Provided that the Board may dispense with or shorten the time of such notice in any case in which it deems proper; and,

(c) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. 3 E. VII., c. 58, s. 175; 6 E. VII., c. 42, s. 13.

223. The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct.
2. Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. 3 E. VII., c. 58, s. 175.

224. There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of the last preceding section.

2. The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing the changes directed by the Board.

3. No branch line shall be,—
   (a) extended under the foregoing provisions for the construction of branch lines; or;
   (b) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

4. Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, shall have any force or effect after the first day of February, one thousand nine hundred and seven: Provided that nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. 3 E. VII., c. 58, s. 175.

225. Upon compliance with the requirements of the last four preceding sections all the other provisions of this Act, except those relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the lands to be taken for such branch lines. 3 E. VII., c. 58, s. 175.

226. Where any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain, and operate the same.

R.S., 1906.
company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

2. The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

3. The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

4. Until so repaid or refunded, the applicant shall have a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

5. Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way, and equipment shall become the absolute property of the company free from any such lien.

6. The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

7. All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. 3 E. VII., c. 58, s. 176; 6 E. VII., c. 42, s. 14.

**Railway Crossings and Junctions.**

227. The railway lines or tracks of any company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided.

2. Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require.

3. The Board may, by order—

(a) grant such application on such terms as to protection and safety as it deems expedient;

(b) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction;

R.S., 1906.
(c) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;

(d) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;

(e) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;

(f) give directions as to supervision of the construction of the works; and,

(g) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

4. No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

5. The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. 6 E. VII., c. 42, s. 15.

228. Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may, upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

2. In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another. 6 E. VII., c. 42, s. 15.

229. The Board may order the adoption and use at any such crossing or junction, at rail level, of such interlocking switch, derailing device, signal system, equipment, appliances and R.S., 1906.
and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. 6 E. VII., c. 42, s. 16.

Navigable Waters.

230. No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or canal, to, upon, along, over, under, through or across which its railway is carried. 3 E. VII., c. 58, s. 179.

231. No company shall run its trains over any canal, or over any navigable water, without having first laid, and without maintaining, such proper flooring under and on both sides of its railway track over such canal or water, as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. 3 E. VII., c. 58, s. 180.

232. Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation.

2. The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. 3 E. VII., c. 58, s. 181.

233. When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through, or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,—

(a) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister; and

(b) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work, and, with such application, transmit to the Board a certified copy of the order in council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work.

R.S., 1906.
and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

2. No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council.

3. Upon any such application, the Board may,—

(a) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and,

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

4. Upon such order being granted, the company shall be authorized to construct such work in accordance therewith.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with, the Board may grant such order. 3 E. VII., c. 58, s. 182.

234. The Governor in Council may, upon the report of the Board, authorize or require any company to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of its railway, within such time as the Governor in Council directs.

2. No company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. 3 E. VII., c. 58, s. 183.

Highway Crossings.

235. The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter authorized: Provided that the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law. R.S., 1906.
law of the municipal authority of such city or incorporated town.

2. The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

3. Nothing in this section shall deprive any such company of rights conferred upon it by any Special Act of the Parliament of Canada, or amendment thereof, passed prior to the twelfth day of March, one thousand nine hundred and three. 3 E. VII., c. 58, s. 184.

236. Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. 3 E. VII., c. 58, s. 185.

237. Upon any application for leave to construct the railway upon, along, or across an existing highway, or to construct a highway across an existing railway, the applicant shall submit to the Board a plan and profile of such crossing, showing the portion of railway or highway affected.

2. The Board may, by order, grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

3. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

4. The Board may give directions respecting supervision in the construction of any such work.

5. When the Board orders the highway to be carried over or under the railway, or any works to be executed, the Board may direct that the detail plans, profiles, drawings and specifications of all necessary structures, shall, before construction, be submitted to and approved by the Board.
6. The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. 3 E. VII., c. 58, s. 186.

238. Where the railway is already constructed upon, along or across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereof, as in the last preceding section provided. 3 E. VII., c. 58, s. 187.

239. The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. 3 E. VII., c. 58, s. 292.

240. The highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure, constructed after the first day of February, one thousand nine hundred and four, be less than fourteen feet, unless otherwise directed or permitted by the Board. 3 E. VII., c. 58, s. 188.

241. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. 3 E. VII., c. 58, s. 189.

242. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

2. A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made on each side of such approach, and of the structure connected with it. 3 E. VII., c. 58, s. 190.

243. Signboards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words Railway Crossing painted on each side thereof in letters at least six inches in length.

2. In the province of Quebec such words shall be in both the English and the French languages. 3 E. VII., c. 58, s. 191.
244. The company may construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

2. The company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

3. Part II. of the Telegraphs Act shall apply to the telegraphic business of the company. 3 E. VII., c. 58, s. 192.

245. Whenever any municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company in such district, and cannot agree with the company with respect thereto, such municipality, corporation or incorporated company may apply to the Board for leave therefor.

2. The Board may order the company to provide for such connection or communication upon such terms as to compensation or otherwise as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

3. Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. 3 E. VII., c. 58, s. 193; 6 E. VII., c. 42, s. 17.

246. No lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

2. Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected, showing the proposed location of such lines and wires and the works contemplated in connection therewith.

3. The Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed.

R.S., 1906.
4. Upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. 3 E. VII., c. 58, s. 194.

247. When any company is empowered by Special Act of the Parliament of Canada to construct, operate and maintain lines of telegraph, or telephone, or for the conveyance of light, heat, power or electricity, the company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square, or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other public place, subject, however, to the following provisions:

(a) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

(b) The company shall not permit any wire to be less than twenty-two feet above such highway or public place, or erect more than one line of poles along any highway;

(c) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;

(d) The company shall not unnecessarily cut down or mutilate any shade, fruit or ornamental tree;

(e) The opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires under ground, shall be subject to the supervision of such person as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition;

(f) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the company so doing such person may remove such wires and poles at the expense of the company;

(g) Whenever any city, town or incorporated village is desirous of having lines of telegraph, or telephone, or lines for the conveyance of light, heat, power or electricity, placed under ground, the Board may, on the application of such city, town or incorporated village, and on such terms and conditions as the Board may prescribe, require the company to thus place its lines or wires under ground, and abrogate the right given by this section, or by the Special Act, to carry lines on poles, in such city, town or incorporated village.
2. The company shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works.

3. The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut.

4. Every person employed upon the work of erecting or repairing any line or instrument of the company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the company and a number by which he can be readily identified.

5. If the company cannot obtain such consent from such municipal council or other authority, the company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires and poles.

6. The Board may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may, by order, impose any terms, conditions or limitations in respect thereof that it deems expedient, having due regard to all proper interests.

7. Upon such order being made the company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of this section applicable in case of consent obtained from such municipal council or other authority, except in so far as the said provisions are expressly varied by order of the Board.

8. Nothing contained in this section shall be deemed to authorize the company to exercise the powers therein mentioned for the purpose of selling or distributing light, heat, power or electricity in cities, towns or villages, without the company having first obtained consent therefor by a by-law of the municipality. 3 E. VII., c. 58, s. 195.

Definitions.

'Company.'

(a) 'company' means a telephone company, and every person and company having legislative authority from the Parliament of Canada to construct and operate, or to operate a telephone system or line, and to charge telephone tolls, not including, however, a railway company or any person having authority to construct or operate a railway; and,

(b) 'municipality' means the municipal council or other authority having jurisdiction over the highways, squares or public places of a city, town or village, or over the highway, square or public place concerned;

R.S., 1906.
(c) 'long distance line or service' means any trunk line or service connecting a central exchange or office in any city, town or village, with a central exchange or office, or with central exchanges or offices, in another or other cities, towns or villages.

2. Notwithstanding anything contained in any Act of the Parliament of Canada or of the legislature of any province, the company shall not, except as in this section provided, construct, maintain or operate its lines of telephone upon, along, across or under any highway, square or other public place within the limits of any city, town or village, incorporated or otherwise, without the consent of the municipality.

3. If the company cannot obtain the consent of the municipality, or cannot obtain such consent otherwise than subject to conditions not acceptable to the company, the company may apply to the Board for leave to exercise its powers upon such highway, square or public place; and all the provisions of the last preceding section, with respect to proceedings where the company cannot obtain the consent of the municipal council or other authority, shall apply to such application and to the proceedings thereon.

4. The provisions of the last two foregoing subsections shall not apply to the construction, maintenance and operation by the company of any long distance line or service or any trunk line or service connecting two or more exchanges in any city, town or village: Provided that the location of every such line, pole or conduit in a direct and practicable route shall be subject to the direction and supervision of the municipality, or of such officer as it may appoint, unless the municipality or such officer after one week's notice in writing shall have omitted to prescribe such location and make such direction.

5. All matters in dispute relating to the location and installation of long distance lines or services, or of such trunk lines or services as are mentioned in the last preceding subsection, shall be determined by the Board in the same manner and with the same powers as are provided by the last preceding section with respect to proceedings where the company cannot obtain the consent of the municipal council or other authority.

6. Nothing in this section shall affect the right of any company to operate, maintain, renew or reconstruct underground or overhead systems or lines heretofore constructed, except that, upon application of the municipality, the Board may order any extension or change in the location of the line of the company in any city, town or village, or any portion of such line, or the removal of any poles and the carrying of the wires or cables carried thereon underground, or the construction of any new line; and such extension, change in location, removal or construction shall be ordered upon such terms as to compensation or otherwise, and shall be effected within such time, as the Board directs. 6 E. VII., c. 42, s. 35.
Chap. 37. Railways.

Canals, Ditches, Wires, etc.

249. When any person having authority to create, develop, enlarge or change any water power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

2. Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

3. The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing, and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. 6 E. VII., c. 42, s. 12.

Drainage.

250. The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

2. Whenever,—

(a) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands; or,

(b) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company:

R.S., 1906.
the Board may, upon the application or complaint of the municipality or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

3. The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be affected, or pipes laid, constructed and maintained, having due regard to all proper interests. 3 E. VII., c. 58, s. 196.

251. Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board in the last preceding section provided.

2. In case of any such proceedings, the drainage laws of the province shall, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province: Provided that the company shall have the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

3. In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

4. Notwithstanding anything in this section contained, no approval of drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

5. The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the company, shall, in all such cases, be based upon the increase of cost of such works, as laid, constructed, or reconstructed, by the company.
such work caused by the construction and operation of the railway. 3 E. VII., c. 58, s. 197.

Farm Crossings.

252. Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

2. Live stock, in using such crossings, shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. 3 E. VII., c. 58, s. 198.

253. The Board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land on either side of the railway, and safe in the public interest.

2. The Board may order and direct how, when, where, by whom, and upon what terms and conditions such farm crossing shall be constructed and maintained. 3 E. VII., c. 58, s. 198.

Fences, Gates and Cattle-guards.

254. The company shall erect and maintain upon the railway,

(a) fences of a minimum height of four feet six inches on each side of the railway;

(b) swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings: Provided that sliding or hurdle gates, constructed before the first day of February, one thousand nine hundred and four, may be maintained; and,

(c) cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway.

2. The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway.

3. Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway.

4. Whenever the railway passes through any locality in which the lands on either side of the railway are not inclosed and either settled or improved, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs. 3 E. VII., c. 58, s. 199.

255. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. 3 E. VII., c. 58, s. 200.

R.S., 1906.
Bridges, Tunnels and other Structures.

256. Every bridge, tunnel or other erection or structure, over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder.

2. The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure, when so reconstructed or altered shall thereafter be maintained accordingly.

3. Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, shall in no case be less than twenty-two feet six inches.

4. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

5. The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains, except such as are equipped with air brakes, are run. 3 E. VII., c. 58, s. 202.

257. The company shall not commence the construction, or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

2. Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

R.S., 1906.
Powers of Board.

3. Upon any such application the Board may,—

(a) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and,

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public.

Company may construct.

4. Upon such order being granted the company shall be authorized to construct such works in accordance therewith.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. 3 E. VII., c. 58, s. 203.

Stations.

258. Every station of the company shall be erected, operated, and maintained with good and sufficient accommodation and facilities for traffic.

2. Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board.

3. In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the eighteenth day of July, one thousand nine hundred, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or not in any agreement relating to such subsidy, that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. 3 E. VII., c. 58, s. 204.

Wages.

259. In every case in which the Parliament of Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such
such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate.

2. In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision shall be final. 3 E. VII., c. 58, s. 205.

**INSPECTION.**

260. Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council.

2. It shall be the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be.

3. Every such inspecting engineer shall have the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending before the Board.

4. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

5. Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company.

6. The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages.

7. The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, shall be proof of engineer's authority.

573

R.S., 1906.
shall be sufficient evidence of the authority of such inspecting
engineer. 3 E. VII., c. 58, s. 206.

261. No railway, or any portion thereof, shall be opened
for the carriage of traffic, other than for the purposes of the
construction of the railway by the company, until leave there-
for has been obtained from the Board, as hereinafter provided.

2. When the company is desirous of so opening its railway,
or any portion thereof it shall make an application to the
Board for authority therefor, supported by affidavit of its presi-
dent, secretary, engineer or one of its directors, to the satis-
faction of the Board, stating that the railway, or portion there-
of, desired to be so opened, is in his opinion sufficiently com-
pleted for the safe carriage of traffic, and ready for inspection.

3. Before granting such application, the Board shall direct
an inspecting engineer to examine the railway, or portion
thereof, proposed to be opened.

4. If the inspecting engineer reports to the Board, after
making such examination, that in his opinion the opening
of the railway or portion thereof so proposed to be opened
for the carriage of traffic, will be reasonably free from danger
to the public using the same, the Board may make an order
granting such application, in whole or in part, and may name
the time therein for the opening of the railway or such portion
thereof, and thereupon the railway, or such portion thereof
as is authorized by the Board, may be opened for traffic in
accordance with such order.

5. If such inspecting engineer, after the inspection of the
railway, or any portion thereof, shall report to the Board that,
in his opinion, the opening of the same would be attended with
danger to the public using the same, by reason of the incom-
pleteness of the works or permanent way, or the insufficiency
of the construction or equipment of such railway, or portion
thereof, he shall state in his report the grounds for such opinion,
and the company shall be entitled to notice thereof, and shall
be served with a copy of such report and grounds, and the Board
may refuse such application in whole or in part, or may direct
a further or other inspection and report to be made.

6. If thereafter, upon such further or other inspection, or
upon a new application under this section, the inspecting
engineer reports that such railway, or portion thereof, may
be opened without danger to the public, the Board may make
an order granting such application in whole or in part, and
may name the time therein for the opening of the railway, or
such portion thereof, and thereupon the railway, or such portion
thereof as is authorized by the Board, may be opened
for traffic in accordance with such order.

7. The Board, upon being satisfied that public convenience
will be served thereby, may, after obtaining a report of an
inspecting engineer, allow the company to carry freight traffic

R.S., 1906.
over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section. 3 E. VII., c. 58, s. 207.

262. Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof.

2. The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

3. The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. 3 E. VII., c. 58, s. 208.

263. If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used. By notice, the said engineer may, by notice, in writing,—

(a) forthwith forbid the running of any train over such railway or portion of railway; or,

(b) require that the same be run only at such times under such conditions, and with such precautions, as he by such notice specifies; and,

(c) forbid the running or using of any such rolling stock.

2. Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended.

3. The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock.

4. The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer.

5. Notice of such confirmation, modification or disallowance shall be duly given to the company. 3 E. VII., c. 58, s. 209.
Modern and efficient.

Communication.

(a) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver;

(b) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and,

(c) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars.

Brakes.

2. Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive.

3. There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for that purpose.

4. Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

5. All box freight cars of the company shall, for the security of railway employees, be equipped with,—

(a) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,

(b) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:

Proviso.

Provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.
6. Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities.

7. The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section. 3 E. VII., c. 58, ss. 211 and 212.

265. The Board may, subject to the requirements of the last preceding section, upon application, order that any apparatus or appliance specified in such order shall, when used upon the train in the manner and under circumstances in such order specified, be deemed sufficient compliance with the provisions of the said section: Provided that the Board shall not by such order allow any exception to or modification of the requirements of the said section. 3 E. VII., c. 58, s. 212.

266. The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. 3 E. VII., c. 58, s. 230.

267. Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. 3 E. VII., c. 58, s. 213.

Uniformity of Construction and Operation of Rolling Stock.

268. The Board shall endeavour to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. 6 E. VII., c. 42, s. 18.

The Working of Trains.

269. The Board may make regulations,—
(a) designating the number of men to be employed upon trains;
(b) providing that coal shall be used on all locomotives instead of wood in any district; and,
(c) generally providing for the protection of property, and safety, the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains by the company. 6 E. VII., c. 42, s. 18.

270. All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice. 3 E. VII., c. 58, s. 215.

271. R.S., 1906.
Chap. 37. Railways.

271. Every company, upon whose railway there is a telegraph line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station.

2. If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station.

3. Such notices shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English. 3 E. VII., c. 58, s. 231.

272. No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. 3 E. VII., s. 58, s. 219.

273. When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose.

2. Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. 3 E. VII., c. 58, s. 223.

274. When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

2. This section shall not apply to trains approaching such crossing within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle and ringing of the bell. 3 E. VII., c. 58, s. 224.

R.S., 1906.
275. No train shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board.

2. The Board may limit such speed in any case to any rate which it deems expedient. 3 E. VII., c. 58, s. 227.

276. Whenever in any city, town or village, any train is passing over or along a highway at rail level, and is not headed by an engine moving forward in the ordinary manner, the company shall station on that part of the train, or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway. 3 E. VII., c. 58, s. 228.

Precautions at Railway Crossings.

277. No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

2. In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. 3 E. VII., c. 58, s. 225.

278. Every engine, train or electric car shall, before it passes over any such crossing as in the last preceding section mentioned, be brought to a full stop: Provided that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. 3 E. VII., c. 58, s. 226.

Respecting the Obstruction of Highway Traffic.

279. Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or, in shunting to obstruct

37½ 579 public

Rate of speed in unfenced portions of cities.

Board may limit.

Trains or cars moving reversely in cities.

Signal at rail level crossings.

Electric railway crossings.

Stoppage of trains at rail level crossings.

Where safety devices are installed.

Board may otherwise order.

Train must not obstruct highway more than five minutes.

R.S., 1906.
public traffic for a longer period than five minutes at one time, or, in the opinion of the Board, unnecessarily interfere therewith. 6 E. VII., c. 42, s. 21.

**Employess to wear Badges.**

280. Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. 3 E. VII., c. 58, s. 216.

**Respecting Passengers who refuse to pay Fare.**

281. Every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects: Provided that the conductor shall first stop the train and use no unnecessary force. 3 E. VII., c. 58, s. 217.

**Injuries on Platform, Baggage or Freight Car.**

282. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 3 E. VII., c. 38, s. 218.

**The Checking of Passengers’ Baggage.**

283. A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same.

2. In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. 3 E. VII., c. 58, s. 220.

**Accommodation for Traffic.**

284. The company shall, according to its powers,—

(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

(b)
(b) furnish adequate and suitable accommodation for the carriage and
carrying, unloading and delivering of all such traffic;
(c) without delay, and with due care and diligence, receive, No delay.
carry and deliver all such traffic; and,
(d) furnish and use all proper appliances, accommodation Appliances.
and means necessary for receiving, loading, carrying, un-
loading and delivering such traffic.

2. Such adequate and suitable accommodation shall include
reasonable facilities for the junction of private sidings or
private branch railways with any railway belonging to or worked
by the company, and reasonable facilities for receiving, forward-
ing and delivering traffic upon and from those sidings or private
branch railways, together with the placing of cars and moving
them upon and from such private sidings and private branch
railways.

3. If in any case such accommodation is not, in the opinion
of the Board, furnished by the company, the Board may order
the company to furnish the same within such time or during
such period as the Board deems expedient, having regard to all
proper interests; or may prohibit or limit the use, either gen-
erally or upon any specified railway or part thereof, of any
engines, locomotives, cars, rolling stock, apparatus, machinery,
or devices, or any class or kind thereof, not equipped as required
by this Act, or by any orders or regulations of the Board made
within its jurisdiction under the provisions of this Act.

4. Such traffic shall be taken, carried to and from, and deliv-
ered at the places aforesaid on the due payment of the toll law.
fully payable therefor.

5. Where a company's railway crosses or joins or approaches,
in the opinion of the Board, sufficiently near to any other rail-
way, upon which passengers or mails are transported, whether
the last mentioned railway is within the legislative authority of
the Parliament of Canada or not, the Board may order the
company to regulate the running of its trains carrying pas-
senders or mails, and the places and times of stopping them, as
to afford reasonable opportunity for the transfer of passengers
and mails between its railway and such other railway, and may
order the company to furnish reasonable facilities and accom-
modation for such purpose.

6. For the purposes of this section the Board may order that
specific works be constructed or carried out, or that property
be acquired, or that specified tolls be charged, or that cars,
motive power or other equipment be allotted, distributed, used
or moved as specified by the Board, or that any specified steps,
systems, or methods be taken or followed by any particular
company or companies, or by railway companies generally.

7. Every person aggrieved by any neglect or refusal of the
company to comply with the requirements of this section shall,
subject to this Act, have an action therefore against the company,
from which action the company shall not be relieved by any
581
notice.

R.S., 1906.
notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant. 3 E. VII., c. 58, s. 214; 6 E. VII., c. 42, ss. 19, 20 and 23.

285. Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway, and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs.

2. The Board may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car which shall be charged by and paid to the company owning or controlling the first mentioned railway for such traffic.

3. This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. 6 E. VII., c. 42, s. 28.

Dangerous Commodities.

286. No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature.

2. Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. 3 E. VII., c. 58, s. 221.

287. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

2. The company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which cars shall plainly appear in large
large letters the words *Dangerous Explosives.* 3 E. VII., c. 58, s. 222.

**Packing.**

288. The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

2. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches.

3. Such packing shall not reach higher than to the under side of the head of the rail.

4. Such packing shall consist of wood or metal, or some other substance and material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inch of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

5. The Board may, notwithstanding the requirements of this section, allow the filling and packing therein mentioned to be left out from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines. 3 E. VII., c. 58, s. 230.

**His Majesty's Mail and Forces.**

289. His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall, at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such regulations as the Governor in Council makes. 3 E. VII., c. 58, s. 232.

**Telegraphs and Telephones.**

290. The company shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

583 2. R.S., 1906.
2. The company shall thereafter be entitled to receive reasonable compensation for such service. 3 E. VII., c. 58, s. 233.

291. The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. 3 E. VII., c. 58, s. 234.

Accidents.

292. Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board.

2. The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. 3 E. VII., c. 58, s. 236; 6 E. VII., c. 42, s. 22.

293. The Board may appoint such person or persons as it thinks fit to inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

2. The person or persons so appointed shall report fully, in writing, to the Board, his or their doings and opinions on the matters respecting which he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. 3 E. VII., c. 58, s. 236.

Animals.

294. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway.

2. All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds
finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

3. If the horses, sheep, swine or other cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

4. When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall, except in the cases otherwise provided for by the next following section, be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent.

5. The fact that any such animal was not in charge of some competent person or persons shall not, if the animal was killed or injured upon the property of the company, and not at the point of intersection with the highway, deprive the owner of his right to recover. 3 E. VII., c. 58, s. 237.

295. No person whose horses, cattle, or other animals are killed or injured by any train shall have any right of action against any company in respect of such horses, cattle, or other animals being so killed or injured, if the same were so killed or injured by reason of any person,—

(a) for whose use any farm crossing is furnished failing to keep the gates at each side of the railway closed, when not in use; or,

(b) wilfully leaving open any gate on either side of the railway provided for the use of any farm crossing, without some person being at or near such gate to prevent animals from passing through the gate on to the railway; or,

(c) other than an officer or employee of the company while acting in the discharge of his duty, taking down any part of a railway fence; or,

(d) turning any such horse, cattle, or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or,

(e) except as authorized by this Act, without the consent of the company, riding, leading or driving any such horse, cattle, or other animal, or suffering the same to enter upon any railway, and within the fences and guards thereof.

3 E. VII., c. 58, ss. 200 and 201.
Chap. 37. Railways.

Thistles and Weeds.

296. Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. 3 E. VII., c. 58, s. 298.

Fires.

Company to remove.

297. The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. 3 E. VII., c. 58, s. 239.

Company to keep right of way clear.

Liability for fire caused by locomotive.

298. Whenever damage is caused to crops, lands, fences, plantations, or buildings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction: Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars.

2. The compensation, in case the total amount recovered therefor is less than the claims established, shall be apportioned amongst the parties who suffered the loss as the court or judge may determine.

3. The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. 3 E. VII., c. 58, s. 239.

Purchase of Railway by Person without Corporate Power to operate.

Application to Minister.

299. If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds, or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as in this section provided.

2. The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run
and operate the railway, and shall, with such application, transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require.

3. Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient.

4. The purchaser shall thereupon be authorized, for such period only and subject to such order, to operate and run such railway, and to take and receive such tolls in respect of traffic carried thereon, as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable.

5. Such purchaser shall apply to the Parliament of Canada at the next following session after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway.

6. If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer.

7. If during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council. 3 E. VII., c. 58, s. 240.

Railway Constables.

300. (a) Any two justices of the peace, or a stipendiary or police magistrate, in the provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, or Prince Edward Island;

(b) Any judge of the Court of King's Bench, or of the Superior Court, or any clerk of the peace, clerk of the Crown, or judge of the sessions of the peace, in the province of Quebec;

(c) In the province of Saskatchewan or Alberta, any judge of the Supreme Court of the Northwest Territories, pending the abolition of the said Court in the province, and thereafter any judge of such superior court as may be established by the legislature of the province in lieu thereof;

(d) Two justices of the peace, in the Northwest Territories; and,
(e) Any commissioner of a parish court in the province of New Brunswick;

within whose respective jurisdictions the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons recommended for that purpose by such company, clerk or agent, to act as constables on and along such railway.

2. Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any judge or other official authorized to make the appointment or to administer oaths, in the form or to the effect following, that is to say:

'I, A.B., having been appointed a constable to act upon and along (here name the railway), under the provisions of the Railway Act, do swear that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favour or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God.'

3. Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. 3 E. VII., c. 58, s. 241.

301. Every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts,—

(a) on such railway, and on any of the works belonging thereto;

(b) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company; and,

(c) in all places not more than a quarter of a mile distant from such railway.

2. Every such constable shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. 3 E. VII., c. 58, s. 241.
302. Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes.

2. Every such justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his jurisdiction. 3 E. VII., c. 58, s. 241.

303. (a) Any county court judge, or stipendiary police magistrate, in either of the provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island;

(b) Any judge of the Court of King's Bench, or of the Superior Court, or judge of the sessions of the peace, in the province of Quebec; and,

(c) In the province of Saskatchewan or Alberta, any judge of the Supreme Court of the Northwest Territories, pending the abolition of that Court in the province, and thereafter any judge of any such superior court as may be established by the legislature of the province in lieu thereof;

may dismiss any such constable who is acting within their several jurisdictions.

2. The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway.

3. Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, shall wholly cease.

4. No person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. 3 E. VII., c. 58, s. 241.

304. The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,—

(a) such appointment or a certified copy thereof;

(b) the name and designation of any such constable;

(c) the date of his appointment;

(d) the name of the authority making such appointment; and, in the case of dismissal,

(e) the fact of the dismissal of any such constable;

(f) the date of any such dismissal; and,

(g) the name of the authority making such dismissal. 3 E. VII., c. 58, s. 241.

305. R.S., 1906.
305. Such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. 3 E. VII., c. 58, s. 241.

**Actions for Damages.**

306. All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards.

2. In any such action or suit the defendants may plead the general issue, and may give this Act and the Special Act and the special matter in evidence at the trial, and may prove that the said damages or injury alleged were done in pursuance of and by the authority of this Act or of the Special Act.

3. Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the following provisions of this Act, respecting tolls.

4. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from or in any wise diminish or affect, any liability or responsibility resting upon it, under the laws in force in the province in which such liability or responsibility arises, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance, or nonfeasance, of such company. 3 E. VII., c. 58, s. 242.

**By-laws, Rules and Regulations.**

307. The company may, subject to the provisions and restrictions in this and in the Special Act contained, make by-laws, rules or regulations respecting,—

(a) the mode by which, and the speed at which, any rolling stock used on the railway is to be moved;

(b) the hours of the arrival and departure of trains;

(c) the loading and unloading of cars, and the weights which they are respectively to carry;

(d) the receipt and delivery of traffic;

(e)
(e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company;

(f) the travelling upon, or the using or working of the railway or highway;

(g) the employment and conduct of the officers and employees of the company; and,

(h) the due management of the affairs of the company. 3 E. VII., c. 58, s. 243.

308. The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty not exceeding forty dollars for any violation thereof. 3 E. VII., c. 58, s. 244.

309. All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. 3 E. VII., c. 58, s. 245.

310. All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Governor in Council for approval.

2. The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof.

3. No such by-law, rule or regulation shall have any force or effect without such sanction. 3 E. VII., c. 58, s. 246.

311. Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder. 3 E. VII., c. 58, s. 248.

312. A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

2. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected.
3. In the province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. 3 E. VII., c. 58, s. 247.

313. If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. 3 E. VII., c. 58, s. 249.

TOLLS.

By-laws.

314. The company or the directors of the company, by by-law, or any officer of the company thereunto authorized by by-law of the company or directors, may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

2. Such tolls may be either for the whole or for any particular portions of the railway.

3. All such by-laws shall be submitted to and approved by the Board.

4. The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

5. No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor shall the company charge, levy or collect any money for any service as a common carrier, except under the provisions of this Act. 3 E. VII., c. 58, ss. 251 and 252.

Equality.

315. All such tolls shall always, under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars, passing over the same portion of the line of railway, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

2. No reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

3. The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under

R.S., 1906.
under substantially similar circumstances, charged equally to all persons.

4. No toll shall be charged which unjustly discriminates between different localities.

5. The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that owing to competition, it is expedient to allow such toll.

6. The Board may declare that any places are competitive points within the meaning of this Act. 3 E. VII., c. 58, s. 252.

316. No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. 3 E. VII., c. 58, s. 252.

317. All companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock.

2. Such facilities to be so afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by car load, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates.

3. No company shall,—

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, nation, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company;

R.S., 1906.
(c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or, (d) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Canada with which it connects.

4. Every company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.

5. The reasonable facilities which every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.

6. Every company which grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

7. Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. 3 E. VII., c. 58, ss. 253, 271 and 278; 6 E. VII., c. 42, s. 23.

318. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of the three last preceding sections.

2. The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance
compliance or non-compliance with the provisions of the three last preceding sections.

3. For the purposes of the last preceding section, the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. 3 E. VII., c. 58, s. 253; 6 E. VII., c. 42, s. 23.

319. In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. 3 E. VII., c. 58, s. 254.

320. In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail. 3 E. VII., c. 58, s. 254.

Freight Classification.

321. The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

2. The Board may make any special regulations, terms and conditions in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

3. The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower class: Provided that no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the Canada Gazette.

4. Any freight classification in use in the United States may, subject to any order or direction of the Board, be used by the company with respect to traffic to and from the United States. 3 E. VII., c. 58, s. 255.
322. All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. 3 E. VII., c. 58, s. 256.

323. The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

2. The Board may designate the date at which any tariff shall come into force.

3. Any tariff in force, except standard tariffs, hereinafter mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by tariffs, in accordance with the provisions of this Act.

4. When any tariff has been amended or supplemented from time to time, the Board may order that a consolidation and reissue of such tariff be made by the company. 3 E. VII., c. 58, s. 257.

324. In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

2. In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or 'smalls' toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds by the company.

3. In estimating the tolls to be charged in passenger tariffs, any fraction of five cents less than two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. 3 E. VII., c. 58, s. 258.

325. The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely:—

(a) The standard freight tariff;
(b) Special freight tariffs; and,
(c) Competitive tariffs. 3 E. VII., c. 58, s. 259.

326. The standard freight tariff, or tariffs, where the company is allowed by the Board more than one standard freight tariff, shall specify the maximum mileage tolls to be charged for
for each class of the freight classification for all distances covered by the company’s railway.

2. Such distances may be expressed in blocks or groups, and Distances. such blocks or groups may include relatively greater distances for the longer than for the shorter hauls.

3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged therein for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.

4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. 3 E. VII., c. 58, s. 260.

327. Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board. 2. Upon any such tariff being filed and approved by the Filing. Board the company shall publish the same, with a notice of Approval. such approval in such form as the Board directs in at least two Publication. consecutive weekly issues of the Canada Gazette.

3. When the provisions of this section have been complied Tolls speci- with, the tolls as specified in the standard freight tariff or fied to be the only tariffs, as the case may be, shall, except in the cases of special lawfull tolls. freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.

4. Until the provisions of this section have been complied No toll until with, no toll shall be charged by the company. 3 E. VII., compliance. c. 58, s. 261.

328. Special freight tariffs shall be filed by the company Special with the Board, and every such tariff shall specify the date of freight the issue thereof and the date on which it is intended to take tariffs. effect.

2. When any such special freight tariff reduces any toll If tolls previously authorized to be charged under this Act the com- previously in force are pany shall file such tariff with the Board, and shall, for three reduced. days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried there-under, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention Notice. to R.S., 1906.
to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.

3. When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff ten days previously to the date on which such tariff is intended to take effect.

4. Upon any such special freight tariff being so filed, the company shall, until such tariff is superseded, or is disallowed by the Board, charge the toll or tolls as specified therein; and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, so far as it reduces or advances the tolls therein. 3 E. VII., c. 58, s. 262.

329. Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board. 3 E. VII., c. 58, s. 262.

330. The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes, namely:

(a) The standard passenger tariff; and,
(b) Special passenger tariffs.

2. The standard passenger tariff shall specify the maximum mileage tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.

3. Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff. 3 E. VII., c. 58, s. 263.

331. A standard passenger tariff shall be filed, approved and published in the same manner as required by this Act in the case of a standard freight tariff.

2. Until the company files its standard passenger tariff and such tariff is so approved and published in the Canada Gazette, no tolls shall be charged by the company.

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the

R.S., 1906.
the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. 3 E. VII., c. 58, s. 264.

332. The company shall file all special passenger tariffs with the Board, and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section contained, determine the time or manner within and according to which publication of any such tariff is to be made.

2. The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

3. Upon any such tariff being so duly filed the company shall, until such tariff is superseded or is disallowed by the Board, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

4. Until such tariff is so duly filed, no such toll or tolls shall be charged by the company. 3 E. VII., c. 58, s. 265.

333. Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies may agree upon a joint tariff for such continuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies, shall promptly notify the Board of its or their assent to and concurrence in such joint tariff.

2. The names of the companies whose lines compose such continuous route shall be shown by such tariffs.

3. If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section. 3 E. VII., c. 58, s. 266; 6 E. VII., c. 42, s. 24.

334. In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section, R.S., 1906:
tion, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect.

2. Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order.

3. In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies.

4. The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. 3 E. VII., c. 58, s. 267.

335. When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. 3 E. VII., c. 58, s. 268.

336. As respects all traffic which shall be carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. 3 E. VII., c. 58, s. 269.

337. No company shall, by any combination, contract or agreement, express or implied, or by other means or devices, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.

2. No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt
rupt such continuous carriage, or to evade any of the provisions of this Act. 3 E. VII., c. 58, s. 272.

338. Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded or disallowed by the Board, charge the toll or tolls as specified therein: Provided that the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

2. The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company, whether Canadian or foreign, is to receive or has received. 3 E. VII., c. 58, s. 273.

339. The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively:

(a) Standard passenger and freight tariffs at every station or office of the company where passengers or freight respectively, are received for carriage thereunder;

(b) Special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and, as to such freight tariffs, as soon as possible, at each of its stations or offices to which freight traffic is to be carried thereunder;

(c) Competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;

(d) Joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend;

(e) Joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination;

(f) Joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into R.S., 1906.
into a foreign country, at each freight station or office in Canada to which such tariffs extend.

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.

3. The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect.

4. Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,—

(a) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or,

(b) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country. 3 E. VII., c. 58, s. 274.

General Provisions respecting Carriage.

340. No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the Board.

2. The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

3. The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company. 3 E. VII., c. 58, s. 275.

341. Nothing in this Act shall be construed to prevent,—

(a) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or municipal

R.S., 1906.
municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation;

(b) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;

(c) railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the provincial legislatures or of the press, or to such other persons as the Board may approve or permit; or,

(d) the principal officers of any railway, or any railway or transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects:

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be regulated, extended, restricted, limited or qualified by the Board. 3 E. VII., c. 58, s. 275.

342. Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act.

2. Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. 3 E. VII., c. 58, s. 275.

343. The company shall furnish free transportation upon any of its trains, for members of the Senate and House of Commons of Canada with their baggage, and also for the members of the Board, and for such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board. 3 E. VII., c. 58, s. 275.

Collection of Tolls.

344. In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court. R.S., 1906.
Seizure and sale of goods subject to tolls.

345. The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.

2. If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale.

3. The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. 3 E. VII., c. 58, s. 280.

Unclaimed goods.

346. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods.

2. The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto. 3 E. VII., c. 58, s. 280.

If unclaimed.

347. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada.

2. Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. 3 E. VII., c. 58, s. 280.

Express Tolls.

348. All express tolls shall be subject to the approval of the Board.

2. The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all the powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent
sistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. 6 E. VII., c. 42, s. 27.

349. Tariffs of such express tolls shall be filed with the Tariff of Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. 6 E. VII., c. 42, s. 27.

350. No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto, or in any case where such express toll in any tariff has been disallowed by the Board. 6 E. VII., c. 42, s. 27.

351. No express toll shall be charged in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, person or corporation which was, immediately previous to the thirteenth day of July, one thousand nine hundred and six, charging express tolls, may, without such filing or approval, for a period of six months next after the last mentioned date, or for such further period as the Board allows, charge such express tolls as such company, person or corporation, immediately previous to the said date, might lawfully have charged. 6 E. VII., c. 42, s. 27.

352. The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act. 6 E. VII., c. 42, s. 27.

353. No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

2. In order to allow time for the companies, persons and corporations to comply with the provisions of this section, all contracts, conditions, by-laws, regulations, declarations or notices within the meaning of this section lawfully in use immediately previous to the thirteenth day of July, one thousand nine hundred and six, may continue to be used and shall have effect.

R.S., 1906.
effect until such later date as the Board may by order, in any case, or by regulation, fix and allow.

3. The Board may in any case or by regulation,—

(a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and,

(b) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. 6 E. VII., c. 42, s. 27.

354. Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

2. Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. 6 E. VII., c. 42, s. 27.

Telephone Tolls.

355. Notwithstanding anything in any Act heretofore or hereafter passed by Parliament, all telephone tolls to be charged by the company shall be subject to the approval of the Board. 6 E. VII., c. 42, s. 30.

356. The company shall file with the Board tariffs of the telephone tolls to be charged, and such tariffs shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation, or in any particular case, prescribes, and the company shall not charge, and shall not be entitled to charge, any telephone toll in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, previous to the thirteenth day of July, one thousand nine hundred and six, charging telephone tolls may, without such filing and approval, for a period of four months after the said date, or for such further period as the Board allows, charge such telephone tolls as such company was immediately previous to the said date authorized by law to charge.

2. Such telephone tariffs may be dealt with by the Board in the same manner as is provided by this Act, with respect to standard freight tariffs; and all the provisions of this Act, except as to publication under section three hundred and thirty-nine, applicable to the company with respect to standard freight tariffs and tolls chargeable thereunder, shall, in so far as they are applicable and not inconsistent with this Act, apply to the company with respect to such telephone tariffs and telephone tolls.
tolls chargeable under such telephone tariffs. 6 E. VII., c. 42, s. 30.

357. The Board may, by regulation or otherwise, determine Publicity and prescribe the manner and form in which any tariff or tariffs of telephone tolls shall be published or kept open for public inspection. 6 E. VII., c. 42, s. 33.

358. Whenever any province, municipality, or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, is desirous of using any long distance telephone service or long distance line owned, controlled, or operated by any company, upon which service or line the company is authorized to charge telephone tolls, in order to connect such telephone system, service or line with the telephone system, service or line operated or to be operated by such province, municipality, or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system, service or line and any telephone or telephone exchange on the other telephone system, service or line, and cannot agree with such company with respect to obtaining such connection or communication, or such use, such province, municipality or corporation may apply to the Board for relief, and the Board may order such company to provide for such connection or communication, or such use, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such connection or communication, or such use, shall be had, constructed, installed, operated, and maintained.

2. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consider-ation the standards as to efficiency and otherwise of the appar-atus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the connection or communication or use applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of such company. 6 E. VII., c. 42, s. 31.

359. Where the telephone system or line operated by the company is connected or used in communication with the tele-phone system or line operated by another such company or by any province, municipality or corporation, whether the authority of such province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is here-after

R.S., 1906.
after established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this Act, shall apply to such company or companies and to such province, municipality or corporation.

2. The Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines. 6 E. VII., c. 42, s. 32.

360. All contracts, agreements and arrangements between the company and any other such company, or any province, municipality or corporation having authority to construct and operate or to operate a telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise for the regulation and interchange of telephone messages or service passing to and from their respective telephone systems and lines, or for the division or apportionment of telephone tolls, or generally in relation to the management, working, or operation of their respective telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the Board; and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect. 6 E. VII., c. 42, s. 34.

AGREEMENTS.

Amalgamation Agreements.

361. Where the company is authorized, by any Special Act of the Parliament of Canada to enter into an agreement with any other company for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company, party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

2. Upon such agreement being so approved, and duly executed it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof.
3. Notice of the proposed application for such recommendation shall be published in the Canada Gazette for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published.

4. Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement.

5. Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect, and notice thereof shall be forthwith given in the Canada Gazette.

6. The production of the Canada Gazette containing such notice shall be prima facie evidence of the requirements of this section being complied with. 3 E. VII., c. 58, s. 281.

362. Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name, and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. 3 E. VII., c. 58, s. 282.

363. Notwithstanding anything in any agreement made or sanctioned under the provisions of the last two preceding sections, every act, matter or thing, done, effected or confirmed under or by virtue of this Act or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.
2. In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto, and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. 3 E. VII., c. 58, s. 283.

Traffic Agreements.

364. The directors may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

2. The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years,—

(a) for the running of the trains of one company over the tracks of another company;

(b) for the division and apportionment of tolls in respect of such traffic;

(c) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,

(d) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient;

subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements: Provided that publication of notices in the Canada Gazette shall be sufficient notice, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board.

3. The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary.

4. Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the Board.

R.S., 1906.
the Board, or relieve the companies from complying with the provisions of this Act. 3 E. VII., c. 58, s. 284.

INSOLVENT COMPANIES.

365. Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court.

2. Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital.

3. There shall be filed with such scheme of arrangement,—
   (a) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors; and,
   (b) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs.

4. After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against the company on such terms as the Exchequer Court thinks fit.

5. Notice of the filing of the scheme shall be published in the Canada Gazette.

6. After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. 3 E. VII., c. 58, s. 285.

366. The scheme shall be deemed to be assented to,—
   (a) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds;
   (b) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock;
   (c) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders;
   (d) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one; and,

39 1/2  611
(e)  R.S., 1906.
By ordinary shareholders.

(e) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.

2. Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to—

Bondholders.

(a) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company;

Preference shareholders.

(b) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and,

Ordinary shareholders.

(c) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.

3. The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. 3 E. VII., c. 58, s. 286.

367. If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme.

2. Notice of any such application shall be published in the Canada Gazette.

3. The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the court has allowed, and that no sufficient objection to the scheme has been established.

4. The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all persons assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament.

5. Notice of the confirmation and enrolment of the scheme shall be published in the Canada Gazette. 3 E. VII., c. 58, s. 287.

368. The Judge of the Exchequer Court may make general rules for the regulation of the practice and procedure of the

R.S., 1906.
Court under the three last preceding sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. 3 E. VII., c. 58, s. 289.

369. The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. 3 E. VII., c. 58, s. 288.

STATISTICS AND RETURNS.

370. Every company shall annually prepare returns in accordance with the forms contained in schedule one to this Act, of its capital, traffic and working expenditure, and of all information required, as indicated in the said forms, to be furnished to the Minister.

2. Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company, and shall also be attested upon the oath of the president, or in his absence, of the vice-president or manager of the company.

3. Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extended, or, if no such returns have been previously made, from the commencement of the operation of the railway, and ending with the last day of June in the then current year.

4. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within one month after the first day of July in each year.

5. The Minister may, from time to time, change or vary the forms in the said schedule one contained, or may substitute other forms in lieu thereof, and, upon any such change, variation or substitution being so made, the company shall, in the manner hereinbefore provided, prepare, make and forward returns accordingly; and the company shall also, at all times, give such information to the Minister as the Minister may, from time to time, require for statistical purposes.

6. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section. 3 E. VII., c. 58, s. 303; 6 E. VII., c. 42, s. 26.

371. Every company shall prepare returns of its traffic weekly, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month inclusive.

2. Such returns shall be in accordance with the form contained in schedule two to this Act.

3. A copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Minister, within seven days from the day to which the said returns have been prepared.

4. The Minister may in any case extend the time within which such returns shall be forwarded. 3 E. VII., c. 58, s. 304.

372. Every company shall, within one month after the first days of January and July, in each and every year, make to the Minister, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—

(a) the causes and natures of such accidents and casualties;
(b) the points at which they occurred, and whether by night or by day; and,
(c) the full extent thereof, and all the particulars of the same.

2. Such company shall also, when required by the Minister, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway.

3. The Minister may order and direct, from time to time, the form in which such returns shall be made up. 3 E. VII., c. 58, ss. 305 and 306.

373. The Minister may order and direct any company to make up and deliver to the Minister, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Minister deems necessary and requires for his information with a view to public safety. 3 E. VII., c. 58, s. 306.

374. All returns made in pursuance of any of the provisions of the four sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for,—

(a) default in making such returns in accordance with the requirements of this Act;
(b) perjury in making any oath required by this Act in connection with such returns;
(c) forgery of any such return; or,
(d) signing any such return knowing the same to be false. 3 E. VII., c. 58, s. 308.

375. The Board may from time to time, by notice served upon the company, or any officer, servant or agent of the company,
pany, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,—

(a) the assets and liabilities of the company;
(b) the amount of its stock issued and outstanding, and the date at which any such stock was so issued;
(c) the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued;
(d) the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made;
(e) the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which, and the time when, and the circumstances under which, the same was so received or given;
(f) the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed;
(g) the amount and nature of the consideration received by the company for the issue of such bonds;
(h) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created;
(i) the cost of construction of the company's railway or of any part thereof;
(j) the amount and nature of the consideration paid or given by the company for any property acquired by it;
(k) the particulars of any lease, contract or arrangement entered into between the company and any other company or person; and,
(l) generally, the extent, nature, value and particulars of the property, earnings and business of the company.

2. The Board may summon, require the attendance of and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid: and for such purposes may require the production to the Board of any books or documents in control of the company, or such officer, servant, agent or person.

3. Any information furnished to the Board by any such return, or any evidence taken by the Board in connection there-

R.S., 1906.
with, shall not be open to the public, or published, but shall be for the information of the Board only.

4. The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in manner aforesaid.

5. The Board may authorize any part of such information to be made public when, and in so far as there may appear to the Board to be good and sufficient reasons for so doing: Provided that if the information so proposed to be made public by the Board, is of such character that the company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to the company and hearing any objection which the company may make to such publication. 3 E. VII., c. 58, s. 309.

OFFENCES, PENALTIES AND DAMAGES.

Purchase of Railway Securities.

Company not to purchase. 376. Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act, shall incur a penalty of one thousand dollars for each such violation.

Penalty. 2. The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section.

Recovery and application. 3. Such penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer. 3 E. VII., c. 58, s. 290.

Filing and Registry.

Registrar of deeds neglecting his duty. 377. Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects,—

(a) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; or,

(b) to endorse thereon the day, hour and minute when the same were so deposited; or,

(c) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or,

(d) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such

R.S., 1906.
such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act;

shall be liable on summary conviction to a penalty of ten dollars, Penalty.

and also to an action for damages at the suit of any person injured by any such refusal or neglect. 3 E. VII., c. 58, s. 127.

378. Every company which fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,—

(a) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or,

(b) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation, are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require;

shall incur a penalty of two hundred dollars, and a like penalty Penalty.

for each and every month during which such failure or neglect continues. 3 E. VII., c. 58, s. 128.

Construction and Repairs.

379. Every company which fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to His Majesty the sum of Penalty.
two hundred dollars. 3 E. VII., c. 58, s. 183.

380. Every company which, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the twelfth day of March, one thousand nine hundred and three,—

(a) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board; or,

617

(b)
(b) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or,

(c) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

shall incur a penalty of not less than forty dollars for each such offence. 3 E. VII., c. 58, s. 184.

381. Every company which fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words *Railway Crossing* painted on each side thereof, in letters at least six inches in length, and, in the province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. 3 E. VII., c. 58, s. 191.

382. (a) If any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or,

(b) If, except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, is in any case less than twenty-two feet six inches;

the company or owner so constructing shall incur a penalty not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned:

Provided that nothing in this section shall apply to any bridge, tunnel, erection or structure over, through or under which no trains except such as are equipped with air brakes are run, exempted by the Board from such requirements. 3 E. VII., c. 58, s. 202.

383. If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,—

(a) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway; or,

(b)
(b) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or,

(c) condemning and forbidding further use of any rolling stock therein specified;

the company shall for each such refusal or neglect forfeit to Penalty. His Majesty the sum of two thousand dollars.

2. Any person wilfully and knowingly aiding or abetting Aiding or any such disobedience or non-compliance shall be liable therefor, abetting. for, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars.

3. No prosecution for any penalty under this section shall be No prosecution instituted without the authority of the Board first obtained. without the authority of the Board. 3 E. VII., c. 58, ss. 208 and 210.

Operation.

384. If any railway or portion thereof is opened for the Opening road carriage of traffic, other than for the purposes of the construc- tion of the railway by the company, until leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to His Penalty. Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave. 3 E. VII., c. 58, s. 207.

385. If any company refuses or neglects to comply with any Non-compliance with notice in writing of any inspecting engineer, given under the notice of engineer authority of this Act, and duly served upon the company, for bidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to His Majesty the sum of two thousand Penalty. dollars. 3 E. VII., c. 58, s. 209.

386. Every company required by this Act,—

(a) to provide and cause to be used on its trains modern and Failure of efficient apparatus, appliances and means, or any appara- company to properly tus, appliances and means in this Act specified, for the equip its trains.

providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,

(b) to equip its box freight cars, for the security of its employ- 619 Boardees, with outside ladders and hand-grips; or, if the Board R.S., 1906.
Board so requires, with any other improved side attachment required by the Board, or to adopt and use upon its rolling stock draw bars of a height determined by the Board;

which fails to comply with any requirement of this Act in that behalf shall forfeit to His Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

2. Every such company shall also be liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person, unless such agreement is authorized by the law of the province in which it is made, and by regulation of the Board. 3 E. VII., c. 58, s. 211.

387. Every officer or employee of any company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. 3 E. VII., c. 58, s. 219.

388. If any company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be liable to such passenger for the sum of eight dollars recoverable in a civil action. 3 E. VII., c. 58, s. 220.

389. A company shall be liable to a penalty not exceeding four hundred dollars if, when the railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before crossing on or over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose.

2. This section shall not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. 3 E. VII., c. 58, s. 223.

390. Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, shall be liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. 3 E. VII., c. 58, s. 223.
391. The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level,—

(a) the engine whistle is not sounded at least eighty rods before reaching such crossing; and,

(b) the bell is not rung continuously from the time of the or ring bell. sounding of the whistle until the engine has crossed the highway.

2. The company shall also be liable for all damage sustained by any person by reason of any failure or neglect to so sound the whistle or ring the bell.

3. This section shall not apply to trains approaching such crossing within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle and ringing of the bell. 3 E. VII., c. 58, s. 224.

392. Every employee of the company whose duty it is to sound the whistle or ring the bell at any such highway crossing, who neglects to perform such duty as required by this Act, shall for each offence incur a penalty of eight dollars. 3 E. VII., c. 58, s. 224.

393. The company shall incur a penalty of one hundred dollars if,—

(a) any train or engine of the company passes over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine, from a competent person or watchman in charge of such crossing, that the way is clear; or,

(b) any train of the company, before it passes over any such crossing, is not brought to a full stop, unless engines and trains are, by order of the Board under the authority of this Act, permitted to pass over such crossing without stopping; or,

(c) any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at greater speed is given by some regulation or order of the Board; or,

(d) whenever in any city, town or village any train of the company is allowed to pass over or along a highway at rail level, not headed by an engine moving forward in the ordinary manner, the company does not station on that part of the train, or of the tender if the tender is in front, which is then foremost, a person who shall warn persons standing on or crossing or about to cross the track of such railway.

621

2. R.S., 1906.
2. Every company operating an electric street railway shall incur a penalty of one hundred dollars if,—

(a) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear; or,

(b) if there is no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motor-man that the way is clear and to proceed; or,

(c) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. 3 E. VII., c. 58, s. 228.

Obstructing highway. 394. Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company, who has directly under or subject to his control, management or direction any such engine, tender or car, shall be liable on summary conviction to a penalty not exceeding fifty dollars, and the company shall also be liable to a like penalty: Provided that, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs shall be in the discretion of the court. 3 E. VII., c. 58, s. 229.

Blackboard. 395. (a) If any company upon whose railway there is a telegraph line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph office: or,

(b) if when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or,

(c) if, when there is any further change in the expected time of arrival, such station agent, or person in charge of
the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station;
such company shall be liable, upon summary conviction, to a Penalty, penalty not exceeding five dollars for each such wilful neglect, omission or refusal.

2. Such station agent or person in charge at any such station, shall likewise be liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to write or cause to be written upon such blackboard any of such notices as hereinafter required. 3 E. VII., c. 53, s. 231.

**Bridges and Tunnels.**

396. Every company which shall erect, operate or maintain in violation of this Act, any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. 3 E. VII., c. 58, s. 293.

**Tariff and Tolls.**

397. All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, shall, unless such companies have filed with the Board a joint tariff for such continuous route, be subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time.

2. Such goods shall be subject to a Customs duty of thirty per cent. of the value thereof, if they would not be subject to any Customs duty in case they were of foreign production, and coming into Canada for the first time.

3. If any such duty is paid by the consignor or consignee, the same shall be repaid on demand to the person so paying, by the company or companies owning or operating so much of such continuous line or route as lies within Canada. 3 E. VII., c. 58, ss. 268 and 270.

398. If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person, shall,—

(a) wilfully do or cause to be done, or willingly suffer to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,
(b) wilfully omit or fail to do any act, matter, or thing thereby required to be done; or,
(c) R.S., 1906.
(c) cause or willingly suffer or permit any act, matter or thing, so directed or required to be done, not to be so done; or,

(d) contravene any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

**False billing. etc.**

399. Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly or wilfully suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

**Idem.**

400. Any person, or any officer or agent of any incorporated company, who shall deliver goods for transportation to such company, or for whom as consignor or consignee the company shall transport goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

2. The Board may make regulations providing that any such person or company shall, in addition to the regular toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge.

3. The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated.

4. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

R.S., 1906.
401. Any person or company, or any officer or agent of any company,—

(a) who shall offer, grant, or give, or shall solicit, accept or receive any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic shall, by any device whatsoever, be transported at a less rate than that named in the tariffs then in force; or,

(b) for whom the company or any of its officers or agents, shall by any such means be induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or,

(c) who shall aid or abet the company in any unjust discrimination;

shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

402. If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, while so in force, shall, as against such company, its officers, agents or employees, be an offence under this Act.

2. No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

403. Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,—

(a) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,

(b) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,

(c) in any case where such express toll in any tariff has been disallowed by the Board;

shall be liable to a penalty not exceeding one hundred dollars for each such offence. 6 E. VII., c. 42, s. 27.

404. Every company shall, in addition to any penalty herebefore provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any order, direction, decision or regulation made or given by the Board under this Act in respect of tolls, be liable, at the suit of any person R.S., 1906.
person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have so sustained.

2. No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

Obstructing Inspecting Engineers.

405. Every operator or officer employed in any telegraph office of the company, or under the control of the company, who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages shall, for every such offence, be liable on summary conviction to a penalty of forty dollars. 3 E. VII., c. 58, s. 206.

406. Every person who wilfully obstructs any inspecting engineer in the execution of his duties shall be liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. 3 E. VII., c. 58, s. 206.

Animals.

407. Every person who,—

(a) wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; or,

(b) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or,

(c) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or,

(d) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;

shall, on summary conviction, be liable to a penalty of twenty dollars for each such offence.

2. Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission.

3. Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission
of such offence all damages thereby sustained. 3 E. VII., c. 58, s. 201.

Walking upon the Railway.

408. Every person, not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. 3 E. VII., c. 58, s. 291.

Foot Bridges at Highway Crossings.

409. Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if,—

(a) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges; and,

(b) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. 3 E. VII., c. 58, s. 292.

Dangerous Commodities.

410. Every person who,—

(a) sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; or,

(b) carries or takes upon any train any such goods for the purpose of carriage;

shall forfeit to the company the sum of five hundred dollars for every such offence. 3 E. VII., c. 58, s. 221.

411. Every company which carries any goods of a dangerous nature, except in cars specially designated for that purpose, with the words Dangerous Explosives plainly appearing on each side of each of such cars, shall for each such offence incur a penalty of five hundred dollars. 3 E. VII., c. 58, s. 292.

Notification of Accidents.

412. Every company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, R.S., 1906.
particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. 6 E. VII., c. 42, s. 22.

**Officers and Employees.**

413. Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender, or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence, and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. 6 E. VII., c. 42, s. 25.

414. Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable to summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. 6 E. VII., c. 42, s. 25.

415. Every officer or servant of any company and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Minister, or of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or, although no actual injury occurs, exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, is guilty of an offence, and shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment or both.
2. No such fine shall exceed four hundred dollars, and no such imprisonment shall exceed the term of five years.

3. The company may, in all cases under this section, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay. 3 E. VII., c. 58, s. 296.

Contravention of By-laws and Regulations of the Company.

416. Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars: Provided that no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. 3 E. VII., c. 58, s. 297.

Thistles and Weeds.

417. Every company which fails or neglects to cause the thistles and all noxious weeds growing on the right of way, and upon land of the company adjoineding the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every day during which such failure or neglect continues.

2. The mayor, reeve or chief officer of the municipality, township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do.

3. Such mayor, reeve, chief officer or justice of the peace may recover the expenses and charges so incurred, and the said penalty, with costs, in any court of competent jurisdiction.

4. Such penalty shall be paid to the proper officer of the municipality. 3 E. VII., c. 58, s. 238.

418. R.S., 1906.
Railway Constables.

418. Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his office of constable shall be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months.

2. Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable.

3. Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction wherein the railway passes. 3 E. VII., c. 58, s. 241.

Returns.

419. Every company which fails or neglects to prepare and furnish to the Minister, within the time, and in the manner and form, and with such particulars and verification as by this Act required or intended,—

(a) any return of its capital, traffic and working expenditure, or of any other information required as indicated in the forms contained in schedule one to this Act, or in any of such forms as changed, varied or substituted by the Minister under the authority of this Act; or,

(b) any weekly return of its traffic in accordance with the forms contained in schedule two to this Act; or,

(c) any other information which may be from time to time required by the Minister under the authority of this Act; shall incur a penalty not exceeding ten dollars for every day during which such default continues.

2. Every person who knowing the same to be false in any particular signs any such return is guilty of an offence punishable on summary conviction. 3 E. VII., c. 58, ss. 303 and 304; 6 E. VII., c. 42, s. 26.

420. Any company which fails or neglects to deliver to the Minister in the form ordered and directed by the Minister, or as by this Act required,—

(a) within one month after the first days of January and July respectively in each year, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding the said dates respectively, setting forth the particulars and verified in manner as by this Act required; or,

(b) if required by the Minister, a true copy of the existing by-laws of the company and of its rules and regulations for the management of the company and of its railway, within fourteen days after having been so required by the Minister; or,
(c) any other or additional returns of serious accidents occurring in the course of the public traffic on the railway belonging to such company, if thereunto required with a view to public safety by the Minister, within fourteen days after the same have been so required;

shall forfeit to His Majesty the sum of one hundred dollars for Penalty.
every day during which the company so neglects to deliver any such return. 3 E. VIII., c. 58, s. 307.

421. If the Board at any time, by notice served upon the company or any officer, servant or agent of the company, requires the company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,—

(a) the assets and liabilities of the company;
(b) the amount of the company’s stock issued and outstanding and the date at which any such stock was so issued;
(c) the amount and nature of the consideration received by the company for such issue, and in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued;
(d) the gross earnings or receipts or expenditure by the company during any period specified by the Board, and the purposes for which such expenditure was made;
(e) the amount and nature of any bonus, gift or subsidy received by the company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given;
(f) the bonds issued at any time by the company and what portion of the same is outstanding, and what portion, if any, has been redeemed;
(g) the amount and nature of the consideration received by Idem. the company for the issue of such bonds;
(h) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for such liabilities, and the circumstances under which the same were created;
(i) the cost of construction of the company’s railway or of Cost of any part thereof;
(j) the amount and nature of the consideration paid or given by the company for any property acquired by it;
(k) the particulars of any lease, contract or arrangement entered into between the company and any other company or person; and,
(l) generally, the extent, nature, value and particulars of the Generally. property, earnings, and business of the company; or,
(m) any of the matters in this section mentioned;

Any matter.

631 and

R.S., 1906.
and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, the company and every such officer, servant or agent, so in default, shall severally be liable on conviction to a penalty not exceeding one thousand dollars.

2. Each such officer, servant or agent so convicted shall, in addition to such penalty, be liable to imprisonment, in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. 3 E. VII., c. 58, s. 309.

Making false returns.

422. If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent shall be severally liable on conviction to a penalty not exceeding one thousand dollars.

2. Such officer, servant or agent shall also, on such conviction, be liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. 3 E. VII., c. 58, s. 309.

Publishing information without leave.

423. If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall be liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol in the county where such conviction is had. 3 E. VII., c. 58, s. 309.

Schemes of Arrangement with Creditors.

424. If any company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. 3 E. VII., c. 58, s. 288.

Various Offences.

425. Every person who,—
(a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or,

R.S., 1906.
(b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or,

(c) enters upon any railway train, without the knowledge or consent of an officer or servant of the company, with intent fraudulently to be carried upon the said railway without paying fare thereon; or,

(d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or,

(e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes;

shall be liable on summary conviction to a penalty not exceeding Penalty. fifty dollars, or in default of payment to imprisonment for a term not exceeding two months. 3 E. VII., c. 58, s. 291.

426. Every person who,—

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or,

(b) unlawfully drinks or wilfully spill or allows to run to waste any such liquors, or any part thereof;

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both. 3 E. VII., c. 58, s. 298.

Penalties not otherwise provided.

427. Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand dollars. 633 R.S., 1906.
Penalties.

2. Such company, director, officer, receiver, trustee, lessee, agent or person shall also, in any case, in addition to any such penalty, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby. 3 E. VII., c. 58, s. 294.

Continuing Offences.

428. When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. 3 E. VII., c. 58, s. 299.

Liability of the Company.

429. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company.

2. Anything done or omitted to be done by the company, which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and, upon conviction of any such offence, the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. 3 E. VII., c. 58, s. 299.

Penalties constitute a charge.

430. If any company has been convicted of any penalty under this Act, such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. 3 E. VII., c. 58, s. 301.

Procedure.

431. If any penalty, prescribed for any offence under this Act, or under any regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace.

2. If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject
as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace.

3. Whenever the Board shall have reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty.

4. No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. 3 E. VII., c. 58, ss. 25 and 300.

SCHEDULE ONE.

Railway Company.

RETURN for the year ending June 30, 19 , required by the Minister of Railways and Canals, showing the conditions of the Capital and Revenue Account, etc., etc., of the railways in the Dominion of Canada.

No. 1.—LOCATION AND GENERAL DESCRIPTION OF RAILWAY,
Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.

June 30, 19.

No. 2.—OFFICIAL NAME AND ADDRESS OF THE COMPANY AND OFFICIAL SEAL.

No. 3.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY, JUNE 30, 19.

<table>
<thead>
<tr>
<th>Names of Directors</th>
<th>Residences</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>General Manager,</td>
</tr>
<tr>
<td>Vice-President</td>
<td>Engineers,</td>
</tr>
<tr>
<td>Secretary</td>
<td>Superintendents.</td>
</tr>
<tr>
<td>Treasurer</td>
<td>635</td>
</tr>
</tbody>
</table>

No. R.S., 1906.
No. 4.—List of all Statutes, Dominion or Provincial, in any manner affecting the railway or any part thereof, from the date of first construction to June 30, 19.

No. 5.—List of all Statutes, Dominion or Provincial, under which any subsidy, loan or bonus, has been paid or voted, in respect of the railway, or any part thereof, passed prior to June 30, 19.

No. 6.—List of all Contracts made by the Company, for the construction of any part of the railway up to June 30, 19.

<table>
<thead>
<tr>
<th>Date</th>
<th>Contractors</th>
<th>Description of Work</th>
<th>Location and Mileage</th>
<th>Prices</th>
</tr>
</thead>
</table>

Copies of any contracts must be furnished by the company to the Minister when required.

No. 7.—Capital Account to June 30, 19.

|-------------------|-----------------------------------------------|------------------------------------------|-------------------------------|

Total amount of ordinary share capital:  
- of preference share capital:  
- of ordinary bonds:  
- of Government loans:  
- bonuses:  
- subscription to shares:  
- subscription to bonds:  
- municipal loans:  
- bonuses:  
- subscription to shares:  
- subscription to bonds:  
- of capital from other sources:  
Total capital:  

*State whether dividend is cumulative or not.
With this return shall be transmitted a copy of the annual accounts or statements from the directors to the company prepared under the provision of this Act, whereby the directors are required to cause to be kept, and annually on the thirtieth day of June to be made up and balanced a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company, or the directors.

This statement must also agree with the totals shown in such annual accounts or statements from the directors to the company.

If there is more than one issue of preference shares and bonds, state them and the amount of each class.

No. 8.—Loans or Bonuses from Governments or Municipalities, up to June 30, 19.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total.............</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipalities...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total.............</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No. 9.—Bonds or other Securities Negotiated by the Company, up to June 30, 19.

<table>
<thead>
<tr>
<th>Amounts</th>
<th>Rate of Interest</th>
<th>Date of Sale</th>
<th>Prices Realized</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ cts.</td>
<td>%</td>
<td></td>
<td>$ cts.</td>
</tr>
</tbody>
</table>

637

No. R.S., 1906.
No. 10.—SALES OF LAND MADE BY THE COMPANY, UP TO JUNE 30, 19.

<table>
<thead>
<tr>
<th>Acres Sold</th>
<th>Price per Acre</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 cts.</td>
<td>8 cts.</td>
<td></td>
</tr>
</tbody>
</table>

No. 11.—FLOATING DEBT, YEAR ENDING JUNE 30, 19.

<table>
<thead>
<tr>
<th>Total Amount</th>
<th>Rate of Interest</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 cts.</td>
<td>%</td>
<td></td>
</tr>
</tbody>
</table>

Note.—The floating debt includes all debts other than the bonded debts.

No. 12.—CHARACTERISTICS OF ROAD, ETC., JUNE 30, 19.

<table>
<thead>
<tr>
<th>Owned</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Leased</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

Length of main line from
† Length of branch from

Length of branch railway from

Total mileage worked

Length of road laid with iron rails

Weight of rail per yard, main line, iron

Number of car sheds and shops

R.S., 1906.

638 No.
Number of dining cars owned by the Company

- hired
- with air brakes...owned...hired
- with automatic couplers...owned...hired

official cars owned by the Company

- hired
- with air brakes...owned...hired
- with automatic couplers...owned...hired

of first-class passenger cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of second-class and immigrant cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

baggage, mail and express cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of baggage, mail and express cars with air brakes...owned...hired

- with auto. couplers...

of cattle and box freight cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of refrigerator cars owned by the Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of platform cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of coal cars owned by Company

- hired
- with air brakes...owned...hired
- with auto. couplers...

of conductors, vans

- with air brakes...owned...hired
- with automatic couplers...

- with air brakes...owned...hired
- with automatic couplers...

- with snow-ploughs and sweepers
- of flangers
- of other rolling stock...
- of ties to mile, main line...
- of branches...

Nature of fastenings used to secure joint of rail:

Number of grain elevators.

‡Capacity of...

Number of highway crossings at rail-level at which watchmen are employed

- without watchmen...
- of overhead bridges carrying highway over railway...
- farm crossings over railway...

Height of overhead bridges above rail-level...

Number of highway crossings under railway...

- of farm crossings under railway...
- of level crossings of other railways...
- of junctions with other railways...
- branch lines...

Radius of sharpest curve...

Number of feet per mile of heaviest gradient

Gauge of railway...
No. 12.—Characteristics of Road, etc., June 30, 19 — Continued.

<table>
<thead>
<tr>
<th>Mileage in Provinces</th>
<th>Miles Completed</th>
<th>Miles in Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ontario</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quebec</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nova Scotia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Brunswick</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manitoba</td>
<td></td>
<td></td>
</tr>
<tr>
<td>British Columbia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saskatchewan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alberta</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwest Territories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yukon Territory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No. 13.—Actual Cost of Railway and Rolling Stock, up to June 30, 19.

1. Cost of land and land damages.
2. Cost in connection with the administration of land grant in aid, if any.
3. Cost of grading, masonry and bridging, station buildings, etc.
4. Cost of rolling stock of all kinds, including workshops.

Total.

The above total to show the actual cash cost of construction and of rolling stock.

No. 14.—Operations of the Year ending June 30, 19, and Number of Miles run.

1. Miles run by passenger trains.
2. " freight trains.
3. " mixed trains.
4. Total miles run by trains.
5. " engines.
6. Total number of passengers carried.
7. " tons of freight (of 2,000 lbs.) carried.
8. Average rate of speed of passenger trains.
10. Average weight of passenger trains in motion.

A train consists of one or more cars.
No. 15.—**Description of Freight Carried during the Year ending June 30, 1914**

<table>
<thead>
<tr>
<th>Description</th>
<th>Weight in Tons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Flour in barrels, No.</td>
<td></td>
</tr>
<tr>
<td>2. Grain in bushels, No.</td>
<td></td>
</tr>
<tr>
<td>3. Live stock, No.</td>
<td></td>
</tr>
<tr>
<td>4. Lumber of all kinds, ft. B.M</td>
<td></td>
</tr>
<tr>
<td>5. Coal and other fuel</td>
<td></td>
</tr>
<tr>
<td>6. Manufactured goods</td>
<td></td>
</tr>
<tr>
<td>All other articles</td>
<td></td>
</tr>
</tbody>
</table>

**Total weight carried.**

No. 16.—**Earnings of Railway for Year ending June 30, 1914**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. From passenger traffic</td>
<td></td>
</tr>
<tr>
<td>2. From freight traffic</td>
<td></td>
</tr>
<tr>
<td>3. From mails and express freight</td>
<td></td>
</tr>
<tr>
<td>4. From other sources</td>
<td></td>
</tr>
</tbody>
</table>

**Total.**

No. 17.—**Operating Expenses—Maintenance of Way, Buildings, etc., for the Year ending June 30, 1914**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wages, etc., of labour employed on track, including sidings</td>
<td></td>
</tr>
<tr>
<td>2. Cost of rails and fastenings</td>
<td></td>
</tr>
<tr>
<td>3. Ballasting</td>
<td></td>
</tr>
<tr>
<td>4. Repairs of bridges and culverts</td>
<td></td>
</tr>
<tr>
<td>5. nn, and renewals of buildings</td>
<td></td>
</tr>
<tr>
<td>6. of fencing</td>
<td></td>
</tr>
<tr>
<td>7. Clearing snow</td>
<td></td>
</tr>
<tr>
<td>8. Engineering superintendence</td>
<td></td>
</tr>
</tbody>
</table>

**Total.**

41 641  No. R.S., 1906.
### No. 18.—Operating Expenses—Cost of Motive Power for Year ending June 30, 1919.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages of engineers, motormen, firemen and cleaners</td>
<td></td>
</tr>
<tr>
<td>Fuel</td>
<td></td>
</tr>
<tr>
<td>Repairs of engines and tenders</td>
<td></td>
</tr>
<tr>
<td>Oil, tallow, waste, etc., for engines</td>
<td></td>
</tr>
<tr>
<td>Pumping engines</td>
<td></td>
</tr>
<tr>
<td>Repairs of tools and machinery</td>
<td></td>
</tr>
<tr>
<td>Superintendence</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

### No. 19.—Operating Expenses—Maintenance of Cars for Year ending June 30, 1919.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages and material for repairs of passenger cars</td>
<td></td>
</tr>
<tr>
<td>&quot;                            freight cars and snow ploughs</td>
<td></td>
</tr>
<tr>
<td>&quot;                            other rolling stock</td>
<td></td>
</tr>
<tr>
<td>Superintendence</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

### No. 20.—Operating Expenses—General and Operating Charges for Year ending June 30, 1919.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office expenses, including directors, auditors, management, traveling expenses, stationery, etc.</td>
<td></td>
</tr>
<tr>
<td>Station agents, clerks, porters, etc.</td>
<td></td>
</tr>
<tr>
<td>Conductors, baggage-men and brakemen</td>
<td></td>
</tr>
<tr>
<td>Compensation for personal injuries</td>
<td></td>
</tr>
<tr>
<td>Loss or damage to freight</td>
<td></td>
</tr>
<tr>
<td>Cattle killed</td>
<td></td>
</tr>
<tr>
<td>Ferries and ferry-boats</td>
<td></td>
</tr>
<tr>
<td>Foreign agencies</td>
<td></td>
</tr>
<tr>
<td>Small stores, including lights, lamps and signals</td>
<td></td>
</tr>
<tr>
<td>All other charges</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

R.S., 1906.
No. 21.—Summary of Operating Expenses for the Year ending June 30, 19...

- A. Maintenance of way, buildings, etc.
- B. Motive power
- C. Maintenance of cars
- D. General and operating expenses

Total cost of operating railway

Operating expenses per train mile

The above statement is to include the full cost of operating the railway, and the total is to correspond with the annual accounts or statements prepared under the provision of this Act in No. 7 of this schedule set forth.

No. 22.—Accidents during the Year ending June 30, 19...

<table>
<thead>
<tr>
<th>Cause of Accident</th>
<th>Passengers</th>
<th>Employees</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Killed</td>
<td>Injured</td>
<td>Killed</td>
<td>Injured</td>
</tr>
<tr>
<td>1. Fell from cars or engines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Jumping on or off trains or engines when in motion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. At work on or near the track, making up trains</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Putting arms or heads out of windows</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Coupling cars</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Collisions, or by trains thrown from track</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Struck by engine or cars on highway crossing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Walking, standing, lying, sitting or being on track</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Explosions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Striking bridges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Other causes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No. 23.—Details of Accidents during Year ending June 30, 19...

<table>
<thead>
<tr>
<th>Date</th>
<th>Name, Address and Occupation of Persons</th>
<th>Place of Accident</th>
<th>Cause</th>
<th>Nature and Extent of Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>414</td>
<td></td>
<td>643</td>
<td></td>
<td>CANADA, R.S., 1906.</td>
</tr>
</tbody>
</table>

Passengers and employees are to be entered separately.
CANADA,
Province of.....
County of.....

To Wit:

I, ___________________________ of the (1) ___________________________
of_________________________in the county of_________________________ and province aforesaid (2) ___________________________of the
Railway Company, being duly sworn, make oath and say:

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the_________________________of_________________________ in the county of_________________________this_________________________day of_________________________19.

_________________________

(3)_________________________

(1) City, town, township or parish. (2) President, Vice-President or Manager.
(3) Official capacity of person administering oath.

CANADA,
Province of.....
County of.....

To Wit:

I, ___________________________ of the (1) ___________________________
of_________________________in the county of_________________________ and province aforesaid, (2) ___________________________of the
Railway Company, being duly sworn, make oath and say:

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the_________________________of_________________________ in the county of_________________________this_________________________day of_________________________19.

_________________________

(3)_________________________

(1) City, town, township or parish. (2) Secretary or other chief officer.
(3) Official capacity of person administering oath.

3 E. VII., c. 58, sch. 1.
644 SCHEDULE

R.S., 1906.
### SCHEDULE TWO.

Railway Company.

**RETURN of traffic for week ending** 1919, and corresponding week of 1919.

<table>
<thead>
<tr>
<th>Week ended</th>
<th>Number</th>
<th>Amount</th>
<th>Tons</th>
<th>Amount</th>
<th>Mails and Sundries</th>
<th>Total</th>
<th>Per Mile per Period</th>
<th>Miles Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>... 19</td>
<td></td>
<td></td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
</tr>
<tr>
<td>... 19</td>
<td></td>
<td></td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
</tr>
</tbody>
</table>

Increase..............
Decrease..............

**Aggregate Traffic from July 1, 1919.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
<th>Amount</th>
<th>Tons</th>
<th>Amount</th>
<th>Mails and Sundries</th>
<th>Totals</th>
<th>Per Mile per Period</th>
<th>Miles Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>From ... 19</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td>8 cts.</td>
<td></td>
</tr>
</tbody>
</table>

Corresponding period of ... 19
Increase
Decrease

3 E. VII., c. 58, sch. 2.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 38.

An Act respecting the sale of tickets by Railway, Steamboat and Ferry Companies.

SHORT TITLE.

1. This Act may be cited as the Passenger Tickets Act.

TICKETS AND TICKET AGENTS.

2. Any railway company, steamboat or ferry company subject to the jurisdiction of the Parliament of Canada, or to which the Railway Act applies, and the Minister of Railways and Canals, as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as it or he chooses, as agents for the sale of passenger tickets to passengers or persons who desire to travel by the railway, steamboat or ferry of the company employing such agent, or by any Government railway, as the case may be. R.S., c. 110, s. 1; 62-63 V., c. 38, s. 1.

3. The Minister of Railways and Canals, or company, employing any such agent, shall give him a certificate of his appointment, which shall be under the hand of the Minister of Railways and Canals, or the corporate seal of the company appointing him; and such agent shall keep the same framed or exhibited in some conspicuous part of his office or place of business, where it can be seen and read by those resorting to the office. R.S., c. 110, s. 2.

4. Every agent of a foreign railway company doing business in Canada shall, before issuing tickets over any Government railway line, or other Canadian railway line, be duly authorized for such purpose by the Minister of Railways and Canals, or by the company, as the case may be, over whose line he desires to issue tickets, in the same manner as is hereinbefore provided in respect of other agents, and shall have and exhibit, in like manner, a certificate from the foreign company he represents. R.S., c. 110, s. 3.

5. R.S., 1906.
5. Every ticket sold by any agent shall have the name of such agent and the date of the sale written or stamped plainly upon it. R.S., c. 110, s. 4.

6. Nothing in this Act shall prevent the duly authorized agent of any company from procuring from the duly authorized agent of any other company, a ticket for a passenger to whom he has sold a ticket to travel over the line or any part thereof for which he is the authorized agent, so as to enable such passenger to travel to the point or junction from which he has previously secured his ticket. R.S., c. 110, s. 5.

7. Nothing in this Act contained respecting the appointment of agents for the sale of tickets shall prevent the station agents of the Minister of Railways and Canals or company, at their stations, and in their ticket offices at such stations, from selling tickets to passengers about to enter upon and travel by railway from the said stations. R.S., c. 110, s. 6.

**UNUSED TICKETS.**

8. The Minister of Railways and Canals, with respect to any Government railway, and every railway company subject to the jurisdiction of the Parliament of Canada, or to which the Railway Act applies, as the case may be, shall repay to every holder of a ticket over any Government railway line or other Canadian railway line, as the case may be, the cost of his ticket, if unused in whole or in part, less the ordinary and regular fare for the distance for which such ticket has been used.

2. Such repayment shall be made at any station or office of the railway or company between and including the points covered by the ticket.

3. The claim for such redemption shall be made within thirty days from the expiration of the time for which the ticket was issued, in accordance with the conditions thereon. R.S., c. 110, s. 9.

**STOP OVER TICKETS.**

9. Every passenger who presents a single journey ticket upon a train within the time for which the conditions printed upon such ticket and the date shows such ticket to be good for use, may apply to the conductor of such train to have the privilege of stopping over granted, and the time for which the ticket is valid extended.

2. Such privilege and extension of time shall be granted by such conductor on tickets purchased at railway ticket offices in Canada, from one place in Canada to another, or from a place in Canada to a place in the United States.

3. No such passenger shall be entitled to have such time extended for more than two days for every fifty miles of distance to be travelled in Canada. R.S., c. 110, s. 10.

R.S., 1906.
OFFENCES AND PENALTIES.

10. Every person who,—
(a) except those authorized as hereinbefore mentioned, sells, or offers for sale any railway, steamboat or ferry passenger ticket, or pass, ticket, certificate or other instrument, enabling any person or purporting to entitle any person to travel on any one railway, steamboat or ferry, or more than one railway, steamboat or ferry, or on any part of one railway or parts of several railways to which this Act applies; or,
(b) issues the unused portion of any ticket, otherwise than by the presentation of the same for redemption under the provisions of this Act; or,
(c) fraudulently alters, changes or imitates the signature of the agent or the date written or stamped upon any ticket;
is guilty of an offence against this Act and shall, upon summary conviction thereof before any justice of the peace, be liable to a penalty not exceeding fifty dollars and not less than twenty dollars and costs, or to imprisonment for a term not exceeding ninety days and not less than ten days, or to both penalty and imprisonment, in the discretion of the justice. R.S., c. 110, ss. 4, 7, 8, 9; 62-63 V., c. 38, s. 2.

11. Every complaint respecting an offence against this Act shall be prosecuted under the provisions of Part XV. of the Criminal Code. R.S., c. 110, s. 11.
CHAPTER 39.

An Act respecting the Public Works of Canada.

**SHORT TITLE.**

1. This Act may be cited as the Public Works Act. R.S., Short title. c. 36, s. 1.

**APPLICATION.**

2. This Act is divided into two parts. Part I. applies Division of exclusively to the Department of Public Works and the public Act. works and property under the control of that Department. Part II. is not by this section limited in its application.

**PART I.**

**INTERPRETATION.**

3. In this Part, unless the context otherwise requires,— Definitions.
   (a) 'Minister' means the Minister of Public Works;
   (b) 'Department' means the Department of Public Works;
   (c) 'public work' or 'public works' means and includes any work or property under the control of the Minister. R.S., c. 36, s. 2.

**DEPARTMENT OF PUBLIC WORKS.**

4. There shall be a department of the Government of Canada which shall be called the Department of Public Works, over the Department, and shall hold office during pleasure. R.S., c. 36, s. 3.

5. The Governor in Council may appoint the following officers who shall hold office during pleasure:— Deputy and officers.
   (a) An officer who shall be called the Deputy Minister of Public Works, and who shall be the chief officer of the Department;
   (b) R.S., 1906.
(b) A secretary for the Department;
(c) One or more chief engineers;
(d) A chief architect;
(e) Such other officers as are necessary for the proper conduct of the business of the Department. R.S., c. 36, s. 4.

6. The Secretary of the Department shall, unless otherwise directed in any case by the Minister,—

(a) keep separate accounts of the moneys appropriated for and expended on each public work;
(b) submit such accounts to be audited in such manner as is appointed by law or by the Governor in Council;
(c) have charge of all plans, contracts, estimates, documents, titles, models and other like things relating to any such work;
(d) keep proper accounts with each contractor or other person employed by or under the Department;
(e) see that all contracts are properly drawn up and executed;
(f) prepare all certificates upon which any certificate for the payment of money is to issue;
(g) keep minutes of all proceedings of the Department;
(h) prepare reports and conduct under the direction of the Minister the correspondence of the Department;
(i) generally do and perform all such acts and things appertaining to the business of the Department as are from time to time required by the Minister. R.S., c. 36, s. 5.

7. In case of the absence of the Secretary, or of his inability to act, the Minister may, in writing, authorize some other officer of the Department to act, for the time, in his stead. R.S., c. 36, s. 4.

8. The Chief Engineer or the Chief Architect shall,—

(a) prepare maps, plans and estimates for all public works which are about to be constructed, altered or repaired;
(b) report for the information of the Minister on any question relating to any public work which is submitted to him;
(c) examine and revise the plans, estimates and recommendations of other engineers, architects and officers in respect of any public work;
(d) generally advise the Minister on all engineering or architectural questions affecting any public work. R.S., c. 36, s. 6.

POWERS OF THE MINISTER.

9. The Minister shall have the management, charge and direction of the following properties belonging to Canada, and of the services in this section enumerated, namely:—

R.S., 1906.

652 (a)
(a) The dams, the hydraulic works, the construction and repair of harbours, piers and works for improving the navigation of any water, and the vessels, dredges, scows, tools, implements and machinery for the improvement of navigation;

(b) The slides, dams, piers, booms and other works for facilitating the transmission of timber, the collection of slidage and boomage dues and matters incident thereto, and the officers or persons employed in that service;

(c) The roads and bridges;

(d) The public buildings;

(e) The telegraph lines;

(f) The heating, maintenance and keeping in repair of the Government buildings at the seat of government and any alteration from time to time requisite therein, and the supplying of furniture and fittings or repairs to the same;

(g) All such portions of the property known as the Ordnance property as were transferred to the Government of the late province of Canada or to the Government of Canada by the Government of the United Kingdom, and afterwards placed under the control of the Department; and,

(h) All other property which now belongs to Canada and the works and properties acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, except works for which money has been appropriated as a subsidy only, and every work required for any such purpose. R.S., c. 36, s. 7; 52 V., c. 19, s. 2.

10. Nothing in the last preceding section shall be deemed Exceptions to confer upon the Minister the management, charge or direction of such public works as are,—

(a) lawfully transferred to any province forming part of Canada;

(b) leased, sold or otherwise lawfully transferred to municipalities, incorporated companies or others, unless the same are subject to be and are resumed by His Majesty in virtue of the provisions of any Act, or of any lease, sale or transfer thereof, or relating thereto;

(c) by or under the authority of this Act or any other Act of the Parliament of Canada, placed under the control and management of any other minister or department; or,

(d) by proclamation abandoned, or left to the control of municipal or local authorities. R.S., c. 36, s. 7.

11. The Governor in Council may, by proclamation, declare any public road or bridge under the management and control of the Minister to be no longer under his management and Works may be withdrawn from Minister's control. R.S., 1906.
and control; and upon, from and after a day to be named in the proclamation, such road or bridge shall cease to be under the management and control of the Minister, and no tolls shall thereafter be levied thereon under the authority of this Act. R.S., c. 36, s. 15.

12. The Minister shall direct the construction, maintenance and repair of all harbours, roads or parts of roads, bridges, slides and other public works or buildings constructed or maintained at the expense of Canada, and which are placed under his management and control. R.S., c. 36, s. 9.

13. Nothing in this Act shall authorize the Minister to cause expenditure not previously sanctioned by Parliament, except for such repairs and alterations as the necessities of the public service demand. R.S., c. 36, s. 10.

14. The Minister or the Deputy Minister may require any account sent in by any contractor, or by any person in the employ of the Department, to be attested on oath, which oath, as well as that to be taken by any witness, may be administered by the Minister or the Deputy Minister. R.S., c. 36, s. 11.

15. The Minister may send for and examine, on oath, all such persons as he deems necessary, respecting any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things as it is necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements.

2. Such persons shall comply with the summons of the Minister, after due notice; and every person so summoned who neglects or refuses to attend and be examined shall incur a penalty of twenty dollars. R.S., c. 36, s. 12.

16. The Minister, in all cases in which any public work is being carried out by contract, shall take all reasonable care that good and sufficient security is given to and in the name of His Majesty, for the due performance of the work within the amount and time specified for its completion.

2. In all cases in which it seems to the Minister not to be expedient to let such work to the lowest tenderer, he shall report the same and obtain the authority of the Governor in Council previously to passing by such lowest tender. R.S., c. 36, s. 14.

17. No sum of money shall be paid to the contractor on any contract nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security has been given. R.S., c. 36, s. 14.
EXECUTION OF CONTRACTS.

18. No deed, contract, document or writing in respect of any matter under the control or direction of the Minister shall be binding on His Majesty or be deemed to be the act of the Minister, unless the same is signed by him or by the Deputy Minister, and countersigned by the Secretary of the Department, or the person authorized to act for him. R.S., c. 36, s. 34.

EVIDENCE.

19. A copy of any map, plan, or other document in the custody of the Secretary of the Department, certified by him to be a true copy, shall be held to be authentic, and shall be prima facie of the same legal effect as the original in any court or elsewhere. R.S., c. 36, s. 35.

SALE OR TRANSFER OF PUBLIC WORKS TO LOCAL AUTHORITIES.

20. The Minister may enter into arrangements with any provincial government, municipal council, or other local corporation or authority, or with any company in the provinces of Ontario or Quebec, incorporated for the purpose of constructing or holding the works mentioned in this section, or works of like nature in the same province, for the transfer to them of any of the public roads, harbours, rivers or river improvements, bridges or public buildings, whether within or without the limits of the local jurisdiction of such municipal council or other authorities, which it is found convenient to place under their management.

2. On the completion of such arrangements, the Governor in Council may grant, and, by so granting, transfer and convey for ever or for any term of years, all or any of such roads, harbours, rivers and river improvements, bridges or public buildings, to such provincial government, municipal council or other local authority or company, upon such terms and conditions as are agreed upon; and the said governments, municipal councils or other local authorities may enter into such arrangements and may take and hold any works so transferred. R.S., c. 36, s. 17.

21. Any such grant may be made by order in council, and by such order any or all of the powers and rights vested in the Crown, or in any officer or department, in respect of such public work, may be granted to and vested in the grantee to whom the public work is granted.

2. Such order in council may contain any conditions, clauses and limitations agreed upon which, as well as all the provisions of such order in council, shall, in so far as they are not inconsistent with this Act, and do not purport to grant any right or power.

R.S., 1906.
power not immediately before the making of such order in council vested in the Crown or in the Governor in Council, or in some officer or department of the Government, have force and shall be obeyed as if they had been contained in this Act and had formed part thereof.

3. Any such order in council may, with the consent of the grantee, be revoked or amended by any subsequent order in council, and the consent of the grantee thereto shall be presumed unless disputed by the grantee, and, if disputed, may be proved by any copy of such order in council, on which the consent of the grantee thereto is written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed or agreement of the grantee. R.S., c. 36, s. 18.

22. The provisions and conditions of any such order in council may extend to,—

(a) the mode of adjusting and determining any difference arising between the Crown and any municipal corporation, local authority or company, as to their respective rights under the same; or,

(b) the reservation of the right of re-entry by the Crown into possession of any public work on the default of such corporation, authority or company to perform the conditions agreed upon; and,

(c) the vesting in any sheriff power to give possession of such public work to any public officer for the Crown, on any warrant, under the hand and seal of the Governor General, addressed to such sheriff, reciting such default and commanding him to give possession to such officer for the Crown as aforesaid.

2. No enactment made for the purpose of enforcing the provisions of any such order in council shall be deemed an infringement of the rights of the municipal corporation, local authority or company to which it relates, and nothing in this section shall prevent the enforcement of the rights of the Crown in any lawful manner not inconsistent with the provisions and conditions of any such order in council. R.S., c. 36, s. 19.

23. One of the conditions of every such lease or transfer of any bridge, road or public work, shall be that such work shall be kept in thorough repair, and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such engineer as the Minister appoints to examine the same. R.S., c. 36, s. 20.

TOLLS AND DUES.

24. The Governor in Council may impose and authorize the collection of tolls and dues upon any public work vested in His Majesty, and may, from time to time, in like manner, alter
alter and change such tolls or dues, and may declare the exemptions therefrom; and all such tolls and dues shall be payable in advance and before the right to the use of the public work in respect of which they are incurred accrues, if so demanded by the collector thereof.

2. All tolls and dues imposed under this Part shall be recoverable, with costs, in any court of competent jurisdiction by the collector or person appointed to receive the same, in his own name, or in the name of His Majesty, and by any form of proceeding by which debts to the Crown are recoverable.

3. The goods on board of any steamboat, vessel, raft, crib or other craft, and the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, shall be liable for any tolls, dues or penalties imposed and levied under this Part and they, or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel, raft, crib or other craft, carriage or vehicle in which they are or to which they are attached, as if they belonged to the person violating any such regulation, saving the recourse of the real owner thereof against such person who is deemed the owner for the purposes of this Act. R.S., c. 36, s. 21.

25. His Majesty's officers and soldiers, being in proper uniform, dress or undress, except when passing in any hired or private vehicle, and all carriages and horses employed in His Majesty's service, when conveying persons or baggage, shall be exempted from payment of any tolls on using or travelling over any road or bridge under the control of the Minister. R.S., c. 36, s. 22.

26. All tolls, dues or other revenues imposed and collected on public works, shall be paid by the persons receiving the same to the Minister of Finance in such manner and at such intervals as he appoints, but such intervals shall, in no case, exceed one month. R.S., c. 36, s. 23.

27. The Governor in Council may order the tolls at the several gates erected on any public road or bridge vested in the Crown to be let to farm, under such regulations and by such form of lease as he thinks expedient; and the lessee or farmer of such tolls, or any person he appoints, may demand and take such tolls, and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner and by the same means as are given by law to any collector of tolls or other person authorized to collect the same. R.S., c. 36, s. 24.

REGULATIONS.

28. The Governor in Council may, from time to time, make such regulations as he deems necessary for the management, maintenance. R.S., 1906.

maintenance, proper use and protection of all or any of the public works or for the ascertaining and collection of the tolls, dues and revenues thereon; and may by such regulations,—

(a) impose such penalties not exceeding in any one case four hundred dollars for any violation of any such regulation as he deems necessary for ensuring the observance of the same and the payment of the tolls and dues imposed under the authority of this Part;

(b) provide for the non-passing or detention and seizure at the risk of the owner of any steambot, vessel or other craft, carriage, animal, timber or goods on which tolls or dues have accrued and have not been paid, or in respect of which any such regulations have been violated or any injury done to such public works and not paid for, or for or on account of which any penalty has been incurred and remains unpaid, and for the sale thereof if such tolls, dues, damages or penalty are not paid by the time fixed for the purpose, and for the payment of such tolls, dues, damages or penalty out of the proceeds of such sale: Provided that no such regulation shall impair the right of the Crown to recover such tolls, dues, damages or penalty in the ordinary course of law.

2. The surplus proceeds of any such sale, if any, shall be returned to the owner or his agent. R.S., c. 36, ss. 25 and 26.

Offences and Penalties.

29. Every one who is an officer or servant of or a person employed by the Minister on any public work, and who wilfully or negligently violates any by-law, order or regulation of the Department, or any order in council lawfully made or in force respecting the public work on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been but for such violation, although no actual injury occurs, is guilty of an indictable offence, and shall, according as the court before which the conviction is had considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding five years, or to both penalty and imprisonment in the discretion of the court. R.S., c. 36, s. 27.

30. If such violation does not cause injury to any property or person, or expose any property or person to the risk of injury

R.S., 1906.
injury, or make such risk greater than it would have been but for such violation, the officer, servant or other person guilty thereof shall incur a penalty, not exceeding the amount of thirty days' pay and not less than fifteen days' pay of the offender from the Department, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable, with costs, before any one justice of the peace having jurisdiction where the offence has been committed or where the offender is found. R.S., c. 36, s. 28.

31. A moiety of every pecuniary penalty recovered under Application of pecuniary penalties. either of the two sections last preceding shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the informer, unless he is an officer or a servant of or person in the employ of the Minister, in which case the whole penalty shall belong to His Majesty for the uses aforesaid. R.S., c. 36, s. 29.

RECOVERY OF DUES AND PENALTIES.

32. All pecuniary penalties imposed by this Part, or by any regulation made under the authority thereof, shall be recoverable, with costs under Part XV. of the Criminal Code, before any justice of the peace for the district, county or place in which the offence was committed, and if sufficient distress cannot be found, and such penalty is not forthwith paid, such justice may, by warrant under his hand and seal, cause the person offending to be imprisoned for such term as such justice directs, not exceeding thirty days, unless such penalty and costs are sooner paid.

2. Such penalties shall, except as hereinbefore provided, belong to His Majesty, for the public uses of Canada. R.S., c. 36, s. 30.

33. All tolls and dues on timber passing any slide, and, Tolls and Penalties. notwithstanding anything in the last preceding section con- tained, all penalties for violating any regulation respecting such slides, or for non-payment of such tolls and dues, may be enforced, imposed and collected by and before any justice of the peace within any district or county in Canada in which the timber respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time when application is made to such justice to enforce payment of the same. R.S., c. 36, s. 30.

REPORT.

34. The Minister shall make and submit to the Governor Annual. General an annual report on all the works under his control, which shall be laid before both Houses of Parliament, within 42\(\frac{1}{2}\)659 twenty-one R.S., 1906.
twenty-one days after the commencement of the session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as is requisite. R.S., c. 36, s. 37.

PART II.

GENERAL.

35. The Governor in Council may at any time transfer the management, charge and direction of any public work, or any power, duty, or function with respect to any work or class of works, whether public or private, which is assigned to, or vested by statute in, any minister or department, to any other minister or department; and from the date appointed for that purpose by the Governor in Council, such power, duty, or function shall be transferred to, and vested in such other minister or department; and the provisions of this Act, so far as they are applicable shall apply to any work or property the maintenance, repair, control or management of which is transferred under this section.

2. Any such transfer may from time to time be made although the subject-matter thereof has theretofore been transferred from one department to another under the authority of this section. 3 E. VII., c. 53, s. 1.

36. Whenever any works are to be executed under the direction of any department of the Government, the Minister having charge of such department shall invite tenders by public advertisement for the execution of such works, except in cases,—

(a) of pressing emergency in which delay would be injurious to the public interest; or,

(b) in which from the nature of the work it can be more expeditiously and economically executed by the officers and servants of the department; or,

(c) where the estimated cost of the work is less than five thousand dollars and it appears to the minister, in view of the nature of the work, that it is not advisable to invite tenders.

2. Whenever in case of any work tenders are required to be or are invited, the minister having charge of the department concerned shall submit all tenders received therefor to the Governor in Council and the contract for the work shall be awarded under the direction of the Governor in Council. 3 E. VII., c. 52, s. 1; 4-5 E. VII., c. 7, s. 1; c. 32, s. 1; e. 37, s. 1.

37. If at any time a doubt arises whether the management, charge and direction of any public work belongs to the Minister of R.S., 1906.
of Public Works or to the Minister of Railways and Canals, the question shall be decided by the Governor in Council, and the works and property which shall be under the management, charge and direction of either minister may, from time to time, be determined in like manner.

2. The Governor in Council may determine by which minister any power vested in the Minister of Public Works on the fifteenth day of May, one thousand eight hundred and seventy-nine, shall be exercised. R.S., c. 36, s. 8.

38. Every public road or bridge declared by proclamation of the Governor in Council, under the authority of Part I. of this Act, to be no longer under the management and control of the Minister of Public Works, and not by or under the authority of this Act or any other Act placed under the control and management of any other minister or department shall be under the control of and shall be maintained and kept in repair by the municipal or other authorities of the locality and the road officers thereof, in like manner as other public roads and bridges therein under their control. R.S., c. 36, s. 16.

39. Notwithstanding anything in this Act, or in any other Act contained, any public work not required for public purposes may be sold or leased, under the authority of the Governor in Council; and the proceeds of such sale or lease shall be accounted for as public moneys: Provided that such public work shall be so sold or leased by tender or at auction after public advertisement, unless it is otherwise authorized by the Governor in Council. 58-59 V., c. 36, s. 1.

40. All contracts, bonds, agreements or leases for or respecting any work or building now the property of Canada, or for any tolls for the same, entered into by the Commissioner of Public Works of the late province of Canada, or by the Board of Works of the province of Nova Scotia or of the province of New Brunswick, or by any commissioners or other persons duly authorized to enter into the same, in any province of Canada, shall enure to the use of His Majesty, and may be enforced as if they had been entered into with His Majesty under the authority of this Act. R.S., c. 36, s. 32.

41. The Governor in Council may, from time to time, require any person, or any provincial authority, having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records, which are not private property, and which relate to any public work, to deliver the same forthwith to the secretary or proper officer of the department charged with the management and control of such public work. R.S., c. 36, s. 33.
42. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any public work, may be instituted in the name of the Attorney General of Canada. R.S., c. 36, s. 31.

43. All proclamations, regulations or orders in council made under this Act, shall be published in the Canada Gazette. R.S., c. 36, s. 36.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 40.

An Act respecting Tolls on Government Works for the Transmission of Timber.

SHORT TITLE.

1. This Act may be cited as the Government Works Tolls Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Minister' means the Minister of Inland Revenue;
   (b) 'works' includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which is under the control of the Government of Canada;
   (c) 'collector of tolls and dues' includes every officer authorized by competent authority to receive any tolls, dues or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies. R.S., c. 98, s. 1.

CONTROL.

3. The collection of tolls and dues on any timber, lumber or saw-logs passing through or using any works to which this Act applies, shall be under the control of the Minister. R.S., c. 98, s. 2.

REGULATIONS.

4. The Governor in Council may, from time to time, make regulations as respects matters relating to such works as aforesaid, and not specially provided for by this or any other Act, and for fixing the rates of toll and the dues to be charged for the use of any such works, or of any series of such works, the rates in such latter case to be denominated through rates, and providing for the manner in which such tolls and dues shall be ascertained and collected, and also for imposing fines and penalties for any violation of such regulations, not exceeding, in any one case, five hundred dollars. R.S., c. 98, s. 3.

5. R.S., 1906.
5. The Governor in Council may make regulations authorizing a collector of tolls and dues on any works, in any case or class of cases specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act or any regulation made under it relates, to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits for use in any court in Canada, or by the collector of tolls and dues. R.S., c. 98, s. 4.

LIEN FOR TOLLS.

6. All tolls and dues chargeable for the transmission of timber, lumber or saw-logs through or over any works shall be a first charge or lien on all or any part of such timber, lumber or saw-logs.

2. Every portion of any such timber, lumber or saw-logs so transmitted shall be liable for the whole or any portion of such tolls and dues wheresoever and so long as the same is found and whether it is or is not converted into deals or boards: Provided that no part of any such timber, lumber, saw-logs or the product thereof bona fide sold, assigned, or transferred shall in addition to the costs, if any, incurred in enforcing the claim for such tolls or dues be liable for more than double the tolls or dues to which it would proportionately to and as a part of the whole of such timber, lumber or saw-logs have been liable in case such tolls and dues were being realized from the whole of such timber, lumber or saw-logs. R.S., c. 98, s. 5.

7. All officers or agents, employed in the collection of such tolls and dues, and all persons acting under the authority of such officers or agents may follow all such timber and may seize and detain the same wherever it is found, until the tolls and dues thereon are paid or secured, as provided by this Act or by any regulation made thereunder. R.S., c. 98, s. 5.

8. In case of the Crown having any claim or lien under this Act on any timber, lumber or saw-logs or on any sawn lumber whether such claim or lien in respect to such sawn lumber was originally on such sawn lumber or on timber, lumber or saw-logs out of which the same was sawn, no transfer, assignment, sale, mortgage or delivery to any person or any change of owner shall affect in any respect such claim or lien, saving always the right of any innocent holder of any remedy he has at law against the person from whom he received any such timber, lumber, saw-logs or sawn lumber. R.S., c. 98, s. 5.

If product is mixed with other timber, tolls or dues are chargeable, have been converted into sawn lumber.

R.S., 1906.
lumber and placed in any yard or piling ground with other sawn lumber, in such way that the identity thereof cannot be ascertained, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs which have passed over or through works to which this Act applies, and shall be liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable. R.S., c. 98, s. 6.

**Collection of Tolls.**

10. If any timber, lumber or saw-logs, or product thereof, seized and detained for non-payment of tolls, dues, penalties, expenses and costs remains more than thirty days in the custody of the collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, the Minister may order a sale of the said timber, lumber or saw-logs, or product thereof, to be made after such notice as he deems sufficient; and the balance of the proceeds of such sale, after retaining the amount of tolls, dues, penalties and expenses incurred, shall be paid to the owner or person claiming such timber, lumber or saw-logs, or product thereof; and if a sufficient sum is not realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid shall be recoverable, with costs, in any court of competent jurisdiction, by the collector of tolls and dues in his own name, or in the name of His Majesty: Provided that the whole amount of tolls and penalties shall be recoverable in like manner, with costs, from the owner or person in possession of such timber, lumber or saw-logs, or product thereof, by the collector of tolls and dues, if he, with the permission of the Minister, chooses that method of collection. R.S., c. 98, s. 7.

11. Any officer or person who seizes timber, lumber or saw-logs, or any product thereof, in the discharge of his duty under this Act may, in the name of His Majesty, call in any assistance necessary for securing and protecting the property so seized. R.S., c. 98, s. 8.

12. All collectors of Customs, officers of canals, and all other Government officers, when requested so to do, shall cooperate with the collector of tolls and dues and his assistants, with the view of preventing the transport of timber, lumber or saw-logs, and the products thereof, until the tolls and dues thereon are secured. R.S., c. 98, s. 9.

**Burden of Proof.**

13. When any timber, lumber or saw-logs, or product thereof, are seized for non-payment of tolls, dues or penalties or any prosecution is brought for tolls, dues or penalties under this Act, the whole liable.

R.S., 1906.
Act, and any question arises whether the tolls, dues or penalties have been paid on such timber, lumber or saw-logs, or product thereof, or whether the same are liable to tolls, dues or penalties for having used the works in respect of which the same are charged, the burden of proving payment or that the works were not used, shall lie on the owner or person claiming such timber, lumber or saw-logs, or product thereof, and not on the officer seizing the same or instituting such prosecution. R.S., c. 98, s. 11.

**Release on Security.**

14. The collector of tolls and dues may, with the sanction of the Minister, release from seizure any timber, lumber or saw-logs, or product thereof, seized under this Act, and deliver the same to the alleged owner, on receiving security by bond, with two good and sufficient sureties, satisfactory to him, to pay double the amount claimed as chargeable in respect of such timber, lumber or saw-logs, or product thereof; and such bond shall be taken in the name of His Majesty; and if such seizure is maintained by competent authority, the amount actually due, with interest and costs, shall be paid forthwith to the proper officer, otherwise the penalty of such bond shall be enforced and recovered. R.S., c. 98, s. 12.

**Returns by Railways.**

15. All managers and officers of railways, when requested by the collector of tolls and dues so to do, shall render a correct account of all timber, lumber and saw-logs which are being forwarded by their respective railways, stating kinds and quantities, and specifying the owners thereof or by whom the same are sent. R.S., c. 98, s. 10.

16. If any such manager or officer refuses or neglects to give the information required by this Act, the collector of tolls and dues or person acting for him may, if he has reasonable cause to believe that the tolls and dues thereon have not been paid, seize and detain such timber, lumber or saw-logs, together with the cars employed in removing them; and such cars and timber, lumber or saw-logs, shall be forfeited to His Majesty, unless it is proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues; and the Minister may, in his discretion, order the same, when so forfeited, to be sold. R.S., c. 98, s. 10.

**Offences and Penalties.**

17. Every manager or officer of any railway who refuses or neglects to give the information required by this Act, or who gives false information, shall incur a penalty not exceeding $666 five
five hundred dollars and not less than one hundred dollars. R.S., c. 98, s. 10.

18. All fines and pecuniary penalties imposed by this Act or by any regulation made under this Act shall be recoverable in any court of competent jurisdiction. R.S., c. 98, s. 3.

19. All pecuniary penalties imposed by any regulation made under this Act may be recovered by the collector of tolls and dues on summary conviction. R.S., c. 98, s. 7.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 41.

An Act respecting the Militia and Defence of Canada.

SHORT TITLE.

1. This Act may be cited as the Militia Act. 4 E. VII., s. 1.

c. 23, s. 1.

INTERPRETATION.

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

(a) "corps" means a military body appearing in the list of "Corps." establishments as a separate unit;

(b) "emergency" means war, invasion, riot or insurrection, "Emergency." real or apprehended;

(c) "general orders" mean orders and instructions issued "General to the militia through or by the Adjutant General with orders." the approval of the Minister;

(d) "man" includes a warrant officer and non-commissioned "Man." officer as well as a private;

(e) "Militia" means all the military forces of Canada; "Militia."

(f) "Minister" means the Minister of Militia and Defence; "Minister."

(g) "on active service," as applied to a person subject to "On active military service, means whenever he is enrolled, enlisted, drafted or warned for service or duty during an emergency, or when he is on duty, or has been warned for duty in aid of the civil power;

(h) "on service" means when called upon for the perform- "On service." ance of any military duties other than those specified as active service;

(i) "prescribed" means prescribed by this Act or by regu- "Prescribed." lations made thereunder;

(j) "regulations" mean regulations made by the Governor "Regula- in Council under the authority of this Act;

(k) "Permanent Force" means that portion of the Active "Permanent Militia of Canada previously embodied for the purpose Force." of providing for the care and protection of forts, magazines, armaments, warlike stores and other military service, and of securing the establishment of schools for military instruction. 4 E. VII., c. 23, s. 2; R.S., c. 41, s. 28.
Interpretation of regulations and orders.

3. The Interpretation Act and the last preceding section of this Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act. 4 E. VII., c. 23, s. 3.

Command in chief vested in His Majesty.

4. The command in chief of the Militia is declared to continue and be vested in the King, and shall be exercised and administered by His Majesty or by the Governor General as his representative. 4 E. VII., c. 23, s. 4.

Office of Minister of Militia.

5. There shall be a minister of Militia and Defence, who shall be charged with and be responsible for the administration of militia affairs and of the fortifications, ordnance, ammunition, arms, armouries, stores, munitions and habiliments of war belonging to Canada, including the initiative in all matters involving the expenditure of money.

2. The Governor in Council may, from time to time, make such orders as are necessary respecting the duties to be performed by the Minister. 4 E. VII., c. 23, s. 5.

Duties

6. The Governor in Council may appoint a deputy of the Minister and such other officers as are necessary for carrying on the business of the Department, all of whom shall hold office during pleasure. 4 E. VII., c. 23, s. 6.

Deputy and officers.

7. The Governor in Council may appoint a Militia Council to advise the Minister on all matters relating to the Militia which are referred to the Council by the Minister.

2. The composition, procedure and powers of the Council shall be as prescribed. 4 E. VII., c. 23, s. 7.

Militia Council.

8. The Minister shall have the control and management including charge of the maintenance and repair, of all military buildings, and also of the construction, maintenance and repair of all forts and fortifications and other works for defence in Canada. 4 E. VII., c. 23, s. 8.

Minister to have control of military buildings and forts.

9. Whenever an emergency exists, the officer commanding the Militia in the locality, or any officer duly authorized by him, may, subject to the regulations, enter upon and occupy with troops, or other persons, any buildings or land for defence purposes, and may dig trenches and throw up field-works on any such lands, and may fortify any buildings, and may, for the purposes aforesaid, destroy or desolate and lay waste any such buildings or lands, and destroy food, crops, fodder, stores, or other things, and slaughter live stock, or may take or cause

Occupation of property on emergency.

R.S., 1906.
Chap. 41.

to be taken, any such food, crops, fodder, stores or other things; and may drive or cause to be driven, any live stock to some place of safety; and may also impress any horses, mules, oxen or other animals required for military purposes.

2. Any person injured by the exercise of any of the pro-Compensations of this section shall be compensated from the Consolidated Revenue Fund of Canada. 4 E. VII., c. 23, s. 10.

LIABILITY TO MILITARY SERVICE.

10. All the male inhabitants of Canada, of the age of Composition eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia: Provided that the Governor General Proviso. may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a levée en masse.

2. Nothing in this section shall prevent any male inhabitant of Canada, under the age of eighteen years, enlisting as a bugler, trumpeter, or drummer. 4 E. VII., c. 23, s. 11.

11. The following persons only shall be exempt from liability to service in the Militia:

- Members of the King's Privy Council for Canada;
- Judges of all courts of Justice;
- Members of the executive councils of provinces;
- Deputy ministers of the federal and provincial governments;
- Clergy and ministers of all religious denominations;
- Telegraph clerks in actual employment;
- Officers and clerks regularly employed in the collection of the revenue;
- Wardens and officers of all public prisons and lunatic asylums;
- Members of the Naval Militia;
- Members of the police force and fire brigade permanently employed in incorporated cities, towns and villages;
- Professors in colleges and universities, and teachers in religious orders;
- Persons disabled by bodily or mental infirmity;
- The only son of a widow, being her only support;
- Pilots and apprentice pilots during the season of navigation;
- Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military service, under such conditions as are prescribed. 4 E. VII., c. 23, s. 12.

12. Half-pay and retired officers of the regular forces shall not be required to serve in the Militia in a lower grade than that of their rank in such forces.

2. No person shall be entitled to exemption unless he has, at least one month before he claims such exemption, filed with the commanding officer within the limits whereof he resides, his Affidavit of person claiming exemptions.

R.S., 1906.
affidavit, made before some justice of the peace, of the facts on which he rests his claim. 4 E. VII., c. 23, s. 12.

13. When exemption is claimed on any ground, the burden of proof shall always rest on the person claiming it. 4 E. VII., c. 23, s. 13.

14. Exemption shall not prevent any person from serving in the Militia if he desires to serve and is not disabled by bodily or mental infirmity. 4 E. VII., c. 23, s. 14.

15. The male population liable to serve in the Militia shall be divided into four classes:—

The first class shall comprise all those of the age of eighteen years and upwards, but under thirty years, who are unmarried or widowers without children;

The second class shall comprise all those of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children;

The third class shall comprise all those of the age of eighteen years and upwards, but under forty-five years, who are married or widowers with children;

The fourth class shall comprise all those of the age of forty-five years and upwards, but under sixty years.

2. The said several classes shall be called upon to serve in the order in which they are referred to in this section. 4 E. VII., c. 23, s. 15.

DIVISION OF MILITIA.

16. The Militia of Canada shall be divided into Active and Reserve Militia.

2. The Active Militia shall consist of,—

(a) corps raised by voluntary enlistment;

(b) corps raised by ballot.

3. The Reserve Militia shall be raised and maintained under regulations prescribed by the Governor in Council. 4 E. VII., c. 23, s. 16.

PERIOD OF SERVICE.

17. The period of service in time of peace shall be,—

(a) for the Active Militia, three years;

(b) for the Reserve Militia, such period as is prescribed. 4 E. VII., c. 23, s. 17.

18. Every corps, duly authorized previously to, and existing on, the first day of November, in the year of our Lord one thousand nine hundred and four, including the officers commissioned thereto, shall, for the purposes of this Act, be held to R.S., 1906.
19. No officer or man of an Active Militia corps, raised and maintained by voluntary enlistment, shall be permitted to retire therefrom in time of peace, without giving to his commanding officer six months' notice of his intention so to do. 4 E. VII., c. 23, s. 19.

20. Any person who has voluntarily enlisted, or been called upon to serve in the Militia, shall be entitled to be discharged at the expiration of the term of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more that twelve months. 4 E. VII., c. 23, s. 20.

**MILITARY DIVISIONS.**

21. The Governor in Council may,—

(a) direct that any portion of Canada shall be a military district for the purposes of this Act, and may alter the limits of any such district;

(b) cause two or more districts to be grouped together for the purposes of command and administration; and,

(c) divide any military districts into subdistricts, brigade, regimental and company divisions, as appears expedient.

4 E. VII., c. 23, s. 21.

**ACTIVE MILITIA.**

22. The Active Militia shall consist of such corps as are from time to time named by the Governor in Council.

2. The Governor in Council may, at any time, disband any corps or portion of a corps, if he considers it advisable so to do. 4 E. VII., c. 23, s. 22.

23. The following oath shall be taken and subscribed before one of such commissioned officers of the Militia as are authorized for that purpose by any general order or by regulation, or before a justice of the peace, by every person upon engaging to serve in the Active Militia:—

'I, A. B., do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty.'

2. Such oath shall have the effect of a written engagement with the King, binding the person subscribing it to serve in the Militia until he is legally discharged, dismissed or removed, or until his resignation is accepted. 4 E. VII., c. 23, s. 23.

**PERMANENT FORCE.**

24. There shall continue to be a Permanent Force which shall consist of such permanently embodied corps, not exceeding 43 673 R.S., 1906.
ing five thousand men, enrolled for continuous service, as are, from time to time, authorized by the Governor in Council.

2. The Permanent Force shall be available at all times for general service.

3. The Permanent Force shall furnish schools of instruction for the Militia, and provide instructors therefor. 4 E. VII., c. 23, ss. 24 and 25; 4-5 E. VII., c. 22, s. 1.

**ENROLMENT.**

25. The Governor in Council shall, from time to time, make all regulations necessary for the enrolment of persons liable to military service, and of cadets, and for all procedure in connection therewith, and for determining, subject to the provisions of this Act, the order in which the persons in the classes fixed by this Act shall serve.

2. Such regulations shall have the same force and effect as if they formed part of this Act. 4 E. VII., c. 23, s. 26.

**ENROLMENT BY BALLOT.**

26. When men are required to organize or complete a corps at any time, either for training or for an emergency, and enough men do not volunteer to complete the quota required, the men liable to serve shall be drafted by ballot.

2. If there are inscribed on the Militia roll more than one son belonging to the same family residing in the same house, only one of such sons shall be drawn, unless the number of names so inscribed is insufficient to complete the required proportion of service men. 4 E. VII., c. 23, s. 27.

27. The Governor in Council may, from time to time, make regulations,—

(a) for fixing the day on which the taking of the enrolment shall be commenced in each of the several military districts respectively;

(b) for notifying the men liable to be taken, or those balloted for service in any quota;

(c) for finally deciding claims of applicants for exemption, and for the administration of oaths before a commissioned officer of a corps;

(d) for ascertaining the facts in reference to claims for exemption, for medical examinations, and for the discharge of such men as are unfit to serve; and,

(e) relating to every other matter and thing not inconsistent with this Act, and necessary to be done in the enrolling, balloting, warning and bringing into service of such number of men as are required at any time.

2. Any man balloted and notified for service, may, at any time, be exempt until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed.
for his appearance: Provided that if during any period of service, any man who is serving in the Active Militia as a substitute for another, becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the man in whose stead he was serving. 4 E. VII., c. 23, s. 28.

28. Every man of the Active Militia of the first or second class shall be required to complete the full period for which he volunteered or was balloted to serve, notwithstanding that during any such period of service he attains the limit age of thirty years, or forty-five years, as the case may be, according to his class. 4 E. VII., c. 23, s. 29.

OFFICERS COMMANDING THE MILITIA.

29. There may be appointed an officer, called the General Appointment of General Officer Commanding, who shall hold rank not below that of colonel in the Militia or in His Majesty's regular army, who may, subject to the regulations and under the direction of the Minister, be charged with the military command of the Militia.

2. Such officer shall have the rank of major-general in the Rank and Militia, and shall be paid at such rate, not exceeding six thousand dollars per annum, as is prescribed.

3. In the event of a vacancy in the office of general officer commanding, or in the absence of that officer from Canada, the Governor may detail an officer of the headquarters staff, who shall be charged with the military command of the Militia. 4 E. VII., c. 23, s. 30.

30. There may be appointed an officer, who shall hold rank not below that of colonel in the Militia or in His Majesty's regular army, who may, subject to the regulations and under the direction of the Minister, be charged with the military inspection of the Militia.

2. Such officer shall be paid at such rate, not exceeding six thousand dollars per annum, as is prescribed. 4 E. VII., c. 23, s. 31.

31. The duties and authority of each of the officers respectively referred to in the last two preceding sections shall be defined by the Governor in Council. 4 E. VII., c. 23, s. 32.

32. There shall be an adjutant general of Militia at headquarters who shall have the rank of colonel in the Militia, and shall be paid at the rate of three thousand two hundred dollars per annum. 4 E. VII., c. 23, s. 33.

33. There shall be a quarter-master general at headquarters who shall have the rank of colonel in the Militia, and shall be paid 675 dollars per annum. 434 R.S., 1906.
paid at the rate of three thousand two hundred dollars per annum. 4 E. VII., c. 23, s. 34.

34. There may be a master general of the Ordnance at headquarters, who shall have the rank of colonel in the militia, and shall be paid at the rate of three thousand two hundred dollars per annum. 4 E. VII., c. 23, s. 35.

35. The Governor in Council may establish a general staff, headquarters staff, and district staff, and may appoint a chief of the general staff, and such officers to the respective staffs as are deemed necessary, and shall define their duties and authority. 4 E. VII., c. 23, s. 36.

36. In and for each of the military districts there shall be appointed by the Governor in Council, an officer called the District Officer Commanding, of rank not lower than that of lieutenant-colonel, who shall, subject to the regulations, command the Militia in his district.

2. There shall also be appointed such other officers as are from time to time deemed expedient. 4 E. VII., c. 23, s. 37.

37. The pay and allowances of the officers of the general staff, headquarters staff, and district staff, not provided for by this Act, shall be fixed by the Governor in Council. 4 E. VII., c. 23, s. 38.

OFFICERS.

38. Commissions of officers in the Militia shall be granted by His Majesty during pleasure, and all warrant and non-commissioned officers shall be appointed in such manner and shall hold such rank as are prescribed by the regulations. 4 E. VII., c. 23, s. 39.

39. The Governor General may cause his signature to be affixed to any commission granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority.

2. The signature so affixed shall be, to all intents and purposes, as valid and effectual as if in the handwriting of the Governor General.

3. Neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown. 4 E. VII., c. 23, s. 40.

40. Officers of the Militia may under such regulations, as are made from time to time, be appointed to corps, and may be transferred to an unattached list, or may be retired with or without
without honorary rank, and may be reappointed from the
retired list.
2. No officer shall be bound to serve in the Militia in a lower Grade of
grade than that of the rank with which he has been retired.
4 E. VII., c. 23, s. 41.

41. All commissions and appointments in the Militia of Canada, existing on the first day of November, in the year of our Lord one thousand nine hundred and four, shall have the same force, effect and authority as if issued and made in the Militia under this Act. 4 E. VII., c. 23, s. 42.

42. In time of peace no officer of the Militia shall; except for the purpose of assuming the command of the Militia, be appointed to a higher permanent rank than that of colonel: Provided that the temporary rank of brigadier general may be conferred upon an officer of the rank of lieutenant-colonel or colonel, while holding any command or appointment for which such rank is authorized by regulations. 4 E. VII., c. 23, s. 43.

43. Whenever the Militia is called out on active service during an emergency, the Governor in Council may appoint officers to a rank superior to that of colonel. 4 E. VII., c. 23, s. 44.

44. The honorary rank of major general may, for valuable services rendered to the country, be conferred on retirement upon colonels who have held the higher staff appointments. 4 E. VII., c. 23, s. 45.

45. The Governor in Council may make regulations, applying to officers and others belonging to His Majesty's regular forces, and to officers of any military force of any part of His Majesty's dominions, when serving in Canada, and to officers of the militia, as to the persons to be invested as officers or otherwise with command over the militia or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised: Provided that command shall not be given to any person over a person superior in rank to himself. 6 E. VII., c. 29, s. 1.

46. Commissions of officers of the Royal Northwest Mounted Police Force serving with the Militia by order of the Governor in Council shall for the purpose of seniority and command be considered equivalent to commissions issued to the officers of the Militia of corresponding rank from their respective dates according to the following scale, that is to say:

Commissioner—as lieutenant-colonel;
Assistant commissioner—on appointment, as major,—after three years' service, as lieutenant-colonel;
Senior superintendent—as major;

677

Commissioner.
Assistant commissioner.
Superintendent.
Other

R.S., 1906.
Chap. 41.  

Militia.

Other superintendents—as captains;  
Inspector—as lieutenant;  
Senior surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia;  
Assistant surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia;  
Veterinary surgeon—the rank which his service in the Police Force would give had such service been in the Active Militia. 57-58 V., c. 27, s. 10.

**ARMS, CLOTHING AND EQUIPMENT.**

47. The uniform, arms, clothing and equipment of the Militia shall be of such pattern and design as are from time to time prescribed, and shall be issued under regulations. 4 E. VII., c. 23, s. 48.

48. With the exception of mounted officers, to whom saddlery may be issued as prescribed, officers of the Militia shall provide their own uniform and equipment. 4 E. VII., c. 23, s. 49.

49. The value of all such articles of public property as have become deficient or damaged, while in possession of any corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister or by any other person authorized by him, from the officer in command of such corps. 2. The officer commanding any corps may recover the value of such articles of public property, or property of the corps, as have become deficient or damaged, or damaged while in possession of his corps, otherwise than through fair wear and tear or unavoidable accident, from the officer, man or men responsible therefor. 4 E. VII., c. 23, s. 50.

50. Every man serving in the Militia, who is about to leave Canada, shall first return to the captain or senior officer of his company all articles of public or corps property which he has in his possession, and obtain a written discharge from such officer, which shall be recorded in the books of the corps. 4 E. VII., c. 23, s. 51.

51. No corps and no non-commissioned officer or man shall, at any time, appear in uniform or armed or accoutred, except,—
(a) when actually on duty; or,
(b) at parade or drill; or,
(c) at target practice; or,
(d) at reviews or on field days or inspections; or,

R.S., 1906.
(e) by permission of the commanding officer of the corps. By permission.
4 E. VII., c. 23, s. 52.

DRILL AND TRAINING.

52. The Governor in Council may order the Active Militia, Annual drill.
or any portion thereof, to drill or train for a period of not
more than thirty days in each year. 4 E. VII., c. 23, s. 53.

PAY AND ALLOWANCES.

53. Officers, warrant officers and non-commissioned officers of the Permanent Force shall be entitled to daily pay and
allowances at rates to be prescribed.

2. The Governor in Council may, from time to time, fix
the sums to be paid to privates of the permanent force, regard
being had to length of service, good conduct and efficiency;
but the ordinary pay shall not exceed the amounts following
that is to say:—

For privates, per diem . . . . . . . . . . . . . . . 75 cents. Privates.
For buglers under 18 years of age, per diem . . . . . . 40 cents. Buglers.

3. Time served in His Majesty's regular forces may be
ordered to fix.

The time served
in regular forces may be
be counted in certain cases.

54. When on active service, during the period of annual
Pay of active
drill and training, and when otherwise on duty, the pay and
militiamen.
allowances of officers and men of the Active Militia, other than
the Permanent Force, shall be,—

(a) for officers, warrant officers and non-commissioned offi-
cers, such rates as may be prescribed;
(b) for privates, at the rate of fifty cents per diem, which
rate may be increased, as prescribed, up to a maximum
of one dollar per diem;
(c) an allowance of a dollar per diem, or such other rate
as is prescribed, to each officer and man for every horse
actually and necessarily used by him. 3 E. VII., c. 23,
s. 55.

55. Payments for the drill and training of the Militia shall
be only be made upon proof of compliance with the regulations
concerning the same. 4 E. VII., c. 23, s. 56.

56. When corps of the Militia are ordered to assemble in
Provisions as
a camp of exercise for drill and training they shall be con
sidered to be on service during the whole of the period for
the public expense in addi-
which they were called out, and when so assembled all ranks
tion to their daily pay. 4 E. VII., c. 23, s. 57.

RIFLE
R.S., 1906.
RIFLE RANGES AND DRILL SHEDS.

Rifle ranges. 57. At or as near as possible to the headquarters of every regimental division, there may be provided a rifle range with suitable butts, targets and other necessary appliances.

Inspection. 2. All such ranges shall be subject to inspection and approval before being used. 4 E. VII., c. 23, s. 58.

Regulations for practice. 58. The Governor in Council may stop, at such time as is necessary during the target practice of the Militia, the traffic on any roads, not being mail roads, that cross the line of fire, and may make such other regulations for conducting target practice and registering the results thereof, and for the safety of the public, as are necessary, and may impose penalties for wilful damage to any such butts, targets and appliances. 4 E. VII., c. 23, s. 58.

Compensation for injuries to person or property. 59. His Majesty shall be liable to make compensation for the death of any person, or for any injury to the person or to property, arising from the use of any such rifle range or of any rifle range under the control of the Department of Militia and Defence for target practice, carried on in accordance with the regulations of the Governor in Council in that behalf: Provided that there shall be no claim to compensation,—

(a) where death or injury to the person is due to negligence on the part of the person killed or injured; or,

(b) where such person at the time death or injury was sustained was present as a spectator at the shooting, or for the purpose of taking part in the shooting, or in some official or other capacity in connection therewith; or,

(c) in case of injury to property, where such injury is due to negligence on the part of the owner of the property. 4 E. VII., c. 23, s. 59.

Exemption. 60. For the purpose of erecting works of defence, artillery ranges, or rifle ranges, shooting privileges, without any further property right, may be acquired on land adjoining such works of defence or ranges.

Shooting privileges. 2. Compensation therefor shall be subject to the provisions of the Expropriation Act. 4 E. VII., c. 23, s. 60.

Compensation. 61. Any land now held or hereafter acquired by His Majesty for militia purposes, in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained therefor, may be sold or disposed of by direction of the Governor in Council.

Militia land not required may be disposed of. 2. If any portion of the cost of such lands, or of any building thereon, has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such municipality.
municipality or expended therein for other militia purposes of a permanent nature. 4 E. VII., c. 23, s. 61.

**Rifle Associations and Clubs.**

62. The Governor in Council may make regulations—

(a) for the management of rifle associations and clubs, existing or hereafter formed;

(b) for prescribing the constitution, objects and duties of such associations and clubs, and the conducting of their business and rifle meetings; and,

(c) for furnishing rifles and ammunition for the training and practice of persons, whether they are, or are not, members of the Militia. 4 E. VII., c. 23, s. 63.

63. In case of emergency the members of rifle associations and clubs shall become members of the Militia, and shall be under the command of the district officer commanding; and so long as the emergency exists, and until lawfully discharged, all members of such associations and clubs shall remain members of the Militia, and shall be subject to drill, training and discipline to the same extent as other members thereof. 4 E. VII., c. 21, s. 64.

**Cadet Corps.**

64. The Minister may,—

(a) authorize boys over twelve years of age, who are attending school, to be formed into school cadet corps;

(b) authorize boys over fourteen years of age, and under eighteen years of age, to be formed into senior cadet corps;

(c) authorize senior cadet corps, or any portion thereof, to be attached to any portion of the Active Militia for the purposes of drill and training. 4 E. VII., c. 23, s. 65.

65. All cadet corps shall be subject to the authority and under the orders of the district officer commanding. 4 E. VII., c. 23, s. 66.

66. Cadet corps shall be drilled and trained as prescribed, and may be furnished with arms, ammunition and equipment, under the conditions prescribed. 4 E. VII., c. 23, s. 67.

67. Cadet corps shall not be liable to service in the Militia in any emergency, save only in the case of a levée en masse. 4 E. VII., c. 23, s. 68.

**Calling Out the Militia for Duty.**

68. The Militia or any part thereof, or any officer or man thereof, may be called out for any military purpose other than drill. 681 R.S., 1906.
drill or training, at such times and in such manner as is prescribed. 4 E. VII., c. 23, s. 69.

ACTIVE SERVICE.

69. The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency. 4 E. VII., c. 23, s. 70.

70. Every member of the Militia, called out for active service, shall attend at such time and place as is required by the officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer directs. 4 E. VII., c. 23, s. 76.

71. Whenever the Governor in Council places the Militia, or any part thereof, on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day. 4 E. VII., c. 23, s. 71.

72. In time of war, when the Militia is called out for active service to serve conjointly with His Majesty's regular forces, His Majesty may place in command thereof a senior general officer of His regular army. 4 E. VII., c. 23, s. 72.

73. In time of war no man shall be required to serve in the field continuously for a longer period than one year: Provided that,—

(a) any man who volunteers to serve for the war, or for any longer period than one year, shall be compelled to fulfil his engagement; and,

(b) that the Governor in Council may, in cases of unavoidable necessity, of which the Governor in Council shall be the sole judge, call upon any militiaman to continue to serve beyond his one year's service in the field for any period not exceeding six months.

2. This section shall not apply to the Permanent Force. 4 E. VII., c. 23, s. 73.

74. The Army Act for the time being in force in the United Kingdom, the King's regulations, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the regulations made thereunder, shall have force R.S., 1906.
and effect as if they had been enacted by the Parliament of Canada for the government of the Militia.

2. Every officer and man of the Militia shall be subject to such Acts, regulations and laws,—
   (a) from the time of being called out for active service;
   (b) during the period of annual drill or training under the provisions of this Act;
   (c) at any time while upon military duty or in the uniform of his corps or within any rifle range or any armoury or other place where arms, guns, ammunition or other military stores are kept, or within any drill shed or other building or place used for militia purposes;
   (d) during any drill or parade of his corps at which he is present in the ranks;
   (e) when going to or from the place of drill or parade; and,
   (f) at any drill or parade of his corps at which he is present as a spectator whether in uniform or not.

3. Officers and men of the Permanent Force and members of the permanent staff of the Militia shall at all times be subject to military law. 4 E. VII., c. 23, s. 74.

75. Whenever any officer, non-commissioned officer or man of the Royal Northwest Mounted Police Force is serving with the Militia by order of the Governor in Council, every such officer, non-commissioned officer and man shall be subject to this Act in the same manner and to the same extent as the Militia. 57-58 V., c. 27, s. 10.

76. Every officer or man charged with any offence committed while serving in the Militia, shall, while so serving, be liable to be tried by court martial, and if convicted to be punished therefor.

2. Every such officer or man so charged with any offence notwithstanding he has been discharged from the Militia, or that the corps to which he belongs or belonged is relieved from active service, may be tried, convicted and punished by court martial for such offence, within six months after so discharged, or after such corps is so relieved from active service.

3. Any officer or man of the Militia may be tried by court martial for the crime of desertion at any time, without reference to the length of time which has elapsed since his desertion. 4 E. VII., c. 23, s. 75.

77. Every member of the Militia called out for active service who absents himself without leave from his corps, for a longer period than seven days, may be tried by court martial as a deserter. 4 E. VII., c. 23, s. 77.

78. When any officer or soldier is killed on active service, or dies from wounds or disease contracted on active service, drill or R.S., 1906.
or training, or on duty, provision shall be made for his wife and family out of the public funds at the prescribed rates. 4 E. VII., c. 23, s. 78.

**79.** Every case of permanent disability, arising from injuries received or illness contracted on active service, drill or training, or on duty, shall be reported on by a medical board and compensation awarded, under such regulations as are made, from time to time, by the Governor in Council. 4 E. VII., c. 23, s. 79.

**AID OF THE CIVIL POWER.**

**80.** The Active Militia, or any corps thereof, shall be liable to be called out, within or without the municipality in which such corps is raised or organized, for active service, with their arms and ammunition, in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of the civil authority hereinafter designated in that behalf, anticipated as likely to occur, and, in either case, beyond the powers of the civil authorities to suppress, or to prevent or deal with. 4 E. VII., c. 23, s. 80.

**81.** The district officer commanding in any locality, if he is present in the locality and able to act, or if he is not so present, or from sickness or other cause is unable to act, the senior officer of the Active Militia in any locality, not from sickness or other cause unable to act, shall call out the Active Militia, or such portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, when thereunto required in writing by the civil authority hereinafter designated in that behalf: Provided that so far as the Permanent Force is available, a sufficient number of the Force is to be employed upon the duty of preventing or suppressing such actual or anticipated riot or disturbance before recourse is had to other militia corps, and shall replace such other militia corps if so called out upon duty so soon as and to the extent the Permanent Force shall thereafter become available. 4 E. VII., c. 23, s. 81.

**82.** If the place where such riot or disturbance occurs or is anticipated is municipally organized, the mayor or warden or other head or acting head of the municipality, together with two justices of the peace, or in the event of such mayor, warden or other head or acting head refusing or being unable to act, the county or district court judge or one of the county or district court judges having jurisdiction in such place, acting alone, or, if there is no such judge then any judge of a superior court who has jurisdiction in such place, may by requisition in writing require the Active Militia, or such necessary portion thereof to be so called out. 4 E. VII., c. 23, s. 82.

R.S., 1906.
83. If the mayor or warden, or other head or acting head of such municipality refuses or is unable to act, and there is no such judge or the judge or all the judges, who might have acted are absent, or unable to act, any judge or magistrate who has the power under the Criminal Code of two or more justices of the peace, and has jurisdiction at the place where such riot or disturbance occurs or is anticipated, may, acting with two justices of the peace, make the requisition.

2. If there is no such judge or magistrate residing or being at such place and able to act, any three justices of the peace having jurisdiction there may make the requisition. 4 E. VII., c. 23, s. 82.

84. If the place where such riot or disturbance occurs or is anticipated is not municipally organized, the county or district court judge, or one of the county or district court judges, having jurisdiction in such place, or if there is no such county or district court judge, then any judge of a superior court who has jurisdiction in such place may make the requisition. 4 E. VII., c. 23, s. 82.

85. If the requisition is made by a judge, any statements of fact contained therein shall be final and binding upon all parties in any way concerned.

2. If the requisition is made by a judge or magistrate having the powers of two justices of the peace, acting with two justices of the peace, or by three justices of the peace, any statement of fact therein contained shall not be open to dispute by the officer upon whom the requisition is made. 4 E. VII., c. 23, s. 82.

86. The requisition may be in the following form, or to Form of the like effect, and the form may be varied to suit the facts of the case:

County of

To wit:

Whereas it has been made to appear to our satisfaction that a riot or disturbance of the peace, beyond the powers of the civil authorities to suppress, (or to prevent, or to deal with) and requiring the aid of the Active Militia to that end, has occurred and is in progress (or is anticipated as likely to occur) at

(Where the head of the municipality, etc., has declined or is unable to join in the requisition, say)

And whereas the warden (or as the case may be) of the has declined (or is unable through ) to join in this requisition:

These are therefore to require you to call out the Active Militia present in or such portion thereof as you consider necessary for the purpose of suppressing (or preventing, or dealing with) such riot or disturbance.

685

Dated

R.S., 1906.
Chap. 41. Militia.

Dated at , this day of , 19 .

Warden, etc. (or as the case may be) or J. P.

J. P.

J. P.

4 E. VII., c. 23, s. 83.

What requisition must show.

87. In every such requisition in writing, as aforesaid, it shall be stated that a riot, or disturbance, has occurred, or is anticipated, and that the service of the Active Militia is required in aid of the civil power. 4 E. VII., c. 23, s. 84.

Officers and men shall be special constables.

88. The officers and men of such Active Militia when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be held 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 only the orders of their Militia superior officer.

2. Every officer and man of such Active Militia or such portion thereof, shall, at all times when and while so called out, obey the orders of his superior officer. 4 E. VII., c. 23, s. 85.

Payment by municipality for service.

89. When any of the Militia are so called out in aid of the civil power, the municipality in which their services are required shall pay them, when so employed, the rates authorized to be paid for active service to such officers and one dollar per diem for each man, and one dollar and Fifty cents per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer and fifty cents to each man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse, and, in addition, shall pay the cost of transport and provide them with proper lodging, and with stabling for their horses.

2. The said pay and allowances for subsistence and forage and the cost of transport, and the cost or value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by His Majesty in any court of competent jurisdiction. 4 E. VII., c. 23, s. 86.

As to advances by Government.

90. Such pay and allowances of such of the Militia as are called out, together with the reasonable cost of transport, shall, pending payment by the municipality, be advanced in the first instance out of the Consolidated Revenue Fund by authority of the Governor in Council; but such advance shall not interfere with the liability of the municipality, for such pay, allowances and cost of transport which may be at once recovered as a debt due to the Crown by the municipality. 4 E. VII., c. 23, s. 87.

686 BILLETING.

R.S., 1906.
Militia.

BILLETING OF THE MILITIA.

91. The Governor in Council may make regulations for the quartering, billeting, and cantoning of the Militia, and may, by such regulations, impose penalties, not exceeding fifty dollars, for any breach thereof. 4 E. VII., c. 23, s. 88.

92. Nothing in this Act or the regulations shall authorize the quartering or billeting of the Militia, or any part thereof, in any house occupied solely by females, or oblige the occupiers of any such house to receive the Militia, or any part thereof, or to furnish them with lodging or house room. 4 E. VII., c. 23, s. 89.

TRANSPORT.

93. The Governor in Council may make regulations requiring any person in whom any railway, tramway, boat, barge, scow, or steamship or other vessel, or any wagon, carriage or pack animal is vested, or any employee of any such person, to convey to and from any point or place, any portion of the Militia, together with such of their horses, guns, ammunition, forage, baggage and stores, as may be required to be carried or conveyed; and such person or employee shall thereupon provide the necessary engines, carriages, trucks and rolling stock, boats, barge, scow, steamship, or other vessel, or pack animals, together with the persons and materials necessary for their use, within a reasonable time before such order is to be complied with. 4 E. VII., c. 23, s. 90.

94. The rates of hire or recompense for the transport of Militia, or any portion thereof, and their horses, guns, ammunition, forage, baggage and stores, shall be fixed by the Governor in Council. 4 E. VII., c. 23, s. 92.

95. When the Governor in Council declares that an emergency has arisen in which it is expedient for the public service, that the Government should have control of the railways in Canada, or any of them, the Minister may, by warrant under his hand, empower any person or persons named in such warrant to take possession, in the name or on behalf of His Majesty, of any railway in Canada, and of the plant belonging thereto, or of any part thereof, or to take possession of any plant without taking possession of the railway itself, and to use it for His Majesty's service at such times and in such manner as the Minister directs; and the directors, officers and servants of such railway shall obey the directions of the Minister as to the use of the railway or plant as aforesaid for His Majesty's service.

2. Any such warrant granted by the Minister shall remain in force so long as, in the opinion of the Minister, the emergency exists. 4 E. VII., c. 23, s. 93.
96. There shall be paid to any person whose railway or plant is taken possession of in pursuance of this Act, out of moneys to be provided by Parliament, such full compensation, for any loss or injury he sustains by the exercise of the powers of the Minister under the last preceding section, as is agreed upon between the Minister and the said person, or, in case of difference, as is fixed upon reference to the Exchequer Court of Canada. 4 E. VII., c. 23, s. 94.

97. Where any railway or plant is taken possession of in the name or on behalf of His Majesty in pursuance of this Act, all contracts and engagements between the person whose railway is so taken possession of and the directors, officers and servants of such person, or between such person and any other person, in relation to the working or maintenance of the railway, or in relation to the supply or working of the plant of the railway, which would, if such possession had not been taken, have been enforceable by or against the said person, shall, during the continuance of such possession, be enforceable by or against the Government of Canada. 4 E. VII., c. 23, s. 95.

COURTS OF INQUIRY AND COURTS MARTIAL.

98. The Governor in Council may convene courts of inquiry, and appoint officers of the Militia to constitute such courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, or with the conduct of any officer or man of the force: and may, at any time, convene courts martial and delegate power to convene such courts, and to appoint officers to constitute them, for the purpose of trying any officer or man of the Militia for any offence under this Act, or for the purpose of trying any other person punishable under this Act, and may also delegate power to approve, confirm, mitigate or remit any sentence of any such court. 4 E. VII., c. 23, s. 96.

99. The regulations for the composition of courts of inquiry and courts martial, and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts martial for His Majesty's regular army, and which are not inconsistent with this Act or the regulations made thereunder. 4 E. VII., c. 23, s. 97.

100. The remuneration of persons attending such courts may be fixed by the Governor in Council. 4 E. VII., c. 23, s. 98.

101. Every person required to give evidence before a court martial may in the prescribed manner be summoned, or ordered to attend. 4 E. VII., c. 23, s. 99.
102. If any person, being a citizen or subject of any foreign state or country at peace with His Majesty, is or continues in arms against His Majesty, within Canada, or commits any act of hostility therein, or enters Canada with design or intent to levy war against His Majesty, the Governor in Council may order the assembling of a militia general court martial for the trial of such person, under the Militia Act.

2. Upon being found guilty by such court martial of offending against the provisions of this section, such person shall be sentenced by such court martial to suffer death, or such other punishment as the court awards. R.S., c. 146, s. 6.

103. Every subject of His Majesty, within Canada, who levies war against His Majesty, in company with any of the subjects or citizens of any foreign state or country then at peace with His Majesty, or enters Canada in company with any such subjects or citizens with intent to levy war on His Majesty, or who, with the design or intent to aid and assist, joins himself to any person or persons whomsoever, whether subjects or aliens, who have entered Canada with design or intent to levy war on His Majesty, may be tried and punished by a militia general court martial, in the same manner as any citizen or subject of a foreign state or country at peace with His Majesty may be tried and punished under the last preceding section. R.S., c. 146, s. 7.

104. No sentence of any general court martial shall be carried into effect until approved by the Governor in Council. 4 E. VII., c. 23, s. 101.

EVIDENCE.

105. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be prima facie evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making it. 4 E. VII., c. 23, s. 133.

106. A copy of the Canada Gazette purporting to contain General Orders issued to the Militia shall be evidence of such orders. 4 E. VII., c. 23, s. 131.

107. A record in the books of the corps of any man serving in the Militia, of his having received and not having returned any articles of public clothing, or other public or corps property, shall be evidence that the same are in his possession. 4 E. VII., c. 23, s. 51.
Chap. 41.  

**Militia.**

**OFFENCES AND PENALTIES.**

108. Every medical practitioner, who signs a false certificate in respect of any case of permanent disability, arising from injuries received or illness contracted on active service, drill, or training, or on duty, coming before a medical board for report, shall incur a penalty of four hundred dollars. 4 E. VII., c. 23, s. 79.

109. The forging or counterfeiting of any stamped signature of the Governor General, in use for stamping commissions granted or issued under this Act, or the uttering thereof, knowing it to be forged or counterfeited, shall be an indictable offence, punishable in like manner as the forgery of the privy seal or seal-at-arms of the Governor General. 4 E. VII., c. 23, s. 40.

110. Every person who leaves Canada with any article of public clothing or other public or corps property in his possession, is guilty of theft, and may be tried therefor at any time. 4 E. VII., c. 23, s. 51.

111. Any officer who knowingly,—

(a) claims pay on account of any drills performed with his corps for any man belonging to any other corps; or,

(b) claims pay for officers or men not present; or,

(c) includes in any parade state, or other return, the name of any person not duly enlisted;

is guilty of an indictable offence.

2. Every man who claims, or has received pay on account of any drill performed in the ranks of any other than his own proper corps, or in more than one corps in any one year is guilty of an indictable offence. 4 E. VII., c. 23, s. 102.

112. Any officer or man who obtains by means of any false pretense, or who unlawfully retains or keeps in his possession, any of the pay or moneys belonging to any other officer or man, is guilty of an indictable offence. 4 E. VII., c. 23, s. 103.

113. Any officer or man, who knowingly signs a false parade state, roll or pay-list, or any false return whatsoever, is guilty of an indictable offence. 4 E. VII., c. 23, s. 104.

114. Every person of whom information is required by any officer making any roll, in order to enable such officer to comply with the provisions of this Act, who when applied to by such officer,—

(a) refuses to give such information; or,

(b) gives false information; or,

(c) refuses to give his own name and proper information; or,

is guilty of an indictable offence. 4 E. VII., c. 23, s. 104.

R.S., 1906.
(d) gives a false name or false information;
shall,—
(a) for each item of information demanded and refused;
(b) for each item of information falsely stated;
(c) for refusing to give his own name or proper information;
or,
(d) for giving a false name or false information;
incurs a penalty not exceeding twenty dollars. 4 E. VII., c. 23, Penalty. s. 105.

115. Every officer and every man of the Militia who refuses or neglects to make any enrolment or ballot, or to make or transmit, as herein prescribed, any roll or return or copy thereof, required by this Act or by the regulations, shall incur a penalty, if an officer, not exceeding fifty dollars, and, if a man, not exceeding twenty-five dollars, for each offence. 4 E. VII., c. 23, s. 106.

116. Every man drafted for service in the Militia, who refuses or neglects to take the oath or to make the declaration hereinbefore prescribed, when tendered to him by a justice of the peace or by any commissioned officer duly authorized for that purpose, shall on summary conviction before two justices of the peace be liable to imprisonment for a term not exceeding six months, and for every subsequent neglect or refusal to a further imprisonment not exceeding twelve months. 4 E. VII., c. 23, s. 107.

117. Every officer and man of the Militia, and every person whatsoever, who at any parade, or on any other occasion for any of the purposes required by this Act, falsely personates another is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars. 4 E. VII., c. 23, s. 108.

118. Every officer and man of the Militia who refuses or neglects to assist his commanding officer in making any roll or return, or refuses or neglects to obtain or to assist him in obtaining any information which he requires in order to make or correct any roll or return, shall incur a penalty, if an officer not exceeding fifty dollars, and if a man, not exceeding twenty-five dollars, for each offence. 4 E. VII., c. 23, s. 109.

119. Every person required by this Act to give to the commanding officer of any company, or to any officer or non-commissioned officer thereof, any notice or information necessary for making or correcting the roll of any company, who refuses or neglects to give such notice or information to any such officer, demanding it at any reasonable hour and place, shall incur a penalty of ten dollars for each offence. 4 E. VII., Penalty. c. 23, s. 110.
120. Every officer and man of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who neglects or refuses to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an officer, of ten dollars, and if a man of five dollars for each offence.

2. Every day’s absence shall be held to be a separate offence. 4 E. VII., c. 23, s. 111.

121. Every person who interrupts or hinders any portion of the Militia at drill, or trespasses on the bounds set out by the proper officer for such drill, shall incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the commanding officer until such drill is over for the day. 4 E. VII., c. 23, s. 112.

122. Every officer and man of the Militia who disobeys any lawful order of his superior officer, or who when on service is guilty of any insolent or disorderly behaviour towards such officer, shall incur a penalty, if an officer, of twenty-five dollars, and if a man, of ten dollars for each offence. 4 E. VII., c. 23, s. 113.

123. Every man who fails to keep in proper order any arms or accoutrements delivered or entrusted to him, or who appears at drill, parade or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence. 4 E. VII., c. 23, s. 114.

124. Every person who,—
(a) unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown or corps; or,
(b) refuses to deliver up any arms, accoutrements or other articles in his possession belonging to the Crown or corps when lawfully required; or,
(c) has in his possession any arms, accoutrements or other articles belonging to the Crown or corps except for lawful cause, the proof of which shall lie upon him;

shall incur a penalty of twenty dollars for each offence.

2. Every such person may be arrested by order of the justice of the peace before whom a complaint is made, upon affidavit showing that there is reason to believe that such offender is about to leave Canada, carrying with him any such arms, accoutrements or articles.

3. Nothing in this section shall prevent such person from being indicted and punished for any greater offence, if the facts amount to such greater offence. 4 E. VII., c. 23, s. 115.

R.S., 1906.
125. Every officer and man of the Militia who, when his corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such corps, or to obey any lawful order of his superior officer, shall, if an officer, incur a penalty not exceeding one hundred dollars, and if a man, incur Penalty. a penalty not exceeding twenty dollars for each offence. 4 E. VII., c. 23, s. 116.

126. Every person who,—

(a) resists any calling out of any man enlisted or drafted Resisting calling out. under regulations, or any process prescribed for enforcing enrolment by ballot; or,

(b) counsels or aids any person to resist any calling out of Counselling to resist. any man, enlisted or drafted under the regulations, or under any process prescribed for enforcing enrolment by ballot, or the performance of any service in relation thereto; or,

(c) counsels or aids any man enlisted or liable to military service, Not to appear. not to appear at the place of rendezvous; or,

(d) dissuades any man enlisted or liable to military service, Dissuading. from the performance of any duty he is required by law or regulation to perform; or,

(e) does any act to the detriment of any man enlisted or Acts detrimental. liable to military service, in consequence of his having performed any such duty; or,

(f) interferes with the drill or training of any corps or portion Interfering with drill. thereof; or,

(g) obstructs any corps or portion thereof, on the march or Obstructing Penalty. elsewhere; shall incur a penalty not exceeding one hundred dollars. 4 E. VII., c. 23, s. 117.

127. Every person lawfully required under this Act, or the Refusal to furnish transport. regulations, to furnish a car, engine, boat, barge, scow, steamship or other vessel, wagon, carriage, or pack animal, for the conveyance or use of any portion of the Militia, who refuses or neglects to furnish it, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding one year, with or without hard labour, or to both the penalty and imprisonment, at the discretion of the court. 4 E. VII., c. 23, s. 91.

128. Every person, not being at the time an officer or man of the Militia, or a member of a rifle association or club formed or recognized under regulations, who, without the consent of the person in charge of such rifle range, or of some person authorized in that behalf by regulations, uses for target practice a rifle range which has been inspected and approved, shall incur Penalty. a penalty not exceeding twenty-five dollars. 4 E. VII., c. 23, s. 62.

693 129.

R.S., 1906.
129. Every person who wilfully violates any provision of this Act, shall, when no other penalty is imposed for such violation, incur a penalty not exceeding twenty dollars, for each offence.

2. Nothing in this section shall prevent his being indicted and punished for any greater offence if the facts amount to such greater offence. 4 E. VII., c. 23, s. 118.

PROCEDURE.

130. Except as otherwise herein provided, every penalty incurred under this Act, shall be recoverable, with costs, on summary conviction, before one justice of the peace.

2. In default of immediate payment on conviction, the convicting justice may commit the person so convicted to the common gaol of the territorial division for which the said justice is then acting, or to some lock-up situate therein, for a term not exceeding forty days, if the penalty does not exceed twenty dollars, and for a term not exceeding sixty days, if it exceeds that sum. 4 E. VII., c. 23, s. 119.

131. No prosecution against any officer in the Militia for any penalty under this Act or under any regulation made thereof shall be brought, except on the complaint of the officer for the time being commanding the Militia.

2. No prosecution against any man in the Militia for any penalty under this Act, or under any regulation, shall be brought except on complaint by or in the name of the commanding officer or adjutant of the corps or captain of the company or corps, to which such man belongs or belonged.

3. The officer for the time being commanding the said corps or company may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the officer commanding the said corps or company.

4. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged excepting for the offence of unlawfully buying, selling or having in possession arms, accoutrements or other articles belonging to the Crown or corps, or for desertion. 4 E. VII., c. 23, s. 120.

132. Every sum of money which any person or corporation is, under this Act, liable to pay or repay to the Crown or which is equivalent to the damages done to any arms or any other property of the Crown used for military purposes, shall be a debt due to the Crown, and may be recovered as such. 4 E. VII., c. 23, s. 121.

R.S., 1906.
in conformity with any general order or regulation for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly. 4 E. VII., c. 23, s. 134.

134. For the purpose of legal proceedings, all moneys subscribed by or for, or otherwise appropriated to the use of, any corps, and all arms, ammunition, clothing, equipment, musical instruments, or other things belonging to, or used by, any corps, shall be deemed to be the property of His Majesty. 4 E. VII., c. 23, s. 129.

135. If any person who is not enrolled in the Militia is summoned as a witness before a court martial, and, after payment or tender of the reasonable expenses of his attendance, makes default in attending, or, being in attendance as a witness,—

(a) refuses to take an oath or affirmation lawfully required by the court to be taken; or,
(b) refuses to produce any document in his power or control lawfully required by the court to be produced by him; or,
(c) refuses to answer any question to which the court lawfully requires an answer; or,
(d) is guilty of any contempt of the court martial by causing any interruption or disturbance in its proceedings;

the president of the court shall certify the default, refusal or contempt of such person under his hand to a judge of any court of justice in the locality having power to punish persons guilty of like offences in that court.

2. Such court may thereupon inquire thereinto, hearing such person and any witnesses that may be produced for or against him and, if such person is found guilty, punish him in like manner as if he had committed the offence in a proceeding in such court. 4 E. VII., c. 23, s. 100.

EXECUTION OF WARRANTS AND SENTENCES.

136. The governor, keeper or warden of every gaol, prison or penitentiary in Canada, shall receive and detain, according to the exigency of any warrant under the hand of any district officer commanding, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law.

2. Every such governor, keeper or warden shall take cognizance of any warrant purporting to be signed by any such officer as aforesaid. 4 E. VII., c. 23, s. 124.

137. R.S., 1906.
137. Any prisoner sentenced for any term by any military, naval or militia court martial, or by any military or naval authority under this or any Military Act, may be sentenced to imprisonment in a penitentiary.

2. If such prisoner is sentenced to a term less than two years, he may be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some other lawful prison or place of confinement other than a penitentiary in which imprisonment may be lawfully executed. 55-56 V., c. 29, s. 955.

138. Any officer or man of the Militia sentenced to be imprisoned may, if the Governor in Council by regulation or otherwise directs, be imprisoned in any place specially appointed therefor, instead of in a gaol, prison or penitentiary. 4 E. VII., c. 23, s. 125.

ENFORCING ACT—PROTECTION.

139. Every action against any officer or person, for anything purporting to be done in pursuance of this Act or of any regulation, shall be laid and tried in the judicial district where the act complained of was done, and shall be commenced within six months from the time of the act committed.

2. In any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial.

3. No plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought: Provided that where money is paid into court after action brought and without tender before action the plaintiff may in the discretion of the court recover costs of action down to the time of such payment into court. 4 E. VII., c. 23, s. 122.

140. No action shall be brought against any officer or person for anything purporting to be done in pursuance of this Act, or of any regulation, until at least one month after notice in writing of such action has been served upon him, or left at his usual place of abode.

2. In such notice the cause of action, and the court in which it is to be brought, shall be stated, and the name and place of abode of the claimant and his solicitor shall be endorsed thereon. 4 E. VII., c. 23, s. 123.

ORDERS—NOTIFICATION.

141. All general orders issued to the Militia shall be held sufficiently notified to all persons whom they concern by their insertion in the Canada Gazette. 4 E. VII., c. 23, s. 131.

R.S., 1906.
142. Every order made by the commanding officer of any corps of the Militia, other than the Permanent Force, shall be held to be sufficiently notified to all persons whom it concerns, by insertion in some newspaper published in the regimential division in which such corps is situated, or, if there is no such newspaper, then by posting a copy thereof in a post office, or in some other public place, in each company division affected by such order. 4 E. VII., c. 23, s. 132.

143. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, if it is communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order. 4 E. VII., c. 23, s. 130.

REGULATIONS.

144. The Governor in Council may make regulations for carrying this Act into effect, for the organization, discipline, efficiency and good government generally of the Militia, and for anything requiring to be done in connection with the military defence of Canada. 4 E. VII., c. 23, s. 126.

145. Such regulations shall be published in the Canada Gazette; and upon being so published, they shall have the same force in law as if they formed part of this Act. 4 E. VII., c. 23, s. 127.

146. The regulations shall be laid before both Houses of Parliament within ten days after the publication thereof in the Canada Gazette, if Parliament is then sitting; and, if Parliament is not then sitting, then within ten days after the next meeting thereof. 4 E. VII., c. 23, s. 128.

GENERAL.

147. No gift, sale or other alienation, or attempted alienation, by any person, of any money subscribed by or for, or otherwise appropriated to the use of any corps, or of any arms, ammunition, clothing, equipment, musical instruments or other things belonging to, or used by any corps, shall be effectual to pass the property therein without the consent of His Majesty. 4 E. VII., c. 23, s. 129.

148. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor General to the Minister of Finance.
2. A detailed account of moneys so expended shall be laid before Parliament during the next session thereof after the same are expended.

3. Except as compensation for injury arising from acts done under the authority of this Act in case of emergency, and except as to pay and allowances for such of the Militia as are called out in aid of the civil power under the provisions of this Act, no sum of money shall be so paid, unless it is included in some appropriation made by Parliament. 4 E. VII., c. 23, s. 135.
CHAPTER 42.

An Act respecting Pensions to the Permanent Staff and Officers and Men of the Permanent Militia, and for other purposes.

SHORT TITLE.

1. This Act may be cited as the Militia Pension Act. Short title. 1 E. VII., c. 17, s. 1.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Militia and Defence;
(b) 'force' means the officers, non-commissioned officers and men of the permanent militia corps, and includes the permanent staff of the militia;
(c) 'officer' means a commissioned officer of the force, and includes a warrant officer;
(d) 'permanent staff' includes officers of the headquarters staff, officers of the district staff, and officers in charge of military stores;
(e) 'militiaman' means a non-commissioned officer or private of the force;
(f) 'rank' means substantive rank;
(g) 'service' means service on the force;
(h) 'Militia Council' means the Militia Council appointed by the Governor in Council under the Militia Act. 1 E. VII., c. 17, s. 2.

LIMITATION.

3. Nothing in this Act contained shall be deemed to affect the provisions of any rules and regulations made or to be made under the Militia Act, respecting gratuities or pensions to militiamen within the meaning of the said Acts, wounded or disabled on active service, or to widows or children of militiamen as aforesaid, who have been killed on active service or who have died from injuries or illness contracted on active service. 1 E. VII., c. 17, s. 25.

699 PENSIONS.

R.S., 1906.
4. An officer who is retired compulsorily, for any cause other than misconduct or inefficiency, after twenty years' service, shall be entitled to a pension for life, not exceeding one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each completed year of service.

2. An officer who retires voluntarily after twenty-five years' service shall be entitled to a pension for life, twenty per centum less than he would be entitled to if he were retired compulsorily.

3. An officer who retires voluntarily after thirty-five years' service shall be entitled to the same pension as if he were retired compulsorily.

4. No addition shall be made to such pension for any service beyond thirty-five years.

5. If the service has not been continuous, the period or periods during which such service has been discontinued shall not be counted.

6. Time served in His Majesty's regular forces may be counted in the term of service for pension in the case of an officer transferred to the permanent force in connection with the taking over by the Government of Canada of the garrisons of Halifax and Esquimalt, subject to the provisions hereinafter contained as to deductions from the pension in cases where an officer becomes entitled to a pension and the deduction hereinafter provided for has not been made for as great a number of years as that upon which his pension is based. 1 E. VII., s. 17, s. 3; 6 E. VII., c. 31, s. 1.

5. Subject to the provisions of this Act in respect to the yearly deduction from a pension of five per centum upon average pay, if a person who has served as a non-commissioned officer or private becomes an officer, the time which he has served as such non-commissioned officer or private may be included in his term of service for the purposes of this Act. 1 E. VII., c. 17, s. 3.

6. Time served in the Civil Service as constituted heretofore for the purposes of the Civil Service Superannuation Act, or as constituted for the purpose of Part I. of the Civil Service Superannuation and Retirement Act, which has been reckoned under the Civil Service Superannuation Act, or which would be reckoned under Part I. of the Civil Service Superannuation and Retirement Act, in computing a period of service for the purposes of either of such Acts, may also be included in the term of service of an officer for the purposes of this Act.

2. In such case, the yearly deduction of five per centum upon average pay under this Act from any pension, shall be reduced by 700
by the average yearly deduction from the officer's salary as an officer, clerk or employee in the Civil Service made under and for the purposes of the Civil Service Superannuation Act or any amendment thereof or under Part I. of the Civil Service Superannuation and Retirement Act. 3 E. VII., c. 35; s. 1.

7. An officer shall not have any right to a pension or gratuity unless the Minister is satisfied with the manner in which he has performed his duties. 1 E. VII., c. 17, s. 4.

8. A deduction towards making good the pensions hereinbefore mentioned shall be made from the pay of every officer at the rate of five per centum per annum on such pay; but such deduction shall not be made during more than thirty-five years of service.

2. If an officer becomes entitled to a pension, and the deduction from his pay provided for in this section has not been made for as great a number of years as that upon which his pension is based, the aggregate amount of pay received by him during the years for which no such deduction has been made, shall be divided by the number of such years for the purpose of ascertaining the average pay of such officer during such years, and a yearly deduction amounting to five per centum upon such average pay shall be made from the pension of such officer, and such deduction shall continue to be made until the expiration of the number of years last mentioned or the cessation of the payment of the pension, whichever shall first happen: Provided that, if the officer thinks fit, the deficiency in the deduction may be made good by him in one payment.

3. The sums deducted under this section shall form part of the Consolidated Revenue Fund of Canada. 1 E. VII., c. 17, s. 5.

Gratuities.

9. If any officer is constrained from any infirmity of body or mind to quit the force before a period at which a pension might be granted to him, the Minister may, on the recommendation of a board composed of three officers of rank not lower than that of major, selected by the Militia Council, allow him a gratuity not exceeding one month's pay for each year of his service.

2. If any such officer is so constrained to quit the service before such period by reason of severe bodily injury, received without his own fault, in the discharge of his duty, the Minister may, on the recommendation of such board, allow him a gratuity not exceeding three months' pay for every two years' service. 1 E. VII., c. 17, s. 6.

10. If an officer is removed or retired to promote efficiency or economy in the service, the Minister may, on the recommendation R.S., 1906.
mendation of a board constituted as aforesaid, grant him such gratuity as he would have been entitled to if he had been retired in consequence of permanent infirmity of body or mind. 1 E. VII., c. 17, s. 7.

PENSIONS TO NON-COMMISSIONED OFFICERS AND MEN.

11. Subject to the provisions of this Act, every militiaman shall be entitled to retire and receive a pension for life who,—

(a) has completed not less than twenty years' service; or,

(b) has completed not less than fifteen years' service, and is incapacitated for the performance of his duty by infirmity of mind or body.

2. Every such militiaman who receives a pension under this section before he has completed twenty years' service shall be subject to return to service, as provided by this Act, if he ceases to be incapacitated. 1 E. VII., c. 17, s. 8.

12. The pension to a militiaman on retirement shall be,—

(a) if he has completed fifteen but less than twenty years' service, an annual sum equal to one-fiftieth of his annual pay for every completed year of service;

(b) if he has completed twenty but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay, with an addition of two-fiftieths of his annual pay for every completed year of service above twenty years;

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay, with an addition of one-fiftieth of his annual pay for every completed year of service above twenty-five years: Provided that the pension shall not exceed two-thirds of his annual pay at his retirement.

2. Time served in His Majesty's regular forces may be counted towards pension in the case of non-commissioned officers and men transferred to the permanent force in connection with the taking over by the Government of Canada of the garrisons of Halifax and Esquimalt. 1 E. VII., c. 17, s. 9; 6 E. VII., c. 31, s. 2.

13. For the purposes of estimating a pension to a militiaman,—

(a) if the service has not been continuous, the period or periods during which such service has been discontinued shall not be counted;

(b) the annual pay of a militiaman at the date of retirement shall be deemed to be the average annual amount of pay, exclusive of extra pay or allowances, received by him during the three years next preceding such retirement, and not the annual amount actually received by him at that date. 1 E. VII., c. 17, s. 10.

R.S., 1906.
14. No pension shall be granted to any militiaman unless a board composed of three officers, the rank of one of whom shall be not lower than that of major, has certified to his length of service and conduct, and that evidence has been adduced before it which justifies the granting of a pension under this Act. 1 E. VII., c. 17, s. 11.

15. When any militiaman has completed a service of twenty years, the Militia Council, upon the recommendation of such a board, may require him to retire upon the terms as to pensions prescribed by this Act. 1 E. VII., c. 17, s. 12.

16. Before a pension is granted to a militiaman who, after having served for less than twenty years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, a medical board composed of the senior surgeon of the battery, squadron or regiment of which such militiaman is a member, and two other legally qualified medical practitioners, shall certify that such militiaman is so incapacitated and that the incapacity is likely to be permanent.

2. Such militiaman shall thereafter when required and until the power under this Act of requiring the militiaman to serve again ceases, furnish satisfactory evidence, certified by a legally qualified medical practitioner, that such incapacity continues. 1 E. VII., c. 17, s. 13.

17. In the event of such incapacity ceasing before the expiration of such time as would, together with the period of service prior to his retirement, make up a period of twenty years, the militiaman shall be liable to serve again in the force.

2. If before the expiration of the said time, he declines so to serve, or if when serving again he neglects while he is in a competent state of health, to perform his duty satisfactorily, he shall forfeit his pension. 1 E. VII., c. 17, s. 13.

18. A militiaman so serving again shall be entitled to retire at the same time as he would have been entitled to retire if the time which elapsed between his retirement and the renewal of his service were service, but the time so elapsed shall not be reckoned as service in calculating his pension on his final retirement. 1 E. VII., c. 17, s. 13.

19. If a militiaman fails or refuses, when required, to be examined by a legally qualified medical practitioner, the Minister shall have the same power of requiring such militiaman to serve again as he would have under this section, if satisfied by the evidence of a legally qualified medical practitioner that the incapacity of such militiaman had ceased.

2. In such case the Minister may with the approval of the Governor in Council declare forfeited the pension of such militiaman. 1 E. VII., c. 17, s. 13.

703

20. When a pension is granted to a militiaman on account of infirmity of mind or body, and such infirmity is certified by a medical board constituted as aforesaid, to have been brought about or contributed to by his own fault, or by his vicious habits, and such militiaman is entitled under this Act to a pension of a fixed amount, the Governor in Council may grant to him a less amount of pension than the amount to which he would otherwise have been entitled. 1 E. VII., c. 17, s. 14.

21. A pension to a militiaman shall become forfeited, and may be withdrawn,—

(a) if the grantee is convicted of an indictable offence; or,
(b) if the grantee knowingly associates with thieves or suspected persons; or,
(c) if the grantee refuses to give to the authorities any information and assistance in his power for the detection of crime, for the apprehension of criminals, or for the suppression of a disturbance of the peace. 1 E. VII., c. 17, s. 15.

OFFENCES AND PENALTIES.

22. Every militiaman who obtains a pension under this Act by any false representation or false evidence, or by personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct shall be liable on summary conviction to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to a fine not exceeding one hundred dollars, and shall forfeit the pension obtained.

2. Prosecutions under this section may be had under Part XV. of the Criminal Code. 1 E. VII., c. 17, s. 16.

PROVISION FOR OFFICERS' WIVES AND CHILDREN.

23. Subject to the provisions hereinafter contained, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer, who, having completed twenty years' service, was at the time of his death either on full pay or in receipt of a pension. 1 E. VII., c. 17, s. 17.

24. Such pension or compassionate allowance shall not be granted,—

(a) if the applicant is, in the opinion of the Minister, unworthy of it;
(b) if the applicant is already, in the opinion of the Minister, wealthy;
(c) if the deceased officer had been excused, at his own request, from serving, though capable of service, when called upon.

R.S., 1906.
upon and required to serve, after having been officially
warned that his family would thereby lose all claims to
pension and compassionate allowance;
(d) if the officer married after retirement;
(e) if the officer was at the time of his marriage over sixty years of age;
(f) in the case of an officer who married after the first day of July, nineteen hundred and one, if he was more than twenty-five years older than his wife;
(g) if the officer died within one year after his marriage, unless he was manifestly in good health at the time of his marriage, and his death was caused by disease or injury not due to causes within his own control, and the Minister is satisfied that there are no other objections to the granting of the pension or compassionate allowance. 1 E. VII., c. 17, s. 18.

25. The pension to a widow shall be as follows:—the widow of a colonel, five hundred dollars; of a lieutenant-colonel, four hundred and fifty dollars; of a major, three hundred and fifty dollars; of a captain, two hundred and fifty dollars; of a lieutenant or second lieutenant, two hundred dollars; of a warrant officer, one hundred dollars. 1 E. VII., c. 17, s. 19.

26. The compassionate allowance to a child shall be as follows:—the child of a colonel or lieutenant-colonel, eighty dollars; of a major, seventy dollars; of a captain, sixty-five dollars; of a lieutenant or second lieutenant, fifty dollars; of a warrant officer, twenty-five dollars.

2. If the child is motherless and, in the opinion of the Minister, in great need, the allowance shall be double that fixed by this section. 1 E. VII., c. 17, s. 20.

27. The total amount paid to the widow and children of an officer during any year shall not exceed the amount of the pension which the officer was in receipt of, or to which he would have been entitled, as the case may be. 1 E. VII., c. 17, s. 21.

28. A widow’s pension or a child’s compassionate allowance, shall be discontinued if she or the child becomes unworthy of it, or becomes wealthy.

2. If the widow remarries, her pension shall be suspended from the day following that of her remarriage; but, in the event of her again becoming a widow, her pension may be restored, if she is otherwise qualified.

3. If, through her own neglect or omission, the claim of a widow to pension is not established before her death, the amount of pension which she might have received, if living, shall not be allowed her representatives. 1 E. VII., c. 17, s. 22.

29. R.S., 1906.
29. The compassionate allowance to officers' children shall not be granted to a son over the age of eighteen, nor to a daughter over the age of twenty-one; and such allowance shall cease when the son reaches the age of eighteen, and when the daughter reaches the age of twenty-one or marries. 1 E. VII., c. 17, s. 23.

Time of payment.

30. Pensions and compassionate allowances to officers' wives and children shall be paid from the day following that of the officer's death to the end of the fiscal year next ensuing; and subsequent payments shall be made yearly in advance from the beginning of the next fiscal year. 1 E. VII., c. 17, s. 24.
CHAPTER 43.

An Act respecting the Royal Military College.

SHORT TITLE.

1. This Act may be cited as the Royal Military College Act. Short title.

INTERPRETATION.

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

(a) ‘Minister’ means the Minister of Militia and Defence;
(b) ‘Permanent Force’ means that portion of the Active Militia of Canada permanently embodied for the purpose of providing for the care and protection of forts, magazines, armouries, warlike stores and other military service, and of securing the establishment of schools for military instruction. R.S., c. 41, s. 28; 4 E. VII., c. 23, s. 2.

CONSTITUTION AND MANAGEMENT.

3. There shall be an institution for the purpose of imparting a complete education in all branches of military tactics, fortification, engineering, and general scientific knowledge in subjects connected with, and necessary to a thorough knowledge of the military profession, and for qualifying officers for command, and for staff appointments.

2. Such institution shall be known as the Royal Military College, and shall be located in some one of the garrison towns of Canada. R.S., c. 42, s. 1.

4. The college shall be governed and its affairs administered under and according to regulations made and to be made from time to time, and approved by the Governor in Council, and published in the Canada Gazette.

2. All such regulations after such publication, shall have the force of law, as fully as if they were contained in this Act, of which they shall be deemed to form part. 56 V., c. 17, s. 7.

STAFF.

5. The college shall be conducted under the superinten- dence of a military officer, whose title or designation shall be that of Commandant, and who has special qualifications with regard R.S., 1906.
regard to discipline and to the instruction to be given, and there shall also be two other professors or instructors, and such other assistants as are found necessary and as are authorized by Parliament.

2. All the staff of the college shall be appointed by the Governor in Council, and shall hold office during pleasure. R.S., c. 42, s. 2.

6. There shall be a subordinate military staff, which shall be subject to such laws, orders and regulations, as govern the Permanent Force.

2. There shall be a subordinate civilian staff of such strength as the Governor in Council deems necessary.

3. The details of such subordinate staffs shall appear in the annual report laid before Parliament by the Minister. 56 V., c. 17, s. 2.

SALARIES.

7. The salary of the Commandant shall not exceed three thousand two hundred dollars a year, and the salaries of the staff adjutant, professors, instructors, assistant instructors and staff, shall be fixed, and may be readjusted from time to time, by the Governor in Council and shall not exceed the total sum of thirty thousand dollars.

2. The details of such salaries shall appear in the annual report laid before Parliament by the Minister. 4-5 E. VII., c. 39, s. 1.

BOARDS OF EXAMINERS.

8. A Board of Examiners shall be appointed by the Governor in Council, in each military district, consisting of three or more members, one of whom shall, when practicable, be an officer of the militia staff.

2. The Board shall be authorized to examine candidates for admission to the college as cadets and give certificates, in such form as is provided, to such as are able to qualify according to the regulations in that behalf.

3. Meetings of such boards shall be held when directed by the Minister. R.S., c. 42, s. 5.

9. The examiners shall transmit to the Department of Militia and Defence a report of the names of all candidates who succeed in obtaining certificates, for the information of the Governor in Council, with a report of each meeting.

2. Such report may embody any particular circumstances connected with the examination, or any special recommendation. R.S., c. 42, s. 7.

R.S., 1906.
CONDITIONS OF ENTRY.

10. Every candidate for admission to the college as student shall be required to pass an examination, and obtain from the Board a certificate that he is proficient in the subjects prescribed by the regulations in that behalf.

2. They shall also be required to pass a medical examination, and produce evidence of good moral character.

3. No candidate shall, except as hereinafter provided, be accepted, who is under fifteen or over twenty years of age. R.S., c. 42, s. 6.

ATTENDANCE.

11. The number of cadets in attendance at any one time shall not exceed one hundred and twenty.

2. The term for which they shall be admitted shall not exceed four years.

3. They shall be selected by the Governor in Council from the list of names forwarded by the Board of Examiners in the order of merit in which they pass their preliminary examination. 56 V., c. 17, s. 3.

12. The Governor in Council may, in addition to the number of cadets limited by this Act, and under such regulations as the Governor in Council approves, for special reasons in the interests of the service, admit for a limited time officers of the Active Militia, not exceeding at any time ten in number, although over the age of twenty years, who have obtained a field officer’s certificate from one of the schools of military instruction, provided for by the Militia Act and regulations thereunder. R.S., c. 42, s. 10.

INTERNAL REGULATIONS.

13. Every person who enters upon a course of instruction in the college shall sign a roll of entry and shall be thenceforward for the period of his pupillage, subject to the King’s Rules and Regulations, the Army Act, and to all other rules and regulations to which His Majesty’s troops are subject. 56 V., c. 17, s. 6.

14. Each cadet shall be required to furnish himself with books and such apparatus as are not supplied by the Government, and to pay a contribution in aid of the expense of procuring mess room table furniture. R.S., c. 42, s. 11; 56 V., c. 17, s. 5.

R.S., 1906.
15. A sum not exceeding the rate of three hundred dollars per annum, and such allowances as are, from time to time, authorized by the Governor in Council, may be paid for each cadet during such period as he remains at the college, to meet the ordinary expenses of living, and the procuring of uniform. R.S., c. 42, s. 12.
CHAPTER 44.

An Act respecting the Department of Marine and Fisheries.

1. This Act may be cited as the Department of Marine and Fisheries Act.

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

(a) 'Minister' means the Minister of Marine and Fisheries; Definitions.
(b) 'Department' means the Department of Marine and Fisheries.

3. There shall be a department of the Government of Canada which shall be called the Department of Marine and Fisheries, over which the Minister of Marine and Fisheries for the time being, appointed by the Governor General by Commission under the Great Seal, shall preside.

2. The Minister shall hold office during pleasure and have the management and direction of the Department. 55-56 V., c. 17, s. 1.

4. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Marine and Fisheries, who shall be the deputy head of the Department, and who shall hold office during pleasure.

2. The Governor in Council may also appoint such other officers as are necessary for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. 55-56 V., c. 17, s. 2.

5. The duties, powers and functions of the Minister shall extend and apply to the boards and other public bodies, officers and other persons, and to the subjects, services and properties of the Crown, enumerated in the schedule to this Act, of which the Minister shall have the control, regulation, management and supervision. 55-56 V., c. 17, s. 3.

6. The Governor in Council may at any time assign any of the duties and powers hereby vested in the Minister to the head of any other department; and from the time appointed for that purpose by order in council such duties and powers shall be vested in the head of such other department. 55-56 V., c. 17, s. 4.

7. R.S., 1906;
7. The Minister shall invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency in which delay would be injurious to the public interest, or where, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the Department.

2. The Minister shall also in like manner invite tenders for all contracts for supplies. 55-56 V., c. 17, s. 5.

8. The Minister, whenever any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security is given to and in the name of His Majesty for the due performance of the work, within the amount and time specified for its completion; and whenever it seems to the Minister inexpedient to let such work to the lowest tenderer, he shall so report, and he shall obtain the authority of the Governor in Council previous to passing by such lowest tenderer. 55-56 V., c. 17, s. 6.

9. The Minister shall make and submit to the Governor General an annual report on all the works under his control, to be laid before both Houses of Parliament within fifteen days from the commencement of each session, showing the state of each work and the amount received and expended in respect thereof, with such other information as is requisite. 55-56 V., c. 17, s. 7.

SCHEDULE.

1. Pilots and pilotage, and decayed pilots’ fund.
2. The construction and maintenance of lighthouses, lightships, fog-alarms, buoys and beacons.
3. Ports and harbours, harbour commissioners and harbour masters.
4. Piers, wharfs and breakwaters, the collection of tolls in connection therewith, and the minor repairs on such properties.
5. Steamships and vessels belonging to the Government of Canada engaged in connection with services administered by the Minister.
7. River and harbour police.
8. Humane establishments.
9. Life-boat service, and rewards for saving life.
10. Inquiries into causes of shipwrecks and casualties, and the collection of wreck statistics.
11. Inspection of steamboats, examination of engineers, and inquiry into accidents to steamers and the conduct of engineers.
12. Examination of masters and mates.

712

R.S., 1906.
13. Registration and measurement of shipping, and preparation of returns of registered shipping of Canada.
14. Meteorological and magnetic services.
15. Tidal observations on the coasts of Canada.
17. Inspection of vessels carrying live stock from Canada to Europe.
18. Shipping of seamen, shipping masters, and shipping offices.
19. Winter communication between Prince Edward Island and the mainland by steamer and ice boats.
20. Hydrographic surveys.
22. Removal of wrecks and other obstructions in navigable waters.
23. Sea coast and inland fisheries, the management, regulation and protection thereof, and everything relating thereto, and the payment of fishing bounties.
24. Generally all such matters as refer to the marine and fisheries of Canada.
25. Any other duty or power assigned to the Minister by the Governor in Council. 55-56 V., c. 17, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 45.

An Act respecting Fisheries and Fishing.

SHORT TITLE.

1. This Act may be cited as the Fisheries Act. R.S., c. 95, Short title. s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the 'Minister' expression 'Minister' means the Minister of Marine and Fisheries.

APPLICATION.

3. Shell-fish fisheries shall be subject to the provisions of this Act, and any regulations made under it. R.S., c. 95, s. 21.

4. Nothing in this Act contained shall be taken to authorize the grant of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to some province thereof.

5. Nothing in this Act contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes. R.S., c. 95, s. 21.

FISHERY OFFICERS.

6. The Governor in Council may appoint fishery officers whose powers and duties shall be as defined by this Act and the regulations made under it, and by instructions from the Department of Marine and Fisheries.

2. Every such officer, who is authorized by the Governor in Council to exercise the powers of a justice of the peace, shall for all the purposes of this Act and the regulations made under it, be ex officio a justice of the peace, within the district for which he is appointed to act as such fishery officer. R.S., c. 95, s. 2.

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

'I,
R.S., 1906.
'I, A.B., a fishery officer in and for the district described in my appointment, do solemnly swear, that to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such officer according to the true intent and meaning of the Fisheries Act and regulations, and in accordance with my instructions. So help me God.' R.S., c. 95, s. 3.

FISHERY LEASES AND LICENSES.

8. The Minister may, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of the Governor in Council. R.S., c. 95, s. 4.

WHALE FISHING.

9. No one shall at any time engage in the manufacture from whales of oil or other commercial product, and no vessel or boat shall be employed in the whale fishery, except under license from the Minister.

2. The Minister may issue licenses to manufacture oil or other commercial product from whales and to employ boats or vessels in whale fishery, but no such license shall issue until,—

(a) the Minister has approved of the site of the factory, which shall not be within fifty miles of any other whale factory, or in such proximity to any inhabited place or places as in the opinion of the Minister may cause danger or detriment to the public health;

(b) the applicant therefor has given assurances to the Minister, of a satisfactory nature, that he is in a position to convert any whale captured into commercial products within twenty-four hours of the landing of such whale, and that he is also in a position to conduct his whale factory and business in such a manner that no noxious or deleterious matter will be introduced into any public waters, bays, creeks, rivers or harbours;

(c) the applicant has filed with the Minister plans and specifications of the machinery to be contained in the proposed factory, and particulars of the reduction process;

(d) the applicant has satisfied the Minister that the machinery proposed to be used is of a kind already proved efficient for such purposes, and of the most approved type theretofore used in the whaling industry.

3. No license shall be for a period exceeding nine years; but the Governor in Council may renew a license in favour of the licensee from time to time for periods of nine years, upon receipt

R.S., 1906.
receipt of an application, in writing, for a renewal, six months previously to the termination of the current period.

4. The holder of any such license shall not operate more than one whaling steamer in connection with the whale factory under license.

5. The license shall become void and forfeited unless the factory named therein is erected, equipped and working within two years from the date of the issue of the license.

6. The fee charged on each such license shall be eight hundred dollars for the first year, one thousand dollars for the second year, and twelve hundred dollars for the third and each ensuing year, and the fee on all subsequent licenses for the same factory shall be twelve hundred dollars; such fee shall be payable to the Minister of Marine and Fisheries, first on the issue of the license, and on the first day of July in each year thereafter: Provided that the Governor in Council, after the first two years, may exact, in lieu of such fee, a sum equal to two per centum of the gross earnings of each factory, which shall be payable as aforesaid.

7. Every license, upon cause shown, after one month's notice in writing to the licensee, shall be liable to forfeiture for any infraction of this section, or any regulation under it, or for failure to fulfil and carry out the assurances required by this section to be given to the Minister previously to the issuing of a license; and in the case of forfeiture, the Minister may, without any suit or other proceedings at law, and without compensation, cancel the license.

8. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying out and enforcing any of the provisions of this section, and for controlling and regulating the manufactures carried on in the licensed factories, and the disposal of all refuse therefrom.

9. Boats known as tow-boats shall not be used by any one in the prosecution of the whaling industry, and no vessel other than the vessel from which the whales have been captured or killed, shall, by any method or contrivance, bring or tow into port any whale for manufacture or other purpose; but nothing in this section shall prevent any one, other than the holder of a license, or his employees, from towing any dead whale to land, and having it manufactured or otherwise disposing of it in accordance with the provisions of this section.

10. No one shall pursue, capture, shoot or kill any whale within the distance of one-half nautical mile of any vessel or boat not at anchor or engaged in any kind of fishing, or within one nautical mile of any vessel or boat at anchor or engaged in any kind of fishing.

11. No one shall have in his possession, or use in the catching or killing of whales any contrivance which does not include a harpoon, with a whaling line attached thereto, fixed or fastened to the boat or vessel from which the whale is captured or killed.
12. Notwithstanding anything in this section, the license fee payable for any vessel or boat engaged in the whale fishery or hunting whales within the waters of Hudson Bay, or the territorial waters of Canada north of the fifty-fifth parallel of north latitude, if not so engaged or hunting in connection with a factory established in Canada, shall be fifty dollars for each year; and, inasmuch as Hudson Bay is wholly territorial water of Canada, the requirements of this section as to licensing, and as to the fee payable therefor, shall apply to every vessel or boat engaged in the whale fishery or hunting whales in any part of the waters of Hudson Bay, whether such vessel or boat belongs to Canada, or is registered and outfitted in, or commences her voyage from, any other British or foreign country. 4 E. VII., c. 13, s. 1; 6 E. VII., c. 13, s. 1.

COD-FISHING.

10. No one shall use mackerel, herring or caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four inches in extension in the arms, and three inches in the hunt or bottom of the seine. R.S., c. 95, s. 5.

SEAL FISHERIES.

11. No one shall with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, hinder or frighten the shoals of seals coming into such fishery.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. R.S., c. 95, s. 7.

SALMON FISHERY.

12. Salmon shall not be fished for, caught or killed,—
(a) in the provinces of Ontario or Quebec, or in the river Restigouche, between the thirty-first day of July and the first day of May; or,
(b) in the provinces of New Brunswick or Nova Scotia, between the fifteenth day of August and the first day of March; or,
(c) in the province of Prince Edward Island, between the first day of September and the thirty-first day of December.

2. Notwithstanding anything in this section contained, it shall be lawful to fish for, catch and kill salmon with a rod and line in the manner known as fly-surface-fishing between the first
Fisheries. Chap. 45. 5

first day of February and the fifteenth day of August, in the provinces of Quebec, New Brunswick and Nova Scotia. R.S., c. 95, s. 8; O.C., 52 V., p. xli.

13. Foul or unclean salmon shall not be, at any time, caught foul salmon or killed. R.S., c. 95, s. 8.

14. Salmon fry, parr and smolt shall not at any time, be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed: Provided that no penalty shall attach if such fish are caught by accident in nets lawfully used for other fish, and if they are liberated alive, at the cost and risk of the owner of the fishery, on whom, in every case, the proof of such actual liberation shall devolve. R.S., c. 95, s. 8.

15. Meshes of nets used for capturing salmon shall be at least five inches in extent, and nothing shall be done to practically diminish their size. R.S., c. 95, s. 8.

16. The use of nets or other apparatus for the capture of salmon shall be confined to tidal water, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada.

2. No one shall fish for or catch salmon with swing nets in any waters of Canada. 52 V., c. 24, s. 1.

17. The Minister, or any fishery officer duly authorized, shall have power to define the tidal boundary of the estuary fishing for the purposes of this Act. R.S., c. 95, s. 8.

18. All nets, or other lawful appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream. R.S., c. 95, s. 8.

19. No one shall drift for salmon, except when under license in the provinces of New Brunswick and British Columbia.

2. In the province of British Columbia drifting with salmon nets shall be confined to tidal waters.

3. Drift nets for salmon shall be so set or used as not to obstruct more than one-third of the width of any river. 57-58 V., c. 51, s. 2.

20. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two thousand and fifty yards shall be left between salmon nets, or other fishing apparatus, and may prescribe their dimensions and extension; but R.S., 1906.
but gill or float nets shall not be used to lengthen, extend or enlarge any other kind of fishery. R.S., c. 95, s. 8.

As to spawning rivers.

21. No salmon shall be captured within two hundred yards of the mouth of any tributary, creek or stream which salmon frequent to spawn. R.S., c. 95, s. 8.

Mode of killing at certain places.

22. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, or in any pool where salmon spawn. R.S., c. 95, s. 8.

Salmon spawn.

23. Except under the authority and for the special purpose provided for in this Act, no one shall take, buy, sell, destroy, use or possess any salmon roe, or injure any spawning bed. R.S., c. 95, s. 8.

TROUT AND WHITEFISH FISHERY.

As to trout.

In Ontario.

24. In the province of Ontario, no person shall fish for, catch, kill, buy, sell or have in his possession,—

(a) any speckled trout, _salmo fontinalis_, between the fifteenth day of September and the first day of May; or,

(b) any salmon trout, between the first and tenth days of November, both days inclusive; or,

(c) any lake trout, between the fifteenth day of October and the first day of December; or,

(d) any brook or river trout between the fifteenth day of September and the first day of January. R.S., c. 95, s. 9.

In Quebec.

25. In the province of Quebec, no person shall fish for, catch, kill, buy, sell or have in his possession,—

(a) any salmon trout, lake trout or lunge, between the fifteenth day of October and the first day of December; or,

(b) any speckled trout, between the first day of October, and the thirty-first day of December; or,

(c) any brook or river trout, between the fifteenth day of September and the first day of January in each year. R.S., c. 95, s. 9.

In P. E. Island.

26. In the province of Prince Edward Island, no person shall fish for, catch, kill, buy, sell or have in his possession any trout between the first day of October and the first day of December in each year, and trout shall not at any time, be fished for or taken by spears, sweep nets or seines in any river, stream or pond. R.S., c. 95, s. 9.

In other parts of Canada.

27. In all other parts of Canada no person shall, between the first day of October and the first day of January in any way whatever, fish for, catch, kill, buy, sell or have in his possession any kind of trout or lunge. R.S., c. 95, s. 9.

R.S., 1906.
28. Except in the tidal waters of the province of Quebec on the north bank of the River St. Lawrence from the mouth of the River Saguenay to Blanc Sablon, no one shall at any time fish for, catch or kill trout by other means than angling with hook and line: Provided that as to the waters of the province of Ontario such prohibition shall not apply to the kind of trout known as salmon trout. O.C., 52 V., p. xliii.

29. In the provinces of Manitoba, Saskatchewan and Alberta and the Northwest or Yukon Territories, Indians may, at any time, catch or kill speckled trout for their own use only, but not for the purposes of sale or traffic. R.S., c. 95, s. 9.

30. Nothing herein contained shall prevent,—
(a) the taking or the use of small sized trout for the purpose of baiting traps; or,
(b) the taking and using the same by fishermen as bait for cod fishing in tidal waters; or,
(c) subject fishermen to penalty if by accident in fishing for herrings or whitefish by means of nets, trout are inclosed or taken. R.S., c. 95, s. 9.

31. No one shall fish for, catch, kill, buy, sell or have in his possession, whitefish in,—
(a) the province of Ontario, between the first and tenth days of November, both days inclusive, or, by means of any kind of seine, between the thirteenth day of May and the first day of August;
(b) the province of Quebec, between the tenth day of November and the first day of December in each year, or by means of any kind of seine, between the thirty-first day of July and the first day of December;
(c) the provinces of Manitoba, Saskatchewan and Alberta, and the Northwest Territories and the Yukon Territory, between the twentieth day of October and the first day of November in each year: Provided that Indians may there catch or kill the same for their own use only, but not for purposes of sale or traffic, and provided that whitefish shall not be taken or used, bought, sold, or possessed for making oil or feeding domestic animals;
(d) any other part of Canada, between the nineteenth day of November and the first day of December in each year.
R.S., c. 95, s. 10.

32. The fry of whitefish shall not be, at any time, destroyed.
R.S., c. 95, s. 10.

33. Gill nets for catching salmon trout or whitefish shall have meshes of at least five inches extension measure.
2. Gill nets shall not be set within two miles of any seining ground. R.S., c. 95, s. 10.

34. R.S., 1906.
Seines.

34. Seines for catching whitefish shall have meshes of not less than four inches extension measure. R.S., c. 95, s. 10.

LOBSTER FISHERIES.

35. No one shall, at any time, can or cure lobsters, except under license from the Minister. 58-59 V., c. 28, s. 1.

36. The fee for any such license shall be at the rate of two dollars per one hundred cases or packages or fraction of one hundred cases or packages, containing lobsters canned or cured under such license.

2. Each case or package shall contain forty-eight one-pound cans, or ninety-six one-half-pound cans. 58-59 V., c. 28, s. 1.

37. Every case or package containing lobsters canned or cured in Canada, before being removed from the factory or canning establishment where such lobsters have been canned or cured, shall be labelled or stamped with such label or stamp as is prescribed by the Minister: Provided that the Minister may grant a permit for the removal of legally packed cases from any factory to any store or building before being labelled or stamped for final shipment.

2. Every case or package, if not removed from such factory or canning establishment on or before the day on which the close season commences, shall be so labelled or stamped within seven days thereafter, and all unused labels or stamps shall immediately after such removal be returned to the Minister. 58-59 V., c. 28, s. 1.

38. Every case or package containing lobsters imported into Canada shall immediately upon being imported be labelled or stamped with such label or stamp as is prescribed by the Minister. 58-59 V., c. 28, s. 1.

39. The owner or manager of every lobster factory or canning establishment in Canada shall send to the Minister not later than the first day of September in every year, a true return of,—

(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) the number of persons employed in such factory or canning establishment distinguishing the sexes;

(c) the number of cases of lobsters packed during the season; and,

(d) such other details and particulars as are from time to time required by the Minister. 58-59 V., c. 28, s. 1.

40. Any label or stamp prescribed by the Minister upon any empty case or package, shall be entirely obliterated and destroyed.
troyed within seven days after the commencement of the close season.

2. Whenever any labelled or stamped case or package, containing canned or cured lobsters, is opened or emptied, the label or stamp thereon shall be entirely obliterated and destroyed by the person in whose hands the same is, unless such case or package is opened or emptied for the purpose of testing or repacking the canned or cured lobsters contained therein, the burden of proof of which shall be on the owner or packer of such package or case. 58-59 V., c. 28, s. 1.

41. The manager or proprietor of every lobster factory or canning establishment shall, on demand, produce his license to any fishery officer. 58-59 V., c. 28, s. 1.

42. The manager or owner of every lobster factory or canning establishment shall, on the request of any person authorized or employed by the Minister to hatch lobsters, as far as possible and with due care, take from and keep, in such manner as is from time to time prescribed by the Minister, all eggs attached to lobsters brought to such factory or canning establishment, and deliver such eggs to a person authorized by the Minister to receive them. 58-59 V., c. 28, s. 1.

OTHER FISHERIES.

43. Close seasons for bass, pike, pickerel (doré), maski-nonge and other fish, may be fixed by the Governor in Council to suit different localities. R.S., c. 95, s. 11.

POSSESSION OF FISH.

44. No one shall, without lawful excuse, the proof whereof shall lie on him, buy, sell or possess any fish, or portion of any fish named in this Act, caught or killed at a time or in a manner prohibited by law. R.S., c. 95, s. 12.

45. Every customs officer, excise officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, shall seize and, upon view, confiscate to his own proper use, any fish mentioned in this Act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means.

2. Every such seizure and appropriation, with the date, place and circumstances thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the fishery officer who has jurisdiction over the district within which such seizure, confiscation and appropriation took place. R.S., c. 95, s. 12.
CONSTRUCTION OF FISH-WAYS.

46. Every dam, slide, or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fish-way, which shall be maintained in practical and effective condition, in such place and of such form and capacity as will admit of the passage of fish through the same.

2. The place, form and capacity of the fish-way may be prescribed by any fishery officer by notice in writing.

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

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

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

6. No person shall injure or obstruct any fish-way, or do anything to deter or hinder fish from entering and ascending or descending the same, or injure or obstruct any authorized barrier. R.S., c. 95, s. 13.

GENERAL PROHIBITIONS.

47. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery limits, described in any lease or license, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or shall disturb or injure any fishery: Provided that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for cod-fishing, or prevent angling for other purposes than those of trade and commerce.

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

3. Every person using stakes or other timber placed for fishing purposes in any water shall remove the same within thirty days after the season of fishing has closed.

R.S., 1906.
forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season.

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

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

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

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

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

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

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

11. Fishery officers may determine or prescribe the distance between each and every fishery (pécherie) and shall forthwith remove any fishery which the owner neglects or refuses to remove; and such owner shall be moreover liable for a violation of this Act, and for the cost and damages of removing such fishery.

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

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

14. From the time of low water nearest six of the clock in the afternoon of every Saturday, to the time of low water nearest six of the clock in the forenoon of every Monday, in tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday, in non-tidal waters, all sedentary fishing stations and weirs, and all pound and trap-nets, seines, gill-nets and other apparatus used for catching fish, whether under license or not, shall be so raised, closed or adapted as to admit of the free passage of fish through, by or out of such apparatus; and during such close time no one shall catch fish in such apparatus, whether under license or not.

15. No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, and walruses, by means of rockets, explosive materials, or explosive projectiles or shells. R.S., c. 95, s. 14; 61 V., c. 39, s. 1; 3 E. VII., c. 23, s. 1.

48. No one shall use purse seines for the capture of fish in any of the waters of Canada; Provided that the Minister may issue special fishery licenses for the use of purse seines in certain waters in the province of British Columbia specified in the said licenses. 3 E. VII., c. 23, s. 2.

49. No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, fascine fishery or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, fascine fishery or other device which, in the opinion of such Minister or fishery officer, unduly obstructs the passage of fish. 57-58 V., c. 51, s. 5.

50. In the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territory and the Yukon Territory,—

(a) every ditch, channel or canal, constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic, or other purposes, shall be provided at its entrance or intake with a fish-guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river, or stream into such ditch, channel or canal;

(b) such fish-guard shall have meshes or holes not more than three-eighths of an inch in diameter, and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister, or of such officer as he from time to time appoints to examine it;

R.S., 1906.
(c) the owner of such ditch, channel or canal shall main-
tain such fish-guard in a good and sufficient state of repair
and shall not permit its removal except for renewal or repair; and during the time such renewal or repair is
being effected, the sluice or gate at the intake or entrance
shall be closed and the passage of fish into the ditch, channel or canal prevented. 57-58 V., c. 51, s. 5.

51. No one shall catch fish for the purpose of using it as
manure. 57-58 V., c. 51, s. 5.

52. Whenever the size of the meshes of nets or apparatus
for the capture of fish is fixed by this Act, or by any fishery
regulation under it, it shall be unlawful to so arrange or adapt
the nets or fishing apparatus as to practically diminish the
size of such meshes. 61 V., c. 39, s. 2.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

53. No one shall throw overboard ballast, coal ashes, stones,
or other prejudicial or deleterious substances in any river, har-
bour or roadstead or any water where fishing is carried on, or
throw overboard or let fall upon any fishing bank or ground, or
leave or deposit or cause to be thrown, left or deposited, upon
the shore, beach or bank of any water, or upon the beach between
high and low water mark, inside of any tidal estuary, or within
two hundred yards of the mouth of any salmon river, remains
or offal of fish, or of marine animals, or leave decayed or decay-
ing fish in any net or other fishing apparatus: Provided that
such remains or offal may be buried ashore, beyond high water
mark, and that at establishments situated inside of the mouths
of rivers for carrying on deep-sea fisheries, the same may be
dropped into perforated boxes or inclosures built upon the
beach, or under stage-heads, in such manner as to prevent the
same from being floated or drifted into the streams, or may be
disposed of in such other manner as any fishery officer pre-
scribes.

2. No person shall cause or knowingly permit to pass into, or
put or knowingly permit to be put, lime, chemical substances
or drugs, poisonous matter, dead or decaying fish, or remain-
nts thereof, mill rubbish or sawdust or any other deleterious sub-
stance; in any water frequented by any of the kinds of fish
mentioned in this Act. R.S., c. 95, s. 15; 58-59 V., c. 27, s. 1.

REGULATIONS.

54. The Governor in Council may, from time to time, make regulations,—
(a) for the better management and regulation of the sea-coast
and inland fisheries;

(b) R.S., 1906.
(b) to prevent or remedy the obstruction and pollution of streams;
(c) to regulate and prevent fishing;
(d) to prohibit the destruction of fish; and,
(e) to forbid fishing except under authority of leases or licenses.

2. Such regulations shall take effect from the date of the publication thereof in the Canada Gazette, and shall have the same force and effect as if herein enacted, notwithstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing or the times specified as prohibited or close seasons, and may fix such other modes, times and places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient.

3. Every offence against any regulation made under this Act may be stated as in violation of this Act. R.S., c. 95, s. 16.

**POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.**

55. Any fishery officer or other justice of the peace may, on view, convict of any of the offences punishable under the provisions of this Act, and may remove instantly and detain any materials unlawfully in use. R.S., c. 95, s. 17.

56. Any fishery officer or other justice of the peace may search, or grant a warrant to search, any vessel or place where there is reason to believe that any fish taken in violation of this Act, or anything used in violation thereof, is concealed. R.S., c. 95, s. 17.

57. If any offence under this Act, is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before the fishery officer for either fishery district. R.S., c. 95, s. 17.

58. In the discharge of his duties any fishery officer, or other person or persons accompanying him or authorized to such effect, may enter upon and pass through or over private property without being liable to trespass. R.S., c. 95, s. 17.

59. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. R.S., c. 95, s. 17.

60. Gurry grounds may be designated or defined by any fishery officer. R.S., c. 95, s. 17.

61. Any fishery officer, stipendiary magistrate, or commissioned officer of His Majesty's navy, on board of any vessel belonging
belonging to or chartered by the Government of Canada, employed in the service of protecting fisheries, and every commissioned officer of His Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to His Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, harbours or ports, and on all the coasts of Canada where, for the time being and for the purposes above described, they are so engaged. R.S., c. 95, s. 17.

62. Property seized by any fishery officer, stipendiary magistrate or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port where any revenue officer or other public officer empowered to deal with the matter resides. R.S., c. 95, s. 17.

63. Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed; and until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of His Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another. R.S., c. 95, s. 17.

64. Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. R.S., c. 95, s. 17.

GENERAL.

65. The Minister may authorize to be set apart, or to be leased, any river or other water for the natural or artificial propagation of fish. 57-58 V., c. 51, s. 10.

66. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage during R.S., 1906.
during four months after the same is due, and any lessee or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license. R.S., c. 95, s. 21.

67. Special licenses and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or license shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or license. R.S., c. 95, s. 21.

68. The Minister may authorize to be expended annually any sum appropriated by Parliament, for,—
(a) the formation of oyster beds in various waters and places found adapted for that purpose; and,
(b) transplanting oysters and restocking exhausted fisheries by natural or artificial means; and,
(c) improving streams where natural obstructions exist; and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any watercourse, and in the channels or beds thereof. R.S., c. 95, s. 21.

69. Every subject of His Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

2. All subjects of His Majesty may take bait or fish in any of the harbours or roadsteads, creeks or rivers, subject to the provisions of this Act respecting the leasing or licensing of fisheries and fishing stations.

3. No property leased or licensed shall be deemed vacant. R.S., c. 95, s. 22.

PROTECTION OF FISHERMEN.

70. No dory, flat, whaler or other boat whatsoever shall set out from any vessel engaged in deep-sea or bank fishing, or be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of

R.S., 1906.
of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat to be retained therein during absence from such vessel a mariner's compass, nor unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat.

2. The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass, and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet. 61 V., c. 44, s. 1.

OFFENCES AND PENALTIES.

71. Every one shall incur a penalty not exceeding five hundred dollars, and not less than three hundred dollars, who at any time, except under license from the Minister,—

(a) engages in the manufacture from whales of oil or other commercial product; or,

(b) employs any vessel or boat in the whale fishery. 4 E. VII., c. 13, s. 1.

72. Every one who hunts or kills fish or marine animals of any kind, other than porpoises, whales, and walruses, by means of rockets, explosive materials, or explosive projectiles or shells, shall be liable to a penalty not exceeding three hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding six months. 3 E. VII., c. 23, s. 1.

73. Every one who violates any provision of this Act relating to whale fishing or of the regulations made thereunder, for which violation no penalty is herein specially provided, shall be liable to a fine not exceeding two hundred dollars, and not less than fifty dollars.

2. All machinery and apparatus, and all vessels and boats, and their tackle, apparel and furniture, used in such violation shall be confiscated to His Majesty. 4 E. VII., c. 13, ss. 12 and 13.

74. Every one who, with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturbs, impedes or injures any sedentary seal fishery, or prevents, hinders or frightens the shoals of seals coming into such fishery, shall, for each offence, be liable to a penalty not exceeding sixty dollars and, in default of payment, to imprisonment for a term not exceeding one month; and shall also be liable to pay such damages as are assessed by the fishery officer or justice of the peace before whom the person injured complains. R.S., c. 95, s. 7.

731

75. R.S., 1906.
75. Every one who, without the special fishery lease or license provided for by this Act, fishes for salmon above the actual limit defined by the Minister or fishery officer as the tidal boundary of estuary fishing, except with a rod and line, in the manner known as fly-surface-fishing, shall be liable to a penalty not exceeding one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding two months. R.S., c. 95, s. 8.

76. Every case or package containing lobsters canned or cured in Canada not labelled or stamped according to the provisions of this Act, or which, being unlabelled or unstamped, is removed from the factory or canning establishment where such lobsters have been canned or cured, without a permit from the Minister, shall be liable to seizure, and, upon seizure, shall become confiscated to His Majesty; and the owner, packer or exporter of any such case or package shall be liable to a penalty not exceeding twenty dollars and costs. 58-59 V., c. 28, s. 1.

77. Every case or package containing lobsters imported into Canada, without being labelled or stamped with such label or stamp as is prescribed by the Minister shall be liable to seizure, and, upon seizure, shall become confiscated to His Majesty; and the person or persons owning or possessing any such case or package shall be liable to a penalty not exceeding forty dollars and costs. 58-59 V., c. 28, s. 1.

78. Every owner or manager of a lobster factory or canning establishment in Canada who fails to send to the Minister, not later than the first day of September in every year, a true return of,—

(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) the number of cases of lobsters packed during the season; and,

(d) such other details and particulars as are from time to time required by the Minister;

shall be liable to a penalty not exceeding four hundred dollars and costs. 58-59 V., c. 28, s. 1.

79. Every manager or proprietor of a lobster factory or canning establishment who refuses on demand to produce his license to any fishery officer, shall be liable to a penalty not exceeding one hundred dollars and costs. 58-59 V., c. 28, s. 1.

80. Every manager or proprietor of a lobster factory or canning establishment who obstructs any fishery officer in the discharge
discharge of his duty shall be liable to a penalty not exceeding one hundred dollars and costs. 58-59 V., c. 28, s. 1.

81. Every manager or owner of a lobster factory or canning establishment who, on the request of any person authorized or employed by the Minister to hatch lobsters, neglects or refuses to take from and keep, as far as possible and with due care, and in such manner as is from time to time prescribed by the Minister, all eggs attached to lobsters brought to such factory or canning establishment, or neglects or refuses to deliver such eggs to a person authorized by the Minister to receive them, shall be liable to a penalty not exceeding five dollars for each such neglect or refusal. 58-59 V., c. 28, s. 1.

82. Every person who counterfeits or alters any label or stamp prescribed by the Minister to be labelled or stamped on any case or package containing lobsters canned or cured in Canada, or, with fraudulent intent, labels or stamps any such case or package with any label or stamp purporting to be the label or stamp so prescribed by the Minister, shall be liable to a penalty of forty dollars and costs. 58-59 V., c. 28, s. 1.

83. Every owner or occupier of a dam, slide, or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, who, after three days' notice in writing, neglects or refuses to provide a durable and effective fish-way, or to maintain the same in a practical and effective condition in such place and of such form and capacity as will admit of the passage of fish, shall be liable to a penalty of four dollars for each day during which any such dam, slide or other obstruction to the stream remains unprovided with such fish-way. R.S., c. 95, s. 13.

84. Except taking bait for cod-fishing or angling for purposes other than those of trade and commerce, every one who fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits, described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall be liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and the fishing apparatus so used, and all fish taken or caught, shall be forfeited, and any fishery officer or the holder of any such lease or license may, on view, forthwith seize and remove any net or apparatus so used, to be dealt with according to law. R.S., c. 95, s. 14.

85. Every one using purse seines for the capture of fish in any of the waters of Canada, except, as to certain waters in the province R.S., 1906.
province of British Columbia, under a special fishery license of the Minister, shall be liable for each offence, to a penalty of not less than fifty dollars, and not exceeding five hundred dollars together with the confiscation of the vessel, boat and apparatus used in connection with such capture. 3 E. VII., c. 23, s. 2.

86. In the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory, every owner of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, who,—

(a) neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fish-guard or a metal or wire grating, covering or netting with meshes not more than three-eighths of an inch in diameter, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal; or,

(b) permits the removal of such fish-guard, grating or netting, except for removal or repair; or,

(c) during the time such removal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal; shall, after three days' notice in writing from the Minister, or from a fishery officer, be liable to a penalty of four dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved and properly maintained netting, grating or fish-guard. 57-58 V., c. 51, s. 5.

87. Every one who, contrary to the provisions of this Act, throws overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable to penalty.
penalty and imprisonment as aforesaid for each such offence. R.S., c. 95, s. 15.

88. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance, in any water frequented by any of the kinds of fish mentioned in this Act, shall be liable, for a first offence, to a penalty of twenty dollars and costs; for the second offence, to a penalty not exceeding forty dollars and costs, and also in addition thereto a further penalty not exceeding ten dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty not exceeding one hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. 58-59 V., c. 27, s. 1.

89. Every person who wilfully destroys or injures any place set apart or leased under the authority of the Minister for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing light or other implement for fishing, during the period for which such waters are so set apart or leased, shall be liable to a penalty not exceeding two hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding four months. 57-58 V., c. 51, s. 10.

90. Every one who takes oysters from any oyster bed, set apart by the Minister for any purpose under this Act, or in any way injures or disturbs such oyster beds, except during the times and on the terms permitted by regulation under this Act, shall be liable to a penalty not exceeding one hundred dollars and not less than forty dollars, and in default of payment, to imprisonment for a term not exceeding two months and not less than one month; and the vessel and all apparatus used in the taking of such oysters, or the injury or disturbance of such oyster beds, shall be forfeited. R.S., c. 95, s. 21.

91. The owner of any vessel, who,—

(a) permits any dory, flat, whaler or other boat whatsoever to set out from any vessel engaged by him in deep-sea or bank fishing, or to be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, without there being placed in such boat to be retained therein during absence from such vessel, a mariner's compass, and at least R.S., 1906.
least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or,

(b) fails to supply any vessel by him so engaged in deep-sea or bank fishing, at the commencement of her voyage, with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet;

shall be guilty of an offence against this Act, and shall be liable for each offence to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

2. The master of any such vessel from which a boat is launched or sets out in contravention of the provisions of this section shall also be guilty of an offence against this Act, and liable therefor to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months. 61 V., c. 44, s. 2.

92. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation under it, and any fish or other marine animal taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation under it, and all other fish, shell-fish or marine animals otherwise legally taken, caught, killed, conveyed, bought, sold, or had in possession, and of whatever size and description, which are intermixed therewith, shall be confiscated to His Majesty, and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. 61 V., c. 39, s. 4.

93. Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation thereunder for more than one day, then each day during which such seines, nets or other fishing apparatus shall remain so set or used shall constitute a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation thereunder, continue for more than one day, then each day during which such violation continues shall constitute a separate offence, and may be punished as such. 57-58 V., c. 51, s. 9.

94. Except as herein otherwise provided, every one who violates any provision of this Act or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding three months; and any fishery officer or justice of the peace may grant a warrant of distress for the amount of such penalty and costs. 61 V., c. 39, s. 3.
95. When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act, or of any regulation made under it. R.S., c. 95, s. 19.

Mode of Recovery.

96. Every penalty or forfeiture imposed by this Act or regulations made under it, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner.

2. Three days shall elapse between the service and the return Service of summons.

97. Penalties incurred under this Act, or the regulations made under it, shall be sued for within two years from the commission of the offence. R.S., c. 95, s. 19.

98. If any defendant has goods and chattels whereon the costs may be levied, the complainant may under the warrant of any fishery officer or other justice of the peace, distraint for the amount thereof, notwithstanding the imprisonment of the person convicted. R.S., c. 95, s. 18.

Forms of Procedure.

99. The forms in the schedule to this Act may be used when applicable, and Part XV. of the Criminal Code shall apply to proceedings under this Act. R.S., c. 95, s. 20.

100. No proceeding or conviction under this Act or under any regulation made under it shall be set aside or quashed for want of form. No quashing for want of form.

Application of Fines and Forfeitures.

101. A moiety of every pecuniary penalty levied by virtue of this Act shall belong to His Majesty, and the other moiety shall R.S., 1906.
shall be paid to the prosecutor, together with costs taxed to him in respect thereof. 54-55 7., c. 43, s. 2.

102. His Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Minister of Finance through the Department of Marine and Fisheries, and be applied towards the expenses incurred for the protection of the fisheries. R.S., c. 95, s. 18.

Appeal.

103. Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, who may remit penalties and restore forfeitures under this Act. R.S., c. 95, s. 18.

SCHEDULE.

Form of Complaint.

Province of 
County (or district) of 
This day of , 19

To J.S., a justice of the peace for the said county (or district).

A. B., of , complains that C. D., of , hath (state the offence briefly in any intelligible terms, with the time and place at which it was committed), in contravention of the Fisheries Act; Wherefore the complainant prays that judgment may be given against the said C. D., as by the said Act provided.

A. B.

Summons to Defendant.

Province of 
County (or district) of 
To C. D., of , etc.

Whereas complaint has (this day) been made before me that you (state the offence in the words of the complaint, or to the like
like effect) in contravention of the Fisheries Act: Therefore you are hereby commanded to come before me, at the day of , at o'clock in the , to answer the said complaint and to be dealt with according to law.

Witness my hand and seal, this day of , 19.

Justice of the Peace for [L. S.]

Subpoena to a Witness.

To E. F., of etc.

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

Witness my hand and seal, this day of , 19.

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

Form of Conviction.

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

47½ 739

(R.S., 1906.)
Chap. 45. Fishing.

(If the penalty be not forthwith paid, add), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the common gaol of the county (or district) of for the period of

Witness my hand and seal, this day of , 19.

J.S.,
(as in summons.)

[LT. S.]

Form of Warrant of Commitment for Non-payment of Penalty or Forfeiture and Costs.

Province of 
County (or district) of 

To the constables and peace officers of the county (or district) of and the keeper of the common gaol of the said county (or district), at

Whereas C. D. of , was on the day of , 19, convicted before me, for that he, etc. (as in conviction), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., etc. (as in conviction): And whereas the said C. D. hath not paid the said penalty or forfeiture and costs: Therefore, I command you, the said constables and peace officers or any of you, to convey the said C. D. to the common gaol for the of , at

and deliver him to keeper thereof with this warrant; and I command you the said keeper of the said gaol to receive the said C. D. into your custody, and keep him safely imprisoned in the said gaol for the space of , and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this day of , 19.

J.S.,
(as in summons.)

[LT. S.]

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 46.

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

SHORT TITLE.

1. This Act may be cited as the Deep Sea Fisheries Act. Short title.

SUBSIDY.

2. The Governor in Council may authorize the payment, Grant for out of the Consolidated Revenue Fund of Canada, of an annual grant not exceeding one hundred and sixty thousand dollars, to aid in the development of the sea fisheries of Canada, and the encouragement of the building and fitting out of improved fishing vessels, and the improvement of the condition of the fishermen. 54-55 V., c. 42, s. 1.

3. Such grant shall be appropriated for the said purposes How to be at such times and by such instalments in each year, as the Governor in Council directs. R.S., c. 96, s. 2.

4. A statement shall annually be laid before both Houses Yearly state- of Parliament within the first twenty days of the session, of the mode in which the said grant has been expended, together what it shall with copies of all orders in council relating to such grant and show. expenditure. R.S., c. 96, s. 4.

OFFICERS.

5. Every fishery officer who, by virtue of his appointment Fishery as such, is authorized by the Governor in Council, under authority of the Fisheries Act, to exercise the powers of a justice the peace of the peace ex officio, shall for all the purposes of this Act and the regulations made under it, be ex officio a justice of the peace within the district for which he is appointed to act as a fishery officer. 54-55 V., c. 42, s. 2.

INVESTIGATIONS.

6. The Minister of Marine and Fisheries, whenever he As to any deems it expedient to cause inquiry to be made into and con- cerning any matter connected with the said grant or the pay- ment R.S., 1906.
Powers of fishery officers.

2. Such fishery officer shall have all the powers and authority of a commissioner appointed under the provisions of Part I. of the Inquiries Act, and the provisions of the said Part, in so far as they are applicable, shall apply to the inquiry held by such fishery officer. 58-59 V., c. 29, s. 1.

REGULATIONS.

7. The Governor in Council may, from time to time, make such regulations as he deems necessary or expedient respecting the payment of the said grant and the manner in which applications for the same or any portion thereof shall be made and established, and may require persons applying for the grant or any portion thereof to verify their claims, or any statements made by any person in connection therewith, upon oath.

2. Such regulations shall, after publication in the Canada Gazette, have the force of law. 54-55 V., c. 42, s. 2.

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CHAPTER 47.
An Act to protect the Customs and Fisheries.

SHORT TITLE.

1. This Act may be cited as the Customs and Fisheries Protection Act.

LICENSES.

2. The Governor in Council may, from time to time, grant licenses to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom or of Canada, at such rate and for such term not exceeding one year, as he deems expedient, a license to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London, on the twentieth day of October, one thousand eight hundred and eighteen. R.S., c. 94, s. 1.

3. The Governor in Council may, from time to time, authorize the issue of licenses to United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, during the periods mentioned in such licenses, for the purposes of,—
   (a) the purchase of bait, ice, seines, lines and all other supplies and outfits; and,
   (b) the transhipment of catch, and the shipping of crews.

2. The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council.

3. No license shall be issued for a longer period than one year, and all licenses shall expire on the thirty-first day of December of the year for which they are issued. 55-56 V., c. 3, s. 1.

4. The order in council for the issue of such licenses shall, without delay, be communicated to both Houses of Parliament, if Parliament is then in session, or, if not then in session, within five days. R.S., 1906, c. 3, s. 1.
Chap. 47. Customs and Fisheries Protection.

within the first ten days of the next ensuing session. 55-56 V., c. 3, s. 2.

BOARDING AND SEARCH.

5. Any commissioned officer of His Majesty's navy, serving on board of any vessel of His Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to His Majesty's subjects engaged in the fisheries, or any commissioned officer of His Majesty's navy, fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbour in Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours in Canada, or in or upon the inland waters of Canada, and stay on board so long as she remains within such harbour or distance. R.S., c. 94, s. 2.

6. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbour in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks or harbours in Canada, or in or upon the inland waters of Canada, into port, and search her cargo, and may also examine the master or person in command upon oath touching the cargo and voyage. R.S., c. 94, ss. 3 and 20.

7. Every ship, vessel, or boat, liable to seizure or examination under this or any Act of the Parliament of Canada shall bring to, when required so to do in the King's name by any commissioned officer of His Majesty's navy, or any officer of the Customs or of the fisheries protection service, or person employed as such, or any stipendiary magistrate, on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the Customs or Fisheries, or, upon signal made by any such Government vessel or cruiser by hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

2. On any such ship, vessel or boat failing to bring to when required being chased by any such Government vessel or cruiser having such pennant and ensign hoisted, the captain, master or other person in charge of such Government vessel or cruiser may, after first causing a gun to be fired as a signal, fire at or into such ship, vessel or boat.

3. Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemni-
fied and discharged from any indictment, penalty, action, or other proceeding for so doing. 61 V., c. 38, ss. 1 and 2.

8. No person on board of any ship, vessel or boat, so liable to seizure or examination, which is being chased by any Government vessel or other cruiser for having failed to bring to upon being required so to do or upon signal made as in the last preceding section provided, shall, during such chase, and before such ship, vessel or boat brings to, throw overboard, stave or destroy any part of the cargo of such ship, vessel or boat to prevent seizure. 61 V., c. 38, s. 3.

OFFENCES AND PENALTIES.

9. If the master or person in command of any ship, vessel or boat does not, upon any examination on oath by any officer or person under the authority of this Act touching the cargo and voyage of any such ship, vessel or boat, truly answer all questions put to him in such examination, he shall incur a penalty of four hundred dollars. R.S., c. 94, s. 3.

10. Every ship, vessel or boat which is foreign, or not navigated according to the laws of the United Kingdom or of Canada, which,—

(a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the limits specified and described in the first article of the aforesaid convention, or in or upon the inland waters of Canada, without a license then in force granted under this Act; or,

(b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force;

shall, together with the tackle, rigging, apparel, furniture, stores and cargo thereof, be forfeited. R.S., c. 94, ss. 3 and 20.

11. If any ship, vessel, or boat, liable to seizure or examination under this or any Act of the Parliament of Canada does not bring to, when required so to do in the King’s name by any commissioned officer of His Majesty’s navy, or any officer of the Customs or of the fisheries protection service, or person employed as such, or any stipendiary magistrate on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the Customs or Fisheries, or upon signal made by any such Government vessel or cruiser by hoisting the pennant and ensign approved and appointed for such purpose by order of the Governor in Council, the master or officer in charge of such ship, vessel, or boat, shall incur a penalty of four hundred dollars.

745

2. R.S., 1906.
2. The ship, vessel, or boat, may be seized and detained until such penalty is paid. 61 V., c. 38, s. 1.

12. If, during chase by such Government vessel or cruiser, or before such ship, vessel, or boat brings to, any person on board of such ship, vessel or boat throws overboard or staves or destroys any part of her cargo to prevent seizure, such ship, vessel, or boat shall be forfeited. 61 V., c. 38, s. 3.

13. Every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, is guilty of an indictable offence, and liable to a fine of eight hundred dollars and to two years' imprisonment. R.S., c. 94, s. 4.

PROCEDURE.

14. All suits and proceedings for the forfeiture or sale of any ship, vessel or boat, or for the recovery and enforcement of any penalty imposed by reason of,—

(a) such ship, vessel, or boat not bringing to when required so to do in the King's name, as by this Act provided; or,

(b) the throwing overboard, staving or destroying by any person on board any such ship, vessel, or boat during chase by any Government cruiser or vessel, or before such ship, vessel, or boat brings to, after being required so to do in the King's name, of any part of her cargo to prevent seizure;

may, in addition to any other remedy provided by law, be commenced and prosecuted under the procedure provided by the Customs Act, in so far as the same is applicable.

2. The proceeds of such penalties and forfeitures shall be dealt with in the same manner as the proceeds of penalties and forfeitures under the laws relating to the Customs. 61 V., c. 38, s. 4.

15. All goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo liable to seizure or forfeiture under this Act, may be seized and secured by any of the officers or persons hereinbefore authorized to go on board of, search or pursue a ship, vessel or boat. R.S., c. 94, s. 4.

16. All goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or Customs officer, or other person, as the Minister of Marine and Fisheries, from time to time, directs, or shall be retained by the officer making the seizure in his own custody, if so directed by the Minister; and,

R.S., 1906.
in either case, shall be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the province in which the seizure is made, to be secured and kept. R.S., c. 94, s. 5.

17. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall, under regulations made from time to time by the Governor in Council, be sold by public auction, by direction of the officer who has the custody thereof: Provided that the Governor in Council may direct that any goods, vessels or boats and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited shall be destroyed or be reserved for the public service.

2. The proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale; and the Governor in Council may from time to time apportion three-fourths or less of the net remainder among the officers and crew of any of His Majesty’s ships or Canadian Government vessels from on board of which the seizure was made as he thinks right, but he shall reserve to the Crown and pay over to the Minister of Finance at least one-fourth of such net remainder to form part of the Consolidated Revenue Fund of Canada. R.S., c. 94, s. 6.

18. Every penalty or forfeiture under this Act may be recovered or enforced in the Exchequer Court of Canada on its Admiralty side, or in any superior court in the province within which the cause of prosecution arose. R.S., c. 94, ss. 7 and 20.

19. The Judge of the Exchequer Court on its Admiralty side or any local judge in Admiralty, or any judge of any superior court in which the cause is pending, may, with the consent of the person who seizes any goods, ship, vessel or boat, and the tackle, rigging, apparel, furniture, stores and cargo forfeited under this Act, order the redelivery thereof, on security by bond to be given by the party, with two sureties, to His Majesty; and, if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so redelivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. R.S., c. 94, s. 8.

20. The Attorney General of Canada may, in His Majesty’s name, sue for or enforce any penalty or forfeiture incurred under this Act. R.S., c. 94, s. 9.

21. The burden of proving the illegality of any seizure, made for alleged violation of any of the provisions of this Act, or R.S., 1906.
or that the officer or person seizing was not by this Act authorized to seize, shall lie upon the owner or claimant. R.S., c. 94, s. 10.

22. No claim to anything seized under this Act and returned into the Exchequer Court on its Admiralty side for adjudication shall be entered in such Court, unless the claim is entered under oath, made by the owner, his attorney or agent, setting forth to the best of his knowledge and belief the name of the owner, his residence and occupation, and the description of the property claimed. R.S., c. 94, s. 11.

23. No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding two hundred and forty dollars, to answer and pay the costs occasioned by such claim.

2. In default of such security, the things seized shall be declared forfeited, and shall be condemned. R.S., c. 94, s. 12.

24. No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done under this Act, until one month after notice in writing containing a statement of the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent, has been delivered to such officer or person or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent.

2. No evidence of any cause of action except such as is contained in such notice shall be admitted. R.S., c. 94, s. 13.

25. Every officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the person complaining, or to his attorney or agent, and may plead such tender. R.S., c. 94, s. 16.

26. Every such action shall be brought within three months after the cause thereof has arisen. R.S., c. 94, s. 14.

27. If, on any information or suit brought to trial under this Act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof.

2. If any suit is brought against any person on account of any seizure under this Act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than four cents damages, and shall not recover any costs, nor, in case of prosecution, shall the defendant be fined more than twenty cents. R.S., c. 94, s. 15.

R.S., 1906.
28. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed. R.S., c. 94, s. 17.

29. No appeal shall be prosecuted from any decree, or sentence of any court, in respect of any penalty or forfeiture imposed by this Act, unless the inhibition is applied for and decreed within twelve months from the decree or sentence being pronounced. R.S., c. 94, s. 18.

30. In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings, and, in cases of condemnation, may relieve from the penalty, in whole or in part, and on such terms as are deemed right. R.S., c. 94, s. 19.

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CHAPTER 48.
An Act respecting the Customs.

SHORT TITLE.

1. This Act may be cited as the Customs Act. R.S., c. 32, Short title. s. 1.

INTERPRETATION.

2. In or for the purposes of this Act, or any other law relating to the Customs, unless the context otherwise requires,—

(a) 'Minister' means the Minister of Customs;
(b) 'port' means a place where vessels or vehicles may discharge or load cargo;
(c) 'collector' means the collector of the Customs at the port or place intended, or any person lawfully deputed, appointed or authorized to do the duty of collector thereat;
(d) 'officer' means an officer of the Customs;
(e) 'vessel' includes any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, and also includes any vehicle as hereinafter defined;
(f) 'vehicle' means any cart, car, wagon, carriage, barrow, sleigh or other conveyance of what kind soever, whether drawn or propelled by steam, by animals, or by hand or other power, and includes the harness or tackle of the animals, and the fittings, furnishings and appurtenances of the vehicle;
(g) 'master' means the person having or taking charge of any vessel or vehicle;
(h) 'conductor' means the person in charge or having the chief direction of any railway train;
(i) 'owner,' 'importer,' or 'exporter' includes any person lawfully acting on behalf of the owner, importer or exporter;
(j) 'goods' means goods, wares and merchandise, or movable effects of any kind, including carriages, horses, cattle and other animals;
(k) 'warehouse' means any place, whether house, shed, yard, dock, pond or other place in which goods imported may be lodged, kept and secured without payment of duty:

R.S., 1906.
(l) 'Customs warehouse' includes sufferance warehouse, bonding warehouse and examining warehouse;

(m) 'oath' includes declaration and affirmation;

(n) 'seized and forfeited,' 'liable to forfeiture,' or 'subject to forfeiture,' or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time and by the commission of the offence, in respect of which the penalty or forfeiture is imposed;

(o) 'value' in respect of any penalty or forfeiture imposed by this Act and based upon the value of any goods or articles, means the duty-paid value of such goods or articles at the time of the commission of the offence by which such penalty or forfeiture is incurred;

(p) 'frontier port' means the first port at which the vehicle carrying the goods to be entered arrives by land in Canada after crossing the frontier, and the sea, lake or river port at which the vessel in which the goods are carried arrives direct from a port or place out of Canada;

(q) 'court' means the Exchequer Court of Canada, or any superior court;

(r) 'duty' or 'duties' includes special duty and surtax;

(s) all carrying by water which is not a carrying by sea or coastwise shall be deemed to be a carrying by inland navigation;

(t) the necessary discharging of any goods for the purpose of lightening a vessel in order to pass any shoal or otherwise for the safety of such vessel shall not be deemed an unlawful landing or breaking of bulk.

2. All the expressions and provisions of this Act, or of any law relating to the Customs, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit. R.S., c. 32, ss. 2, 29, 111; 51 V., c. 14, s. 2; 58-59 V., c. 22, s. 3; 4 E. VII., c. 10, s. 1.

DEPARTMENT OF CUSTOMS.

3. There shall be a department which shall be called the Department of Customs, over which the Minister of Customs for the time being appointed by the Governor General by commission under the Great Seal, shall preside. R.S., c. 32, s. 3; 60-61 V., c. 18, s. 2.

4. There shall be a Commissioner of Customs, who shall be the deputy of the Minister, appointed by the Governor in Council, who shall hold office during pleasure, and shall have such powers.

R.S., 1906.
powers and perform such duties as are assigned to him by the Governor in Council, or by the Minister. R.S., c. 32, s. 4; 58-59 V., c. 22, s. 3.

5. There shall be an Assistant Commissioner of Customs appointed by the Governor in Council, who shall hold office during pleasure, and shall have such powers and perform such duties as are assigned to him by the Governor in Council, or by the Minister. 3 E. VII., c. 14, s. 3.

6. The Minister may, from time to time, authorize the employment of such temporary or acting officers of Customs in the second or outside division of the Department of Customs as are required to carry on the work of the Department.

2. No such officer so employed shall receive a higher salary than he would be allowed if appointed permanently to the same rank and class; nor shall any such salary be paid until voted by Parliament. 3 E. VII., c. 14, s. 4.

7. The Department of Customs shall have the control and management of the collection of the duties of Customs, and of matters incident thereto, and of the officers and persons employed in that service. R.S., c. 32, s. 5.

**BOARD OF CUSTOMS.**

8. There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the chairman of the Board, and such other duly qualified officers of Customs as the Governor in Council from time to time appoint.

2. The Board of Customs shall have such powers and perform such duties as are assigned to it by any Act of the Parliament of Canada or by the Governor in Council.

3. Three members of the Board, of which one member shall be either the Commissioner of Customs, or the officer for the time being acting as Commissioner of Customs, shall form a quorum, and be competent to transact the business of the Board at any meeting thereof, whether regular or special, called by the chairman. 3 E. VII., c. 14, s. 3.

**APPRAISERS.**

9. The Governor in Council may appoint appraisers to be called Dominion Customs appraisers and assistant Dominion Customs appraisers, with jurisdiction at all ports and places in Canada; and may also appoint Customs appraisers and assistant Customs appraisers with jurisdiction at such ports and places in Canada as are designated in the order in council in that behalf. 51 V., c. 14, s. 12.

10. R.S., 1906.
10. Every such appraiser and assistant appraiser shall, before acting as such, take and subscribe the following oath of office before any collector, or other person duly authorized to administer such oath:—

'I, A.B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of (or as the case may be), do solemnly swear (or affirm) that I will faithfully perform the duties of the said office without partiality, fear, favour or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent and meaning of the laws imposing duties of Customs in Canada; and that I will use my best endeavours to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, wares or merchandise on which any duty is chargeable. So help me God.

'A. B.,
Appraiser for
(as the case may be).

'Sworn before me, this day of 19
(as the case may be).

51 V., c. 14, s. 12.

11. If no appraiser is appointed in any port of entry, the collector there shall act as appraiser, but without taking any special oath of office as such.

2. The Minister may, at any time, direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, and such appraiser shall accordingly do so without taking any new oath of office.

3. Every appraiser shall be deemed an officer of the Customs. R.S., c. 32, s. 57.

APPLICATION OF CONSOLIDATED REVENUE AND AUDIT ACT.

12. The duties imposed by any Act relating to the Customs shall be held to be duties within the meaning of the Consolidated Revenue and Audit Act, and shall, with all the matters and things thereunto relating, be subject to the provisions of the said Act, and to the regulations and orders of the Governor in Council, made under the authority thereof, in so far as the same are not inconsistent with this Act.

2. All moneys arising from such duties, or from any penalties by this Act imposed, and belonging to His Majesty, shall be paid over by the officer receiving the same to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 32, s. 6.

R.S., 1906.
13. No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, or from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unloading of the same.

2. No goods shall be so unladen, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal, rock, bar or sand bank, except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unloading of such goods.

3. If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unloading of any part thereof, or if any part thereof is fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk. R.S., c. 32, s. 21.

14. All goods imported into Canada, whether by sea, land, coastwise, or by inland navigation, whether dutiable or not, shall be brought in at a port of entry where a Custom-house is lawfully established. R.S., c. 32, s. 23.

15. The collector or proper officer of any Canadian seaport may cause any vessel, bound for such seaport from any port out of Canada, to be boarded by an officer, detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom-house on arrival, and may remain on board the vessel until she anchmors.

2. The copy of the report so received by such officer shall be deposited by him at the Custom-house, as the vessel's report inwards, for comparison with that to be presented by the master or purser in person. R.S., c. 32, s. 24.

16. The master of every vessel coming from any port or place out of Canada, or coastwise, and entering any port in Canada, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom-house for the port or place of entry where he arrives, and there make a report in writing to the collector or other proper officer, of the arrival and voyage of such vessel.

2. The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, R.S., 1906.
ter, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same were laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board. R.S., c. 32, s. 25.

17. The master or person in charge of any vessel, whether laden or in ballast, arriving by inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein, whether any duty is payable on such goods or not, shall go without delay, when such vessel is anchored or moored, directly to the Custom-house for such port or place of entry, and make a report in writing, in such form as is appointed for that purpose by competent authority, to the collector or other proper officer, of the arrival of such vessel.

2. The report shall state, so far as the following particulars are known to the master or person in charge, the marks and numbers of every package and parcel of goods in such vessel, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom they are consigned or belong.

3. The master or person in charge of the vessel shall then and there produce such goods to the collector or other proper officer, and shall declare that no goods have been unladen from such vessel or have been put out of his possession, between the time of his coming within the limits of Canada and of his making his report and affidavit, and shall further answer all such questions concerning such vessel or goods as are demanded of him by such collector or officer. R.S., c. 32, s. 26.

18. The master shall, at the time of making his report, if required by the officer, produce to him the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report. R.S., c. 32, s. 27.

19. If the contents of any package intended for importation into another port, or for exportation, are unknown to the master,
the officer may open and examine it, and cause it for that purpose to be landed if he sees fit. R.S., c. 32, s. 30.

20. If any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly under such regulations, and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council, from time to time, directs. R.S., c. 32, s. 31.

21. The conductor of every railway train carrying freight arriving at any port in Canada, from any foreign port or place, shall come directly, and before bulk is broken, to the Custom-house at such port, and report all merchandise on board his train, or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom it is consigned, and what part thereof, if any, is intended to pass "in transitu" through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada. R.S., c. 32, s. 32.

22. No goods shall be imported into Canada in any vehicle, other than a railway carriage, or on the person, between sunset and sunrise on any day, or at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs, and under the supervision of an officer. 52 V., c. 14, s. 3.

23. (a) The person in charge of any vehicle other than a railway carriage, arriving by land at any place in Canada and containing goods, whether any duty is payable on such goods or not; and,

(b) The person in charge of any such vehicle so arriving, Idem. whether containing goods or not, if the vehicle, or its fittings, furnishings or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty; and,

(c) Every person whosoever so arriving in Canada from any port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods are dutiable or not; shall come to the Custom-house nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom-house, before unlading or in any manner disposing of them. R.S., 1906.
the same, and there make a report in writing to the collector or proper officer, stating the contents of each and every package and parcel of such goods and the quantities and values of the same.

2. Such person shall also then truly answer all questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances and animals, and the harness or tackle appertaining thereto, as the said collector or proper officer requires of him, and shall then and there make due entry of the same, in accordance with the law in that behalf. 52 V., c. 14, s. 3.

24. Every importer of goods by sea from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same.

2. Every importer of goods imported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods and land the same.

3. Every importer of goods imported by inland navigation in any undecked vessel, or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof. R.S., c. 32, s. 34.

25. The person entering any goods inwards shall deliver to the collector or other proper officer,—

(a) an invoice of such goods showing the place and date of purchase and the name or the style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported; and,

(b) a bill of entry of such goods, in such form as is appointed by a competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, and if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen, and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture. R.S., c. 32, s. 35.

26. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty, and the invoice thereof shall be produced to the collector. R.S., c. 32, s. 38.

27. Unless the goods are to be warehoused in the manner by this Act provided, the importer shall, at the time of entry pay down

R.S., 1906.
down, or cause to be so paid, all duties upon all goods entered inwards; and the collector or other proper officer shall, immedi-
diately thereupon, grant his warrant for the unloading of such
goods, and grant a permit for the conveyance of such goods
further into Canada, if so required by the importer. R.S.,
c. 32, s. 36.

28. In default of such entry and landing, or production of
the goods, or payment of duty, the officer may convey the goods
to a Customs warehouse, or some secure place appointed by the
collector for such purpose, there to be kept at the risk and
charge of the owner.

2. If such goods are not duly entered within one month from
the date of their being so-conveyed to the Customs warehouse,
or other appointed place, and all charges of removal and ware-
house rent duly paid at the time of such entry, the goods shall
be sold by public auction to the highest bidder; and the proceeds
thereof shall be applied first to the payment of duties and
charges, and the surplus, if any, after discharging the vessel's
lien, or other charges for transportation, shall be paid to the
owner of the goods or to his lawful agent: Provided that, if the
goods cannot be sold for a sum sufficient to pay the duties and
charges, if offered for sale for home consumption, or the charges,
if offered for sale for exportation, such goods shall not be sold,
but shall be destroyed. R.S., c. 32, s. 37.

29. If the importer of any goods whereon an ad valorem
duty is imposed, or the person authorized to make the declara-
tion required with regard to such goods, makes and subscribes
a declaration before the collector or other proper officer, that he
cannot, for want of full information, make perfect entry there-
of, and takes the oath in such cases provided, then the collector
or officer may cause such goods to be landed on a bill of sight
for the packages and parcels thereof, by the best description
that can be given, and to be seen and examined by such person
and at his expense, in the presence of the collector or other
proper officer, or of such other officer as is appointed by the said
collector or other proper officer, and to be delivered to such per-
son, on his depositing in the han' s of the collector or officer a
sum of money sufficient in the judgment of the collector or
officer to pay the duties thereon.

2. If the importer does not complete a perfect entry within
the time appointed by the collector, the money so deposited shall
be taken and held to be the duty accruing on such goods, and
shall be dealt with and accounted for accordingly. R.S., c. 32,
s. 39.

30. Such sight entry may be made as aforesaid and the
goods may be delivered, if such importer or person as aforesaid
makes oath or affirms that the invoice has not been and cannot
be produced, and pays to the collector or proper officer afores-
said a sum of money sufficient in the judgment of such collector

R.S., 1906.
or officer to pay the duties on such goods; and such sum shall then be held to be the amount of such duties. R.S., c. 32, s. 40.

31. No entry shall, except in cases in which it is otherwise provided herein or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act, and, in the case of consigned goods, verified by the oath of the consignor. 51 V., c. 14, s. 9.

32. With the bill of entry of any goods, there shall be produced and delivered to and left with the collector an invoice of the goods, as provided in the last preceding section, attested by the oath of the owner, and if the owner is not the person entering such goods, then verified by the oath of the importer or consignee, or, subject to the provision hereinafter made, some other person who may lawfully make such entry and verify such invoice, in the form or to the effect of the oath or oaths prescribed by the Governor in Council in that behalf.

2. Such oath or oaths shall be written or printed, or partly written and partly printed on such invoice, or on the bill of entry, as the case may be, or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which the oath is intended to apply, and such oath shall be subscribed by the person making it and certified by the signature of the person before whom it is made.

3. The bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf. R.S., c. 32, s. 42.

33. If there are more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of Canada, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner, or one of the non-resident owners, if there are more than one, cognizant of the facts shall be requisite to the due attestation of the invoice. R.S., c. 32, s. 43.

34. The invoice of any goods produced and delivered to the collector, with the bill of entry thereof, shall, if required by the collector, be attested by the oath of the owner or one of the owners of such goods, and shall also be verified by the oath of the importer or consignee or other person who may, under this Act, lawfully

R.S., 1906.
lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods; and shall also, if required by the collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the last preceding section, although one of the owners is the person entering the goods and verifying the invoice on oath. R.S., c. 32, s. 44.

35. If the owner, importer or consignee of any goods is dead, or a bankrupt or insolvent, or if for any cause his personal estate is being administered by another person, his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made. R.S., c. 32, s. 45.

36. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there is attached to the bill of entry therein referred to, a declaration by the owner, consignee or importer of the said goods, or his attorney and agent duly appointed to transact business with the collector, pursuant to the provisions in that behalf of this Act, to the same effect as the oath, distinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, or by his attorney and agent appointed as aforesaid, either in presence of the agent making the entry, or of a justice of the peace or notary public, who shall attest the signature. R.S., c. 32, s. 46.

37. Such declaration shall be kept by the collector, but may be dispensed with under the order of the Governor in Council, when it is deemed advisable, in the interests of commerce, to dispense therewith. R.S., c. 32, s. 47.

38. Vessels entering the gut of Annapolis may be reported and entered, and the duties on goods therein imported paid, either at the port of Digby or Annapolis. R.S., c. 32, s. 172.

39. Vessels entering the Great Bras d'Or or Little Bras d'Or shall be reported and entered at such place as the Minister, from time to time, directs. R.S., c. 32, s. 173.

VALUATION FOR DUTY.

40. Whenever any duty ad valorem is imposed on any goods imported into Canada, the value for duty shall be the fair market value thereof, when sold for home consumption, in the principal markets of the country whence and at the time when the same were exported directly to Canada. R.S., c. 32, s. 58.
41. Such market value shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term, at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is, by universal usage, considered and known to be a cash article, and so bona fide paid for in all transactions in relation to such article.

2. All invoices representing cash values, except in the special cases in this section referred to, shall be subject to such additions as to the collector or appraiser of the port at which they are presented appear just and reasonable, to bring up the amount to the true and fair market value, as required by this section. R.S., c. 32, s. 59.

42. If any difficulty arises in determining the fair market value for duty of goods imported into Canada, which are the manufacture or production of foreign countries or of Great Britain, such as musical instruments, sewing machines, agricultural machines or implements, medical preparations, commonly called patent medicines, and other goods, the prices of which are published by the manufacturers or producers, or persons acting on their behalf, the Governor in Council may, from time to time, fix and determine a certain rate of discount which may be applied to such published prices of any such manufactures or productions, and such published prices, subject to deduction of the amount of discount according to such rate, shall be deemed and taken to be the fair market values of any such manufactures or productions respectively as are specified in such order in council. R.S., c. 32, s. 60.

43. The Dominion Customs appraisers and every one of them and every person who acts as such appraiser, or the collector of Customs, as the case may be, shall, by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true and fair market value (any invoice or affidavit thereto to the contrary notwithstanding), of the goods at the time of exportation and in the principal markets of the country whence the same have been imported into Canada, and the proper weights, measures or other quantities, and the fair market value thereof, as the case requires.

2. In the case of goods shipped to Canada on consignment, but sold by the exporter to persons in Canada prior to their importation into Canada, the amount of the valuation for duty shall not be less than the invoice value to the Canadian purchaser, exclusive of all charges upon the goods, after shipment from the place whence exported directly into Canada.

3. When articles of the same material, or of a similar kind but of a different quality, are found in the same package, charged or invoiced at an average price, the appraisers shall adopt the value of the best article contained in such package as the

R.S., 1906.
the average value of the whole; and duty shall be levied thereon accordingly.

4. The Board of Customs may review the decision of any appraiser or collector of Customs as to the principal markets of the country, or as to the fair market value of goods for duty purposes; and the decision of the Board of Customs in regard to such principal markets, and value of goods for duty purposes in any case or class of cases, shall, when approved by the Minister, be final and conclusive, except as otherwise provided in this Act. 52 V., c. 14, s. 5; 4 E. VII., c. 10, s. 4.

44. The fair market value of goods shall be taken to include the amount of any drawback which has been allowed by the Government of any other country, also the amount of consideration or money value of any special arrangement between the exporter and the importer, or between any persons interested therein, because of the exportation or intended exportation of such goods, or the right to territorial limits for the sale or use thereof, and also the amount or money value of any so-called royalty, rent or charge for use of any machine or goods of any description, which the seller or proprietor does or would usually charge thereon when the same are sold or leased or rented for use in the country whence they have been exported to Canada.

2. When the amount of such drawback, consideration, money value, royalty, rent, or charge for use has been deducted from the value of such goods, on the face of the invoice under which entry is to be made, or is not shown thereon, the collector of Customs or proper officer shall add the amount of such deduction, drawback, consideration, money value, royalty, rent or charge for use, and cause to be paid the lawful duty thereon. 52 V., c. 14, s. 6.

45. No deduction of any kind shall be allowed from the value of any goods imported into Canada, because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when the goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained: Provided that nothing in this section shall be understood to apply to general fluctuations of market values. R.S., c. 32, s. 65.

46. Whenever goods are imported into Canada under such circumstances or conditions as render it difficult to determine the value thereof for duty because,—

(a) such goods are not sold for use or consumption in the country of production; or,

(b) R.S., 1906.
Chap. 48. **Customs.**

(b) a lease of such goods or the right of using the same but not the right of property therein is sold or given; or,

(c) such goods having a royalty imposed thereon, the royalty is uncertain, or is not from other causes a reliable means of estimating the value of the goods; or,

(d) such goods are usually or exclusively sold by or to agents or by subscription; or,

(e) such goods are sold or imported in or under any other unusual or peculiar manner or conditions;

Minister may determine value.

To be sole judge.

Medicinal and toilet preparations.

No deduction for value of packages.

None for packing, straw, cord, etc.

As to goods exported to Canada through another country.

47. The Minister shall in like manner and with the like effect determine the value for duty of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.

2. The Minister shall be the sole judge as to the existence of all or any of the causes or reasons aforesaid. 51 V., c. 14, s. 15.

48. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of any package or packages, where no charge for such package or packages has been made in such invoice; and, where such charge is made, the Customs officer shall see that the charge is fair and reasonable, and represents no more than the original cost thereof. R.S., c. 32, s. 66.

49. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment, and all such charges and expenses shall, in all cases, be included as part of the value for duty. R.S., c. 32, s. 67.

50. The Governor in Council may provide that in the cases and on the conditions to be mentioned in the order in council, goods *bona fide* exported to Canada from any country, but passing in transitu through another country, shall be valued for duty as if they were imported directly from such first mentioned country: Provided that goods which have been entered for consumption or for warehouse, or which have been permitted to remain unclaimed, or which have been permitted to remain for any purpose, in any country intermediate between the
the country of export and Canada, shall not be considered as in transitu through such intermediate country, but shall be treated as goods imported from such intermediate country and be valued and rated for duty accordingly. R.S., c. 32, s. 68; 52 V., c. 14, s. 7.

51. The standards or instruments by which the colours and grades of sugar are to be regulated, and the classes to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished, from time to time, to the collectors of such ports of entry as are necessary, by the Minister in such manner as he deems expedient.

2. The decision of the appraiser, or of the collector of a port where there is no appraiser, as to the class to which any sugar belongs, and the duties to which it is subject, shall be final and conclusive, unless upon appeal to the Commissioner of Customs, within thirty days, such decision is, with the approval of the Minister, changed; and the decision of the Commissioner with such approval shall be final. R.S., c. 32, s. 69.

52. If, upon any entry or in connection with any entry, it appears to any Dominion appraiser or to the Board of Customs that any goods have been erroneously appraised, or allowed entry at an erroneous valuation by any appraiser or collector acting as such, or that any of the foregoing provisions of this Act respecting the value at which goods shall be entered for duty have not been complied with, such Dominion appraiser or such Board may make a fresh appraisement or valuation, and may direct, under the valuation or appraisement so made, an amended entry and payment of the additional duty, if any, on such goods, or a refund of a part of the duty paid, as the case requires, subject, in case of dissatisfaction on the part of the importer, to such further inquiry and appraisement as in such case hereinafter provided for. 52 V., c. 14, s. 8.

53. If the importer, owner, consignee or agent is dissatisfied with the first appraisement, any appraiser, or any collector acting as such, or the persons to be selected as hereinafter mentioned to examine and appraise any goods, may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such appraiser, collector or persons deem material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices, or other papers or account books relating to the same in the possession of such owner, importer, consignee or other person. R.S., c. 32, s. 71.

54. If any person called, as provided in the last preceding section, who is the owner, importer or consignee of the goods in question, neglects or refuses to attend, or declines to answer, or refuses to answer in writing, if required, any interrogatories, or R.S., 1906.
55. All depositions or testimony in writing taken in any such examination shall be filed in the office of the collector at the place where the same is made or taken, there to remain for future use or reference. R.S., c. 32, s. 73.

56. Except as in this Act otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made of any such goods by the appraiser, hereinbefore mentioned, he may, within three days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and the collector shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment.

2. The persons so selected, together with a third selected by the Minister from among the members of the Board of Customs, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.

3. Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers.

4. Every person who acts as an appraiser under this section, except a member of the Board of Customs selected by the Minister as aforesaid, shall take an oath, before a collector of Customs or a justice of the peace, to act without fear, favour or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada. 51 V., c. 14, s. 16.

57. The said persons chosen to appraise shall each be entitled to the sum of five dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per centum, or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts. R.S., c. 32, s. 75.
58. Whenever any difference arises or whenever any doubt exists as to whether any or what rate of duty is payable on any class of goods, and there is no previous decision upon the question by any competent tribunal, binding throughout Canada, the Board of Customs may declare the rate of duty payable on the class of goods in question, or that such goods are exempt from duty, subject in each case to an appeal, by any person interested, to the Governor in Council; and any such declaration of the Board of Customs when approved by the Minister, or any such declaration when made by any order in council upon appeal, shall have force and effect as if the same had been sanctioned by statute.

2. Such declaration or order in council may state a day upon which it is to come into effect, and shall in that case only have effect upon and after the day so named: Provided that no such declaration or order in council shall be deemed to affect the liability for duty of, or the rate of duty applicable to, any goods imported previous to the time when it comes into effect.

3. Every order in council made under this section shall be published in the Canada Gazette. 3 E. VII., c. 14, s. 5.

59. All invoices of goods shall be made out in the currency of the country whence the goods are imported, or in the currency in which the goods are actually purchased, and shall contain a true statement of the value of such goods; and in computing the value for duty of such currency the rate thereof shall be such as has been ordered and proclaimed from time to time by the Governor in Council who is hereby empowered to make such order.

2. The rate so ordered shall be based upon the actual value of the standard coins or currency of such country as compared with the standard dollar of Canada in so far as such comparative values are known.

3. Whenever the value of a currency has not been proclaimed, or whenever there is no fixed standard value, or whenever from any cause, the value of such currency has become depreciated, there shall be attached to the invoice of the goods imported the certificate of some consul resident in such place or country, showing the extent of such depreciation, or the true value of the currency in which such invoice is made out, at the time when and in the place or country where such certificate is given, as compared with the standard dollar of Canada: Provided that, wherever the value of a depreciated currency is dependent upon the rate of exchange on London, it shall be optional with the importer, with the consent of the collector of Customs, to compute the value for duty at the rate of exchange certified by the bank through which the same is drawn, as current at the time and place when and whence the goods were exported to Canada.

R.S., 1906.
4. When the currency value is determined, as hereinbefore provided, at the time of entry, either by a consul's certificate or by the certificate of a bank, such rate or value shall be final and not open to any readjustment by reason of the subsequent production of any certificate not corresponding in rate or value with that adopted.

5. All such invoices shall faithfully exhibit the transaction between the exporter and the importer, and contain a true and full statement of the actual price payable for the goods, including cartons, cases and coverings of all kinds and all expenses incidental to placing the goods in condition, packed ready for shipment to Canada, and no such invoice shall state any discount other than such as has been actually allowed to the importer. R.S., c. 32, s. 10; 3 E. VII., c. 14, s. 6.

60. Whenever duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value, and to any fractional part of such specific quantity. R.S., c. 32, s. 11.

61. Whenever duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as are prescribed by regulations made by the Governor in Council. 51 V., c. 14, s. 6.

62. On each and every non-enumerated article which bears a similitude, either in material or quality, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned. R.S., c. 32, s. 13.

63. If any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty. R.S., c. 32, s. 14.

64. On any article not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which it would be chargeable if the article were composed wholly of the component material thereof of chief value, having regard to the condition of the component materials as found in the article. 3 E. VII., c. 14, s. 7.

65. If an article is enumerated in the tariff under two or more names or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon. R.S., c. 32, s. 16.
66. Spirits and strong waters, from whatsoever substance distilled or prepared, having the flavour of any kind of spirits or strong waters, subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavour. R.S., c. 32, s. 17.

67. In the case of all wines, spirits, or alcoholic liquors subject to duty according to their relative strength of proof, such strength shall be ascertained either by means of Sykes' hydrometer or of the specific gravity bottle, as the Minister directs.

2. If such relative strength cannot be correctly ascertained by the direct use of the hydrometer or gravity bottle it shall be ascertained by the distillation of a sample and the subsequent test in like manner of the distillate. 60-61 V., c. 16, s. 10; 3 E. VII., c. 14, s. 15.

68. Goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to. R.S., c. 32, s. 18.

69. The collector or any appraiser may take samples of any goods imported, for the purpose of ascertaining whether any and what duties are payable on such goods; and such samples shall be disposed of as the Minister directs. R.S., c. 32, s. 20.

70. When parts of any manufactured article are imported into Canada, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation; and, when the duty chargeable thereon is specific, or specific and ad valorem, an average rate of ad valorem duty, equal to the specific or specific and ad valorem duty so chargeable, shall be ascertained and charged upon such parts of the manufactured article. 52 V., c. 14, s. 4.

71. The surplus stores of vessels arriving in Canada shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for re-shipment for the future use of the vessel, the collector may permit him so to do. R.S., c. 32, s. 166.

GOODS DAMAGED OR LOST.

72. If any goods imported by water, or partly by water and partly by land, on which duties, ad valorem or specific, or both, are payable, receive damage during the voyage of importation, between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in Canada, where-
by such goods have become lessened in value, an abatement may be made, in the manner hereinafter provided, in the duty payable upon such goods; or, if duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained; if, in either case, the claim therefor is made in due form and is properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined: Provided that such examination shall be completed and certified by the collector, Customs appraiser or other proper officer, who shall assess such damage, within fourteen days of the date of entry or of such landing. R.S., c. 32, s. 49; 3 E. VII., c. 14, s. 8.

73. If any goods imported by railway, or by any other vehicle, on which goods duties ad valorem or specific, or both, are payable, receive damage during the course of transportation, after they are laden on such railway or other vehicle, and before they arrive at the port of destination in Canada, whereby they become lessened in value, an abatement may be made in the manner hereinafter provided in the duty payable upon such goods, if the claim for such abatement is made in due form within fourteen days of the date of entry or of the arrival of such goods at the port of destination in Canada, and is substantiated in the same manner as is provided in the last preceding section. R.S., c. 32, s. 50; 3 E. VII., c. 14, s. 9.

74. The collector or appraiser or other proper officer whose duty it is to examine and assess the amount of damage sustained in course of importation, shall do so with all possible despatch on being notified so to do, and shall certify the exact cause and extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in Canada: Provided that the collector may permit an importer, within fourteen days after entry or landing, to abandon to the Crown any whole package or packages of damaged goods and be relieved from the payment of the duties on the portion so abandoned; and the goods so abandoned shall be destroyed if, in the opinion of the collector, they cannot be sold for a sum sufficient to pay duties and charges. R.S., c. 32, s. 51; 3 E. VII., c. 14, s. 10.

75. The collector or appraiser shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale of goods, nor shall he estimate any damage nor shall any damage be allowed or duty refunded for,—

(a) decay, dampness or other cause existing before the voyage commenced and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation;

(b)
(b) rust on iron or steel or any manufacture thereof, except manufactured articles composed in whole or in part of polished steel and polished Russia iron and Canada plates, and on such only for the amount of loss in excess of twenty-five per centum of the whole quantity damaged;  
(c) stains or injury to any packages holding liquids or the labels thereon unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of water or other foreign substance.

51 V., c. 14, s. 10; 3 E. VII., c. 14, s. 11.

76. The collector or appraiser shall not estimate any damage nor shall any damage be allowed or duty refunded for or with respect to sugar or any other saccharine product on which the duty is to be computed according to the polariscope test: Provided that the Minister may make a deduction from the percentage of saccharine matter shown by the polariscope to be contained in such sugar or other saccharine product, whenever the same has been damaged by salt water during the voyage of importation, equal to five times the percentage of salt actually present in the excess of water found in such damaged sugar or other saccharine product, over and above that found in samples of the same which have not been so damaged, as established by a certificate from the Customs experts employed by him to make such test. 51 V., c. 14, s. 10.

77. When the collector or appraiser has ascertained the percentage of damage, such percentage shall be deducted from the original value of the goods, and duty shall then be levied and collected on such reduced value at an ad valorem rate, which shall be equivalent to the rate of specific or specific and ad valorem duty which should have been collected upon such goods if they had not been so damaged. R.S., c. 32, s. 53.

78. Upon production of satisfactory proof to the Minister of the actual injury or destruction, in whole or in part, of any goods by accidental fire, or other casualty, while they remained in the custody of the officers of the Customs in any Customs warehouse, or while in transportation in bond from one port of entry to another port of entry in Canada, or while within the limits of any port of entry and before they were landed under the supervision of the officers of the Customs, the duties on the whole or the part thereof so proved to have been injured or destroyed may be abated or refunded, if the claim is made within fourteen days after the date of the casualty, and due appraisement is made of the goods so alleged to be injured as soon as they can be examined. 3 E. VII., c. 14, s. 12.

79. An allowance may be made for deterioration by natural decay during the voyage of importation upon perishable articles, such as green fruits and vegetables, imported into Canada; but 49½
goods in
771
R.S., 1906.
in assessing the same, and in estimating the damage by breakage upon brittle goods, such as crockery, china, glass and glassware, under the provisions of this Act, such allowance or damage shall only be made and allowed for the amount of loss in excess of twenty-five per centum of the whole quantity damaged; and only if claim is made therefor and the loss or damage certified upon examination made by the appraiser or proper officer within three days of the landing or arrival of such goods at the port of destination thereof.

2. If the duty has been paid on the full value of the articles a refund of such duty may be allowed and paid on application to the Minister in the proportion and on fulfilment of the conditions hereinbefore specified, but not otherwise. R.S., c. 32, s. 55.

WAREHOUSING.

80. The warehousing ports already established, and such ports of entry as the Governor in Council, from time to time, appoints, shall be warehousing ports. R.S., c. 32, s. 77.

81. The importer of any goods imported into Canada may, subject to such rules and regulations as are from time to time prescribed by the Governor in Council in that behalf, enter the goods for exportation or for warehouse. 51 V., c. 14, s. 17.

82. The owner of any warehoused goods may remove the same under the authority of the collector or proper officer from any warehousing port to any other warehousing port in Canada, or from one warehouse to any other in the same port, upon passing a removal entry thereof in the usual form. 51 V., c. 14, s. 17.

83. Upon the entry of any goods at any frontier Customs port, under the authority and with the sanction of the collector or other proper officer at such port, and subject to such rules and regulations as are or may be made in that behalf under the authority of this Act, the importer may pass the goods on to any Customs port in any other part of Canada, or in transit through Canada, by way of any Customs port of exit in Canada. 51 V., c. 14, s. 17.

84. The unshipping, carrying and landing of all goods and the taking of the same to and from a Customs warehouse or other proper place after landing shall be done in such manner and at such places as is appointed by the collector or other proper officer, and the collector or other proper officer shall at all times have free access to any warehouse wherein are stored goods subject to duty, and may, when requiring entrance in the performance of his duty, lawfully force or break any lock or other fastening placed upon any such warehouse, or upon or in any

R.S., 1906.
any premises necessary to be passed through in order to obtain access to such warehouse. 51 V., c. 14, s. 19.

85. Unless otherwise provided by the Governor in Council, warehouse rent and expenses of safe-keeping in warehouse and all expenses connected with the unshipping, carrying and landing of goods and the taking of the same to and from a Customs warehouse or proper place after landing shall be borne by the importer. R.S., c. 32, s. 87.

86. Goods entered as to be warehoused, landed to be warehoused, or entered and examined to be re-warehoused, shall be immediately thereafter transported to and placed in the designated warehouse; but if, after any goods have been duly entered or landed to be warehoused, or entered and examined to be re-warehoused, and before the same can be actually deposited in the warehouse, the importer further enters the goods, or any part thereof, for home use or for exportation as from the warehouse, the goods so entered shall be considered as warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation. 52 V., c. 14, s. 9.

87. No transfer of the property in goods warehoused shall be valid for the purposes of this Act unless the transfer is in writing signed by the importer or his duly authorized agent, or is made by process of law, nor unless such transfer is produced to the collector or other proper officer of the proper port, and recorded by him in a book kept for that purpose in the Customs house.

2. No such transfer of less than a whole package shall be valid, and no more than three transfers of the same goods shall be allowed before entry thereof for duty or for exportation. R.S., c. 32, s. 81.

88. Upon any transfer of goods in warehouse being lawfully effected as hereinbefore provided, the transferee of such goods shall, by the act of accepting such transfer, become subject to all the conditions, liabilities and penalties to which the person making the transfer was theretofore liable in respect to such goods, and the transferee shall be bound to the performance of all the requirements of this Act and the rules and regulations thereunder.

2. The goods shall likewise remain and be subject to all Customs claims as if such transfer had not been made. 51 V., c. 14, s. 18.

89. During the regular warehouse hours, and subject to such regulations as the collector or other proper officer at any warehousing port sees fit to adopt, the owner of any warehoused goods R.S., 1906.
goods may sort, pack, re-pack or make any lawful arrangements respecting the goods warehoused, in order to the preservation or lawful disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry. R.S., c. 32, s. 83.

90. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused. R.S., c. 32, s. 84.

91. All goods taken out of warehouse shall be subject to the duties to which they would be subject if then imported into Canada, and not to any other. R.S., c. 32, s. 85.

92. All warehoused goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof.

2. If the goods are not so cleared the collector or other proper officer may sell them for the payment, first of the duties, and secondly of the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner or his lawful agent.

3. The collector or other proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf. R.S., c. 32, s. 90.

93. The collector may, if he sees no reason to refuse such permission, permit an importer to abandon to the Crown any whole package or packages of warehoused goods, without being liable to pay any duty on the same; and the same shall then be sold and the proceeds shall belong to the Crown: Provided that, if such goods cannot be sold for a sum sufficient to pay the duties and charges, the same shall not be sold but shall be destroyed. R.S., c. 32, s. 91.

94. The importer of any cattle or swine may slaughter and cure and pack the same, or, if such cattle or swine are imported in the carcass, may cure and pack the same in bond; and the importer of any wheat, maize or other grain, may grind and pack the same in bond, if such slaughtering, curing, grinding or packing is done and conducted under such regulations and restrictions as the Governor in Council, from time to time, makes for that purpose; but the said regulations shall not extend to the substitution of other beef, pork, flour or meal for the produce of such imported cattle or swine, wheat, maize or other grain. R.S., c. 32, s. 93.

95. No person shall make, nor shall any officer accept, any bond, note or other document for the purpose of avoiding or deferring the actual payment of duties legally accruing on goods

R.S., 1906.
goods imported into Canada, or arrange for deferring payment of such duties in any way, unless such goods are entered for warehouse, and duly deposited therein according to the laws and regulations governing the warehousing of such goods. R.S., c. 32, s. 95.

ENTRY OUTWARDS.

96. The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the collector or other proper officer a report outwards under his hand of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew.

2. The master shall also, before the vessel departs, bring and deliver to the collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him. 51 V., c. 14, s. 20.

97. Before any goods or ballast are taken on board such vessel, the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered: Provided that it shall be lawful for the collector or other proper officer of Customs to issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged. 51 V., c. 14, s. 20.

98. The master of every vessel whether in ballast, or laden, shall, before departure, come before the collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew and the voyage, as are demanded of him by such officer, and, if required, shall make his answers or any of them part of the declaration made under his hand.

2. The collector or other proper officer, if such vessel is laden, shall thereupon make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of her clearance in ballast, as the case may be.

3. If there is merchandise on board, and the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and, if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case, the master shall hand the clearance.

R.S., 1906.
clearance to the collector at the next port in Canada at which he arrives, immediately on his arrival. R.S., c. 32, s. 98.

Entries of goods to be given to the collector before clearance.

99. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners or shippers or consignors of the cargo on board such vessel shall deliver to the collector or other proper officer of Customs entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath.

2. Such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Canadian or of foreign production or manufacture.

3. Such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation.

4. In case the goods so shipped or any part thereof are or is liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs. R.S., c. 32, s. 101.

Export duty to be paid.

As to goods exported.

100. All goods or merchandise exported by sea, by land or by inland navigation shall be reported and entered outwards at the nearest Custom-house, and a certified copy of the export entry shall be attached to and accompany the waybill of goods; or, if exported from any place where no Custom-house is established, they shall be reported either in like manner at such nearest Custom-house or at the port of exit from Canada, according to such regulations as are established by the Governor in Council from time to time. 51 V., c. 14, s. 22.

Obligations incurred by entry for export.

101. Upon the entry outwards of any goods to be exported from a Customs warehouse, either by sea or by land or by inland navigation, as the case may be, the person entering the same for such purpose shall, by and upon the making of such entry, whether so expressed in such entry or not, become bound, when the entry aforesaid is for exportation by sea, to the actual exportation of the said goods, and, when the entry aforesaid is for exportation by land or inland navigation, to the actual landing or delivering of the goods at the place for which they are entered outwards, or, in either case, to otherwise account for the said goods to the satisfaction of the collector or other proper officer, and to produce, within a period to be named in such entry, such proof or certificate that such goods have been exported, landed or delivered or otherwise lawfully disposed of,
as the case may be, as shall be required by any regulation of the Governor in Council, or by the collector or other proper officer. 51 V., c. 14, s. 22.

102. If, within the period appointed in the entry for such exportation, there is produced to the collector or other proper officer the written certificate of some principal officer of Customs or of colonial revenue at the place to which the goods were exported, or, if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign consul or vice-consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of Canada, as provided for in the said entry, or, if it is proved to the satisfaction of the collector or other proper officer that the said goods were, after leaving Canada, lost and destroyed, the person making such export entry shall be deemed to have satisfied the obligation thereby imposed upon him. 51 V., c. 14, s. 22.

103. The Minister may define and limit the kind, quantity and class of goods which may be delivered out of warehouse as ship's stores, and also the kind, quantity and class of goods arriving in Canada as stores of vessels, which may be used free of duty on board such vessels in Canadian waters, or which may be treated as surplus stores of vessels, and any such goods, within the definition or limitation so established, may be delivered out of warehouse as ship's stores for any vessel of the registered tonnage of fifty tons or upwards, bound on a voyage to a port out of Canada, or engaged in trade between an Atlantic port and a Pacific port of Canada, or in trade on inland waters along the boundary between Canada and the United States, or for any vessel bound for and engaged in the deep sea fishing, upon proof being made by affidavit of the master or owner or his agent, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid. 61 V., c. 36, s. 1.

104. The owners, shippers or consignors of any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Custom-house nearest to the place of landing; and such entry shall specify the kinds and quantities of the articles laden by them respectively, and the proper name and description of the railway over which such goods are to be transported, or of any other conveyance to be used for the same purpose; and they shall verify the entry by oath, and such oath shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea.

2. If any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railways car or other vehicle upon which such goods are laden shall be R.S., 1906.
be permitted to leave the limits of the port at which such entry should have been made until such duty is paid to the collector or other proper officer. R.S., c. 32, s. 106.

105. No entry outwards and no shipping warrant or warrant for the taking of goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages correspond with the particulars in the entry inwards, nor unless the goods are properly described in the entry outwards by the character, denomination and circumstances under which they were originally charged with duty. R.S., c. 32, s. 109.

106. If the owner of any goods is resident more than ten miles from the office of the collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods, but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant, and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that are put to him, and any trading corporation or company may appoint an agent for the like purpose. R.S., c. 32, s. 110.

REPORTS—GENERAL.

107. The report, inwards or outwards, required by this Act, may, in the case of any steam vessels carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; and the word 'master,' when elsewhere used in this Act in relation to such reports, shall, for the purposes of this section, be construed as including the purser of any steam vessel: Provided that nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report, if he sees fit so to do. 51 V., c. 14, s. 32.

VERIFICATION OF ENTRIES.

108. No entry and no warrant for the landing of any goods, or for the taking of any goods out of any warehouse shall be deemed valid unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of

R.S., 1906.
the vessel or other report, where any is required, by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations and with the characters and circumstances, according to which such goods are charged with duty or may be imported.

2. Any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and may be dealt with accordingly. R.S., c. 32, s. 119.

109. The collector or proper officer, after the entry of any goods, may on suspicion of fraud open and examine any package of such goods in the presence of two or more witnesses, and, if upon examination, the same are found to agree with the entries, they shall be repacked by the collector or proper officer at the public cost. R.S., c. 32, s. 119.

110. Any package of which the importer or his agent declares the contents to be unknown to him may be opened and examined by the collector or other proper officer in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking. R.S., c. 32, s. 120.

111. The collector shall cause at least one package in every invoice or entry and at least one package in ten, if there are more than ten in any invoice or entry, and so many more as he or any appraiser deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised, the packages so to be opened being designated by the collector. R.S., c. 32, s. 121.

112. All the packages mentioned in any one entry, although some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved.

2. The packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined and passed as aforesaid: Provided that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse. 51 V., c. 14, s. 24.

113. R.S., 1906.
113. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery; and the collector shall use due diligence in causing a proper examination thereof to be made. and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved. 51 V., c. 14, s. 24.

114. The collector may require from the importer or from his agent, of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoices or bills of lading, or otherwise, that such goods are properly described and rated for duty, or come properly within the meaning of such exemptions. R.S., c. 32, s. 127.

115. The collector shall require that the true invoice from the exporter to the owner of the goods be delivered for duty purposes with the bill of entry at the Custom-house, when such goods have been sold by the exporter thereof prior to their arrival in Canada, although the goods arrive in Canada consigned to a person other than their owner. 3 E. VII., c. 14, s. 16.

IMPORTATION, EXPORTATION, ARRIVAL AND DEPARTURE OF VESSELS.

116. For the purpose of the levying of any duty, or for any other purpose of this Act or any other law relating to the Customs,—

(a) the importation of any goods, if made by sea, coastwise or by inland navigation, in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported, and, if made by land or by inland navigation in any undocked vessel, then from the time such goods were brought within the limits of Canada;

(b) the exportation of any goods from Canada shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation after due entry outwards in any decked vessel, or, if the exportation is by land or in any undocked vessel, from the time the goods were carried beyond the limits of Canada;

(c) the date of exportation in any decked vessel of any goods to Canada, from any port or place out of Canada, shall be deemed and taken to be the date at which such goods a trually left such port or place out of Canada for
their destination in Canada, which date may be established by the production of the clearance of the vessel from such port or place out of Canada, or the oath of the master as to the date of sailing, if such sailing was subsequent to the date of the clearance;

(d) the time of the arrival of any vessel in a Canadian port shall be deemed to be the time at which the report of such vessel was, is, or ought to have been made;

(e) the time of the departure of any vessel from a Canadian port shall be deemed to be the time of the last clearance of such vessel on the voyage on which she departed. §2 V., c. 14, s. 12.

DUTIES CONSTITUTE A DEBT.

117. The true amount of Customs duties payable to His Majesty with respect to any goods imported into Canada or exported therefrom shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any court of competent jurisdiction. R.S., c. 32, s. 7; 4 E. VII., c. 10, s. 2.

GOODS TO BE IMPORTED IN REGISTERED VESSELS.

118. No person, unless he is authorized by the Governor in Council, shall import any goods, wares or merchandise from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of such registry on board. R.S., c. 32, s. 170.

REMOVAL OF GOODS AFTER ENTRY AND PAYMENT OF DUTY.

119. When any person has occasion to remove, from any port of entry to any other port or place, any goods duly entered and on which the duties imposed by law have been paid, the collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained with their marks and numbers, shall give a permit or certificate in writing signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey the goods and the mode of conveyance, and the period within which they are intended to be so conveyed. R.S., c. 32, s. 132.

R.S., 1906.
GOODS EXEMPT FROM DUTIES.

120. All goods exempt from duty as being imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes. R.S., c. 32, s. 160.

121. Goods claimed to be exempt from duty under any Act relating to duties of Customs shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act.

2. If the goods do not answer such description, the collector or other proper officer may seize the same as forfeited, or, if the collector deems it expedient, he may detain the goods and report the case for the action of the Commissioner of Customs and the decision of the Minister as provided in this Act. R.S., c. 32, s. 161.

GOODS LANDED OR SOLD FOR REPAIRS TO VESSELS.

122. If any vessel which has received damage puts into a port in Canada to which she is not bound, having dutiable goods on board, which it is necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the packages and contents.

2. Entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unloading and storing, the collector shall deliver up the same to the master or agent to be exported or carried coastwise, as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty. R.S., c. 32, s. 162.

123. No person shall be entitled to the benefit of the next preceding section who has sold any of such goods, except such as it has been necessary to sell to defray the expense of repairs and charges of the vessel, or such as have been authorized by the collector to be sold. R.S., c. 32, s. 163.

124. If such goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser. R.S., c. 32, s. 163.

R.S., 1906.
LANDING OF GOODS BEFORE REPORT.

125. Fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they are duly reported and entered as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or receiver of wreck, or other person authorized to act as such receiver under Part X. of the Canada Shipping Act. R.S., c. 32, s. 164.

126. If a vessel which has live stock or perishable articles on board arrives after business hours, the collector or any officer at the port may permit the master to unload the same before report; but report shall in such case be made as soon as possible after the next opening of the Custom-house. R.S., c. 32, s. 165.

IMPORTATION OF FIRE-ARMS AND MUNITIONS OF WAR.

127. Fire-arms and munitions of war shall not be imported except from the United Kingdom of Great Britain and Ireland, unless upon application to, and permission given by the Minister. R.S., c. 32, s. 171.

IMPORTATION OF MEDICINAL PREPARATIONS.

128. All medicinal preparations, whether chemical or other, usually imported with the name of the manufacturer, shall have the true name of such manufacturer and the place where they are prepared, and the word Alcoholic, if they contain alcohol, or Non-alcoholic, if they do not contain alcohol, permanently and legibly affixed to each parcel by stamp, label or otherwise. 60-61 V., c. 16, s. 12.

REFUND OF DUTY.

129. No refund of duty paid shall be allowed because of any alleged inferiority, or deficiency in quantity of goods imported and entered, and which have passed into the custody of the importer under permit of the collector, or because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the quantity or value of such goods for duty, unless the same has been reported to the collector within fourteen days of the date of entry or delivery or landing, and the said goods have been examined by the said collector or by an appraiser or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and, if such collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, no refund of the duty or any part thereof shall be allowed.

2. All applications for refund of duty in such cases shall be submitted with the evidence and all particulars for the decision of the Minister to decide.
of the Minister, who may order payment on finding the evidence sufficient and satisfactory. R.S., c. 32, s. 63; 62-63 V., c. 22, s. 1; 3 E. VII., c. 14, s. 13.

130. Although any duty of Customs has been overpaid, or although, after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for payment has been previously made. R.S., c. 32, s. 168.

131. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged misdescription of goods by the importer.

2. If any error of description is discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector in order that the same be verified. R.S., c. 32, s. 169.

AGENTS.

132. Any act or thing done or performed by a duly authorized agent shall be binding upon the person by or on behalf of whom the same has been done or performed as fully as if the act or thing had been done or performed by the principal, but, whenever any person makes application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority may refuse to transact such business. R.S., c. 32, s. 157.

133. Any attorney or agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the collector, may, in his said quality, validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath by this Act required by a consignee or agent if he is cognizant of the facts therein averred.

2. Any instrument appointing such attorney or agent shall be valid if it is in the form prescribed by the Minister. R.S., c. 32, s. 158.

134. Any partner in or attorney or agent of an unincorporated company, association or co-partnership of persons may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the

R.S., 1906.
the name or names of any of the members of the company or association or co-partnership, and such entry, bond or instrument shall bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same; and, if it is a bond or other instrument under seal, as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid.

2. The person who, under this section, makes any entry or executes any bond or instrument on behalf of any company, association or co-partnership, shall, under the name and style usually taken by such company, association or co-partnership, write his own name with the word by or the words by their Attorney, or words to the like effect, as the case may be, thereunto prefixed.

3. The provisions of this section shall apply to any instrument by which any company, association or co-partnership of persons appoints an attorney or agent to act for them under the last preceding section. R.S., c. 32, s. 159.

OATHS.

135. Whenever the person required to take any oath under any Act or regulation relating to the Customs is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may, instead of the oath so required, make a solemn affirmation to the same effect.

2. Every person before whom any oath is, by any such Act or regulation required, or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same. R.S., c. 32, s. 151.

136. Every oath required under the provisions of this Act connected with the entry of goods may be made in Canada before the collector, sub-collector, surveyor or chief clerk at the port where the goods are entered, or, if the person making such oath is not resident there, then before the collector or proper officer of some other port.

2. When such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom, or at any place in His Majesty's possessions abroad, before the collector or before the mayor or other chief municipal officer of the place where the goods are shipped, or before a notary public, and, at any other place, before a British consul, or if there is no British consul, then before a foreign consul at such place. R.S., c. 32, s. 152.

137. The Commissioner of Customs or other person acting as deputy head of the department, and all officers holding, under certain officers of Customs may order R.S., 1906.
order in council, the rank of chief clerk of the inside service in the said Department, and all duly appointed inspectors of Customs ports, shall by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and also to administer all oaths of allegiance and of office required by the Civil Service Act to be taken by Customs officers.

2. The Governor in Council may, from time to time, by regulation appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, in Canada or out of Canada, as those before whom such oaths may be validly taken. 51 V., c. 14, s. 33.

138. Every officer of Customs and every person acting as such officer under the directions of the Minister may administer any oath prescribed to be taken in respect of any matter within the scope of the official duties assigned to such officer. 3 E. VII., c. 14, s. 17.

BONDS, SECURITIES, ETC.

139. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade or navigation, shall be taken to and for the use and benefit of His Majesty.

2. Such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or bonds is required. R.S., c. 32, s. 154.

140. All bonds, documents and papers necessary for the transaction of any business at the respective Custom-houses or places or ports of entry in Canada, shall be in such form as the Minister, from time to time directs. R.S., c. 32, s. 155.

BILL OF HEALTH.

141. Whenever the collector at any port is satisfied that, in such port, as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar. R.S., c. 32, s. 174.

SALE AND DISPOSAL OF GOODS; APPROPRIATION AND DISTRIBUTION OF PROCEEDS.

142. If the duties on any goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or
or lost, are not paid within eighteen months from the time when such goods were delivered to the proper officer as herein before mentioned, such goods may be sold in like manner and for the same purposes as goods imported may for such default be sold, and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it. 51 V., c. 14, s. 7.

143. Sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but, in any case, the Minister may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction. R.S., c. 32, s. 190.

144. The proceeds, after deducting expenses, shall, unless it is otherwise provided, belong to His Majesty for the public uses of Canada: Provided that the net proceeds or any portion thereof may be divided between and paid to the collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the things seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints.

2. Nothing in this section contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister to make and ordain any other plan or system for the redistribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law. R.S., c. 32, s. 191.

145. The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expenses incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other persons entitled thereto. 51 V., c. 14, s. 48.

POWERS AND DUTIES OF OFFICERS.

146. Every officer and person who is employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer of Customs, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act in every respect, whether such officer or person is or is not the holder of a writ of assistance.

50½ 787 2
R.S., 1906.
2. In any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof. 51 V., c. 14, s. 25.

147. Every such officer or person as mentioned in the last preceding section, and every sheriff, justice of the peace, or person residing more than ten miles from the residence of any officer of Customs and thereunto authorized by any collector or justice of the peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof for such goods.

2. If any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which, at the time of such seizure, belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon. R.S., c. 32, s. 134.

148. Any officer, having first made oath before a justice of the peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or inclosed, may, with such assistance as is necessary, enter therein at any time between sunrise and sunset: Provided that, if the doors are fastened, admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, the officer may forcibly enter.

2. After entry is made, the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture.

3. Such acts may be done by an officer without oath or the assistance of a justice of the peace, in places where no justice of the peace resides, or where no justice of the peace can be found within five miles at the time of search. 51 V., c. 14, s. 26.

149. If any building is upon the boundary line between Canada and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein, or carried through or into the same without payment of duties and in violation of law, and, if the collector or proper officer of Customs makes oath before any justice of the peace that he has reason to believe as aforesaid, such collector or officer may search such
such building and the premises belonging thereto, so far as the
same are within the limits of Canada. R.S., c. 32, s. 138.

150. Officers of Customs may board any vessel at any time
or place, and stay on board until all the goods intended to be
unladen have been delivered; and they shall have free access to
every part of the vessel, with power to fasten down hatchways,
the forecastle excepted, and to mark and secure any goods on
board; and if any place, box or chest is locked, and the keys are
withheld, the officer may open the same. R.S., c. 32, s. 139.

151. The collector or other proper officer of Customs may
station officers on board any ship while within the limits of a
port, and the master shall provide every such officer with suit-
able accommodation and food. R.S., c. 32, s. 140.

152. Under the authority of a writ of assistance, any officer
or any person employed for that purpose with the concurrence
of the Governor in Council expressed either by special order or
appointment or by general regulation, may enter, at any time in
the day or night, into any building or other place within the
jurisdiction of the court from which such writ issues, and may
search for and seize and secure any goods which he has reason-
able grounds to believe are liable to forfeiture under this Act,
and, in case of necessity, may break open any doors and any
chests or other packages for that purpose. 51 V., c. 14, s. 29.

153. Any officer or person in the discharge of the duty of
seizing goods, vessels, vehicles or property liable to forfeiture
under this Act, may call in such lawful aid and assistance in
the King’s name, as is necessary for securing and protecting
such seized goods, vessels, vehicles or property. R.S., c. 32,
s. 144.

154. If any vessel is found hovering in British waters,
within one league of the coasts or shores of Canada, any officer
may go on board and enter into such vessel and stay on board
such vessel, while she remains within the limits of Canada or
within one league thereof; and, if any such vessel is bound
elsewhere, and so continues hovering for the space of twenty-
four hours after the master has been by such officer required
to depart, such officer may bring the vessel into port, and
examine her cargo. R.S., c. 32, s. 113.

SEARCH OF THE PERSON.

155. Any officer, or person by him authorized thereunto,
may search any person on board any vessel or boat within
any port in Canada, or on or in any vessel, boat or vehicle
entering Canada by land or inland navigation, or any person
who has landed or got out of such vessel, boat or vehicle, or

R.S., 1906.
who has come into Canada from a foreign country in any manner or way, if the officer or person so searching has reasonable cause to suppose that the person searched has goods subject to entry at the Customs, or prohibited goods, secreted about his person. R.S., c. 32, s. 135.

156. Before any person can be searched, such person may require the officer to take him before some police magistrate or justice of the peace, or before the collector or chief officer of Customs at the port or place, who shall, if he sees no reasonable cause for search, discharge such person, but, if otherwise, he shall direct such person to be searched: Provided that if such person is a female she shall be searched by a female, and any such magistrate, justice of the peace or collector may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases. R.S., c. 32, s. 135.

157. Every officer required to take any person before a police magistrate, justice of the peace, or chief officer of Customs as aforesaid, shall do so with all reasonable despatch. R.S., c. 32, s. 136.

WRITS OF ASSISTANCE.

158. The judge of the Exchequer Court of Canada, or any judge of any of the superior courts in any province of Canada, having jurisdiction in the province or place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by His Majesty's Attorney General of Canada or by a collector or by any superior officer of Customs; and such writ shall remain in force so long as any person named therein remains an officer of Customs, whether in the same capacity or not.

2. For the purposes of this section, any judge of the Court of King's Bench, in the province of Manitoba, shall have jurisdiction over that part of Canada formerly known as the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant such writ for use in the province of Manitoba. R.S., c. 32, s. 141; 51 V., c. 14, s. 28.

159. Every writ of assistance granted before the coming into force of this Act, under the authority of Acts relating to the Customs now repealed, shall remain in force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed. R.S., c. 32, s. 142.

PROTECTION OF OFFICERS.

160. No action, suit or proceeding shall be commenced, and no writ shall be sued out against, or copy of any process served
served upon any officer, or person employed for the prevention of smuggling, for anything done in the exercise of his office or duty, or against or upon any person in possession of goods under authority of any officer of Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process is pending, nor until one month after notice in writing containing the particulars by this section required has been delivered to such officer or person, or left at his usual place of abode, by the person who intends to sue out such writ or process, his attorney or agent.

2. In such notice shall be clearly and explicitly contained a statement of the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of his attorney or agent.

3. No evidence of any cause of action shall be produced except of such cause of action as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given, in default of which proof, the defendant shall be entitled to a verdict or judgment and costs. 51 V., c. 14, s. 30.

161. Any such officer or person against whom any action, suit or proceeding is brought on account of anything done in the exercise of his office or duty may, within one month after such notice, tender amends to the person complaining, or his agent, and plead such tender in bar to the action, together with other pleas.

2. If the court or jury, as the case may be, finds the amends sufficient, judgment or verdict shall be given for the defendant. If amends sufficient.

3. In such case, or if the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to full costs of defence.

4. The defendant, by leave of the court in which the action is brought, may, at any time before issue joined, pay money into court as in other actions. R.S., c. 32, s. 146.

162. Every such action, suit or proceeding shall be brought within three months after the cause thereof, and shall be laid and tried in the place or district where the acts complained of were committed.

2. The defendant may plead the general issue, and give the special matter in evidence. R.S., c. 32, s. 147.

163. If, in any such action, suit or proceeding, the court or judge before whom the trial takes place certifies that the defendant acted upon probable cause, the plaintiff shall not be entitled to more than twenty cents damages nor to any costs of suit, nor, in case of a seizure, shall the person who made the seizure R.S., 1906.
seizure be liable to any civil or criminal suit or proceeding on account thereof. R.S., c. 32, s. 148.

164. No action, suit or proceeding shall be commenced against the Crown, or against any officer or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer, for the recovery of the thing seized, until a decision has been first given either by the Minister or by a court of competent jurisdiction in relation to the condemnation of the thing seized.

2. Every such action, suit or proceeding shall be brought within three months after such decision has been given. 51 V., c. 14, s. 31.

165. If, upon search under the authority of this Act, by any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act, or by any person lawfully called in to aid and assist in such search, no prohibited, smuggled or forfeited goods are found, and if such officer or person had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found, he shall not be liable to any prosecution, action or other legal proceeding on account of any such search, or the detention or stoppage of any goods detained or stopped in connection therewith. R.S., c. 32, s. 144.

ARTICLES SEIZED—HOW DEALT WITH.

166. All vessels, vehicles, goods and other things seized as forfeited under this Act, or any other law relating to Customs or to trade or navigation, shall be placed in the custody of the nearest collector and secured by him, or, if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port. 52 V., c. 14, s. 14.

167. All such vessels, vehicles, goods or other things seized as forfeited shall be deemed and taken to be condemned without suit, information or proceedings of any kind, and may be sold; and all moneys paid to or deposited with any officer of Customs in lieu of any things seized or as the ascertained value of any things liable to seizure and forfeiture shall likewise be deemed and taken to be condemned without suit, information or proceedings of any kind; unless, in either case, the person in whose possession or custody they were seized or the owner thereof, or the person paying or depositing any moneys as aforesaid, or some person on his behalf, within one month from the day of seizure, payment or deposit, gives notice in writing to the seizing officer, or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same.
2. The burden of proof that such notice was duly given in any case shall lie upon the person so claiming. 52 V., c. 14, s. 14.

168. Proceedings for the condemnation of the things seized or any moneys paid or deposited in lieu thereof or as the ascertained value of things liable to seizure, may be commenced and prosecuted to judgment, whether notice as provided in the last preceding section has or has not been given. 52 V., c. 14, s. 15.

169. If any goods, property or vehicle, subject or liable to forfeiture under this Act, or any other law relating to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods, property or vehicle shall be taken to the Custom-house nearest to the place where the same was stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same has been stopped or taken. R.S., c. 32, s. 175.

170. If any such goods, property or vehicle is stopped or taken by any police or peace officer, on suspicion that the same has been stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of His Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and, immediately after the trial, all such goods shall be conveyed to and deposited in the Custom-house or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law. R.S., c. 32, s. 176.

171. Any collector or other proper officer of Customs may, as may also the court with the consent of the collector or other proper officer of Customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of Customs, in money, of a sum equal at least to the full duty-paid value, to be determined by the collector or other proper officer of Customs, of the things seized and the estimated costs of the proceedings in the case.

2. Any collector or other proper officer of Customs may receive from any person charged with any contravention of this Act, although no seizure of goods has taken place, a sum in money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention, to be determined by the collector or other proper officer of Customs, together with the estimated costs of the proceedings in the case. And costs.
Deposit in bank of such money.

3. Any sum of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance, there to remain until forfeited in due course of law or released by order of the Minister.

4. If such seized articles are condemned, or such penalty or forfeiture accrues to the Crown, either by judgment of a court or by decision of the Minister under this Act, the money deposited shall be forfeited. 51 V., c. 14, s. 34.

Forfeiture of deposit.

172. Any sum of money so deposited shall, unless the same is released as in the last preceding section provided, become the property of His Majesty for the public uses of Canada, subject to the provisions of this Act with respect to the distribution of the proceeds of forfeited goods.

2. No proceedings against the Crown for the recovery of any such money shall be instituted, except within six months from the date of the deposit thereof. 52 V., c. 14, s. 13.

Deposit property of His Majesty.

Limitation of time for claim.

173. If the thing seized is an animal or a perishable article, the collector at whose port the same is may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value; and the proceeds of such sale shall be deposited in some chartered bank to the credit of the Minister of Finance, and shall abide the judgment of the court with respect to the condemnation of the thing seized, if proceedings for condemnation are taken in court; or shall become the property of His Majesty, if the thing seized becomes condemned without proceedings in court: Provided that the collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the collector to represent the duty-paid value of the thing claimed, and the costs of any proceedings to be taken in court for the condemnation of the thing seized; and the money so deposited shall be paid into some chartered bank to the credit of the Minister of Finance, and shall be dealt with in the same manner as hereinbefore provided for in the case of the proceeds of a sale of such thing. R.S., c. 32, s. 188.

Animals or perishable goods may be sold as if condemned.

Proviso.

PROCEEDINGS UPON SEIZURE OR ALLEGED PENALTY OR FORFEITURE INCURRED.

174. Whenever any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or of any law relating to the Customs, or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the Commissioner of Customs. R.S., c. 32, s. 177.

R.S., 1906.

794
175. The commissioner may thereupon notify the owner or claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reasons for the seizure, detention, penalty, or forfeiture, and call upon him to furnish, within thirty days from the date of the notice, such evidence in the matter as he desires to furnish.

2. Such evidence may be by affidavit or affirmation, made before any justice of the peace, collector of Customs, commissioner for taking affidavits in any court, or notary public. R.S., c. 32, s. 178.

176. After the expiration of the said thirty days, or sooner, if the person so called upon to furnish evidence so desires, the commissioner may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister. R.S., c. 32, s. 179.

177. The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision. 51 V., c. 14, s. 34.

178. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, does not, within thirty days after being notified of the Minister’s decision, give him notice in writing that such decision will not be accepted, the decision shall be final. 51 V., c. 14, s. 34.

179. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the Minister’s decision, gives him notice in writing that such decision will not be accepted, the Minister may refer the matter to the court. 51 V., c. 14, s. 34.

180. On any reference of any such matter by the Minister to the court, the court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which, under the direction of the court, the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown, produces, and the court shall decide according to the right of the matter.

2. Judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the court. 51 V., c. 14, s. 34.

181. The service of notice to produce evidence and of the Minister’s decision shall be sufficient, if it is effected by sending R.S., 1906.
sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days allowed in respect of either of such notices shall, in case of such service by mail, be computed from the date of the mailing of such notification. 51 V., c. 14, s. 34.

182. If notice of intent to claim has been given and the value of the goods or thing seized does not, in the opinion of the prosecuting officer, exceed one hundred dollars, such officer shall, if he chooses to proceed under this section, forthwith cause the goods to be valued by a competent appraiser, and, if such appraiser certifies them not to exceed the said value, a summary information in writing may be exhibited in the name of the collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister, before two justices of the peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place to claim the articles seized and answer the information, and stating that otherwise such articles will be condemned.

2. A copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel, if any, in which they were seized, if there remaining, or at two public places nearest the place of seizure.

3. If any person appears to answer the information, the justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears, judgment of condemnation shall be given; and the justices on condemnation shall issue a warrant to the collector to sell the goods.

4. Such two justices shall be deemed a court, and each of them a judge thereof for the purposes of this Act. R.S., c. 32, s. 189.

PRODUCTION AND DELIVERY OF BOOKS, INVOICES, ETC.

183. Whenever information has been given under oath to any officer that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Act or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, shall immediately, upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detainted.

R.S., 1906.
tained, and of all other goods imported into Canada by him at any time within six years preceding such request, seizure, or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of or extracts from all books of account, ledgers, day-books, cash-books, letter-books, invoice-books or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value of or payment for the goods so seized or detained, and of or for all other goods as aforesaid. 51 V., c. 14, s. 34.

184. Whenever any suit is instituted under the provisions of this Act, or an order of the court is obtained, all invoices, accounts, books and papers relating to any imported goods to which such suit or order relates shall be produced in court, or to any person whom the court directs, and, if the same are not so produced within such time as the court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in case by default; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order. 51 V., c. 14, s. 34.

INVOICES TO BE KEPT ON FILE.

185. The collectors of Customs at all ports in Canada shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively.

2. The collectors shall give certified copies or extracts of any such invoices, whenever called upon so to do by the importers, and shall be entitled to demand for each certificate a fee of fifty cents before delivering the same.

3. In no case shall an invoice be shown or a copy thereof given to any person other than the importer, or an officer, except upon the order or subpoena of a court of justice. R.S., c. 32, s. 48.

OFFENCES AND PENALTIES.

Respecting entry inwards, importation and landing.

186. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel may also be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars, if the vessel is worth eight hundred dollars or more, or a penalty not exceeding four hundred dollars, if the value of the vessel is less than eight hundred dollars, and the vessel may be detained until such penalty is paid.

797

2. R.S., 1906.
In default of payment sale of vessel.

2. Unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and in the safe-keeping and sale of such vessel. 51 V., c. 14, s. 23.

187. If any goods,—

(a) are imported into Canada at any other place than at some port or place of entry at which a Custom-house is then lawfully established; or,

(b) being brought by land or inland navigation into a port or place of entry where a Custom-house is so established, are carried past such Custom-house, or removed from the place appointed for the examination of such goods by the collector or other proper officer at such port or place before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly;

such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods. R.S., c. 32, s. 114.

188. If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and, unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining and selling such vessel.

2. If any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or packages shall be seized and forfeited. R.S., c. 32, s. 28; 51 V., c. 14, ss. 8 and 36.

189. All goods unladen or landed before due entry thereof and warrant for landing, or otherwise contrary to this Act, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so landed, shall, for each offence, incur a penalty of four hundred dollars. R.S., c. 32, ss. 21 and 194.

190. If after the master of any vessel has made his report inwards, any goods are found on board of such vessel or landed therefrom which have not been reported, such goods shall be seized and forfeited, unless it appears that there was no fraudu-
lent intention, in which case, the master shall be allowed to amend his report. R.S., c. 32, s. 29.

191. If bulk is broken contrary to this Act, the master shall forfeit two hundred dollars and the vessel may be detained until the said sum is paid or satisfactory security is given for the payment thereof, and, unless payment is made or security is given within thirty days, such vessel may at the expiration thereof be sold to pay the said sum. R.S., c. 32, s. 21.

192. If any goods are imported into Canada in any vehicle, other than a railway carriage, or upon the person, between sunset and sunrise on any day or at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs, and under the supervision of an officer, such goods and the vehicle in which the same are imported, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto shall be forfeited, and may be seized and dealt with accordingly.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall be further liable on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both. 52 V., c. 14, s. 3.

193. (a) Any vehicle containing goods, other than a railway carriage, arriving by land at any place in Canada, whether any duty is payable on such goods or not; and,

(b) Any such vehicle on arriving, if the vehicle or its fittings, furnishings or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty; and,

(c) Any goods brought into Canada in the charge or custody of any person arriving in Canada on foot or otherwise;

shall be forfeited and may be seized and dealt with accordingly, if before unloading or in any manner disposing of any such vehicle or goods, the person in charge thereof does not,—

(a) come to the Custom-house nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom-house, and there make a report in writing to the collector or proper officer of Customs, stating the contents of each and every package and parcel of such goods and the quantities and values of the same; and,

Unless report made.

799 (b) R.S., 1906.
(b) then truly answer all such questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances appertaining thereto, as the said collector or proper officer of Customs requires of him; and,

(c) then and there make due entry of the same in accordance with the law in that behalf.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles; and shall be further liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both. 52 V., c. 14, s. 3.

194. The conductor of any train carrying freight arriving at any port in Canada, from any foreign port or place shall incur a penalty of four hundred dollars if, without the written permission of the collector or proper officer of Customs, any goods are unladen from such train before such conductor shall have made his report thereof, as by this Act required, or if he fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same. R.S., c. 32, s. 32.

195. If any goods are unlawfully imported on any railway, they shall be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited.

2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, upon summary conviction, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, and not less than three months, or to both. R.S., c. 32, s. 118.

196. All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

2. Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars.
dollars or a penalty equal to treble the value of such goods, at
the election of the person who sues for the same.

3. The averment in any information, petition or pleading Evidence.
for the recovery of such penalty that such person has elected
to sue for the sum mentioned in the information, petition or
pleading, shall be sufficient proof of such election, without any
other evidence of the fact. R.S., c. 32, s. 196.

197. Every person who, by any means, procures, hires, or
induces any person or persons to be concerned in the landing,
unshipping, carrying or conveying of any goods the importa-
tion of which is prohibited, or for the landing of which permis-
sion has not been granted by the collector or other proper officer
of Customs, shall, for every person so procured, hired or in-
duced, incur a penalty of one hundred dollars. R.S., c. 32,
s. 200.

198. If any goods are unlawfully imported on the person,
or as baggage, or among the baggage of any one arriving in
Canada, on foot or otherwise, such goods shall be seized and
forfeited. 51 V., c. 14, s. 23.

199. Any goods taken or delivered out of any vessel by
virtue of,—

(a) any entry or warrant not corresponding, as to the particu-
lars of the goods and packages stated therein, with the
particulars of the goods and packages purporting to be the
same in the report of the vessel or other report, where any
is required to be made, by which the importation or entry
of such goods is authorized; or,

(b) any entry or warrant not properly describing the goods;
shall be deemed to be goods landed without due entry thereof
and shall be seized and forfeited. R.S., c. 32, s. 119.

200. If any goods entered or attempted to be passed
through the Customs are found which do not correspond with
the goods described in the invoice or entry, such goods may be
seized and forfeited. R.S., c. 32, ss. 123 and 161.

201. If, in any package, any goods are inclosed which are
not mentioned in the invoice or entry of such package, such
goods, if found, shall be seized and forfeited.

2. If such goods are not found but the value thereof has been
ascertained, the owner, importer or other person who has made
entry or caused to be made entry of such package, and who
neglects on receipt of such package to immediately make report
and entry of such inclosure, shall forfeit the value thereof.
52 V., c. 14, s. 11.

202. If, upon the examination authorized by this Act at
any port of the contents of any package intended for importa-
tion

R.S., 1906.
tion into another port or for exportation, any prohibited goods are found therein, all the goods in such package shall be seized and forfeited. R.S., c. 32, s. 30.

Medicinal preparations not properly marked.

203. If any medicinal preparation, whether chemical or not, which is usually imported with the name of the manufacturer, does not when imported have the true name of such manufacturer and the place where such preparation is prepared and the word Alcoholic, if the preparation contains alcohol, or non-alcoholic, if it does not contain alcohol, permanently and legibly affixed to each parcel by stamp, label or otherwise, all parcels thereof not so stamped, labelled or otherwise marked may be forfeited and seized by any officer. 60-61 V., c. 16, s. 12.

Possession of wreck without report or payment of duty.

204. Every person who has in his possession, in port or on land, any goods derelict, flotsam, jetsam or wreck, and which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand, pay the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars, in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited. R.S., c. 32, s. 217.

Removing or altering wreck before warehoused.

205. Every person who removes or alters in quantity or quality any goods derelict, flotsam, jetsam or wreck, or unnecessarily opens or alters any package thereof, before such goods are deposited in a warehouse under the custody of the Customs officers, shall, in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars. R.S., c. 32, s. 217.

Smuggling.

206. If any person,—

(a) smuggles or clandestinely introduces into Canada any goods subject to duty; or,

(b) makes out or passes or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods; or,

(c) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods;

If such goods, if found, may be seized and forfeited, or, if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained.

2. Every such person shall, in addition to any other penalty to which he is subject for any such offence,—

(a) forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction; and,

(b) further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars.

R.S., 1906.
dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment. R.S., c. 32, ss. 123 and 203; 51 V., c. 14, s. 35.

207. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, in the discretion of the court. 60-61 V., c. 16, s. 14.

208. If any person makes or sends or brings into Canada, or causes or authorizes the making, sending or bringing into Canada of any invoice or paper used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his representatives or assigns, for the price of such goods or any part thereof, nor shall any sum of money be recoverable upon any bill of exchange, note, or other security made, given or executed for the price of such goods, or any part of such price, unless such bill of exchange, note or other security is in the hands of an innocent holder for value without notice. 51 V., c. 14, s. 39.

209. If, in any declaration by the owner, consignee or importer of any goods, or his attorney or agent, attached to the bill of entry under the authority of this Act, there is contained any wilfully false statement, the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath connected with the entry, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath, and had made such false statement therein. R.S., c. 32, s. 47.

Smuggling.

210. If, upon examination by any officer of Customs of the cargo of any vessel found hovering in British waters within one league of the coasts or shores of Canada, any goods the importation of which into Canada is prohibited are found on board, such vessel with her apparel, rigging, tackle, furniture, stores and cargo shall be seized and forfeited, and, if the master or R.S., 1906.
or person in charge refuses to comply with the lawful directions
of such officer, or does not truly answer such questions as are
put to him respecting such ship or vessel or her cargo, he shall
incur a penalty of four hundred dollars. R.S., c. 32, s. 113.

211. If, upon search by any officer of Customs under the
authority of this Act, any prohibited or smuggled goods, or
goods respecting which there has been any violation of any of
the requirements of this Act, are found in any vessel or vehicle
of any description whatsoever, whether arriving from places
beyond or within the limits of Canada, such goods, and the
vessel or vehicle in which the same are found, together with all
the sails, rigging, tackle, apparel, horses, harness and all other
appurtenances which belong to or are attached to such vessel or
vehicle shall be seized and forfeited. R.S., c. 32, s. 134.

212. If, within the limits of Canada, any person deposits,
places or carries, or causes to be deposited, placed or carried in,
through or into any building upon the boundary line between
Canada and any foreign country, or the premises connected
therewith, any dutiable goods without payment of duty, or
contrary to the provisions of this Act or of any Customs laws
or regulations, such person shall incur a penalty not exceeding
one thousand dollars, and not less than two hundred dollars.
R.S., c. 32, s. 138.

213. If, upon search under the authority of this Act by any
collector or officer of Customs of any building upon the boundary
line between Canada and any foreign country, or the premises
belonging thereto, any dutiable goods are found, deposited or
placed therein or thereon, within the limits of Canada, without
payment of duties, and in violation of law, the same shall be
seized and forfeited. R.S., c. 32, s. 138.

214. If, upon search of any vessel by any officer of Customs,
any goods are found concealed on board, they shall be seized
and forfeited, and if any mark, lock or seal upon any goods on
board is willfully altered, opened or broken before the delivery
of the goods, or if any goods are secretly conveyed away, or if
any hatchway fastened down by the officer is opened by the
master or with his assent, the master shall incur a penalty of
four hundred dollars, and the vessel may be detained until the
said penalty is paid or satisfactory security is given for the
payment thereof; and, unless payment is made within thirty
days, such vessel may, after the expiration of such delay, be sold
to pay such penalty and any expenses incurred in detaining,
keeping and selling the same. 51 V., c. 14, s. 27.

215. If any two or more persons in company are found
together, and they or any of them have any goods liable to for-
feiture
feiture under this Act, every such person having knowledge of the fact is guilty of an indictable offence, and punishable accordingly. R.S., c. 32, s. 198.

216. Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall incur a penalty of one hundred dollars, if he has been knowingly Penalty. concerned in any of such acts. R.S., c. 32, s. 199.

217. Every one who obstructs or offers resistance to any search of the person, authorized to be made by this Act, or assists in so doing, shall incur a penalty of one hundred dollars. Penalty. R.S., c. 32, s. 135:

218. If any person who is on board or who has landed from or got out of any vessel, boat or vehicle within any port in Canada, or entering Canada by land or inland navigation, or who has entered Canada from a foreign country in any manner or way, upon being questioned by any officer of Customs as to whether he has any goods subject to entry at the Customs or prohibited goods secreted about his person, denies having any such goods, or does not produce such as he has, and if any such goods are found upon him on being searched, the goods shall be seized, and he shall forfeit treble the value thereof. R.S., c. 32, s. 135.

219. If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or where on the duties lawfully payable have not been paid, such goods, if found, shall be forfeited and may be seized, and, if such goods are not found, the person so offending shall forfeit the value thereof.

2. Every such person shall, in addition to any other penalty forfeiture a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment. 51 V., c. 14, s. 38.

220. Every person who wilfully alters, defaces or obliterates any mark placed by any officer of Customs on any pack- Altering or defacing marks.

age R.S., 1906.
Penalty. 

age of warehoused goods, or goods in transit, shall, for every such offence, incur a penalty of five hundred dollars. R.S., c. 32, s. 208.

Warehouses and Warehousing.

221. If any goods imported into Canada and deposited in any Customs warehouse, or other place appointed for the deposit of such goods after landing, are removed from such warehouse or the place so appointed without leave of the collector or other proper officer of Customs, they shall be seized and forfeited. R.S., c. 32, s. 87.

222. If any goods entered to be warehoused are not duly carried into and deposited in the warehouse, or, having been so deposited, are afterwards taken out of the warehouse without lawful permit, or, having been entered and cleared for exportation from the warehouse, are not duly carried and shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the lawful permission of the proper officer of the Customs, such goods shall be seized and forfeited. R.S., c. 32, s. 96.

223. If any goods which have been delivered out of warehouse as ship’s stores for any vessel under the authority of this Act are re-landed, sold or disposed of in Canada without due entry and payment of duty, such goods and the vessel for or from which they were delivered shall be seized and forfeited. 61 V., c. 36, s. 1.

224. If any goods are laden or taken out of warehouse by an entry outwards or a shipping warrant not corresponding as to the particulars of the goods and packages stated therein, with the particulars in the entry inwards, or in which the goods are not properly described by the character, denomination and circumstances under which they were originally charged with duty, such goods shall be seized and forfeited. R.S., c. 32, s. 109.

225. Any goods taken or delivered out of any warehouse or conveyed into Canada beyond the port or place of entry by virtue of any entry or warrant,—

(a) not corresponding, as to the particulars of the goods and packages stated therein, with the particulars of the goods and packages purporting to be the same, in the report of the vessel or other report, where any is required to be made, by which the importation or entry of such goods is authorized; or,

(b) not properly describing the goods;

shall be deemed to be goods taken without due entry thereof and shall be seized and forfeited. R.S., c. 32, s. 119.

R.S., 1906.
226. If any warehoused goods are concealed in or unlawfully removed from any Customs warehouse in Canada, such goods shall be seized and forfeited.

2. Every person who conceals or unlawfully removes any such goods shall incur the penalties imposed on persons illegally importing or smuggling goods into Canada.

3. Upon discovery of such concealment or removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and, if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Canada. R.S., c. 32, s. 205.

227. Every person who, without the express permission of the proper officer of Customs, by any contrivance, gains access to bonded goods in a railway car, or to goods in a railway car upon which the Customs duties have not been paid, or delivers such bonded or other goods, shall, for every such offence, be liable to imprisonment for a term not exceeding one year and Penalty. not less than one month. R.S., c. 32, s. 207.

228. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer or owner shall, for every such offence, incur a penalty of one hundred dollars. Penalty. R.S., c. 32, s. 206.

229. If any person without lawful authority opens or unpacks, or causes to be opened or unpacked, or aids or assists in the opening or unpacking of any package of goods under the control of the Customs authorities, before such package has been sent to the examining warehouse for examination and the contents examined and approved, he shall incur a penalty equal to the value of the contents of the package so delivered, or the goods shall be seized and forfeited; but this section shall not be deemed to render unlawful or authorize the imposition of any penalty for the opening or unpacking of any package of goods designated for examination, which has remained at the examining warehouse for a period of three days after the same has been actually delivered at such examining warehouse. 51 V., c. 14, s. 24.

230. If any person having the custody or having possession or control of any package or any goods which have been delivered Refusing to return goods to Customs. R.S., 1906.
delivered without examination, upon being required by the collector of Customs at the port at which such goods are entered to return the same to the Customs or examining warehouse, fails within ten days of being so required to so return the said goods or any portion thereof, he shall incur a penalty equal to the value of the goods not returned. 51 V., c. 14, s. 24.

231. The owner of any goods warehoused or entered for warehouse shall incur a penalty equal to double the amount of the duty to which such goods are at the time subject, if, with respect to the warehousing of any such goods, or in removing such goods from any warehousing port in Canada to any other warehousing port in Canada, or from one warehouse to another in the same port, he contravenes any provision of this Act or of any rule or regulation lawfully made thereunder.

2. The goods may be detained until such penalty is paid, and, if the goods have passed out of the possession of the Customs, they may be seized wheresoever and in whosesoever possession found.

3. Such penalty of double duty shall be additional to any other penalties or forfeitures provided by this Act for or in respect of the matters or any of them in this section mentioned.

4. The claim of the Customs for such penalty shall have precedence over the claims of all persons upon the said goods of whatever nature, and may be enforced by sale or other proceedings. 51 V., c. 14, s. 17.

Respecting Appraisement.

232. Every person chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, if he so refuses or neglects without good and sufficient cause, incur a penalty of forty dollars. R.S., c. 32, s. 76.

233. Every person lawfully called before any appraiser or any collector acting as such, or the persons selected to appraise any goods under the authority of this Act, who neglects or refuses to attend, or declines to answer, or refuses to answer in writing, if required, any interrogatories, or to subscribe his name to his deposition or answer, or to produce any letters, accounts, invoices, or other papers or account books in his possession relating to any such appraisement, when required so to do, shall incur a penalty of fifty dollars. R.S., c. 32, s. 72.

234. If upon any examination upon oath touching the appraisement of any goods under the authority of this Act, the owner, importer or consignee of the goods under appraisement wilfully swears falsely, the goods shall be seized and forfeited. R.S., c. 32, s. 73.
Respecting non-payment of Duty.

235. If any goods imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, are sold after importation, and if the duties to which such goods are consequently liable and charged thereon are not paid, such goods shall be forfeited and may be seized and dealt with accordingly. R.S., c. 32, s. 160.

236. Every animal or vehicle and goods of any kind brought into Canada by any traveller, and which have been exempted from duty under regulation of the Minister or otherwise, may, if sold or offered for sale in Canada without payment of the duties thereon, be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof. 51 V., c. 14, s. 47.

Respecting Entry Outwards and Exportation.

237. If any goods have been entered outwards to be exported, from a Customs warehouse, either by sea or by land, or by inland navigation, as the case may be, the person entering the same for such purpose shall incur a penalty equal to double the duties of importation on such goods in case of non-performance of the obligation so incurred to export, land or deliver and produce satisfactory proof thereof as in this Act provided. 51 V., c. 14, s. 22.

238. If any such goods are not exported, landed or delivered or otherwise lawfully disposed of, or if they are fraudulently re-landed in or brought into Canada, in violation of the Customs law or regulations, such goods shall be seized and forfeited, together with any vessel or vehicle from or in which they have been so landed or brought into Canada, or in which they may be found; and the person entering the same for exportation shall, in any such case, and whether such goods are seized or not, be liable for the payment of such penalty of double duty Penalty as in the last preceding section mentioned, in addition to any other penalties or forfeitures to which, for any of the causes aforesaid, he may be liable under this Act. 51 V., c. 14, s. 22.

239. If any railway car or other vehicle, upon which are laden any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, is taken out of the limits of the port at which the entry for exportation ought to be made, before entry for exportation is duly made, or before the export duty, if such goods are liable for any, is paid, or otherwise, contrary to the provisions of this Act, the company or person so taking the same shall incur a penalty not exceeding four hundred dollars. R.S., c. 32, s. 106. Penalty.
240. Every person who makes any entry outwards of goods from warehouse for exportation, and who is not the owner or duly authorized by the owner thereof, or the master of the vessel by which they are to be shipped, shall incur a penalty of two hundred dollars. R.S., c. 32, s. 209.

241. The owner, shipper, or consignor of any goods shipped at any port or place in Canada on board any vessel bound to any port or place out of Canada, or to be transported by railway or other land conveyance from any port or place in Canada to any port or place out of Canada, who refuses or neglects to make report and entry of the articles shipped or laden by him, as required by this Act, shall incur a penalty not exceeding two hundred dollars for each such offence. R.S., c. 32, s. 107.

242. If any goods, the exportation or carrying coastwise or by inland navigation of which is prohibited by this Act or by the Governor in Council under the authority of this Act, are exported, carried coastwise or by inland navigation, or water borne, or laden in any railway carriage, or other vehicle for the purpose of being so exported or carried, they shall be seized and forfeited. R.S., c. 32, ss. 111 and 250.

243. The importer of any goods imported into Canada and entered for exportation shall be liable to a penalty equal to double the amount of the duty to which such goods are at the time subject, if, with respect to the entry or exportation of such goods, or otherwise in respect to the same, he contravenes any provision of this Act, or of any rule or regulation lawfully made thereunder. 51 V., c. 14, s. 17.

244. The importer of any goods entered at any frontier Customs port and passing on to any Customs port in any other part of Canada, or in transit through Canada by way of any Customs port of exit in Canada, shall incur a penalty equal to double the amount of the duty to which such goods are at the time subject, if, with respect to the entry, or passing on or transit of such goods through Canada, he contravenes any provision of this Act, or of any of the rules or regulations lawfully made thereunder. 51 V., c. 14, s. 17.

245. The penalties of double duty mentioned in each of the two last preceding sections shall be additional to any other penalties or forfeitures provided by this Act for or in respect of the causes or matters or any of them in the said sections mentioned, and the goods may in each case be detained until such penalty of double duty is paid, and if such goods have passed out of the possession of the Customs, they may be seized wheresoever and in whosoever possession found.

810 2.

R.S., 1906.
2. The claim of the Customs for such penalties of double duty shall have precedence over the claims of all persons upon the said goods of whatever nature, and may be enforced by sale or other proceedings. 51 V., c. 14, s. 17.

246. If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars; and the vessel shall be detained in any port in Canada until the said penalty is paid.

2. Unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel. R.S., c. 32, s. 99; 51 V., c. 14, s. 21.

Contravention of Regulations.

247. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles, and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized. 51 V., c. 14, s. 37.

248. If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure, and keeping and selling such vessel. 51 V., c. 14, s. 37.

Respecting Officers.

249. If any officer requires any person to be searched without reasonable cause, such officer shall incur a penalty not exceeding forty dollars. R.S., c. 32, s. 136.

250. Every police or peace officer, who has detained any goods, property or vehicle subject or liable to forfeiture, and who neglects to convey the same to the Custom-house, or to give notice of having stopped the same as by this Act prescribed, shall be liable, on summary conviction, to a penalty of one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding thirty days. R.S., c. 32, s. 219.

251. R.S., 1906.
251. Every collector or other officer who allows the payment of duties of Customs to be avoided or deferred for any cause or consideration whatsoever, except by regular entry for warehouse, shall be liable to a penalty equal to the full value of such goods, and the duty accruing thereon, which shall be recoverable in any court of competent jurisdiction, from him or his sureties, or either of them.

2. Any goods on which payment of duty has been so avoided or deferred, shall be liable to seizure and be dealt with as goods unlawfully imported into Canada. R.S., c. 32, s. 220.

252. Every officer of the Customs, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every such offence to a fine of five hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months, and shall be incapable of serving His Majesty in any office whatsoever.

2. Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of five hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months. R.S., c. 32, s. 221.

False Entry.

253. If any entry passed at any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited. 51 V., c. 14, s. 40.

Falsification of Documents.

254. Every person who forges, counterfeits, falsifies, or uses when so forged, counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement procures such document, knowing the same to be forged, counterfeited or falsified, or forges, counterfeits or falsifies any certificate relating to any oath or declaration
or affirmation by this Act required or authorized, is guilty of an indictable offence. R.S., c. 32, s. 211.

Refusal to answer Questions.

255. Any person required by this Act, or by any other law, to answer questions put to him by any officer of the Customs, who refuses to answer or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, incur a penalty of four hundred dollars. R.S., c. 32, s. 216.

Respecting maintenance of Officer on board Ship.

256. If the collector or other proper officer of Customs stations any officer on board any ship while within the limits of a port, and, if the master of such ship refuses or neglects to provide such officer while he so remains upon the ship with suitable accommodation and food, such master shall incur a penalty of two hundred dollars. R.S., c. 32, s. 140.

Respecting the production of Invoices, Books of Account, etc.

257. If information has been given under oath to any officer that goods or things have been unlawfully imported or entered, or if any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, and if the importer or exporter of such goods, or the owner or claimant thereof, upon being required under the provisions of this Act to produce and hand over to the collector or other proper officer of Customs any invoices, bills, accounts or statements, or to produce for inspection of such collector or other officer any books of account, ledgers, day books, cash books, letter books, invoice books or other books, or to allow copies or extracts to be made therefrom, neglects or refuses to do so, he shall incur a penalty not exceeding five thousand dollars. 51 V., c. 14, s. 34.

Taking away Goods under seizure.

258. Every person who, without the permission of the officer or person who seized the same or of some competent authority, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, vehicle or other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause, shall be deemed to have stolen such goods, being the property of His Majesty, and is guilty of theft. R.S., c. 32, s. 212.

813 Respecting

R.S., 1906.
Respecting the stopping of Vessels.

259. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or neglects to stop such vessel, vehicle or conveyance, when required so to do, in the King's name, by an officer or person employed as such, and every person who is present at any such seizure or stoppage, and who, when called upon in the King's name by such officer or person to aid and assist him in a lawful way, refuses or neglects so to do, shall be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars, and, in default of payment to imprisonment for a term not exceeding six months. R.S., c. 32, s. 214.

Offering Goods for sale as prohibited or smuggled.

260. If any person offers for sale any goods under pretense that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited.

2. Every person who offers for sale any goods under any such pretense shall be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and, in default of payment, to imprisonment for a term not exceeding sixty days. R.S., c. 32, s. 215.

Evidence,—Burden of Proof.

261. Copies of invoices or extracts from invoices, duly certified by the collector or other proper officer, bearing the stamp of the Custom-house at which such invoices are filed, shall be considered and received as prima facie evidence of the contents thereof. R.S., c. 32, s. 48.

262. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any collector of colonial revenue in any of the British possessions, or of any British consul or vice-consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs or revenue, shall be received as prima facie evidence. R.S., c. 32, s. 156.

263. The production or proof of the existence of any invoice, account, document or paper made or sent by any person or by his authority, wherein the goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any other invoice, account, document

R.S., 1906.
ment or paper intended to cover the same goods or any part thereof, made or sent by the same person or by his authority, or in which the goods or any of them are given a different name or description from that stated in any other such invoice, account, document or paper, or in which the goods are falsely described, shall be prima facie evidence that the invoice, account, document or paper wherein is stated a lesser price, or the false or incorrect name or description of the goods, was intended to be fraudulently used for Customs purposes; but such intention or the actual fraudulent use of such invoice, account, document or paper may be proved by any other legal evidence. 51 V., c. 14, s. 30.

264. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods have been complied with and fulfilled shall, in all cases, lie upon the person whose duty it was to comply with and fulfill the same; and, without restricting the generality of the foregoing provision, if any prosecution or suit is brought for any penalty or forfeiture for the recovery of any duty under this Act, or any other law relating to the Customs, or to trade or navigation, or if any proceeding is taken against the Crown or any officer for the recovery of any goods seized or money deposited under the authority of this Act, or any other such law, and if any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture or liability for duty would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods seized or money deposited, and not on the Crown or on the party representing the Crown. R.S., c. 32, s. 167; 51 V., c. 14, s. 43; 52 V., c. 14, s. 13.

PROCEDURE.

265. All penalties and forfeitures incurred under this Act, or any other law relating to the Customs or to trade or navigation, may, in addition to any other remedy provided by this Act or by law, and even if it is provided that the offender shall be or become liable to any such penalty or forfeiture upon summary conviction, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada, or in any superior court having jurisdiction in that province of Canada where the cause of prosecution arises, or wherein the defendant is served with process.

2. If the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may also be prosecuted

R.S., 1906.
266. All penalties and forfeitures imposed by this Act, or by any other Act relating to the Customs or to trade or navigation shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by His Majesty’s Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the Customs, or other person or persons therunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other person. R.S., c. 32, s. 223.

267. All penalties and forfeitures imposed by this Act, or by any other law relating to the Customs or to trade or navigation may, in the province of Quebec, be sued for, prosecuted and recovered with full costs of suit by the same proceedings as any other moneys due to the Crown, and all suits or prosecutions for the recovery thereof shall, in that province, be heard and determined in like manner as other suits or prosecutions in the same court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner; but nothing in this section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid. R.S., c. 32, s. 224.

268. Every prosecution or suit in the Exchequer Court of Canada, or in any superior court or circuit court or court of competent jurisdiction, for the recovery or enforcement of any penalty or forfeiture imposed by this Act, or by any other law relating to the Customs or to trade or navigation, may be commenced, prosecuted and proceeded with in accordance with any rules of practice, general or special, established by the court for Crown suits in revenue matters, or in accordance with the usual practice and procedure of the court in civil cases, in so far as such practice and procedure are applicable, and, whenever the same are not applicable, then in accordance with the directions of the court or a judge. R.S., c. 32, s. 225.

269. The venue in any such prosecution or suit may be laid in any county in the province notwithstanding that the cause of prosecution or suit did not arise in such county. R.S., c. 32, s. 226.

270. Any judge of the court in which any prosecution or suit is brought for the recovery or enforcement of any penalty

R.S., 1906.
penalty or forfeiture as aforesaid may, upon being satisfied by affidavit that there is reason to believe that the defendant will leave the province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district or place until he has given security, before and to the satisfaction of such judge or some other judge of the same court, for the payment of such penalty with costs, in case judgment is given against him. R.S., c. 32, s. 227.

271. In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of Customs, shall be sufficient prima facie evidence of the fact alleged. 51 V., c. 14, s. 42.

272. In every prosecution, information, suit or proceeding brought under this Act for any penalty, or to declare or enforce any forfeiture, or upon any bond given under it, or in any matter relating to the Customs or to trade or navigation, His Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit.

2. All such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought may be levied by execution; or payment thereof may be enforced by capias ad satisfaciendum against the person of the defendant under the same conditions and in like manner. R.S., c. 32, s. 229.

273. If, in any case, the Attorney General of Canada Nolle proseque by is satisfied that the penalty or forfeiture was incurred without the Attorney General, as he sees fit, which shall be binding on all parties; and the entry of such nolle proseque shall be reported to the Minister with the reasons therefor. R.S., c. 32, s. 230.

274. In any prosecution, suit or other proceeding for the recovery of any penalty or in respect of any forfeiture as aforesaid, or for an offence against this Act or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits of any district, county, port or place, shall be sufficient evidence of the fact without proof of such limits, unless the contrary is proved. R.S., c. 32, s. 231.

275. R.S., 1906.
275. If, in any information, action, prosecution or other proceeding respecting any seizure made under this Act, or any law relating to the Customs, it is adjudged that any goods or property seized by or under the authority of any officer has been so seized unlawfully, or that the seizure cannot be justified, and, if the judge before whom the said information, action, prosecution or other proceeding is heard or tried certifies that there was probable cause for the seizure, the claimant shall not be entitled to any costs of suit, and the person who made or authorized such seizure shall not be liable to any action, suit, indictment or prosecution on account of such seizure. R.S., c. 32, s. 232.

276. If any action, suit, indictment, prosecution or other proceeding is brought against any person on account of his making or being concerned in the making of any such seizure as in the last preceding section mentioned, and if the judge before whom such action, suit, indictment, prosecution or other proceeding is heard or tried, certifies that there was probable cause for the seizure, the plaintiff or prosecutor shall not be entitled to more than twenty cents damages, or to any costs; and the defendant in any such indictment, prosecution or other proceeding, shall not be subject to any penalty beyond a fine of ten cents. R.S., c. 32, s. 232.

277. Every person who desires to claim any thing seized after proceedings for condemnation thereof have been commenced shall file his claim in the office of the clerk, registrar or prothonotary of the court.

2. Such claim shall state the name, residence and occupation or calling of the person making it, and shall be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized. R.S., c. 32, s. 238.

278. Before any such claim can be filed, the claimant shall give security, to the satisfaction of the court or a judge thereof, by bond in a penal sum of not less than two hundred dollars, or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation. R.S., c. 32, s. 239.

279. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed, or the cause of prosecution or suit arose, but not afterwards. 51 V., c. 14, s. 45.

280. Whenever, under any provision of this Act, any penalty may be recovered or any forfeiture may be enforced, R.S., 1906.
by action, suit or proceeding, the seizure by an officer of Customs, or person acting in his aid, of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding. 51 V., c. 14, s. 44.

281. An appeal shall lie from a conviction by any magistrate, judge, justice or justices of the peace under this Act, in the manner provided by the Criminal Code, from convictions in cases of summary conviction, in that province in which the conviction was had, on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such magistrate, judge, justice or justices of the peace, to abide the event of such appeal. R.S., c. 32, s. 241.

282. An appeal shall also lie from the Exchequer Court of Canada, the superior courts and county courts respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount was given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions, as other appeals from the same court in matters of like amount.

2. An appeal shall lie from the Circuit Court to the Court of King's Bench in the province of Quebec, to be allowed and prosecuted in like manner and on like conditions as appeals from the Superior Court in that province. R.S., c. 32, s. 242.

283. If the appeal is brought by His Majesty's Attorney General, or a collector or officer, it shall not be necessary for him to give any security on such appeal. R.S., c. 32, s. 243.

284. In any case in which proceedings have been instituted in any court against any vessel, vehicle, goods or thing, for the recovery or enforcement of any penalty or forfeiture under this Act, or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof, shall not be suspended by reason of any appeal from such decision or judgment, if the claimant gives sufficient security, approved of by the court or a judge thereof, to render and deliver the thing in question or the full value thereof to the appellant, in case the decision or judgment so appealed from is reversed. R.S., c. 32, s. 244.

285. Any penalty or forfeiture incurred or imposed for contravention of any order or regulation of the Governor in Council, made pursuant to the authority of this Act, may be enforced and shall be recoverable in the same manner, and before the same court or tribunal, as if incurred or imposed for contravention of a provision of this Act. 51 V., c. 14, s. 37.

R.S., 1906.
Powers of the Governor in Council.

286. The Governor in Council may, from time to time, and in the manner hereinafter provided, in addition to the other purposes and matters in this Act mentioned, make regulations for or relating to the following purposes and matters:

(a) The warehousing and bonding of such cattle and swine as may be slaughtered and cured in bond, and of such wheat, maize and other grain as may be ground and packed in bond;

(b) Regulating and declaring what allowances shall be made for tare on the gross weight of goods;

(c) The horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof;

(d) Regulating or restricting the importation of spirits, wine and malt liquors, or other goods which require to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered;

(e) Exempting from duty any flour or meal or other produce of any wheat or grain, grown in Canada, and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground; or exempting from duty any boards, planks or scantling, the produce of any logs or timber grown in and taken out of Canada into the United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn;

(f) Regulating the quantities of any such goods to be so taken out or brought in at any one time by any person, and the mode in which the claim to exemption shall be established and proved;

(g) Authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing goods therefrom, and the amount of warehouse rent or license fees;

(h) Extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another;

(i) Regulating the form in which transfers of goods in warehouse or bond from one person to another shall be entered;

820

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(j) Exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption is provided for by any Act relating to Customs, and for regulating the mode of proving such exemption;  

(k) Transferring to the list of goods which may be imported into Canada free of duty, any or all articles, whether natural products or products of manufactures, used as materials in Canadian manufactures; any such materials transferred to the free list by such order in council, to be free of duty of Customs for the time therein appointed for that purpose;  

(l) Granting a drawback of the whole or part of the duty paid on articles which have been used in Canadian manufactures, or granting a certain specific sum in lieu of any such drawback;  

(m) Reducing the duty on any or all articles, whether natural products or products of manufactures, used as materials in Canadian manufactures; any such materials specified in such regulation to be subject to such reduced duty of Customs and no other, for the time and under the conditions therein provided;  

(n) Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed;  

(o) Authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with such person, in any matter relating to the Customs or to trade or navigation; which bonds, and all bonds taken with the sanction of the Minister of Customs, expressed either by general regulation or by special order, shall be valid in law, and, upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act, or any other law relating to the Customs;  

(p) Fixing and establishing uniform standards of purity, quality and fitness for consumption of all kinds of teas imported into Canada, and for determining the places where the duplicates of such standards shall be kept, and the conditions on which such standards shall be supplied to importers and dealers in tea, and the manner in which imported teas shall be examined and tested and their fitness for use finally decided; and all teas or goods described as tea of purity, quality and fitness for consumption inferior to such standards, shall be deemed within the prohibition of the laws relating to the Customs;  

(q) Prescribing the rule and conditions under which goods imported in bond or duty-paid, and products or manufactures of Canada, may be transported from one port or place in Canada to another port or place therein, over any territory.
territory or waters outside the limits of Canada: Provided that the goods so transported shall, upon arrival in Canada from any place beyond the limits of Canada, be treated with regard to the liability to, or exemption from, duty, as if the transportation had taken place entirely within the limits of Canada;

(r) Regulating the number of deer and parts thereof which may be exported in any year, when shot under provincial or territorial authority in Canada, by any person not domiciled in Canada, and limiting the ports at which such deer may be exported, and for prescribing the conditions under which such exportation may be permitted;

(s) Regulating and determining what shall be special Customs services for which charges shall be payable to His Majesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act;

(t) Any other purpose for which by this Act, or any other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or regulations. R.S., c. 32, s. 245; 51 V., c. 14, s. 46; 54-55 V., c. 44, s. 2; 61 V., c. 36, s. 2; 62-63 V., c. 22, s. 2; 3 E. VII., c. 14, s. 18.

287. The Governor in Council may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to goods conveyed directly through the Canadian canals or otherwise, by land or inland navigation, or in or on railway cars, from one part of the frontier line between Canada and the United States to another, without any intention of unloading such goods in Canada; and he may cause such bonds or security to be given, or such precautions to be taken, at the expense of the owner or person in charge of such goods, whether by placing officers of the Customs on board any such vessel, railway car or carriage, or otherwise, as to him seems meet.

2. Upon the refusal of the owner or person in charge to comply with the regulations so made, the duty on the goods shall forthwith become payable as in case of the importation of such goods. 51 V., c. 14, s. 47.

288. The Governor in Council may, under regulations made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a duty of Customs has been paid, a drawback equal to the duty so paid with

R.S., 1906.
with such deduction therefrom as is provided in such regulations.

2. In cases mentioned in such regulations, and subject to such provisions as are therein made, such drawback, or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in Canada into goods exported therefrom.

3. The period within which such drawback may be allowed, after the time when the duty was paid, shall be limited in such regulations. R.S., c. 32, s. 247.

289. The Governor in Council may interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs that any article may be imported free of duty for special purposes, or for particular objects or interests; and may make regulations for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback, if such duty has been paid. R.S., c. 32, s. 248.

290. The Governor in Council may make such regulations as are considered advisable, for the appointment of sufferance wharfs and warehouses, at which goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, if such vessels are duly reported to the Customs-house and the collector's warrant for such landing obtained, and if such landing is effected between sunrise and sunset, on a day not being Sunday or a statutory holiday, and if the goods on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the proper officer of Customs as prescribed by law.

2. The Governor in Council may make similar regulations for the appointment of sufferance warehouses in which goods arriving by railway may be stored before entry, when such goods have been duly reported to the collector or proper officer of Customs.

3. Nothing in this section shall affect any contract, expressed or implied, between the master or owner of any such vessel, and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any person under such contract. R.S., c. 32, s. 249.

291. The Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or

823 any R.S., 1906.
any sort of victual which may be used as food by man. R.S., c. 32, s. 250.

292. Any oath or declaration which the Governor in Council deems necessary to protect the revenue against fraud may, in any regulation made by him under this Act, be prescribed, and any person or officer may be authorized to administer the same; and, by any such regulation, a declaration may be substituted for an oath in any case in which an oath is required by this Act. R.S., c. 32, s. 251.

293. The Governor in Council may prescribe the forms of oaths required under this Act.

2. The forms of oaths authorized by statute or by the Governor in Council, at the time of the coming into force of this Act, shall continue to be the authorized forms until altered or dispensed with by the Governor in Council. R.S., c. 32, s. 252.

294. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry, warehousing and bonding for the purposes of this Act, and may, in like manner, increase or diminish the number, or alter the position or limits thereof. R.S., c. 32, ss. 22 and 245.

295. The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, as are required to secure a just, faithful and impartial appraisal of all goods imported into Canada, and just and proper entries of the fair market value thereof, and of the weights, measures or other quantities thereof, as each case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law. 52 V., c. 14, s. 5.

296. The Governor in Council may, from time to time, make regulations for the ex-warehousing of goods, either for consumption, removal, exportation or ship's stores, in any quantity not less than a whole package as originally warehoused, unless the goods are in bulk, and then in quantities not less than one ton in weight, except when a less weight is the balance remaining of the original entry thereof for warehouse. R.S., c. 32, s. 88.

297. The Governor in Council may, with regard to vessels engaged in the coasting trade or inland navigation, by regulation, dispense with any of the requirements of this Act as to examination of the master by the collector previously to departure, and as to clearance, which the Governor in Council deems it inexpedient to enforce. R.S., c. 32, s. 100.
298. The Governor in Council may, by regulations from time to time, require such further information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, or in transit through Canada, to be given to the proper officer of the Customs, in the report and entry of such goods outwards or otherwise, as he deems requisite for statistical or other purposes, whether such goods are exported, or removed or transported by sea, land or inland navigation. 52 V., c. 14, s. 10.

299. The Governor in Council may, from time to time, make regulations for declaring what shall be coasting trade or inland navigation respectively, and how the same shall be regulated in any case or class of cases, and may declare any trade or voyage on the seas, rivers, lakes or waters within or adjacent to Canada, whether to or from any place within or without Canada, or whether such seas, rivers, lakes or waters are or are not geographically, or for the purpose of other acts or laws, inland waters, to be a coasting trade or a coasting voyage within the meaning of this Act and of such regulations, and may also, from time to time, by regulation, dispense, on any condition which he sees fit to impose, with such of the requirements of this Act as he deems it inexpedient to enforce with regard to vessels engaged in any such trade or with respect to any case or class of cases. R:S., c. 32, ss. 111 and 245.

300. The Governor in Council may by regulation relax or dispense with the provisions of this Act touching oaths, affirmations or declarations required or authorized by this Act, with regard to goods imported by land or inland navigation, or with regard to any other class of cases designated in such regulation. 51 V., c. 14, s. 33.

301. The Governor in Council may, if he deems it expedient, make general regulations in any matter in which he may make a special order; and any such general regulation shall apply to each particular case within the intent and meaning thereof, as fully and effectually as if the regulation provided specially for each such particular case, and as if the officers, functionaries and persons had been specially named therein. R:S., c. 32, s. 245.

302. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same are published in the Canada Gazette, or from and after such later day as is appointed for the purpose in such regulations, and during such time as is therein expressed, or, if no time is expressed for that purpose, then until the same are revoked or altered. R:S., c. 32, s. 253.
Powers of the Minister.

303. The Minister may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion of Canada, or coming into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or, having gone to the United States from Canada, returning to Canada with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned. 51 V., c. 14, s. 47.

304. Regulations respecting the manner in which molasses and syrups shall be sampled and tested for the purpose of determining the classes to which they belong, with reference to the duty chargeable thereon, shall be made by the Minister; and the instruments and appliances necessary for such determination shall be designated by him, and supplied to such officers as are by him charged with the duty of sampling and testing such molasses and syrups.

2. The decision of any officer to whom is so assigned the testing of such articles, as to the duties to which they are subject under the tariff, shall be final and conclusive, unless, upon appeal to the Commissioner of Customs, within thirty days from the rendering of such decision, such decision is, with the approval of the Minister, changed; and the decision of the Commissioner with such approval shall be final. 60-61 V., c. 16, s. 9; 3 E. VII., c. 14, s. 15.

ANNUAL REPORT.

305. The Minister shall annually make to the Governor General, to be laid before Parliament within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the Department during the year then next preceding. R.S., c. 32, s. 254.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 49.

An Act respecting the Duties of Customs.

SHORT TITLE.

1. This Act may be cited as the Customs Tariff. 60-61 V., Short title. c. 16, s. 1.

INTERPRETATION.

2. In this Act, and in any other Act relating to Customs, Definitions, unless the context otherwise requires,—
   (a) 'n. e. s.' represent and have the meaning of the words 'N. e. s.' 'not elsewhere specified';
   (b) 'n. o. p.' represent and have the meaning of the words 'N. o. p.' 'not otherwise provided for';
   (c) 'gallon' means an imperial gallon;
   (d) 'ton' means two thousand pounds avoirdupois;
   (e) 'proof' or 'proof spirits,' when applied to wines or spirits of any kind, means spirits of a strength equal to that of pure ethyl alcohol compounded with distilled water in such proportions that the resultant mixture shall, at a temperature of sixty degrees Fahrenheit, have a specific gravity of 0.9198, as compared with that of distilled water at the same temperature;
   (f) 'gauge' when applied to metal sheets or plates or to wire, means the thickness as determined by the imperial standard gauge;
   (g) 'in diameter,' when applied to tubing, means the actual inside diameter;
   (h) 'sheet,' when applied to metals, means a sheet or plate not exceeding three-sixteenths of an inch in thickness;
   (i) 'plate,' when applied to metals, means a plate or sheet more than three-sixteenths of an inch in thickness. 60-61 V., c. 16, s. 2; 4 E. VII., c. 11, s. 1.

3. Nothing in this Act contained shall,—
   (a) in anywise abrogate or impair any power conferred upon the Governor in Council by the Customs Act to transfer dutiable goods to the list of goods which may be imported free of duty; or,
   (b) affect the French Treaty Act, 1894, or the Act passed Certain Acts. in the session held in the fifty-eighth and fifty-ninth years of R.S., 1906.
of Her late Majesty’s reign, chapter three, intituled An Act respecting Commercial Treaties affecting Canada. 60-61 V., c. 16, ss. 3 and 16.

GOODS SUBJECT TO DUTIES.

Schedule A.

4. Subject to the provisions of this Act and to the requirements of the Customs Act, there shall be levied, collected and paid upon all goods enumerated, or referred to as not enumerated, in schedule A to this Act, when such goods are imported into Canada, or taken out of warehouse for consumption therein, the several rates of duties of Customs set forth and described in the said schedule and set opposite to each item respectively, or charged thereon as not enumerated. 60-61 V., c. 16, s. 4.

Surtax.

5. Articles which are the growth, produce, or manufacture of any foreign country which treats imports from Canada less favourably than those from other countries may be subject to a surtax over and above the duties specified in the said schedule A, the surtax in every case to be one-third of the duty specified in the said schedule.

2. The surtax shall apply, notwithstanding the provisions of the British preferential tariff and regulations thereunder, to every article the chief value of which was produced in such foreign country, although the article may have been improved or advanced in value by the labour of another country.

3. Any question arising as to any foreign country or goods coming under the operation of this section shall be decided by the Minister whose decision shall be final.

4. The Minister, with the approval of the Governor in Council, may make regulations for carrying out the purposes of this section. 3 E. VII., c. 15, s. 5.

British Preferential Tariff.

6. Articles (other than wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol; tobacco, cigars and cigarettes), which are the growth, produce or manufacture of any of the following countries, when imported direct into Canada from any of such countries, may be entered for duty or taken out of warehouse for consumption in Canada, at the reduced rate of duty provided by the British preferential tariff provided for in the next following section of this Act:—

(a) The United Kingdom;
(b) The British Colony of Bermuda;
(c) The British Colonies commonly called the British West Indies, including,—
the Bahamas,
Jamaica,

R.S., 1906.

828 Turks
Chap. 49.

Customs Tariff.

Turks and Caicos Island,
the Leeward Islands (Antigua, St. Christopher Nevis,
Dominica, Montserrat and the Virgin Islands,
the Windward Islands (Grenada, St. Vincent and St. Lucia),
Barbados,
Trinidad and Tobago;

(d) British Guiana;
(e) Any other British colony or possession the Customs tariff of which is, on the whole, as favourable to Canada as the British preferential tariff is to such colony or possession; the Minister with the approval of the Governor in Council to determine what British colonies or possessions shall be entitled to the benefits of such tariff under this paragraph:

Provided that,—

(a) such reduced rate of duty shall only apply to refined sugar when evidence satisfactory to the Minister is furnished that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies or possessions; and,
(b) manufactured articles to be admitted under the British preferential tariff shall be bona fide the manufactures of a country or countries entitled to the benefit of such tariff, and that the benefit shall not extend to the importation of articles into the production of which there has not entered a substantial portion of the labour of such countries; and any question arising as to any articles being entitled to such benefits shall be decided by the Minister, whose decision shall be final.

2. Raw sugar, including all sugar described in item 820 (Refined sugar) of schedule A, may, when imported direct from any British colony or possession, be entered for duty or taken out of warehouse for consumption in Canada at the reduced rate of duty provided in the British preferential tariff.

3. The Minister may, with the approval of the Governor in Council, make such regulations as are deemed necessary for the carrying out of the intention of this section. 61 V., c. 37, s. 2; 63-64 V., c. 15, s. 2.

7. On articles entitled to the benefit of the British preferential tariff the duties mentioned in schedule A shall be reduced by one-third thereof, and the duties to be levied, collected and paid upon such articles shall be two-thirds only of the duties mentioned in the said schedule A. 63-64 V., c. 15, s. 2.

Reciprocal Advantages.

8. The whole or part of the duties hereby imposed upon fish and other products of the fisheries may be remitted, as respects either the United States or Newfoundland, or both, upon R.S., 1906.
upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that the Governments of the United States and Newfoundland, or either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada, in reduction or repeal of the duties in force in the said countries respectively. 60-61 V., c. 16, s. 7.

Supplementary Provisions.

9. Packages shall be subject to the following provisions:—

(a) All bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels, and all other vessels or packages, manufactured of tin, iron, lead, zinc, glass or any other material capable of holding liquids, and all packages in which goods are commonly placed for home consumption, including cases, not otherwise provided for, in which bottled spirits, wines or malt liquors or other liquids are contained, and every package being the first receptacle or covering inclosing goods for the purpose of sale, shall in all cases, not otherwise provided for, in which they contain goods subject to an ad valorem duty or a specific and ad valorem duty, be charged with the same rate of ad valorem duty as is to be levied and collected on the goods they contain, and the value of the packages may be included in the value of such goods;

(b) All such packages as aforesaid containing goods subject to a specific duty only, and not otherwise provided for, shall be charged with a duty of twenty per centum ad valorem;

(c) Packages not hereinbefore specified, and not herein specially charged with or declared liable to duty, and being the usual and ordinary packages in which goods are packed for exportation, according to the general usage and custom of trade, shall be free of duty;

(d) All such special packages or coverings as are of any use, or apparently designated for use other than in the importation of the goods they contain, shall be subject to the same rate of duty as would thereon be levied if imported empty or separate from their contents;

(e) Packages (inside or outside), containing free goods shall be exempt from duty when the packages are of such a nature that their destruction is necessary in order to release the goods. 60-61 V., c. 16, s. 13.

10. With respect to goods imported for manufacturing purposes that are admissible under this Act for any specific purpose at a lower rate of duty than would otherwise be chargeable, or exempt from duty, the importer claiming the exemption from duty, or proportionate exemption from duty, shall make and subscribe to the following affidavit or affirmation before the collector

R.S., 1906.
collector of Customs at the port of entry, or before a notary public or a commissioner for taking affidavits:

'I (name of importer) the undersigned, importer of the (names of the goods or articles) mentioned in this entry, do solemnly (swear or affirm) that such (names of the goods or articles) are imported by me for the manufacture of (names of the goods to be manufactured) in my own factory, situated at (name of the place, county and province), and that no portion of the same will be used for any other purpose or disposed of until so manufactured.' 60-61 V., c. 16, s. 15.

11. Molasses, the produce of any British country entitled Molasses. to the benefits of the British preferential tariff, when produced from sugar-cane and imported direct by vessel from the country of production or from any British country, in the original package in which it was placed at the point of production, and not afterwards subjected to any process of treating or mixing, shall be free of duty, and the package also shall be free.

2. The molasses may be transferred in bond under excise regulations for purposes of distillation.

3. Molasses admitted to entry under item 441 in schedule A shall be imported direct from the place of production, or its shipping port, under regulations made by the Minister. 4 E. VII., c. 11, s. 18; 4-5 E. VII., c. 11, s. 9.

12. Whenever it appears to the satisfaction of the Minister or of any officer of Customs authorized to collect Customs duties, that the export price or the actual selling price to the importer in Canada of any imported dutiable article, of a class or kind made or produced in Canada, is less than the fair market value thereof, as determined according to the basis of value for duty provided in the Customs Act in respect of imported goods subject to an ad valorem duty, such article shall, in addition to the duty otherwise established, be subject to a special duty of Customs equal to the difference between such fair market value and such selling price: Provided that the special Customs duty on any article shall not exceed one-half of the Customs duty otherwise established in respect of the article, except in regard to the articles mentioned in items 224, 226, 228 and 231 in schedule A to this Act, the special duty of Customs on which shall not exceed fifteen per centum ad valorem, nor more than the difference between the selling price and the fair market value of the article.

2. This section shall apply to imported round rolled wire rods Wire rods. not over three-eighths of an inch in diameter, notwithstanding that such rods are on the Customs free list: Provided that the special duty of Customs on such wire rods shall not exceed fifteen per centum ad valorem.

3. If at any time it appears to the satisfaction of the Gover- Proceedings nor in Council, on a report from the Minister, that the payment of the special duty by this section provided for is being evaded by R.S., 1906.
by the shipment of goods on consignment without sale prior to such shipment, the Governor in Council may in any case or class of cases authorize such action as is deemed necessary to collect on such goods or any of them the same special duty as if the goods had been sold to an importer in Canada prior to their shipment to Canada.

4. If the full amount of any special duty of Customs is not paid on goods imported, the Customs entry thereof shall be amended and the deficiency paid upon the demand of the collector of Customs.

5. The Minister may make such regulations as are deemed necessary for the carrying out of the provisions of this section, and for the enforcement thereof, and may by such regulations provide,—

(a) for the temporary exemption from special duty of any article or class of articles, when it is established to the satisfaction of the Minister that such articles are not made in Canada in substantial quantities, and offered for sale to all purchasers on equal terms;

(b) for the exemption from special duty of any article whereon the duty in schedule A to this Act is equal to fifty per centum ad valorem or upwards, or when the difference between the fair market value of the goods and the selling price thereof to the importer as aforesaid amounts only to a small percentage of their fair market value.

6. 'Export price' or 'selling price' in this section shall be held to mean and include the exporter's price for the goods exclusive of all charges thereon after their shipment from the place whence exported directly to Canada.

7. This section shall not apply to goods of a class subject to excise duty in Canada. 4 E. VII., c. 11, s. 19.

13. Subject to such regulations as the Minister deems expedient, notwithstanding anything contained in schedule A to this Act, the duty on iron and steel railway bars or rails, which have been in use in the tracks of railways in Canada, and which have been exported from Canada, and returned thereto, after having been re-rolled, weighing not less than fifty-six pounds per lineal yard when re-rolled, and to be used by the railway company importing them, in its own tracks, shall be twenty-five per centum of the cost of re-rolling the rails: Provided that whenever the Governor in Council is satisfied that a mill adapted to and equipped for the re-rolling of such rails in substantial quantities has been established in Canada, the Governor General, by order in council published in the Canada Gazette, may abolish this duty, and thereupon all such rails when imported shall be subject to such duty as this Act otherwise provides. 6 E. VII., c. 9, s. 3.

FREE GOODS.

Schedule B. 14. Subject to the provisions of this Act and to the requirements of the Customs Act and to the further conditions contained

R.S., 1906.
tained in schedule B to this Act, all goods enumerated in the said schedule B may be imported into Canada, or may be taken out of warehouse for consumption in Canada without the payment of any duties of Customs thereon. 60-61 V., c. 16, s. 5.

**PROHIBITED GOODS.**

15. The importation into Canada of any goods enumerated, Schedule C. described or referred to in schedule C to this Act is prohibited. 61 V., c. 37, s. 1.

16. The importation of any goods,—

(a) which, if sold, would be forfeited under the provisions of Part VII. of the Criminal Code; or,

(b) manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced;

is prohibited.

2. For the purposes of this section, if there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom or in Canada, such name, unless it is accompanied by the name of the state or country in which it is situate, shall, unless the Minister decides that the attaching of such name is not calculated to deceive, (of which matter the Minister shall be the sole judge), be treated as if it was the name of a place in the United Kingdom or in Canada.

3. The Governor in Council may, whenever he deems it expedient in the public interest, declare that the provisions of the two subsections last preceding shall apply to any city or place in any foreign state or country; and after the publication in the *Canada Gazette* of the order in council made in that behalf, such provisions shall apply to such city or place in like manner as they apply to any places in the United Kingdom or in Canada, and may be enforced accordingly.

4. The Governor in Council may, from time to time, make regulations, either general or special, respecting the detention and seizure of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and seizure; and may, by such regulations, determine the information, notice and security to be given, and the evidence necessary for any of the purposes of this section, and the mode of verification of such evidence.

5. The regulations may provide for the reimbursing by the informant to the Minister of all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent upon such detention.

R.S., 1906.
6. The regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

7. All such regulations shall be published in the Canada Gazette and shall have force and effect from the date of such publication. 51 V., c. 41, s. 22; 55-56 V., c. 29, appendix.

17. If any goods enumerated, described or referred to in schedule C to this Act are imported into Canada, such goods shall thereby become forfeited to the Crown and shall be destroyed or otherwise dealt with as the Minister directs, and any person importing any such prohibited goods, or causing or permitting them to be imported shall for each offence incur a penalty not exceeding two hundred dollars. 61 V., c. 37, s. 1.

POWER OF THE GOVERNOR IN COUNCIL TO REDUCE DUTIES OR PLACE ON FREE LIST.

18. Whenever the Governor in Council has reason to believe that with regard to any article of commerce there exists any trust, combination, association or agreement of any kind among manufacturers of the article or dealers therein to unduly enhance the price of the article, or in any other way to unduly promote the advantage of the manufacturers or dealers at the expense of the consumers, the Governor in Council may commission or empower any judge of the Supreme Court of Canada or of the Exchequer Court of Canada, or of any superior court in any province of Canada, to inquire in a summary way into and report to the Governor in Council whether such trust, combination, association or agreement exists.

2. The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Council for the purposes of such inquiry.

3. If the judge reports that such trust, combination, association or agreement exists, and if it appears to the Governor in Council that the disadvantage to the consumers is facilitated by the duties of customs imposed on a like article when imported, then the Governor in Council shall place the article on the free list, or so reduce the duty on it as to give to the public the benefit of reasonable competition in such article. 60-61 V., c. 16, s. 18.
## Customs Tariff.

### Chap. 49.

### SCHEDULE A.

**GOODS SUBJECT TO DUTIES.**

**Ales, Beers, Wines and Liquors.**

1. Ale, beer and porter, when imported in casks or otherwise than in bottle, sixteen cents per gallon.
   - **16c. p. gall.**

2. Ale, beer and porter, when imported in bottles (six quart or twelve pint bottles to be held to contain one gallon), twenty-four cents per gallon.
   - **24c. p. gall.**

3. Cider, not clarified or refined, five cents per gallon.
   - **5c. p. gall.**

4. Cider, clarified or refined, ten cents per gallon.
   - **10c. p. gall.**

5. Lime juice and fruit juices, fortified with or containing not more than twenty-five per cent of proof spirits, sixty cents per gallon; and when containing more than twenty-five per cent of proof spirits, two dollars per gallon.
   - **$2 p. gall.**

6. Lime juice and other fruit syrups and fruit juices, n.o.p., twenty per cent *ad valorem*.
   - **20 p. c.**

7. Spirituous or alcoholic liquors, distilled from any material, or containing or compounded from or with distilled spirits of any kind, and any mixture thereof with water, for every gallon thereof of the strength of proof, and, when of a greater strength than that of proof, at the same rate on the increased quantity that there would be if the liquors were reduced to the strength of proof. When the liquors are of a less strength than that of proof, the duty shall be at a rate herein provided, but computed on a reduced quantity of the liquors in proportion to the lesser degree of strength: Provided, however, that no reduction in quantity shall be computed or made on any liquors below the strength of fifteen per cent under proof, but all such liquors shall be computed as of the strength of fifteen per cent under proof, as follows:

   (a) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine; gin of all kinds, n.e.s.; rum, whiskey and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any R.S., 1906.
any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy; cordials and liqueurs of all kinds, n.e.s.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages, two dollars and forty cents per gallon.

(b) Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, or medicinal wines (so called), or ethereal and spirituous fruit essences, n.e.s., two dollars and forty cents per gallon and thirty per cent ad valorem and 30 p. c.

(c) Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind, when in bottles or flasks containing not more than four ounces each, fifty per cent ad valorem.

When in bottles, flasks or other packages, containing more than four ounces each, two dollars and forty cents per gallon and forty per cent ad valorem. and 40 p. c.

(d) Nitrous ether, sweet spirits of nitre and aromatic spirits of ammonia, two dollars and forty cents per gallon and $2.40 p. gall. thirty per cent ad valorem. and 30 p. c.

(e) Vermouth containing not more than thirty-six per cent, and ginger wine containing not more than twenty-six per cent of proof spirits, ninety cents per gallon.

If containing more than these percentages respectively of proof spirits, two dollars and forty cents per gallon... $2.40 p. gall.

(f) Medicinal or medicated wines containing not more than forty per cent of proof spirits, one dollar and fifty cents per gallon.

Provided

R.S., 1906.
Provided that bottles and flasks and packages of gin, rum, whiskey and brandy of all kinds, and imitations thereof, shall be held to contain the following quantities (subject to the provisions for addition or deduction in respect of the degree of strength), viz.:—

Bottles, flasks and packages containing not more than three-fourths of a gallon per dozen, as three-fourths of a gallon per dozen;

Bottles, flasks and packages containing more than three-fourths of a gallon, but not more than one gallon per dozen, as one gallon per dozen;

Bottles, flasks and packages containing more than one gallon, but not more than one and one-half gallon per dozen, as one and one-half gallon per dozen;

Bottles, flasks and packages containing more than one and one-half gallon, but not more than two gallons per dozen, as two gallons per dozen;

Bottles, flasks and packages containing more than two gallons, but not more than two and four-fifths gallons per dozen, as two and four-fifths gallons per dozen;

Bottles, flasks and packages containing more than two and four-fifths gallons, but not more than three gallons per dozen, as three gallons per dozen;

Bottles, flasks and packages containing more than three gallons, but not more than three and one-fifth gallons per dozen, as three and one-fifth gallons per dozen;

Provided further that bottles or phials of liquors such as samples, not for sale to the trade, may be entered for duty according to actual measurement, under regulations by the Minister of Customs.

8. Wines of all kinds, except sparkling wines, including orange, lemon, strawberry, raspberry, elder and currant wines, containing twenty-six per cent or less of spirits of the strength of proof, whether imported in
wood or in bottles (six quart or twelve pint bottles to be held to contain a gallon), twenty-five cents per gallon; and for each degree or fraction of a degree of strength in excess of the twenty-six per cent of spirits as aforesaid, an additional duty of three cents until the strength reaches forty per cent of proof spirits; and in addition thereto, thirty per cent ad valorem.

8a. Wines of all kinds, except sparkling wines, containing not more than forty per cent of spirits of the strength of proof, whether imported in wood or in bottles (six quart or twelve pint bottles to be held to contain a gallon), when the produce or manufacture of any British colony or territory in the South African Customs Union Convention, twenty-five cents per gallon.

9. Champagne and all other sparkling wines in bottles containing each not more than a quart but more than a pint, three dollars and thirty cents per dozen bottles; containing not more than one-half pint, one dollar and sixty-five cents per dozen bottles; containing one-half pint each or less, eighty-two cents per dozen bottles; bottles containing more than one quart each shall pay, in addition to three dollars and thirty cents per dozen bottles, at the rate of one dollar and sixty-five cents per gallon on the quantity in excess of one quart per bottle, the quarts and pints in each case being old wine measure; in addition to the above specific duty there shall be an ad valorem duty of thirty per cent.

10. But any liquors imported under the name of wine, and containing more than forty per cent of spirits of the strength of proof shall be rated for duty as unenumerated spirits.

Animals, and Agricultural, Animal and Dairy Products.

11. Animals, living, n.e.s., twenty per cent ad valorem.

12. Live hogs, one and one-half cent per pound.

13. Meats, n.e.s., (when in barrel, the barrel to be free), two cents per pound.

14. Meats, fresh, n.e.s., three cents per pound.

15. Canned meats, and canned poultry and game, extract of meats and fluid beef not mediciated.
16. Mutton and lamb, fresh, thirty-five per cent ad valorem

17. Poultry and game, n.o.p., twenty per cent ad valorem

18. Lard, lard compound and similar substances, cottolene and animal stearine of all kinds, n.e.s., two cents per pound

19. Tallow and stearic acid, twenty per cent ad valorem

20. Beeswax, ten per cent ad valorem

21. Candles, n.e.s., twenty-five per cent ad valorem

22. Paraffine wax candles, twenty-five per cent ad valorem

23. Soap, common or laundry, one cent per pound

24. Castile soap, mottled or white, two cents per pound

25. Soap, n.e.s., thirty-five per cent ad valorem

26. Pearline, and other soap powders, thirty per cent ad valorem

27. Glue, liquid, powdered or sheet, and mucilage, gelatine, and isinglass, twenty-five per cent ad valorem

28. Feathers, undressed, twenty per cent ad valorem

29. Feathers, n.e.s., thirty per cent ad valorem

30. Eggs, three cents per dozen

31. Butter, four cents per pound

32. Cheese, three cents per pound

33. Condensed milk (weight of the package to be included in the weight for duty), three and one-quarter cents per pound

34. Condensed coffee with milk, milk foods and all similar preparations, thirty per cent ad valorem

35. Apples, including the duty on the barrel, forty cents per barrel

36. Beans, fifteen cents per bushel

37. Buckwheat, ten cents per bushel

38. Pease, n.e.s., ten cents per bushel

39. Potatoes, n.e.s., fifteen cents per bushel

40. Rye, ten cents per bushel

41. Rye flour, including the duty on the barrel, fifty cents per barrel

42. Hay, two dollars per ton

43. Vegetables, n.o.p., twenty-five per cent ad valorem

44. Barley, thirty per cent ad valorem

839

R.S., 1906.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>45.</td>
<td>Dutiable breadstuffs, grain and flour and meal of all kinds, when damaged by water in transit, twenty per cent ad valorem on the appraised value, such appraised value to be ascertained as provided heretofore under the provisions of the Customs Act. 20 p. c.</td>
</tr>
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<td>46.</td>
<td>Buckwheat, meal or flour, one-fourth of one cent per pound. 4c. per lb.</td>
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<td>47.</td>
<td>Cornmeal, including the duty on the barrel, twenty-five cents per barrel. 25c. p. brl.</td>
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<td>48.</td>
<td>Indian corn for purposes of distillation, subject to regulations to be approved by the Governor in Council, seven and one-half cents per bushel. 7(\frac{1}{2})c. p. bush.</td>
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<td>49.</td>
<td>Oats, ten cents per bushel. 10c. p. bush.</td>
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<tr>
<td>50.</td>
<td>Oatmeal, twenty per cent ad valorem. 20 p. c.</td>
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<tr>
<td>50a.</td>
<td>Rolled oats, six-tenths of a cent per pound. 9(\frac{1}{10})c. p. lb.</td>
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<tr>
<td>51.</td>
<td>Rice, uncleaned, unhulled or paddy, one-half cent per pound. 3c. per lb.</td>
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<td>52.</td>
<td>Rice, cleaned, one and one-quarter cent per pound. 1(\frac{1}{4})c. per lb.</td>
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<tr>
<td>53.</td>
<td>Rice and sago flour and sago, and tapioca, twenty-five per cent ad valorem. 25 p. c.</td>
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<tr>
<td>54.</td>
<td>Rice, when imported by makers of rice-starch for use in their factories in making starch, three-fourths of one cent per pound. 3c. per lb.</td>
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<tr>
<td>55.</td>
<td>Wheat, twelve cents per bushel. 12c. p. bush.</td>
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<tr>
<td>56.</td>
<td>Wheat flour, including the duty on the barrel, sixty cents per barrel. 60c. p. brl.</td>
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<tr>
<td>57.</td>
<td>Biscuits, not sweetened, twenty-five per cent ad valorem. 25 p. c.</td>
</tr>
<tr>
<td>58.</td>
<td>Biscuits, sweetened, twenty-seven and one-half per cent ad valorem. 27(\frac{1}{2}) p. c.</td>
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<tr>
<td>59.</td>
<td>Macaroni and vermicelli, twenty-five per cent ad valorem. 25 p. c.</td>
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<tr>
<td>60.</td>
<td>Starch, including farina, corn starch or flour and all preparations having the qualities of starch, the weight of the package to be in all cases included in the weight for duty, one and one-half cent per pound. 1(\frac{1}{2})c. per lb.</td>
</tr>
<tr>
<td>61.</td>
<td>Seeds, viz.:—garden, field and other seeds for agricultural or other purposes, n.o.p., sunflower, canary, hemp and millet seed, when in bulk or in large parcels, ten per cent ad valorem. When put up in small papers or parcels, twenty-five per cent ad valorem. 10 p. c. 25 p. c.</td>
</tr>
<tr>
<td>62.</td>
<td>Mustard, ground, twenty-five per cent ad valorem. 25 p. c.</td>
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<tr>
<td>63.</td>
<td>Mustard cake, fifteen per cent ad valorem. 15 p. c.</td>
</tr>
</tbody>
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R.S., 1906.
64. Sweet potatoes and yams, ten cents per bushel. 10c. p. bush.
65. Tomatoes, fresh, twenty cents per bushel and ten per cent ad valorem. 20c. p. bush.
66. Tomatoes and other vegetables, including corn and baked beans, in cans or other packages, n.e.s., the weight of the cans or other packages to be included in the weight for duty, one and one-half cent per pound. 1½c. per lb.
67. Pickles, sauces and catsups, including soy, thirty-five per cent ad valorem. 35 p. c.
68. Malt, upon entry for warehouse subject to excise regulations, fifteen cents per bushel. 15c. p. bush.
69. Extract of malt (non-alcoholic), for medicinal and baking purposes, twenty-five per cent ad valorem. 25 p. c.
70. Hops, six cents per pound. 6c. per lb.
71. Compressed yeast, in bulk or mass of not less than fifty pounds, three cents per pound; in packages weighing less than fifty pounds, six cents per pound; the weight of the package in the latter case to be included in the weight for duty. 6c. per lb.
72. Yeast cakes and baking powder, the weight of the packages to be included in the weight for duty, six cents per pound. 6c. per lb.
73. Trees, viz.:—apple, cherry, peach, pear, plum and quince, of all kinds, and small peach trees known as June buds, three cents each. 3c. each.
74. Grape vines, gooseberry, raspberry, currant and rose bushes; fruit plants, n.e.s., and shade, lawn and ornamental trees, shrubs and plants, n.e.s., twenty per cent ad valorem. 20 p. c.
75. Blackberries, gooseberries, raspberries, strawberries, cherries and currants, n.e.s., the weight of the package to be included in the weight for duty. two cents per pound. 2c. per lb.
76. Cranberries, plums and quinces, twenty-five per cent ad valorem. 25 p. c.
77. Prunes, including raisins, dried currants, and California or silver prunes, one cent per pound. 1c. per lb.
78. Apples, dried, desiccated or evaporated; dates, figs, and other dried, desiccated, or evaporated fruits, n.e.s., twenty-five per cent ad valorem. 25 p. c.
79. Grapes, two cents per pound. 2c. per lb.

R.S., 1906.
<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Rate</th>
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<tbody>
<tr>
<td>80.</td>
<td>Oranges, lemons and limes, in boxes of capacity not exceeding two and one-half cubic feet, twenty-five cents per box.</td>
<td>25c. p. box.</td>
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<td></td>
<td>In one-half boxes, capacity not exceeding one and one-fourth cubic feet, thirteen cents per half box.</td>
<td>13c. p. (\frac{1}{2}) box.</td>
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<td></td>
<td>In cases and all other packages, per cubic foot holding capacity, ten cents.</td>
<td>10c. p. cb. ft.</td>
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<td></td>
<td>In bulk, per one thousand oranges, lemons or limes, one dollar and fifty cents.</td>
<td>$1.50 p. M.</td>
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<tr>
<td>81.</td>
<td>Peaches, n.o.p., the weight of the package to be included in the weight for duty, one cent per pound.</td>
<td>1e. per lb.</td>
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<tr>
<td>82.</td>
<td>Fruits in air-tight cans or other packages, the weight of the cans or other packages to be included in the weight for duty, two and one-quarter cents per pound.</td>
<td>2(\frac{1}{4})c. per lb.</td>
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<tr>
<td>83.</td>
<td>Fruits preserved in brandy, or preserved in other spirits, two dollars per gallon.</td>
<td>$2 p. gall.</td>
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<td>84.</td>
<td>Preserved ginger, thirty per cent ad valorem.</td>
<td>30 p. c.</td>
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<tr>
<td>85.</td>
<td>Jellies, jams and preserves, n.e.s., three and one-quarter cents per pound.</td>
<td>3(\frac{3}{4})c. per lb.</td>
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<td>86.</td>
<td>Honey, in the comb or otherwise, and imitations thereof, three cents per pound.</td>
<td>3c. per lb.</td>
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<tr>
<td>87.</td>
<td>Tea and green coffee, n.e.s., ten per cent ad valorem.</td>
<td>10 p. c.</td>
</tr>
<tr>
<td>88.</td>
<td>Coffee, roasted or ground, when not imported direct from the country of growth and production, two cents per pound and ten per cent ad valorem.</td>
<td>2c. p. lb. and 10 p. c.</td>
</tr>
<tr>
<td>89.</td>
<td>Coffee, roasted or ground, and all imitations thereof and substitutes therefor, including acorn nuts, n.o.p., two cents per pound.</td>
<td>2c. per lb.</td>
</tr>
<tr>
<td>90.</td>
<td>Extract of coffee, n.e.s., or substitutes therefor of all kinds, three cents per pound.</td>
<td>3c. per lb.</td>
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<td>91.</td>
<td>Chicory, raw or green, three cents per pound.</td>
<td>3c. per lb.</td>
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<tr>
<td>92.</td>
<td>Chicory, kiln-dried, roasted or ground, four cents per pound.</td>
<td>4c. per lb.</td>
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<td>93.</td>
<td>Cocoa shells and nibs, chocolate, and other preparations of cocoa, n.e.s., twenty per cent ad valorem.</td>
<td>20 p. c.</td>
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<td>94.</td>
<td>Cocoa paste, chocolate paste, cocoas and cocoa butter, n.o.p., four cents per pound.</td>
<td>4c. per lb.</td>
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<tr>
<td>95.</td>
<td>Nuts, shelled, n.e.s., five cents per pound.</td>
<td>5c. per lb.</td>
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<tr>
<td>96.</td>
<td>Almonds, walnuts, Brazil nuts, pecans and shelled peanuts, n.e.s., three cents per pound.</td>
<td>3c. per lb.</td>
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R.S., 1906.
And nuts of all kinds, n.o.p., two cents per pound... 2c. per lb.
97. Cocoanuts, n.e.s., one dollar per hundred... $1 p. 100.
98. Cocoanuts, when imported from the place of growth, by vessel, direct to a Canadian port, fifty cents per hundred... 50c. p. 100.
99. Cocoanut, desiccated, sweetened or not, five cents per pound... 5c. per lb.
100. Nutmegs and mace, twenty-five per cent ad valorem... 25 p. c.
101. Spices, viz.:—ginger and spices of all kinds, unground, n.e.s., twelve and one-half per cent ad valorem... 12½ p. c.
Ground, twenty-five per cent ad valorem... 25 p. c.
102. Fine salt in bulk, and coars salt, n.e.s., five cents per one hundred pounds... 5c. p. 100 lbs.
103. Salt, n.e.s., in bags, barrels and other packages,—the bags, barrels or other packages, being the first coverings or inside packages, to bear the same duty as if such packages or first coverings were imported empty,—seven and one-half cents per hundred pounds... 7½ c. p. 100 lbs.

Fish and Products of the Fisheries.
104. Mackerel, one cent per pound... 1c. per lb.
105. Herrings, pickled or salted, one-half cent per pound... ½c. per lb.
106. Salmon, fresh, one-half cent per pound... ½c. per lb.
107. Salmon, pickled or salted, one cent per pound... 1c. per lb.
108. All other fish, pickled or salted, in barrels, one cent per pound... 1c. per lb.
109. Foreign-caught fish, imported otherwise than in barrels or half-barrels, whether fresh, dried, salted or pickled, not specially enumerated or provided for by this Act, fifty cents per hundred pounds... 50c. p. 100 lb.
110. Fish, smoked and boneless, one cent per pound... 1c. per lb.
111. Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than five inches long, four inches wide and three and a half inches deep, per whole box, five cents... 5c. p. box.
(b) In half boxes measuring not more than five inches long, four inches wide and one and five-eighths deep, per half box, two and one-half cents. 2½c. p. ½ box.
(c)
(c) In quarter boxes, measuring not more than four inches and three-quarters long, three and a half inches wide and one and a quarter deep, per quarter box, two cents... 2c. p. ¼ box.

112. Anchovies and sardines when imported in any other form, thirty per cent ad valorem 30 p. c.

113. Fish preserved in oil, except anchovies and sardines, thirty per cent ad valorem... 30 p. c.

114. Fresh or dried fish, n.e.s., imported in barrels, or half-barrels, one cent per pound... 1c. per lb.

115. Salmon and all other fish prepared or preserved, including oysters, not specially enumerated or provided for in this Act, twenty-five per cent ad valorem... 25 p. c.

116. Oysters, shelled, in bulk, ten cents per gallon 10c. p. gal.

117. Oysters, shelled, in cans not over one pint, three cents per can, including the cans... 3c. p. can.

118. Oysters, shelled, in cans over one pint and not over one quart, five cents per can, including the cans... 5c. p. can.

119. Oysters, shelled, in cans exceeding one quart in capacity, an additional duty of five cents for each quart or fraction of a quart of capacity over a quart, including the cans... 5c. p. quart.

120. Oysters in the shell, twenty-five per cent ad valorem... 25 p. c.

121. Packages containing oysters or other fish, n.o.p., twenty-five per cent ad valorem... 25 p. c.

122. Oils, spermaceti, whale and other fish oils, and all other articles the produce of the fisheries not specially provided for, twenty per cent ad valorem... 20 p. c.

Books and Paper.

123. Albumenized and other papers and films chemically prepared for photographers' use, thirty per cent ad valorem... 30 p. c.

124. Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, including freight rates for railways and telegraph rates, bound in book or pamphlet form, but not to include Christmas annuals or publications commonly known as juvenile and toy books, twenty per cent ad valorem... 20 p. c.

125. Books, printed, periodicals and pamphlets, or parts thereof, n.e.s.,—not to include blank account
account books, copy books, or books to be written or drawn upon, ten per cent ad valorem.

126. Advertising and printed matter, viz.:—Advertising pamphlets, advertising pictorial show cards, illustrated advertising periodicals; illustrated price books, catalogues and price lists, advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p., fifteen cents per pound.

127. Labels for cigar boxes, fruits, vegetables, meats, fish, confectionery or other goods or wares; shipping, price or other tags, tickets or labels, and railroad or other tickets, whether lithographed or printed or partly printed, n.e.s., thirty-five per cent ad valorem.

128. Bank notes, bonds, bills of exchange, cheques, promissory notes, drafts and all similar work, unsigned, and cards or other commercial blank forms printed or lithographed, or printed from steel or copper or other plates, and other printed matter, n.e.s., thirty-five per cent ad valorem.

129. Printed music, bound or in sheets, ten per cent ad valorem.

130. Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, engravings or prints, or proofs therefrom, and similar works of art, n.o.p.; blue prints, building plans, maps and charts, n.e.s., twenty per cent ad valorem.

131. Newspapers or supplemental editions or parts thereof, partly printed and intended to be completed and published in Canada, twenty-five per cent ad valorem.

132. Union collar cloth paper in rolls or sheets, not glossed or finished, fifteen per cent ad valorem.

R.S., 1906.
Chap. 49. Customs Tariff.

133. Union collar cloth paper in rolls or sheets, glossed or finished, twenty per cent ad valorem.

134. Mill-board, not straw board, ten per cent ad valorem.

135. Straw board, in sheets or rolls; tarred paper, felt or straw board; sand paper, glass or flint paper, and emery paper or emery cloth, twenty-five per cent ad valorem.

136. Paper sacks or bags of all kinds, printed or not, twenty-five per cent ad valorem.

137. Playing cards, six cents per pack.

138. Paper hangings or wall papers, borders or bordering, and window blinds of paper of all kinds, thirty-five per cent ad valorem.

139. Printing paper and paper of all kinds, n.e.s., twenty-five per cent ad valorem.

140. Ruled and border and coated papers, pape-teries, boxed papers, pads not printed, papier-machéware, n.o.p.; envelopes, and all manufactures of paper, n.e.s., thirty-five per cent ad valorem.

Chemicals and Drugs.

141. Acid, acetic acid and pyroligneous, n.e.s., and vinegar, a specific duty of fifteen cents for each gallon of any strength not exceeding the strength of proof, and for each degree of strength in excess of the strength of proof an additional duty of two cents. The strength of proof shall be held to be equal to six per cent of absolute acid, and in all cases the strength shall be determined in such manner as is established by the Governor in Council.

142. Acid, acetic acid crude, and pyroligneous crude, of any strength not exceeding thirty per cent, twenty-five per cent ad valorem.

143. Acid, muriatic and nitric, and all mixed or other acids, n.e.s., twenty per cent ad valorem.

144. Acid, sulphuric, twenty-five per cent ad valorem.

145. Acid, phosphate, n.o.p., twenty-five per cent ad valorem.

146. Sulphuric ether, chloroform, and solutions of peroxides of hydrogen, twenty-five per cent ad valorem.

R.S., 1906.
147. All medicinal, chemical and pharmaceutical preparations, when compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n.o.p.; provided that drugs, pill-mass and preparations, not including pills or medicinal plasters recognized by the British or the United States pharmacopoeia or the French Codex as officinal, shall not be held to be covered by this item; all liquids containing alcohol, fifty per cent ad valorem; and all others, liquid or not, twenty-five per cent ad valorem...

148. Pomades, French or flower odours preserved in fat or oil for the purpose of conserving the odours of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each, fifteen per cent ad valorem.

149. Perfumery, including toilet preparations (non-alcoholic), viz.:—Hair oils, tooth and other powders and washes, pomatuins, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin, thirty per cent ad valorem.

150. Liquorice paste and liquorice in rolls and sticks, twenty per cent ad valorem.

151. Paraffine wax, twenty-five per cent ad valorem.

152. Antiseptic surgical dressing, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes and oakum, prepared for use as surgical dressings, plain or medicated; surgical belts and trusses, electric belts, pessaries and suspensory bandages of all kinds, twenty per cent ad valorem.

154. Cod liver oil, twenty per cent ad valorem.

Opium.

155. Opium, crude, the outward ball or covering to be free of duty, one dollar per pound.

156. Opium, powdered, one dollar and thirty-five cents per pound.

157. Opium, prepared for smoking, five dollars per pound.

847

R.S., 1906.
Colours, Paints, Oils, Varnishes, Etc.

158. Dry red lead, orange mineral and zinc white, five per cent *ad valorem*.......................5 p. c.
158a. Dry white lead, thirty per cent *ad valorem*. 30 p. c.
158b. White lead, ground in oil, thirty-five per cent *ad valorem*..............................35 p. c.
159. Ochres, ochrey earths, raw siennas, and colours, dry, n.e.s., twenty per cent *ad valorem*..............................20 p. c.
158a. Dry white lead, thirty per cent *ad valorem*. 30 p. c.
159. Ochres, ochrey earths, raw siennas, and colours, dry, n.e.s., twenty per cent *ad valorem*..............................20 p. c.
160. Oxides, umbers, burnt siennas, and fire proofs, n.e.s.; laundry blueing of all kinds, rough stuff and dry and liquid fillers, anti-corrosive and anti-fouling paints commonly used for ships' hulls, and ground and liquid paints, n.e.s., twenty-five per cent *ad valorem*..............................25 p. c.
161. Paints and colours, ground in spirits, and all spirit varnishes and lacquers, one dollar and twenty and one-half cents per gallon. §1.12 ½ p. gall.
162. Paris green, dry, ten per cent *ad valorem*..............................10 p. c.
163. Ink for writing, twenty per cent *ad valorem*. 20 p. c.
164. Blacking, shoe, and shoemakers' ink; shoe, harness and leather dressing, harness soap, and knife or other polish or composition, n.o.p., twenty-five per cent *ad valorem*..............................25 p. c.
165. Putty, of all kinds, twenty per cent *ad valorem*..............................20 p. c.
166. Turpentine, spirits of, five per cent *ad valorem*..............................5 p. c.
167. British gum, dextrine, sizing cream and enamel sizing, ten per cent *ad valorem*..............................10 p. c.
168. Varnishes, lacquers, japans, japan driers, liquid driers and oil finish, n.e.s., twenty cents per gallon and twenty per cent *ad valorem*..............................20c. p. gall. and 20 p. c.
169. Linseed or flaxseed oil, raw or boiled, lard oil, neat's-foot oil, and sesame seed oil, twenty-five per cent *ad valorem*..............................25 p. c.
170. Illuminating oils composed wholly or in part of the products of petroleum, coal, shale or lignite, costing more than thirty cents per gallon, twenty per cent *ad valorem*..............................20 p. c.
171. Lubricating oils, composed wholly or in part of petroleum, costing less than twenty-five cents per gallon, two and one-half cents per gallon..............................2 ½c. p. gall.
172. Crude petroleum, gas oils (other than naphtha, benzine or gasoline) lighter than .8235 but not less than .775 specific gravity

R.S., 1906.
gravity at 60° temperature, one and one-half cent per gallon.

173. Oils, coal and kerosene, distilled, purified or refined, naphtha and petroleum, and products of petroleum, n.e.s., two and one-half cents per gallon.

174. Barrels, containing petroleum or its products, or any mixture of which petroleum forms a part, when such contents are chargeable with a specific duty, twenty cents each.

175. Lubricating oils, n.e.s., and axle grease, twenty per cent ad valorem.

176. Olive oil, n.e.s., twenty per cent ad valorem.

177. Essential oil, ten per cent ad valorem.

178. Vaseline, and all similar preparations of petroleum for toilet, medicinal or other purposes, twenty-five per cent ad valorem.

Coal.

179. Bituminous slack coal, such as will pass through a half-inch screen, subject to regulations to be made by the Minister of Customs, twenty per cent ad valorem, but not to exceed thirteen cents per ton of 2,000 pounds (being the equivalent of fifteen cents per ton of 2,240 pounds): Provided that if the United States Congress fixes the duty on such slack coal at a rate not exceeding fifteen cents per ton of 2,240 pounds, then the duty on such coal imported into Canada, as provided in this item, shall be the minimum duty on such coal from all countries, notwithstanding section six of this Act.

180. Coal, bituminous, round and run of mine, and coal, n.e.s., fifty-three cents per ton of 2,000 pounds (being the equivalent of sixty cents per ton of 2,240 pounds): Provided that if the United States Congress fixes the duty on such coal at a rate not exceeding forty cents per ton of 2,240 pounds, the Governor in Council may by proclamation reduce the duty mentioned in this item to forty cents per ton of 2,240 pounds, or the equivalent thereof per ton of 2,000 pounds, and the duty declared by such proclamation shall then be the minimum duty on such coal from all countries, notwithstanding section six of this Act.
Earthenware, Cements, Slate and Stoneware.

181. Building brick, paving brick, stove linings, and fire brick, n.e.s., and manufactures of clay or cement, n.o.p., twenty per cent ad valorem. .................................................. 20 p. c.

182. Earthenware and stoneware, viz.: demijohns, churns or crocks, thirty per cent ad valorem 30 p. c.

183. Drain tiles, not glazed, twenty per cent ad valorem .................................................. 20 p. c.

184. Drain pipes, sewer pipes, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, and earthenware tiles, thirty-five per cent ad valorem. 35 p. c.

185. China and porcelain ware, also earthenware and stoneware, brown or coloured and Rockingham ware, white granite or iron stoneware, 'c.c.' or cream-coloured ware, decorated, printed or sponged, and all earthenware, n.e.s., thirty per cent ad valorem. 30 p. c.

185a. Notwithstanding anything contained in this Act the maximum duty on table ware of china, porcelain or other white clay, when imported under the British preferential tariff, shall be fifteen per cent ad valorem 15 p. c.

186. Baths, tubs and wash-stands of earthenware, stone, cement or clay, or of other material, n.o.p., thirty per cent ad valorem. 30 p. c.

187. Cement, Portland and hydraulic or water lime, in barrels or casks, the weight of the package to be included in the weight for duty, twelve and one-half cents per one hundred pounds; in bags, twelve and one-half cents per one hundred pounds together with twenty-five per cent ad valorem on the bag .................................................. 25 p. c.

188. Plaster of Paris, or gypsum, ground, not calcined, fifteen per cent ad valorem. 15 p. c.

189. Plaster of Paris, or gypsum, calcined or manufactured, the weight of the package to be included in the weight for duty, twelve and one-half cents per one hundred pounds 12½c. p. 100 lb.

190. Lithographic stones, not engraved, twenty per cent ad valorem. 20 p. c.

191. Grindstones, not mounted, and not less than thirty-six inches in diameter, fifteen per cent ad valorem. 15 p. c.

192. Grindstones, n.e.s., twenty-five per cent ad valorem. 25 p. c.

850
193. Flagstone, sandstone and all building stone, not hammered or chiselled; and marble and granite, rough, not hammered or chiselled, fifteen per cent ad valorem....... 15 p. c.

194. Marble and granite, sawn only; flagstone and all other building stone, dressed; and paving blocks of stone, twenty per cent ad valorem.................. 20 p. c.

195. Marble and granite, n.o.s., and all manufactures of marble or granite, n.o.p., thirty-five per cent ad valorem.................. 35 p. c.

196. Manufactures of stone, n.o.p., thirty per cent ad valorem.................. 30 p. c.

197. Roofing slate, twenty-five per cent ad valorem; provided that the duty shall not exceed seventy-five cents per square........ 25 p. c.

198. Slate mantels and other manufactures of slate, n.e.s., thirty per cent ad valorem... 30 p. c.

199. Slate pencils and school writing slates, twenty-five per cent ad valorem........ 25 p. c.

200. Mosaic flooring of any material, thirty per cent ad valorem.................. 30 p. c.

Glass and Glassware.

201. Plain coloured, opaque, stained or tinted, or muffled glass in sheets, 20 per cent ad valorem.................. 20 p. c.

201a. Common and colourless window glass, fifteen per cent ad valorem.................. 15 p. c.

201b. Notwithstanding anything contained in this Act, the maximum duty on common and colourless window glass, when imported under the British preferential tariff, shall be seven and a half per cent ad valorem.... 7½ p. c.

202. Ornamental, figured, and enamelled coloured glass, vitrified or painted, chipped, figured, enamelled and obscured white glass; stained glass windows and memorial or ornamental window glass, n.o.p., and rough rolled plate glass, thirty per cent ad valorem.................. 30 p. c.

203. Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p.; ten per cent ad valorem.................. 10 p. c.

203a. Plate glass, not bevelled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p., twenty-five per cent ad valorem... 25 p. c.

204. Plate glass, not bevelled, in sheets or panes, n.e.s., thirty-five per cent ad valorem.................. 35 p. c.

54½

851

R.S., 1906.
205. Plate glass, bevelled, in sheets or panes, n.o.p., thirty-five per cent ad valorem... 35 p. c.
206. Silvered glass, bevelled or not, and framed or not, thirty-five per cent ad valorem... 35 p. c.
207. German looking-glass plate, (thin plate), unsilvered or for silvering, twenty per cent ad valorem... 20 p. c.
208. Glass demijohns or carboys, empty or filled, bottles, decanters, flasks, phials, glass jars and glass balls, lamp chimneys, glass shades or globes, cut, pressed or moulded crystal or glass tableware, decorated or not, and blown glass tableware, thirty per cent ad valorem... 30 p. c.
209. Bent plate or other sheet glass, and all other glass, and manufactures of glass, n.o.p., twenty per cent ad valorem... 20 p. c.
210. Spectacles and eye glasses, thirty per cent ad valorem... 30 p. c.
211. Spectacle and eye-glass frames, and metal parts thereof, twenty per cent ad valorem... 20 p. c.

Leather, Rubber and Manufactures of.

212. Dongola, cordovan, calf, sheep, lamb, kid or goat, kangaroo, alligator, or other upper leather, and all leather, dressed, waxed, glazed or further finished than tanned, n.e.s.; harness leather, and chamois skin, seventeen and one-half per cent ad valorem... 17½ p. c.
213. Skins for morocco leather, tanned but not further manufactured; sole leather, and belting leather of all kinds; tanners’ scrap leather; and leather and skins, n.o.p., fifteen per cent ad valorem... 15 p. c.
214. Glove leathers, tanned or dressed, coloured or uncoloured, when imported by glove manufacturers for use in their own factories in the manufacture of gloves, ten per cent ad valorem... 10 p. c.
215. japanned, patent or enamelled leather, and morocco leather, twenty-five per cent ad valorem... 25 p. c.
216. Leather-board, leatheroid, and manufactures thereof, n.o.p., twenty-five per cent ad valorem... 25 p. c.
217. Whips of all kinds, including thongs and lashes, thirty-five per cent ad valorem... 35 p. c.
218. Belting of leather or other material, n.e.s., twenty per cent ad valorem... 20 p. c.

R.S., 1906.
219. Boots and shoes, and slippers, of any material, n.e.s., twenty-five per cent *ad valorem*. 25 p. c.

220. Manufactures of raw hide, and all manufactures of leather, n.o.p., twenty-five per cent *ad valorem*. 25 p. c.

221. India-rubber boots and shoes; rubber belting, rubber cement and all manufactures of India-rubber and gutta percha, n.o.p., twenty-five per cent *ad valorem*. 25 p. c.

222. India-rubber clothing and clothing made waterproof with India-rubber, rubber or gutta percha hose, and cotton or linen hose lined with rubber, rubber mats or matting, and rubber packing, thirty-five per cent *ad valorem*. 35 p. c.

**Metals and Manufactures of.**

223. Iron or steel scrap, wrought, being waste or refuse, including punchings, cuttings or clippings of iron or steel plates or sheets having been in actual use; crop ends of tin plate bars, or of blooms, or of rails, the same not having been in actual use, one dollar per ton. $1 p. ton.

Nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be re-manufactured in rolling mills.

224. Iron in pigs, iron kentledge, and cast scrap iron, two dollars and fifty cents per ton. $2.50 p. ton.

225. Ferro-silicon, ferro-manganese, and spiegel-eisen, five per cent *ad valorem*. 5 p. c.

226. Iron or steel ingots, coggéd ingots, blooms, slabs, billets, puddled bars and loops or other forms, n.o.p., less finished than iron or steel bars but more advanced than pig iron, except castings, two dollars per ton. $2 p. ton.

227. Rolled iron or steel angles, tees, beams, channels, girders and other rolled shapes or sections, weighing less than thirty-five pounds per lineal yard, not punched, drilled or further manufactured than rolled, n.o.p., seven dollars per ton. $7 p. ton.

228. Rolled iron or steel angles, tees, beams, channels, joists, girders, zees, stars or other rolled shapes, or trough, bridge building or structural rolled sections or shapes, not punched, drilled or further manufactured than rolled, n.e.s., and flat eye-bar blanks not R.S., 1906.
not punched or drilled, ten per cent ad valorem.

229. Bar iron or steel, rolled, whether in coils, rods, bars or bundles, comprising rounds, ovals and squares, and flats; and rolled shapes, n.o.p.; and rolled iron or steel hoop, band, scroll or strip, eight inches or less in width, number eighteen gauge and thicker, n.e.s., seven dollars per ton...

230. Universal mill or rolled edge bridge plates of steel when imported by manufacturers of bridges, ten per cent ad valorem...

231. Rolled iron or steel plates not less than thirty inches in width, and not less than one-quarter of an inch in thickness, n.o.p., ten per cent ad valorem...

232. Rolled iron or steel sheets or plates, sheared or unsheared, and skelp iron or steel, sheared or rolled in grooves, n.e.s., seven dollars per ton...

233. Skelp iron or steel, sheared or rolled in grooves, when imported by manufacturers of wrought iron or steel pipe for use only in the manufacture of wrought iron or steel pipe in their own factories, five per cent ad valorem...

234. Rolled iron or steel sheets number seventeen gauge, and thinner, n.o.p.; Canada plates; Russia iron; flat galvanized iron or steel sheets, terne plate, and rolled sheets of iron or steel coated with zinc, spelter or other metal, of all widths or thicknesses, n.o.p., and rolled iron or steel hoop, band, scroll or strip, thinner than number eighteen gauge, n.e.s., five per cent ad valorem...

235. Chrome steel, fifteen per cent ad valorem...

236. Steel, in bars, bands, hoops, scroll or strips, sheets or plates, of any size, thickness or width, when of greater value than two and one-half cents per pound, n.o.p., five per cent ad valorem...

237. Swedish rolled iron and Swedish rolled steel nail rods under half an inch in diameter for the manufacture of horse-shoe nails, fifteen per cent ad valorem...

238. Iron and steel railway bars or rails, in any form, for railways, seven dollars per ton...

239. Railway fish plates and tie plates, eight dollars per ton...

240. R.S., 1906.
240. Switches, frogs, crossings and intersections for railways, thirty per cent *ad valorem*.

241. Locomotives for railways, n.e.s., thirty-five per cent *ad valorem*.

242. Iron or steel bridges, or parts thereof; iron or steel structural work, columns, shapes or sections, drilled, punched or in any further stage of manufacture than as rolled or cast, n.e.s., thirty-five per cent *ad valorem*.

243. Forgings of iron or steel of whatever shape or size or in whatever stage of manufacture, n.e.s.; and steel shafting, turned, compressed, or polished; and hammered iron or steel bars or shapes, n.o.p., thirty per cent *ad valorem*.

244. Iron or steel castings, in the rough, n.e.s., twenty-five per cent *ad valorem*.

245. Stove plates, stoves of all kinds, for oil, gas, coal or wood, or parts thereof, and sad or smoothing, hatters' and tailors' irons, plated wholly or in part, or not, twenty-five per cent *ad valorem*.

246. Springs, axles, axle bars, n.e.s., and axle blanks, and parts thereof, of iron or steel, for railway or tramway, or other vehicles, thirty-five per cent *ad valorem*.

247. Cart or wagon skeins or boxes, thirty per cent *ad valorem*.

248. Cast iron pipe of every description, eight dollars per ton.

249. Wrought iron or steel boiler tubes, n.e.s., including flues and corrugated tubes for marine boilers, five per cent *ad valorem*.

250. Tubes of rolled steel, seamless, not joined or welded, not more than one and one-half inch in diameter; and seamless steel tubes for bicycles, ten per cent *ad valorem*.

251. Wrought iron or steel tubing, plain or galvanized, threaded and coupled or not, over two inches in diameter, n.e.s., fifteen per cent *ad valorem*.

252. Wrought iron or steel tubing, plain or galvanized, threaded and coupled or not, two inches or less in diameter, n.e.s., thirty-five per cent *ad valorem*.

253. Other iron or steel pipe or tubing, plain or galvanized, riveted, corrugated or otherwise specially manufactured, n.o.p., thirty per cent *ad valorem*.

855

R.S., 1906.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Tariff</th>
</tr>
</thead>
<tbody>
<tr>
<td>254.</td>
<td>Iron or steel fittings for iron or steel pipe, of every description, and chilled iron or steel rolls, thirty per cent <em>ad valorem</em></td>
<td>30 p. c.</td>
</tr>
<tr>
<td>255.</td>
<td>Iron or steel cut nails and spikes, (ordinary builder's); and railroad spikes, one-half of one cent per pound</td>
<td>3/4 c. per lb.</td>
</tr>
<tr>
<td>256.</td>
<td>Wrought and pressed nails and spikes, trunk, clout, cooper's, cigar box, Hungarian, horse-shoe, and other nails, n.e.s.; horse, mule and ox shoes, thirty per cent <em>ad valorem</em></td>
<td>30 p. c.</td>
</tr>
<tr>
<td>257.</td>
<td>Wire nails of all kinds, n.o.p., three-fifths of one cent per pound</td>
<td>3/5 c. per lb.</td>
</tr>
<tr>
<td>258.</td>
<td>Composition nails and spikes and sheathing nails, fifteen per cent <em>ad valorem</em></td>
<td>15 p. c.</td>
</tr>
<tr>
<td>259.</td>
<td>Iron or steel shoe tacks, and ordinary cut tacks, leathered or not, brads, sprigs and shoe nails, double pointed tacks, and other tacks of iron and steel, n.o.p., thirty-five per cent <em>ad valorem</em></td>
<td>35 p. c.</td>
</tr>
<tr>
<td>260.</td>
<td>Screws, commonly called 'wood screws,' of iron or steel, brass or other metal, including lag or coach screws, plated or not, and machine or other screws, n.o.p., thirty-five per cent <em>ad valorem</em></td>
<td>35 p. c.</td>
</tr>
<tr>
<td>261.</td>
<td>Coil chain, coil chain links, and chain shackles, of iron or steel, five-sixteenths of an inch in diameter and over, five per cent <em>ad valorem</em></td>
<td>5 p. c.</td>
</tr>
<tr>
<td>263.</td>
<td>Buckthorn strip fencing, woven wire fencing, and wire fencing of iron or steel, n.e.s., fifteen per cent <em>ad valorem</em></td>
<td>15 p. c.</td>
</tr>
<tr>
<td>264.</td>
<td>Wire, single or several, covered with cotton, linen, silk, rubber or other material, including cable so covered, n.e.s., thirty per cent <em>ad valorem</em></td>
<td>30 p. c.</td>
</tr>
<tr>
<td>265.</td>
<td>Brass wire, plain, ten per cent <em>ad valorem</em></td>
<td>10 p. c.</td>
</tr>
<tr>
<td>266.</td>
<td>Copper wire, plain, tinned or plated, fifteen per cent <em>ad valorem</em></td>
<td>15 p. c.</td>
</tr>
<tr>
<td>267.</td>
<td>Wire cloth, or woven wire of brass or copper, twenty-five per cent <em>ad valorem</em></td>
<td>25 p. c.</td>
</tr>
<tr>
<td>268.</td>
<td>Wire of all metals and kinds, n.o.p., twenty per cent <em>ad valorem</em></td>
<td>20 p. c.</td>
</tr>
<tr>
<td>269.</td>
<td>Wire rope, stranded or twisted wire, clothes line, picture or other twisted wire and wire cable, n.e.s., twenty-five per cent <em>ad valorem</em></td>
<td>25 p. c.</td>
</tr>
<tr>
<td>270.</td>
<td>Wire cloth or woven wire, and wire netting, of iron or steel, thirty per cent <em>ad valorem</em></td>
<td>30 p. c.</td>
</tr>
<tr>
<td>271.</td>
<td>Needles, of any material or kind, and pins manufactured from wire of any metal, n.o.p., thirty per cent <em>ad valorem</em></td>
<td>30 p. c.</td>
</tr>
</tbody>
</table>
272. Lead, old, scrap, pig and block, fifteen per cent ad valorem

273. Lead, in bars, and in sheets, twenty-five per cent ad valorem

274. Lead pipe, lead shot and lead bullets, thirty-five per cent ad valorem

275. Lead, manufactures of, n.o.p., thirty per cent ad valorem

276. Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n.c.s., and all manufactures of brass or copper, n.o.p., thirty per cent ad valorem

277. Zinc, manufactures of, n.o.p., twenty-five per cent ad valorem

278. Builders', cabinet-makers', upholsterers', harness-makers', saddlers', and carriage hardware, including butt-hinges, locks, curry combs or curry cards, horse-boots, harness and saddlery, n.c.s., thirty per cent ad valorem

279. Iron or steel nuts, washers, rivets, and bolts, with or without threads, and nut, bolt and hinge blanks, and T and strap hinges of all kinds, n.c.s., three-quarters of one cent per pound and twenty-five per cent ad valorem

280. Gas meters, thirty-five per cent ad valorem

281. Skates of all kinds, roller or other, and parts thereof, thirty-five per cent ad valorem

282. Safes, doors for safes and vaults; scales, balances, weighing beams, and strength testing machines of all kinds, thirty per cent ad valorem

283. Carvers, knives and forks of steel, butcher and table steels, oyster, bread, kitchen, cooks', butcher, shoe, farrier, putty, hacking and glaziers' knives, cigar knives, spatulas or palette knives, razors, erasers or office knives, pen, pocket, pruning, sportsmen's or hunters' knives, manicure files, scissors, trimmers; barbers', tailors' and lamp shears, horse and toilet clippers, and all like cutlery, plated or not, n.o.p.,—when any of the above articles are imported in cases or cabinets, the cases or cabinets shall be dutiable at the same rate as their contents,—thirty per cent ad valorem

285. Knife blades or blanks, and table forks of iron or steel in the rough, not handled.
filed, ground or otherwise manufactured, ten per cent ad valorem

286. Celluloid, moulded into sizes for handles of knives and forks, not bored or otherwise manufactured; also, moulded celluloid balls and cylinders, coated with tin-foil or not, but not finished or further manufactured, and celluloid lamp shade blanks, ten per cent ad valorem

287. Bird, parrot, squirrel and rat cages, of wire, and metal parts thereof, thirty-five per cent ad valorem

288. Files and rasps, n.e.s., thirty per cent ad valorem

289. Adzes, cleavers, hatchets, saws, wedges, sledges, hammers, crow-bars, cant-dogs and track tools; picks, mattocks, and eyes or poles for the same; anvils, vises; and tools of all kinds, for hand or for machine use, including shoemakers' and tinsmiths' tools or bench machines, n.o.p., thirty per cent ad valorem

290. Axes, scythes, sickles or reaping hooks, hay or straw knives, hedging knives, hoes, rakes, pronged forks, snaths, farm, road or field rollers, post hole diggers, and other agricultural implements, n.e.s., twenty-five per cent ad valorem

291. Shovels and spades, iron or steel, n.e.s.; shovel and spade blanks, and iron or steel cut to shape for the same; and lawn mowers, thirty-five per cent ad valorem

292. Britannia metal, nickel silver, Nevada and German silver, manufactures of, not plated, and manufactures of aluminum, n.o.p., twenty-five per cent ad valorem

293. Sterling or other silverware, nickel-plated ware, gilt or electro-plated ware, wholly or in part, of all kinds, n.e.s., thirty per cent ad valorem

294. Telephone and telegraph instruments, electric and galvanic batteries, electric motors, dynamos, generators, sockets, insulators of all kinds; and electric apparatus, n.e.s., twenty-five per cent ad valorem

295. Electric light carbons and carbon points, of all kinds, n.e.s., thirty-five per cent ad valorem

296. Carbons over six inches in circumference, fifteen per cent ad valorem

R.S., 1906.
297. Lamps, side-lights and head-lights, lanterns, chandeliers, gas, coal or other oil fixtures and electric light fixtures, or metal parts thereof, including lava or other tips, burners, collars, galleries, shades and shade holders, thirty per cent ad valorem. 30 p. c.

298. Lamp springs, and glass bulbs for electric lights, ten per cent ad valorem. 10 p. c.

299. Babbit metal, type metal, phosphor tin and phosphor bronze in blocks, bars, plates, sheets and wire, ten per cent ad valorem. 10 p. c.

300. Type for printing, including chases, quoins and slugs, of all kinds, twenty per cent ad valorem. 20 p. c.

301. Plates engraved on wood, steel or other metal, and transfers taken from the same, including engravers’ plates of steel, polished, engraved or for engraving thereupon, twenty per cent ad valorem. 20 p. c.

302. Stereotypes, electrotypes and celluloids for almanacs, calendars, illustrated pamphlets, newspaper advertisements or engravings, and all other like work for commercial, trade or other purposes, n.e.s., and matrices or copper shells for the same, one and one-half cent per square inch. 1½c. p. sq. in.

303. Stereotypes, electrotypes and celluloids of newspaper columns, and bases for the same, composed wholly or partially of metal or celluloid, one-fourth of one cent per square inch. ¼c. p. sq. in.

And matrices or copper shells for the same, one and one-half cent per square inch. 1½c. p. sq. in.

304. Clothes wringers for domestic use, and parts thereof, thirty-five per cent ad valorem. 35 p. c.

305. Buckles of iron, steel, brass or copper, of all kinds, n.o.p., (not being jewellery), thirty per cent ad valorem. 30 p. c.

306. Guns, rifles, including air guns and air rifles not being toys, muskets, cannons, pistols, revolvers, or other firearms; cartridge cases, cartridges, primers, percussion caps, wads, or other ammunition, n.o.p.; bayonets, swords, fencing foils and masks; gun or pistol covers or cases, game bags, loading tools and cartridge belts of any material, thirty per cent ad valorem. 30 p. c.

307. Agate, granite or enamelled iron or steel hollowware, thirty-five per cent ad valorem. 35 p.c.

859

R.S., 1906.
308. Enamelled iron or steel ware, n.e.s.; iron or steel hollow-ware, plain black, timmed or coated; and nickel and aluminum kitchen or household hollowware, n.e.s., thirty per cent ad valorem.

309. Tinware, plain, japanned or lithographed, and all manufactures of tin, n.e.s., and manufactures of galvanized sheet iron or of galvanized sheet steel, n.o.p., twenty-five per cent ad valorem.

310. Signs, of any material, framed or not; and letters of any material for signs or similar use, thirty per cent ad valorem.

311. Fire engines and fire extinguishing machines, including sprinklers for fire protection, thirty-five per cent ad valorem.

312. Brass pumps of all kinds, and garden or lawn sprinklers, thirty per cent ad valorem.

313. Printing presses, n.e.s., printing machines, lithographic presses and type-making accessories therefor; folding machines, bookbinders’ book-binding, ruling, embossing and paper cutting machines, and parts thereof, ten per cent ad valorem.

314. Sewing-machines, and parts thereof, thirty per cent ad valorem.

315. Steam engines, boilers, ore crushers and rock crushers, stamp mills, Cornish and belted rolls, rock drills, air compressors, cranes, derricks, percussion coal cutters, pumps, n.e.s., windmills, horse-powers, portable engines, threshers, separators, fodder or feed cutters, potato diggers, grain crushers, fanning mills, hay tedders, farm wagons, slot machines and typewriters, and all machinery composed wholly or in part of iron or steel, n.o.p., twenty-five per cent ad valorem.

316. Machine card clothing, twenty-five per cent ad valorem.

317. Mould boards or shares, or plough plates, land sides, and other plates for agricultural implements, when cut to shape from rolled plates of steel but not moulded, punched, polished or otherwise manufactured, five per cent ad valorem.

318. Mowing machines, harvesters self-binding or without binders, binding attachments, reapers, cultivators, ploughs, harrows, horse-rakes, seed drills, manure spreaders, weeders,
weeders, and malleable sprocket or link belting chain for binders, twenty per cent ad valorem.

319. Trawls, trawling spoons, fly hooks, sinkers, swivels, and sportsmen's fishing bait, and fish hooks, n.e.s., thirty per cent ad valorem.

320. Patterns of brass, iron, steel or other metal (not being models), thirty per cent ad valorem.

321. Manufactures, articles or wares not specially enumerated or provided for, composed wholly or in part of iron or steel, and whether wholly or partly manufactured, thirty per cent ad valorem.

Vehicles.

322. Freight wagons, drays, sleighs and similar vehicles, twenty-five per cent ad valorem.

323. Buggies, carriages, pleasure carts and similar vehicles, n.e.s., including cutters, children's carriages and sleds, and finished parts thereof, n.o.p., thirty-five per cent ad valorem: Provided that for duty purposes the minimum value of an open buggy shall be forty dollars and the minimum value of a covered buggy shall be fifty dollars.

324. Railway cars, (or other cars), wheelbarrows, trucks, road or railway scrapers and hand carts, thirty per cent ad valorem.

325. Bicycles and tricycles, thirty per cent ad valorem.

Manufactures of Wood, Cane, Cork.

326. Cane, reed or rattan, split or otherwise manufactured, n.o.p., fifteen per cent ad valorem.

327. Corks, and other manufactures of cork wood or cork bark, n.o.p., twenty per cent ad valorem.

328. Sawed boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, twenty-five per cent ad valorem.

329. Lumber and timber, manufactured, n.e.s., twenty per cent ad valorem.

330. Churns, brooms and whisks, wash-boards, pounders and rolling pins, twenty per cent ad valorem.
331. Veneers of wood, not over three thirtyseconds of an inch in thickness, seven and one-half per cent ad valorem... 7½ p. c.
332. Mouldings of wood, plain, gilded or otherwise further manufactured, twenty-five per cent ad valorem... 25 p. c.
333. Wood pulp, twenty-five per cent ad valorem. 25 p. c.
334. Manufactures of wood, n.o.p., twenty-five per cent ad valorem... 25 p. c.
335. Fishing rods, walking sticks and walking canes, of all kinds, n.e.s., thirty per cent ad valorem... 30 p. c.
336. Picture frames and photograph frames, of any material, thirty per cent ad valorem... 30 p. c.
337. Umbrella, parasol and sunshade sticks or handles, n.e.s., twenty per cent ad valorem 20 p. c.
338. Coffins and caskets, and metal parts thereof, twenty-five per cent ad valorem... 25 p. c.
339. Show-cases, of all kinds, and metal parts thereof, thirty-five per cent ad valorem... 35 p. c.
340. Billiard tables with or without pockets and bagatelle tables or boards, cues, balls, cue racks and cue-tips, thirty-five per cent ad valorem... 35 p. c.
341. Vulcanized fibre, kartavert, indurated fibre, and like material, and manufactures of, n.e.s., twenty-five per cent ad valorem... 25 p. c.
342. Blinds of wood, metal or other material, not textile or paper, thirty per cent ad valorem... 30 p. c.
343. House, office, cabinet or store furniture of wood, iron or other material, in parts or finished; wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses, bolsters and pillows, including furniture springs and carpet sweepers, thirty per cent ad valorem... 30 p. c.
344. Window shade or blind rollers, thirty-five per cent ad valorem... 35 p. c.

Jewellery and Material therefor, Etc.
345. Watch cases, thirty per cent ad valorem... 30 p. c.
346. Clocks, watches, watch glasses, clock and watch keys, and clock movements, twentyfive per cent ad valorem... 25 p. c.
347. Watch actions and movements, ten per cent ad valorem... 10 p. c.
348. Precious stones, n.e.s., polished, but not set, pierced or otherwise manufactured, and imitations thereof, ten per cent ad valorem.

R.S., 1906.
349. Composition metal for the manufacture of jewellery and filled gold watch cases, ten per cent \textit{ad valorem} . . . . . . . . . . . . . . 10 p. c.

350. Jewellery, for the adornment of the person, including hat pins, hair pins, belt or other buckles, and similar personal ornamental articles commercially known as jewellery, n.o.p., and all manufactures of gold and silver, n.e.s., thirty per cent \textit{ad valorem} . . . . . . . . . . . . . . 30 p. c.

351. Fancy writing desks, fancy cases for jewellery, watches, silverware, plated ware and cutlery; glove, handkerchief and collar boxes or cases, brush or toilet cases, and all fancy cases for similar fancy articles, of any material; fans, dolls and toys of all kinds; ornaments of alabaster, spar, amber, terra cotta or composition; statuettes and bead ornaments, n.e.s., thirty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 35 p. c.

352. Gold, silver and aluminum leaf, Dutch or schlag metal leaf; brocade and bronze powders and gold liquid paint, twenty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 25 p. c.

\textit{Minerals}.

353. Asbestos in any form other than crude, and all manufactures thereof, twenty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 25 p. c.

354. Plumbago, not ground or otherwise manufactured, ten per cent \textit{ad valorem} . . . . . . . . . . . . . . 10 p. c.

355. Plumbago, ground, and manufactures of, n.e.s., and foundry facings of all kinds, twenty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 25 p. c.

\textit{Musical Instruments}.

356. Pianofortes, organs and musical instruments of all kinds, thirty per cent \textit{ad valorem} . . . . . . . . . . . . . . 30 p. c.

357. Brass band instruments, parts of pianofortes and parts of organs, twenty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 25 p. c.

Provided that musical instrument cases shall be dutiable at the same rate as their contents when imported containing the instruments.

\textit{Textiles, Hats, Furs, Etc.}

358. Cotton batts, batting and sheet wadding, cotton warps and cotton yarns, dyed or not, n.e.s., twenty-five per cent \textit{ad valorem} . . . . . . . . . . . . . . 25 p. c.

863

R.S., 1906.
359. Cotton fabrics, white or gray, bleached or unbleached, n.o.p., twenty-five per cent ad valorem .......................................................... 25 p. c.
360. Cotton fabrics, printed, dyed or coloured, n.o.p., thirty-five per cent ad valorem ........................................ 35 p. c.
361. Damask of linen, stair linen, diaper, napkins, doylies, table and tray cloths, sheets, quilts, towels, and like articles of linen or cotton, or of linen and cotton combined, made up or not, n.o.p., thirty per cent ad valorem ......................................................... 30 p. c.
362. Embroideries, n.e.s., laces, braids, fringes, cords, elastic, round or flat; garter elastic, tassels and bracelets, n.o.p., braids, chains, cords, or other manufactures of hair, n.e.s.; handkerchiefs of all kinds; lace collars and all similar lace goods; lace nets and nettings of cotton, linen, silk or other material; shams, curtains, when made up, trimmed or untrimmed; regalia, badges and belts of all kinds, n.o.p.; linen, silk and cotton clothing, and all other articles made up by the seamstress from linen or cotton fabrics, n.o.p., corsets of all kinds, corset claps, busks, blanks and steels, and covered corset wires, cut to lengths, tipped or untipped, thirty-five per cent ad valorem ......................................................... 35 p. c.
363. White cotton embroideries, twenty-five per cent ad valorem .......................................................... 25 p. c.
364. Jeans, sateens and coutils, when imported by corset and dress stay makers for use in the manufacture of such articles in their own factories, twenty per cent ad valorem .......................................................... 20 p. c.
365. Collars and cuffs, of cotton, linen, xylonite, xyolite or celluloid, thirty-five per cent ad valorem .......................................................... 35 p. c.
366. Shirts of any material, and ladies' or misses' blouses and shirt waists, thirty-five per cent ad valorem .......................................................... 35 p. c.
367. Crapes, black, twenty per cent ad valorem .......................................................... 20 p. c.
368. Velvets, velveteens, silk velvets, plush and silk fabrics, thirty per cent ad valorem .......................................................... 30 p. c.
368a. Silk fabrics, when imported by manufacturers of neckties for use exclusively in the manufacture of neckties in their own factories under regulations to be made by the Minister of Customs, ten per cent ad valorem .......................................................... 10 p. c.

R.S., 1906.
369. Ribbons of all kinds and materials, and manufactures of silk or of which silk is the component part of chief value, n.e.s., thirty-five per cent ad valorem

370. Cotton sewing thread in hanks, three and six cord, fifteen per cent ad valorem

371. Cotton sewing thread and crochet cotton, on spools or tubes or in balls, and all other cotton thread, n.e.s., twenty-five per cent ad valorem

372. Silk in the gum, or spun, not more advanced than singles, tram and thrown organzine, not coloured, fifteen per cent ad valorem

373. Sewing and embroidery silk, and silk twist, twenty-five per cent ad valorem

374. Jute cloth, uncoloured, not otherwise finished than bleached or calendered, ten per cent ad valorem

375. Horse clothing of jute, shaped or otherwise manufactured, thirty per cent ad valorem

376. All manufactures of hemp, flax or jute, n.e.s., or of flax, hemp and jute combined, twenty-five per cent ad valorem

377. Bags or sacks of hemp, linen or jute, and cotton seamless bags, twenty per cent ad valorem

378. Felt, pressed, of all kinds, not filled or covered by or with any woven fabric, twenty per cent ad valorem

379. Hair-cloth of all kinds, thirty per cent ad valorem

380. Sails for boats and ships, twenty-five per cent ad valorem

381. Cloths, not rubbered or made water-proof, whether of wool, cotton, unions, silk or ramie, sixty inches or over in width and weighing not more than seven ounces to the square yard, when imported exclusively for the manufacture of mackintosh clothing, under regulations to be adopted by the Governor in Council, fifteen per cent ad valorem

382. Featherbone, plain or covered, in coils, twenty per cent ad valorem

383. Stockinettes for the manufacture of rubber boots and shoes, when imported by manufacturers of rubber boots and shoes, for use exclusively in the manufacture thereof in their own factories, fifteen per cent ad valorem

R.S., 1906.
384. Cotton duck, gray or white, n.e.s., twenty-two and one-half per cent ad valorem. ... 22½ p. c.

385. Oiled silk and oiled cloth, and tape or other textile India-rubbed, flocked or coated, n.o.p., thirty per cent ad valorem. ... 30 p. c.

386. Women's and children's dress goods, coat linings, Italian cloths, alpacas, Orleans, cashmeres, Henriettas, serges, buntings, nun's cloth, bengalines, whip cords, twills, plains or jacquards of similar fabrics, composed wholly or in part of wool, worsted, the hair of the camel, alpaca, goat or like animal, not exceeding in weight six ounces to the square yard, when imported in the gray or unfinished state for the purpose of being dyed or finished in Canada, under such regulations as are established by the Governor in Council, twenty-five per cent ad valorem. ... 25 p. c.

387. Socks and stockings of all kinds, thirty-five per cent ad valorem. ... 35 p. c.

388. Knitted goods, n.e.s., undershirts and drawers, and hosiery of all kinds, n.e.s., thirty-five per cent ad valorem. ... 35 p. c.

389. Shawls of all kinds; railway or travelling rugs and lap dusters of all kinds, thirty per cent ad valorem. ... 30 p. c.

390. Wool, viz.: Leicester, Cotswold, Lincolnshire, Southdown combing wools, or wools known as lustre wools and other like combing wools, such as are grown in Canada, three cents per pound. ... 3c. per lb.

391. Worsted tops made from such wools as are mentioned in the last preceding item, fifteen per cent ad valorem. ... 15 p. c.

392. Yarns, woollen and worsted, n.e.s., thirty per cent ad valorem. ... 30 p. c.

393. Yarns, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or like animal, costing thirty cents per pound and over, when imported on the cop or tube or in the hank by manufacturers of woollen goods for use in their products, twenty per cent ad valorem. ... 20 p. c.

394. Fabrics, manufactures, wearing apparel and ready-made clothing, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animal, n.e.s.; blankets, bed-comforters, or counterpanes, ... 866 flannels,

R.S., 1906.
flannels, cloths, doe-skins, cassimeres, tweeds, coatings, overcoatings and felt cloth, n.e.s., thirty-five per cent ad valorem.

394a. Notwithstanding anything contained in this Act the minimum duty on the following articles when imported under the British preferential tariff shall be as follows:— Fabrics, manufactures, (not including blankets, bed-comforters, counterpanes or flannels), wearing apparel and ready-made clothing, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animal, n.e.s.; cloths, doe-skins, cassimeres, tweeds, coatings, overcoatings and felt cloth, n.e.s.; thirty per cent ad valorem ........................................ 30 p. c.

395. Mats, door or carriage, n.e.s., thirty-five per cent ad valorem ........................................ 35 p. c.

396. Carpeting, rugs, mats and matting of cocoa, straw, hemp or jute; carpet linings and stair pads, twenty-five per cent ad valorem. ........................................ 25 p. c.

397. Turkish or imitation Turkish or other rugs or carpets; and carpets, n.e.s., thirty-five per cent ad valorem ........................................ 35 p. c.

398. Enamelled carriage, floor, shelf and table oil-cloth, linoleum, and cork matting or carpets, thirty per cent ad valorem ........................................ 35 p. c.

399. Window shades in the piece or cut and hemmed or mounted on rollers, n.e.s., thirty-five per cent ad valorem ........................................ 35 p. c.

400. Webbing, elastic and non-elastic, twenty per cent ad valorem ........................................ 20 p. c.

401. Umbrellas, parasols and sunshades of all kinds and materials, thirty-five per cent ad valorem ........................................ 35 p. c.

402. Gloves and mitts, of all kinds, thirty-five per cent ad valorem ........................................ 35 p. c.

403. Hats, caps and bonnets, n.e.s., and hat, cap and bonnet shapes, thirty per cent ad valorem ........................................ 30 p. c.

404. Braces or suspenders, and metal parts thereof, thirty-five per cent ad valorem ........................................ 35 p. c.

405. Boot, shoe and stay laces of any material, thirty per cent ad valorem ........................................ 30 p. c.

406. Fur skins, wholly or partially dressed, fifteen per cent ad valorem ........................................ 15 p. c.

407. Caps, hats, muffins, tippets, capes, coats, cloaks and other manufactures of fur, n.o.p., thirty per cent ad valorem ........................................ 30 p. c.

R.S., 1906.
408. Church vestments of any material, twenty per cent ad valorem.

Sundries.

410. Canoes, skiffs, or open pleasure sail-boats, of any material, twenty-five per cent ad valorem.

411. Canvas, and sail twine of hemp and flax, when to be used for boats' and ships' sails, five per cent ad valorem.

412. Blasting and mining powder, two cents per pound.

413. Cannon, musket, rifle, gun and sporting powder and canister powder, three cents per pound.

414. Nitro-glycerine, giant powder, nitro and other explosives, three cents per pound.

415. Glycerine, when imported by manufacturers of explosives, for use in the manufacture thereof in their own factories, ten per cent ad valorem.

416. Torpedoes, firecrackers, and fireworks of all kinds, twenty-five per cent ad valorem.

417. Fertilizers, compounded or manufactured, ten per cent ad valorem.

418. Lamp wicks, twenty-five per cent ad valorem.

419. Photographic dry plates, thirty per cent ad valorem.

420. Emery wheels, and manufactures of emery, twenty-five per cent ad valorem.

421. Lead-pencils, pens, penholders and rulers of all kinds, twenty-five per cent ad valorem.

422. Magic lanterns and slides thereof, philosophical, photographic, mathematical and optical instruments, n.e.s., cyclometers and pedometers, and tape lines of any material, twenty-five per cent ad valorem.

423. Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases thereof, and tobacco pouches, thirty-five per cent ad valorem.

424. Trunks, valises, hat boxes, carpet bags, tool bags or baskets, satchels, reticules, musical instrument, cases, purses, portmanteaux, pocket-books, fly-books, and parts thereof, n.o.p., and baskets of all kinds, thirty per cent ad valorem.

R.S., 1906.
425. Frames, clasps and fasteners for purses and chatelaine bags or reticules not more than seven inches in width, when imported by manufacturers of purses and chatelaine bags or reticules, for use in the manufacture thereof, in their own factories, twenty per cent ad valorem. 20 p. c.

426. Buttons, viz.:—Pantaloons buttons wholly of metal, and shoe buttons, n.e.s., twenty-five per cent ad valorem. 25 p. c.

Buttons of all kinds covered or not, n.o.p., including recognition buttons, and cuff or collar buttons (not being jewellery) thirty-five per cent ad valorem. 35 p. c.

427. Combs for dress and toilet, including mane combs, of all kinds, thirty-five per cent ad valorem. 35 p. c.

428. Brushes, of all kinds, twenty-five per cent ad valorem. 25 p. c.

429. Hair, curled or dyed, twenty per cent ad valorem. 20 p. c.

430. Artificial flowers, twenty-five per cent ad valorem. 25 p. c.

431. Twine and cordage of all kinds, n.e.s., twenty-five per cent ad valorem. 25 p. c.

431a. Notwithstanding anything contained in this Act the minimum duty on twine and cordage of all kinds, n.e.s., when imported under the British preferential tariff, shall be twenty per cent ad valorem. 20 p. c.

432. Rove, when imported for the manufacture of twine for harvest binders, five per cent ad valorem. 5 p. c.

434. Hammocks, lawn tennis nets, sportsmen’s fish nets, and other articles manufactured of twine, n.o.p., thirty per cent ad valorem. 30 p. c.

Sugar, Syrups and Molasses.

435. All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, testing not more than eighty-eight degrees by the polariscope, one dollar and eight cents per one hundred pounds, and for each additional degree one and one-half cent per one hundred pounds. Fractions of five-tenths of a degree or less not to be subject to duty, and fractions of more than five-tenths to be dutiable as a degree.

R.S., 1906.
Chap. 49.  

Customs Tariff.

436. Sugar, n.e.s., not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms and sugar concrete, testing not more than seventy-five degrees by the polariscope, forty cents per one hundred pounds, and for each additional degree one and one-half cent per one hundred pounds. Fractions of five-tenths of a degree or less not to be subject to duty, and fractions of more than five-tenths to be dutiable as a degree. The usual packages in which imported to be free.

437. Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing any admixture thereof, three-fourths of one cent per pound.

438. Sugar candy, brown or white, and confectionery, including sweetened gums, candied peel and popcorn, one-half of one cent per pound and thirty-five per cent ad valorem.

439. Maple sugar, and maple syrup, twenty per cent ad valorem.

440. Syrups and molasses of all kinds, n.o.p., the product of the sugar cane or beet, n.e.s., and all imitations thereof or substitutes therefor, three-fourths of one cent per pound.

441. Molasses produced in the process of the manufacture of cane sugar from the juice of the cane without any admixture with any other ingredient, when imported in the original package in which it was placed at the point of production and not afterwards subjected to any process of treating or mixing, the package in which imported, when of wood, to be free,—

(a) testing by polariscope forty degrees or over, one and three-fourths cent per gallon.

(b) when testing by polariscope less than forty degrees and not less than thirty-five degrees, one and three-fourths cent per gallon, and in addition thereto one cent per gallon for each degree or fraction of a degree additional less than forty degrees.

R.S., 1906.
Tobacco and Manufactures of.

442. Cigars and cigarettes, the weight of the cigarettes to include the weight of the paper covering, three dollars per pound and twenty-five per cent ad valorem $3 p. lb. and 25 p. c.

443. Cut tobacco, fifty-five cents per pound $0.55 per lb.

444. Manufactured tobacco, n.e.s., and snuff, fifty cents per pound 50c. per lb.

Unenumerated Goods.

447. All goods not enumerated in this Act as subject to any other rate of duty, nor declared free of duty by this Act, and not being goods the importation whereof is by this Act or any other Act prohibited, shall be subject to a duty of twenty per cent ad valorem 20 p. c.

60-61 V., c. 16, sch. A; 61 V., c. 37, ss. 3, 4 and 5; 3 E. VII., c. 15, s. 2; 4 E. VII., c. 11, ss. 2, 3, 4, 5, 6, 7, 8, 9, 14, 16 and 17; 4-5 E. VII., c. 11, ss. 2, 3, 4 and 5.

SCHEDULE B.

FREE GOODS.

448. Articles for the use of the Governor General.

449. Articles when imported by and for the use of the Army and Navy, viz.: Arms, military or naval clothing, musical instruments for bands, military stores and munitions of war; also articles consigned direct to officers and men on board vessels of His Majesty's navy, for their own personal use or consumption.

450. Articles imported by or for the use of the Dominion Government, or of any of the departments thereof, or by and for the Senate or House of Commons, including the following articles when imported by the said Government or through any of the departments thereof for the use of the Canadian militia:—Military clothing, musical instruments for military bands, military stores and munitions of war.

451. Articles for the personal or official use of consuls general who are natives or citizens of the country they represent and who are not engaged in any other business or profession.

452. Travellers' baggage, under regulations prescribed by the Minister of Customs.

871 453.

R.S., 1906.
453. Carriages for travellers and carriages laden with merchandise, and not to include circus troupes or hawker, under regulations prescribed by the Minister of Customs.

454. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest.

455. Settlers' effects, viz.:—Wearing apparel, books, usual and reasonable household furniture and other household effects; instruments and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, bicycles, carts, wagons and other highway vehicles, agricultural implements and live stock for the farm, not to include live stock or articles for sale, or for use as a contractor's outfit, nor vehicles nor implements moved by mechanical power, nor machinery for use in any manufacturing establishment; all the foregoing if actually owned abroad by the settler for at least six months before his removal to Canada and subject to regulations by the Minister of Customs: Provided that any dutiable articles entered as settlers' effects may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada.

456. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association; (but a bond shall be first given in accordance with regulations prescribed by the Minister of Customs, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond).

457. Horses, cattle, sheep, swine and dogs, for the improvement of stock, under regulations made by the Treasury Board and approved by the Governor in Council.

458. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Minister of Customs.

459. Admiralty charts.

460. Typewriters, tablets with movable fixtures, and musical instruments, when imported by and for the use of schools for the blind, and being and remaining the sole property of the governing bodies of the said schools and not of private individuals; the above particulars to be verified by special affidavit on each entry when presented.

461. Globes, geographical, topographical and astronomical; maps and charts for the use of schools for the blind; pictorial illustrations of insects or similar studies, when imported
imported for the use of colleges, schools and scientific and literary societies; manuscripts and insurance maps, and album insides of paper.

462. Philosophical and scientific apparatus, utensils, instruments and preparations, including boxes and bottles containing the same, of a class or kind not manufactured in Canada, when specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in Canada, and not for sale, subject to such regulations as the Minister of Customs prescribes.

463. Botanical and entomological specimens; mineralogical specimens; skins of birds, and skins of animals not natives of Canada, for taxidermic purposes, not further manufactured than prepared for preservation; fish skins; and anatomical preparations and skeletons or parts thereof; and specimens, models and wall diagrams for illustration of natural history for universities and public museums.

464. Books, viz.: Books on the application of science to industries of all kinds, including books on agriculture, horticulture, forestry, fish and fishing, mining, metallurgy, architecture, electric and other engineering, carpentry, ship-building, mechanism, dyeing, bleaching, tanning, weaving and other mechanic arts, and similar industrial books; also books printed in any language other than the English and French languages, or in any two languages not being English and French, or in any three or more languages; and bibles, prayer-books, psalm and hymn-books, religious tracts, and Sunday school lesson pictures.

465. Books, embossed, for the blind, and books for the instruction of the deaf and dumb and blind.

466. Books printed by any government or by any association for the promotion of science or letters, and official annual reports of religious or benevolent associations, and issued in the course of the proceedings of the said associations, to their members, and not for the purpose of sale or trade.

467. Books, not printed or reprinted in Canada, which are included and used as text books in the curriculum of any university, incorporated college or normal school in Canada; books specially imported for the bona fide use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific or art association or society, and being the property of

R.S., 1906.
of the organized authorities of such library, and not in any case the property of individuals,—the whole under regulations to be made by the Minister of Customs: Provided that importers of books who have sold the same for the purposes mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon.

468. Books, bound or unbound, which have been printed and manufactured more than twelve years.

469. Newspapers, and quarterly, monthly and semi-monthly magazines, and weekly literary papers, unbound; and tailors', milliners' and mantle-makers' fashion plates.

470. Paintings in oil, or water colours, by artists of well-known merit, or copies of the old masters by such artists; and paintings, in oil or water colours, the production of Canadian artists, under regulations to be made by the Minister of Customs.

471. Clothing and books, donations of, for charitable purposes, and photographs, not exceeding three, sent by friends and not for the purpose of sale.

472. Life-boats and life-saving apparatus specially imported by societies established to encourage the saving of human life.

473. Coins, cabinets of, collections of medals and of other antiquities, including collections of postage stamps; gold and silver coins, except United States silver coin; medals of gold, silver or copper, and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions, and cups or other prizes won in bona fide competition.

474. Locomotive and railway passenger, baggage and freight cars, being the property of railway companies in the United States, running upon any line of road crossing the frontier, so long as Canadian locomotives and cars are admitted free under similar circumstances into the United States, under regulations prescribed by the Minister of Customs.

475. Models of inventions and of other improvements in the arts,—but no article shall be deemed a model which can be fitted for use.

476. Aluminum in ingots, blocks or bars, strips, sheets or plates; alumina and chloride of aluminum, or chloralum, sulphate of alumina and alum cake; and alum in bulk only, ground or unground.

477. Ambergris; ammonia, sulphate of, sal-ammoniac and nitrate of ammonia; arsenic; bromine, Burgundy pitch; cinnabar, cochineal, cyanide of potassium, and cyanogen or compound of bromine and potassium for reducing metals in mining operations; iodine, crude; kryolite or cryolite, mineral: oxalic acid; quinine, salts of; salt-
petre; calcareous tufa; alizarine and artificial alizarine; aniline oil, crude; aniline salts and arseniate of aniline; anatto, liquid or solid; aniline dyes and coal tar dyes in bulk or packages of not less than one pound weight.

478. Antimony salts; antimony or regulus of, not ground, pulverized or otherwise manufactured.

479. Artificial limbs.

480. Asphalt or asphaltum; bone pitch, crude only; and resin or resin in packages of not less than one hundred pounds; and resin oil.

481. Anchors for vessels.

482. Bees.

483. Bells, when imported for the use of churches only.

484. Bismuth, metallic, in its natural state; blood albumen and tannic acid.

485. Blast furnace slag.

486. Blanketting and lapping, and discs or mills for engraving copper rollers, when imported by cotton manufacturers, calico printers, and wall paper manufacturers, for use in their own factory only.

487. Bolting cloth not made up.

488. Bones, crude, not manufactured, burned, calcined, ground or steamed.

489. Book-binders' cloth.

490. Boracic acid, and borax, ground or unground, in bulk of not less than twenty-five pounds.

491. Bristles, broom corn and hair brush pads.

492. Brass and copper, old and scrap, or in blocks; and brass or copper in bolts, bars and rods in coil or otherwise, not less than six feet in length, unmanufactured, and brass or copper in strips, sheets or plates, not polished, planished or coated, and brass or copper tubing, in lengths of not less than six feet, and not polished, bent or otherwise manufactured, and copper in ingots or pigs.

493. Britannia metal in pigs, blocks or bars.

494. Buckram, when imported for the manufacture of hat and bonnet shapes.

495. Bullion, gold and silver, in ingots, blocks, bars, drops, sheets or plates, unmanufactured; gold and silver sweepings, and bullion or gold fringe.

496. Burr-stones, in blocks, rough or unmanufactured, not bound up or prepared for binding into mill-stones.

497. Caplins, unfinished Leghorn hats and manilla hoods.

498. Casts, as models for the use of schools of design.

499. Cane and rattans, not manufactured; osiers or willows, and bamboos, unmanufactured, and bamboo reeds, not further manufactured than cut into suitable lengths for walking sticks or canes, or for sticks for umbrellas, parasols or sunshades.
500. Cat-gut or gut cord, for musical instruments; and cat-gut or worm gut, unmanufactured, for whip and other cord.

501. Celluloid, xylonite or xyolite in sheets, and in lumps, blocks or balls in the rough.

502. Chloride of lime, in packages of not less than twenty-five pounds weight; cobalt, ore of; oxide of cobalt, oxide of tin and oxide of copper; copper, precipitate of, crude; dragon's blood; gypsum, crude (sulphate of lime); lava, unmanufactured; manganese, oxide of; phosphorus; litharge; saffron, saffron cake, safflower, and extract of; sulphate of iron (copperas); sulphate of copper (blue vitriol); sulphur and brimstone, crude, or in roll or flour; tartar emetic and gray tartar; cream of tartar in crystals and argal or argols; verdigris, or sub-acetate of copper, dry; zinc, salts of, and tartaric acid crystals.

503. Chronometers and compasses for ships.

504. Citron, lemon and orange rinds in brine.

505. Clays, including China clay, fire clay and pipe clay; ganister and sand.

506. Coal, anthracite and anthracite coal dust; coke.

507. Coal and pine pitch, and coal and pine tar in packages of not less than 15 gallons.

508. Coir and coir yarn; raw cotton or cotton wool; and cotton waste, not dyed, cleaned, bleached or otherwise manufactured; cotton yarns, number forty and finer; and mohair yarns.

509. Communion plate, when imported for the use of churches.

510. Crucibles, clay or plumbago.

511. Curling stones.

512. Cups, brass, being rough blanks, for the manufacture of paper shells or cartridges, when imported by the manufacturers of brass and paper shells and cartridges, for use in the manufacture of such articles in their own factories.

513. Diamonds, unset, diamond dust or bort and black, for borers; and diamond drills for prospecting for minerals, not to include motive power.

514. Domestic fowls, pure-bred, for the improvement of stock, homing or messenger pigeons and pheasants and quails.

515. Drugs, crude, such as barks, flowers, roots, beans, berries, balsams, bulbs, fruits, insects, grains, gums and gum resins, herbs, leaves, nuts, fruit and stem seeds—which are not edible and which are in a crude state and not advanced in value by refining or grinding or any other process of manufacture and not otherwise provided for; egg yolk; fuller's earth, in bulk only, not prepared for toilet or other purposes; lead, nitrate and acetate of, not ground; litmus and all lichens, prepared or not prepared; musk, in pods or in grain; roots, medicinal, viz.: —alkanet. crude. crushed or ground, aconite, calumba, folia

R.S., 1906.
folia digitalis, gentian, ginseng, jalap, ipecacuanha, iris, orris root, liquorice, sarsaparilla, squills, taraxacum, rhubarb and valerian, unground; vaccine and ivory vaccine points; gum chicle or sappato gum, crude; platinum and black oxide of copper, for use in the manufacture of chlorate; potash, chlorate of, not further prepared than ground, and free from admixture with any other substance; and bacteriological products or serum for subcutaneous injection.

516. Duck for belting and hose, when imported by manufacturers of such articles for use in the manufacture thereof in their own factories; and canvas or fabric, not frictionized, for the manufacture of bicycle tires when imported by the manufacturers of bicycle tires for use exclusively in the manufacture of bicycle tires in their own factories.

517. Dyeing or tanning articles, in a crude state, used in dyeing or tanning, n.e.s.; berries for dyeing or used for composing dyes; turmeric, nut galls and extracts thereof; lac, crude, seed, button, stick and shell; indigo, indigo paste and extract of, and indigo auxiliary or zinc dust; persis, or extract of archill and cudbear; terra japonica, gambier or cutch, extract of logwood, fustic, oak and oak bark and quebracho; camwood and sumac and extract thereof, tanner’s bark, hemlock bark and oak bark; ground logwood, ground fustic, patent prepared dyes, and ground oak bark; iron liquor, solutions acetate or nitrate of iron for dyeing and calico printing; madder and munjeet, or Indian madder, ground or prepared, and all extracts of; red liquor, a crude acetate of aluminum prepared from pyrroligneous acid, for dyeing and calico printing.

518. Emery in bulk, crushed or ground.

519. Felt, adhesive for sheathing vessels.

520. Fertilizers, uncompounded or unmanufactured, including phosphate rock, kainite or German potash salts, German mineral potash, bone-dust, bone black or charred bone and bone-ash, fish offal or refuse, guano and other animal or vegetable manures.

521. Fibre, Mexican, natural, and tampico or istle and vegetable fibres; fibrilla, flax fibre and flax tow; grass, Manilla, Esparto or Spanish, and other grasses, and pulp of, including fancy grasses, dried, but not coloured or otherwise manufactured; moss, Iceland, and other mosses, seagrass and seaweed, crude or in their natural state, or cleaned only; and kelp.

522. Fire bricks, for use in processes of manufacture, or for manufacturing purposes.

877 523.

R.S., 1906.
523. Fillets of cotton and rubber not exceeding seven inches wide, when imported by and for the use of manufacturers of card clothing in their own factories.

524. Fish hooks, for deep sea or lake fishing, not smaller in size than number 2 0; bank, cod, pollack and mackerel fish lines; and mackerel, herring, salmon, seal, seine, mullet, net and trawl twine in hanks or coil, barked or not,—in variety of sizes and threads,—including gilling thread in balls, and head ropes, barked marline, and net morsels of cotton, hemp or flax, and deep sea fishing nets or seines, when used exclusively for the fisheries, and not to include hooks, lines or nets commonly used for sportsmen's purposes.

525. Flint, flints and ground flint stones; felspar, cliff, chalk, China or Cornwall stone, ground or unground; gravels; precious stones in the rough.

526. Florist stock, viz.:- Palms, bulbs, corms, tubers, rhizomes, araucaria, spiraea and lilies of the valley; seedling stock for grafting, viz.:—plum, pear, peach and other fruit trees; seeds, viz.:—anatto, beet, carrot, flax, turnip, mangold, mustard, sowing rapeseed and mushroom spawn; aromatic seeds which are not edible and are in a crude state, and not advanced in value or condition by grinding or refining or by any other process of manufacture, viz.:—anise, anise star, caraway, cardamom, coriander, cumin, fennel and fenugreek; seed pease and seed beans from Britain; beans, viz.:—tonquin, vanilla and nux vomica, crude only, locust beans and locust bean meal, and cœoa beans, not roasted, crushed or ground; fruits, viz.:—bananas, plantains, pineapples, pomegranates, guavas, mangoes and shadocks; wild blueberries, wild strawberries and wild raspberries; and trees, n. e. s.

527. Fossils, shells, tortoise and mother-of-pearl, and other shells unmanufactured.

528. Foot-grease, being the refuse of cotton seed after the oil has been pressed out, but not when treated with alkalis; and grease, rough, the refuse of animal fat for the manufacture of soap and oils only.

529. Fur skins of all kinds not dressed in any manner.

530. Goldbeaters' moulds and goldbeaters' skins.

531. Gums, viz.:- Amber, Arabian, Australian, copal, damar, elemy, kaurie, mastic, sandarac, Senegal, shellac; and white shellac in gum or flake, for manufacturing purposes; and gum tragacanth, gum gedda and gum barbarby.

532. Hair, cleaned or uncleaned, but not curled, dyed or otherwise manufactured; and horse-hair not further manufactured than simply cleaned and dipped or dyed, imported by manufacturers of hair cloth for use in the manufacture of such article in their own factories.

878 533.
533. Hatters' furs, not on the skin, and hatters' plush of silk or cotton; and hatters' bands (not cords), bindings, tips and sides, hat sweats and linings both tips and sides, when imported by hat and cap manufacturers for use in the manufacture of these articles only in their own factories.

534. Hemp, undressed.

535. Hemp paper, made on four-cylinder machines and calendered to between .006 and .008 inch thickness for the manufacture of shot shells; primers for shot shells and cartridges, and felt board sized and hydraulic pressed, and covered with paper or uncovered, for the manufacture of gun wads, when such articles are imported by manufacturers of shot shells, cartridges and gun wads, to be used for these purposes only in their own factories, until such time as the said articles are manufactured in Canada: Provided always that the said articles, when imported, shall be entered only at such port or ports as are named by the Minister of Customs, and at no other place; samples of such articles to be furnished to the collector of the said port or ports by the Customs Department for the guidance of the officers when accepting free entries of such materials.

536. Hides and skins, raw, whether dry, salted or pickled, and raw pelts.

537. Hoofs, horn strips, horn and horn tips, in the rough, not polished or otherwise manufactured than cleaned.

538. Hoop iron not exceeding \( \frac{3}{8} \) inch in width and being 25 gauge and thinner, used for the manufacture of tubular rivets.

539. Ice.

540. Indian corn, not for purposes of distillation and under Customs regulations.

541. Ingot moulds; iron sand or globules or iron shot and dry putty for polishing glass or granite.

542. Iron or steel masts, or parts thereof, and iron or steel beams, angles, sheets, plates, knees and cable chain for wooden, iron, steel or composite ships and vessels; and iron, steel or brass manufactures which at the time of their importation arc of a class or kind not manufactured in Canada, when imported for use in the construction or equipment of ships or vessels.

543. Ivory and ivory nuts, piano key ivories and veneers of ivory unmanufactured.

544. Junk, old.

545. Jute and jute butts; and jute cloth, as taken from the loom, not coloured, cropped, mangled, pressed, calendered or finished in any way.

546. Jute, flax or hemp yarn, plain, dyed or coloured, jute canvas, not pressed or calendered, when imported by the manufacturers.
manufacturers of carpets, rugs and mats, jute webbing or jute cloth, hammocks, twines and floor oil cloth, for use in the manufacture of any of these articles only, in their own factories.

547. Lamp black and ivory black.

548. Lastings, mohair cloth, or other manufactures of cloth, when imported by manufacturers of buttons for use in their own factories, and woven or made in patterns of such size, shape or form, or cut in such manner as to be fit for covering buttons, exclusively. These conditions to be ascertained by special examination by the proper officer of Customs, and so certified on the face of each entry.

549. Leeches.

550. Lime juice, crude only.

551. Locomotive and car wheel tires of steel in the rough.

552. Meerschaum, crude or raw.

553. Metal glove fasteners; papier-maché shoe buttons, shoe eyelets, shoe eyelet hooks, shoe lace wire fasteners, and sewing machine attachments.

554. Mineral waters, natural, not in bottle, under regulations prescribed by the Minister of Customs.

555. Machinery imported exclusively for mining, smelting and reducing, viz. — Coal cutting machines except percussion coal cutters, coal heading machines, coal augers and rotary coal drills, core drills, miners' safety lamps, coal washing machinery, coke-making machinery, ore drying machinery, ore roasting machinery, electric or magnetic machines for separating or concentrating iron ores, blast furnace water jackets, converters for metallurgical processes in iron or copper, briquette making machines, ball and rock emery grinding machines, copper plates, plated or not, machinery for extraction of precious metals by the chlorination or cyanide processes, monitors, giants and elevators for hydraulic mining, amalgam safes, automatic ore samplers, automatic feeders, jigs, classifiers, separators, retorts, buddles, vanners, mercury pumps, pyrometers, bullion furnaces, amalgam cleaners, gold mining slime tables, blast furnace blowing engines, wrought iron tubing, butt or lap welded, threaded or coupled or not, not less than 2½ inches diameter, when imported for use exclusively in mining, smelting, reducing or refining.

555a. Machinery of every kind and structural iron and steel, when imported under regulations to be made by the Minister of Customs, for use in the construction and equipment of factories for the manufacture of sugar from beet-root, until the thirty-first day of December, 1906.

880 555b.

R.S., 1906.
The following articles and materials, under regulations to be made by the Minister of Customs, viz.:

(a) All tools and machinery not manufactured in Canada up to the required standard, necessary for any factory to be established in Canada for the manufacture of rifles for the Government of Canada;

(b) All materials or parts in the rough, unfinished, and screws, nuts, bands, and springs, to be used in rifles to be manufactured at any such factory for the Government of Canada;

(c) Charcoal-making machinery.

Machinery and appliances of a kind not made in Canada, for use exclusively in alluvial gold mining, until the thirty-first day of December, 1906.

Nickel; and ores of metal of all kinds; and silex or crystallized quartz.

Oakum.

Oils, viz.:—Cocoanut and palm, in their natural state; and carbolic or heavy oil; oil of roses and ottar or attar of roses, and olive oil for manufacturing soap or tobacco, or for canning fish.

Oil cake and oil cake meal, cotton seed cake and cotton seed meal, and palm nut cake and meal.

Oysters, seed and breeding, imported for the purpose of being planted in Canadian waters.

Oleostearine and degras.

Palm leaf, unmanufactured.

Plaits, plain, not to include braid or fancy trimmings, composed of chip, manilla, cotton, mohair, straw, Tuscan and grass.

Platinum wire and platinum in bars, strips, sheets or plates; platinum retorts, pans, condensers, tubing and pipe, when imported by manufacturers of sulphuric acid for use in their works in the manufacture or concentration of sulphuric acid.

Potash, muriate and bichromate of, crude, caustic potash, and red and yellow prussiate of potash; also pot and pearl ash, in packages of not less than twenty-five pounds weight.

Prunella.

Pumice and pumice stone, ground or unground.

Quicksilver.

Quills in their natural state or unplumed.

Rags of cotton, linen, jute, hemp and woollen, paper waste clippings, and waste of any kind except mineral.

Rennet, raw and prepared.

Ribs of brass, iron or steel, runners, rings, caps, notches, ferrules, mounts and sticks or canes in the rough, or not further manufactured than cut into lengths suitable for umbrella.
umbrella, parasol or sunshade or walking sticks, when imported by manufacturers of umbrellas, parasols and sunshades for use in their factories in the manufacture of umbrellas, parasols, sunshades or walking sticks.

573. Rubber and gutta percha, crude caoutchouc or india-rubber, unmanufactured; powdered rubber and rubber waste; hard rubber in sheets but not further manufactured, and recovered rubber and rubber substitute.

574. Rolled round wire rods in the coil, of iron or steel, not over three-eighths of an inch in diameter, when imported by wire manufacturers for use in making wire in the coil, in their own factories.

575. Rubber thread, elastic.

576. Reeds, square or round, and raw-hide centres, textile leather or rubber heads, thumbs and tips, and steel, iron or nickel caps for whip ends, when imported by whip manufacturers, for use in the manufacture of whips in their own factories.

577. Rollers, copper, for use in calico printing, when imported by calico printers for use in their factories in the printing of calicoes and for no other purpose (such rollers not being manufactured in Canada).

578. Astrakhan or Russian hare skins and China goat plates or rugs, wholly or partially dressed, but not dyed.

579. Salt, imported from the United Kingdom or any British possession, or imported for the use of the sea or gulf fisheries.

580. Sausage skins or casings, not cleaned.

581. Scrap iron and scrap steel, old and fit only to be re-manufactured, being part of or recovered from any vessel wrecked in waters subject to the jurisdiction of Canada.

582. Silk, raw or as reeled from the cocoon, not being doubled, twisted or advanced in manufacture in any way; silk cocoons and silk waste.

583. Silk in the gum or spun, when imported by manufacturers of silk underwear to be used for such manufacture in their own factories.

584. Silver, nickel and German, in ingots, blocks, bars, strips, sheets or plates, unmanufactured.

586. Soda, sulphate of, crude, known as salt cake, barilla or soda ash, caustic soda; silicate of soda in crystals or in solution; bichromate of soda, nitrate of soda or cubic nitre, sal soda, sulphide of sodium, nitrate of soda, arseniate, binarseniate, chloride, chlorate, bisulphite and stannate of soda.

587. Spurs and stilts, used in the manufacture of earthenware.

588. Steel bowls for cream separators, and cream separators.

589. Steel saws and straw cutters cut to shape, but not further manufactured.

R.S. 1906.
590. Crucible sheet steel, eleven to sixteen gauge, two and one-half to eighteen inches wide for the manufacture of mower and reaper knives, when imported by the manufacturers thereof for use for such purpose in their own factories.

591. Steel of number twenty gauge and thinner, but not thinner than number thirty gauge, for the manufacture of corset steels, clock springs and shoe shanks, when imported by the manufacturers of such articles for exclusive use in the manufacture thereof in their own factories.

592. Flat steel wire, of number sixteen gauge or thinner, when imported by the manufacturers of crinoline or corset wire and dress stays, for use in the manufacture of such articles in their own factories.

593. Steel valued at two and one-half cents per pound and upwards, when imported by the manufacturers of skates, for use exclusively in the manufacture thereof in their own factories.

594. Steel, under one-half inch in diameter, or under one-half inch square, when imported by the manufacturers of cutlery, or of knobs, or of locks, for use exclusively in the manufacture of such articles in their own factories.

595. Steel of number twelve gauge and thinner, but not thinner than number thirty gauge, for the manufacture of buckle clasps, bed fasts, furniture casters, and ice creepers, when imported by the manufacturers of such articles for use exclusively in the manufacture thereof in their own factories.

596. Steel of number twenty-four and seventeen gauge, in sheets sixty-three inches long, and from eighteen inches to thirty-two inches wide, when imported by the manufacturers of tubular bow sockets for use in the manufacture of such articles in their own factories.

597. Steel for the manufacture of bicycle chain, when imported by the manufacturers of bicycle chain for use in the manufacture thereof in their own factories.

598. Steel for the manufacture of files, augers, auger bits, hammers, axes, hatchets, scythes, reaping hooks, hoes, hand-rakes, hay or straw knives, wind mills and agricultural or harvesting forks when imported by the manufacturers of such or any of such articles for use exclusively in the manufacture thereof in their own factories.

599. Steel springs for the manufacture of surgical trusses, when imported by the manufacturers for use exclusively in the manufacture thereof in their own factories.

600. Flat spring steel, steel billets and steel axle bars, when imported by manufacturers of carriage springs and carriage axles for use exclusively in the manufacture of springs and axles for carriages or vehicles other than railway or tramway, in their own factories.
Chap. 49. Customs Tariff.

601. Spiral spring steel for spiral springs for railways, when imported by the manufacturers of railway springs for use exclusively in the manufacture of railway spiral springs in their own factories.

602. Steel strip and flat steel wire when imported into Canada by manufacturers of buckthorn and plain strip fencing, for use in the manufacture of such articles in their own factories; and barbed fencing wire of iron or steel.

603. Galvanized iron or steel wire number nine, twelve and thirteen gauge.

604. Stereotypes, electrotypes and celluloids of newspaper columns in any language other than French and English, and of books, and bases and matrices and copper shells for the same, whether composed wholly or in part of metal or celluloid.

605. Surgical and dental instruments (not being furniture) and surgical needles.

606. Tagging metal, plain, japanned or coated, in coils, not over one and a half inch in width, when imported by manufacturers of shoe and corset laces for use in their factories.

607. Tails, undressed.

608. Tea and green coffee imported direct from the country of growth and production, and tea and green coffee purchased in bond in the United Kingdom.

609. Teasels.

610. Tin, in blocks, pigs, bars and sheets, tin plates, tin crystals, tin strip waste, and tin foil, tea lead.

611. Timber or lumber or wood, viz.:—lumber and timber planks and boards of amaranth, cocoboral, boxwood, cherry, chestnut, walnut, gunwood, mahogany, pitch pine, rosewood, sandal-wood, sycamore, Spanish cedar, oak, hickory, whitewood, African teak, black-heart ebony, lignum vitae, red cedar, redwood, satin-wood and white ash, when not otherwise manufactured than rough-sawn or split or creosoted, vulcanized or treated by any other preserving process; sawed or split boards, planks, deals and other lumber when not further manufactured than dressed on one side only or creosoted, vulcanized or treated by any preserving process; pine and spruce clapboards; timber or lumber hewn or sawed, squared or sided or creosoted; laths, pickets and palings; staves not listed or jointed of wood of all kinds; firewood, handle, heading, stave, and shingle bolts, hop poles, fence posts, railroad ties; hubs for wheels, posts, last blocks, wagon, oar, gun, heading and all like blocks or sticks rough hewn, or sawed only; felloes of hickory wood, rough sawn to shape only, or rough sawn and bent to shape, not planed, smoothed or otherwise manufactured; hickory billets and hickory lumber, sawn to shape.
shape for spokes of wheels, but not further manufactured; hickory spokes, rough turned, not tenoned, mitred, throat ed, faced, sized, cut to length, round tenoned or polished; shingles of wood; the wood of the persimmon and dogwood trees; and logs and round unmanufactured timber, ship timber or ship planking, not specially enumerated or provided for in this Act.

612. D shovel handles, wholly of wood, and Mexican saddle trees and stirrups of wood.

613. Corkwood, or cork bark, unmanufactured.

614. Saw-dust of the following woods:—Amaranth, cocoboral, boxwood, cherry, chestnut, walnut, gumwood, mahogany, pitch pine, rosewood, sandal-wood, sycamore, Spanish cedar, oak, hickory, whitewood, African teak, blackheart ebony, lignum vitae, red cedar, redwood, satinwood, white ash, persimmon and dogwood.

615. Treenails.

616. Tobacco, unmanufactured, for excise purposes under conditions of Inland Revenue Act.

617. Tubes, rolled iron not welded or joined, under one and one-half inch in diameter, angle iron, nine and ten gauge not over one and one-half inch wide; iron tubing lacquered or brass covered, not over one and one-half inch in diameter, all of which are to be cut to lengths for the manufacture of bedsteads, and to be used for no other purpose, and brass trimmings for bedsteads, when imported by or for manufacturers of iron or brass bedsteads to be used for such purposes only in their factories, until such time as any of the said articles are manufactured in Canada.

618. Turpentine, raw or crude.

619. Turtles.

620. Binders’ twine, or twine for harvest binders, of hemp, jute, manilla or sisal, and of manilla and sisal mixed, and all articles upon which duties are levied which enter into the cost of the manufacture of such twine, under regulations to be made by the Minister of Customs.

621. Ultramarine blue, dry or in pulp.

622. Varnish, black and bright, for ships’ purposes.

623. Whalebone, unmanufactured.

624. Whiting or whitening, Paris white and gilders’ whiting, blanc fixé and satin white.

625. Wire, crucible cast steel.

626. Wire rigging for ships and vessels.

627. Wire, of brass, zinc, iron or steel, screwed or twisted, or flattened or corrugated, for use in connection with nailing machines for the manufacture of boots and shoes, when imported by manufacturers of boots and shoes, to be used for such purposes only in their own factories.
628. Steel wire, Bessemer soft drawn spring, of numbers ten, twelve and thirteen gauge, respectively, and homo steel spring wire of numbers eleven and twelve gauge, respectively, when imported by manufacturers of wire mattresses, to be used in their own factories in the manufacture of such articles.

629. Wool and the hair of the camel, alpaca, goat, and other like animals, not further prepared than washed, n.e.s.; noils, being the short wool which falls from the combs in worsted factories; and worsted tops, n.e.s.

630. Wool or worsted yarns, when genapped, dyed or finished and imported by manufacturers of braids, cords, tassels and fringes to be used in the manufacture of such articles only in their own factories.

631. Yarn spun from the hair of the alpaca or of the angora goat, when imported by manufacturers of braids for use exclusively in their factories in the manufacture of such braids only, under such regulations as are adopted by the Minister of Customs.

632. Yellow metal, in bolts, bars and for sheathing.

633. Zinc spelter and zinc in blocks, pigs, sheets and plates; and seamless drawn tubing.

634. Molasses, second process, or molasses derived from the manufacture of 'molasses sugar,' testing by polariscope less than 35 degrees, when imported by manufacturers of blacking, for use in their own factories, in the manufacture of blacking,—conditional that the importers shall, in addition to making oath at the time of entry that such molasses is imported for such use and will not be used for any other purpose, cause such molasses to be at once mixed in a proper tank made for the purpose with at least one-fifth of the quantity thereof of cod or other oil, whereby such molasses may be rendered unfit for any other use, such mixing to be done in the presence of a Customs officer at the expense of the importer, and under such further regulations as are from time to time considered necessary in the interest and for the protection of the revenue, and that until such mixing is done and duly certified on the face of the entry thereof by such Customs officer the entry shall be held to be incomplete and the molasses subject to the usual rate of duty as when imported for any other purpose.

635. Bags, barrels, boxes, casks and other vessels exported filled with Canadian products, or exported empty and returned filled with foreign products; and articles the growth, produce and manufacture of Canada, when returned after having been exported: Provided that proof of the identity of such articles and goods shall be made under regulations to be prescribed by the Minister of Customs, and that such articles and goods are returned within three

R.S., 1906.
three years from time of exportation, without having been advanced in value or improved in condition by any process of manufacture or other means; provided further that this item shall not apply to any article or goods upon which an allowance of drawback has been made, the re-importation of which is hereby prohibited except upon payment of duties equal to the drawback allowed; nor shall this item apply to any article or goods manufactured in customs or excise bonded warehouse and exported under any provision of law.

635a. The articles mentioned in this item may, notwithstanding anything in this Act, be imported into Canada or taken out of warehouse for consumption free of duty, that is to say:

- Artificial teeth;
- Crude petroleum, fuel and gas oils, \( \geq 8235 \) specific gravity or heavier, at 60° temperature;
- Ferment cultures to be used in butter making;
- Glass cut to size for the manufacture of dry plates for photographic purposes, when imported by the manufacturers of such dry plates for use exclusively in the manufacture thereof in their own factories;
- Goats for the improvement of stock, under such regulations as are made by the Minister of Customs;
- Hydro-fluo-silicic acid;
- Machinery of a class or kind not made in Canada for the manufacture of linen;
- Machinery of a class or kind not made in Canada for the manufacture of brass goods such as are mentioned in item 492 in this schedule;
- Plain basic photographic paper, baryta coated, when imported by manufacturers of sensitized paper for use exclusively in manufacturing albumenized or sensitized photographic paper in their own factories;
- Printing presses, of not less value than fifteen hundred dollars each, of a class or kind not made in Canada;
- Quassia juice;
- Well-drilling machinery and apparatus of a class or kind not made in Canada, for drilling for water and oil and for prospecting for minerals; not to include motive power;
- Whale oil soap.

60-61 V., c. 16, Sch. B; 61 V., c. 37, s. 6; 63-64 V., c. 15, s. 1; 1 E. VII., c. 22, s. 1; 2 E. VII., c. 33, ss. 1 and 2; 3 E. VII., c. 15, ss. 3 and 4; 4 E. VII., c. 11, ss. 10, 11, 12, 13 and 14; 4-5 E. VII., c. 11, ss. 6, 7 and 8; 6 E. VII., c. 9, ss. 1 and 2.

887 SCHEDULE R.S., 1906.
SCHEDULE C.

PROHIBITED GOODS.

636. Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character, also posters and hand bills depicting scenes of crime or violence.

637. Reprints of Canadian copyright works, and reprints of British copyright works which have been copyrighted in Canada also.

638. Coin, base or counterfeit.

639. Oleomargarine, butterine or other similar substitute for butter.

640. Tea adulterated with spurious leaf or with exhausted leaves, or containing so great an admixture of chemical or other deleterious substances as to make it unfit for use.

641. Goods manufactured or produced wholly or in part by prison labour, or which have been made within or in connection with any prison, gaol or penitentiary; also goods similar in character to those produced in such institutions, when sold or offered for sale by any person, firm or corporation having a contract for the manufacture of such articles in such institutions or by any agent of such person, firm or corporation, or when such goods were originally purchased from or transferred by any such contractor.

642. Stallions and mares of less value than fifty dollars each.

60-61 V., c. 16, Sch. C; 3 E. VII., c. 15, s. 7; 4 E. VII., c. 11, s. 15.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 50.

An Act respecting the Export of Certain Articles.

1. This Act may be cited as the Export Act.

2. The Governor in Council may, if any country now or hereafter imposes a duty upon the articles enumerated in schedule A to this Act, or any of them, when imported into such country from Canada, by proclamation published in the Canada Gazette, declare an export duty chargeable upon logs and pulpwood exported from Canada to such country, that is to say:—on pine, Douglas fir, spruce, fir balsam, cedar and hemlock logs and pulpwood, or any of them, an export duty not exceeding three dollars per thousand feet, board measure: Provided that in case of the export of any such logs or pulpwood in shorter lengths than nine feet, a rate per cord may be levied in the same manner not greater than the equivalent of the rate of three dollars per thousand feet, board measure. 60-61 V., c. 17, s. 1.

3. The Governor in Council may by proclamation published in the Canada Gazette impose the export duties hereinafter mentioned upon the following ores and metals:—

(a) On nickel contained in matte, or in the ore, or in any crude or partially manufactured state, and on copper contained in any matte or ore which also contains nickel, when exported from Canada, as to such nickel an export duty not exceeding ten cents per pound, and as to such copper an export duty not exceeding two cents per pound;

(b) On ores which contain copper, or any metal other than nickel or lead, when exported from Canada, an export duty not exceeding fifteen per centum of the value of the said ores;

(c) On lead ores, and on lead and silver ores, when exported from Canada to a country which imposes an import duty on lead in bars, or in the form of pig lead, in excess of the import duty on lead contained in lead ores, or in lead and silver ores, an export duty on the lead contained in the ores so exported from Canada to an amount per pound equivalent to such excess. 60-61 V., c. 17, s. 2.

4. The export duties provided for by this Act shall be chargeable after the publication of the proclamation by which they are declared chargeable or imposed.

R.S., 1906.
Duties may be removed and re-imposed.

Export of certain game prohibited.

Proviso.

Penalty for such export.

2. The Governor in Council may by proclamation published in like manner from time to time remove and re-impose any such export duty. 60-61 V., c. 17, ss. 1 and 2.

5. The export in the carcass, or parts thereof, of,—

(a) deer, except as authorized by regulation of the Governor in Council made under the authority of the Customs Act; and,

(b) wild turkeys, quail, partridge, prairie fowl and woodcock;

is hereby declared unlawful and prohibited, and any such article so attempted to be exported may, on reasonable cause of suspicion of intention to export, be seized by any officer of Customs, and, if such intention is proved, shall be dealt with as for breach of the Customs laws: Provided, that this section shall not apply to the export, under such regulations as are made by the Governor in Council, of any carcass or part thereof of any deer raised or bred by any person, company or association of persons upon his or their own lands. 60-61 V., c. 16, s. 8; 62-63 V., c. 22, s. 2.

6. Any person exporting or attempting to export in the carcass, or parts thereof, any deer, wild turkeys, quail, partridge, prairie fowl or woodcock, contrary to the provisions of this Act, shall for each such offence incur a penalty of one hundred dollars, and the article so exported or attempted to be exported shall be forfeited and may be seized by any officer of Customs. 60-61 V., c. 16, s. 8.

SCHEDULE A.

Timber or lumber or wood, viz.: lumber and timber planks and boards of amaranth, cocoboral, boxwood, cherry, chestnut, walnut, gumwood, mahogany, pitch pine, rosewood, sandalwood, sycamore, Spanish cedar, oak, hickory, whitewood, African teak, black-heart ebony, lignum vitae, red cedar, redwood, satinwood and white ash, when not otherwise manufactured than rough-sawn or split or creosoted, vulcanized or treated by any other preserving process; sawed or split boards, planks, deals and other lumber when not further manufactured than dressed on one side only or creosoted, vulcanized or treated by any preserving process; pine and spruce clapboards; timber or lumber hewn or sawed, squared or sided or creosoted; laths, pickets and palings; staves not listed or jointed of wood of all kinds; firewood, handle, heading, stave, and shingle bolts, hop poles, fence posts, railroad ties; hubs for wheels, posts, last blocks, wagon, oar, gun, heading and all like blocks or sticks

R.S., 1906.
rough hewn, or sawed only; felloes of hickory wood, rough sawn to shape only, or rough sawn and bent to shape, not planed, smoothed or otherwise manufactured; hickory billets and hickory lumber, sawn to shape for spokes of wheels, but not further manufactured; hickory spokes, rough turned, not tenoned mitred, throated, faced, sized, cut to length, round tenoned or polished; shingles of wood; the wood of the persimmon and dogwood trees; and logs and round unmanufactured timber, ship timber or ship planking, not specially enumerated or provided for in the Customs Tariff, 1897. 60-61 V., c. 17, s. 1.
| K   | Canada. Laws, 24.5 statutes, etc. - Cl6r Revised statutes 1906 of Canada, 1906 v.1 |