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REVISED STATUTES

OF

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1907
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CHAPTER 51.

An Act respecting the Inland Revenue.

SHORT TITLE.

1. This Act may be cited as the Inland Revenue Act, R.S., Short title. c. 34, s. 1.

INTERPRETATION.

General.

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

(a) 'Department' means the Minister of Inland Revenue or the Deputy Minister of Inland Revenue, or any person duly authorized to act in his stead;
(b) 'Minister' means the Minister of Inland Revenue or any person duly authorized to act in his stead;
(c) 'superior officer' means and includes the Deputy Minister or any person doing duty as deputy head of the Department, and any inspecting officer of Inland Revenue or of excise;
(d) 'collector' means and includes every officer of Inland Revenue who is appointed to collect the duties hereby imposed in any defined district or revenue division;
(e) 'officer of excise' includes every officer who is employed or appointed to the survey of manufactures, operations, or premises subject to excise;
(f) 'departmental regulations' means and includes all regulations and rules promulgated by the Department, and duly authenticated by the Deputy Head of the Department;
(g) 'stamp' means any distinctive mark, label or seal impressed upon or affixed to any goods, material, merchandise or apparatus, subject to the provisions of this Act, or of any other Act respecting excise, or of any order in council or departmental regulation made under such provisions, or any distinctive mark, label or seal impressed upon or affixed to any package in which any such goods, material or merchandise are contained; which marks, labels or seals respectively shall be made, impressed and affixed in such manner, and by means of such dies or other instruments as R.S., 1906.
as are, from time to time, ordered and regulated by the Minister of Inland Revenue;

(h) ‘subject to excise’ means subject to the provisions of this Act, or of any other Act respecting duties of Inland Revenue or Excise, or of any proclamation, order in council or departmental regulation published or made, or that is hereafter published or made, under such provisions; and applies to every place or premises wherein is carried on or performed licit or illicit, licensed or unlicensed mashing, fermentation, distillation, rectifying, brewing, malting, or manufacturing of tobacco, or manufacturing of cigars, or manufacturing of any article in bond, or manufacturing of any article on which there is a duty of excise, or which is manufactured wholly or partly out of any articles on which there is a duty of excise or customs, and on which such duty has not been paid; and also applies to every worm, still, mash-tub, fermenting-tun or other tool, utensil, apparatus or thing, which is or might be used for such purposes lawfully or unlawfully. R.S., c. 34, s. 8.

Distilleries.

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

(a) ‘still’ means and includes any distilling apparatus whatever for the distilling or making of spirits;

(b) ‘closed spirit-receiver’ means the vessel or vessels into which the spirit is conveyed, as hereinafter provided, from the tail of the first worm in which it is condensed for measurement, and in which the quantity and strength upon which the duty is payable is ascertained and determined by the officers of excise;

(c) ‘rectifier’ means and includes any pipe, vessel or still into which the spirit is conveyed after leaving the spirit-receiver, for the purpose of rectification by re-distillation, filtration, or by any other process;

(d) ‘proof spirits,’ or ‘spirits of the strength of proof,’ means any spirit having the strength of proof by Sikes' hydrometer;

(e) ‘distillery’ means and includes any place or premises, where any process of fermentation for the production of wash is carried on; or, where any wash is kept or produced for the purpose of distillation; or, where any mash-tub, fermenting-tun, worm or still for the distillation of spirits is set up or used; or, where any process of distillation whatever of spirits is carried on; or, where any process of rectification of spirits, either by re-distillation, filtration, or other process is carried on; or,
where any spirits are manufactured or produced from any substance whatever, by any process whatever; or, where any still, rectifier or other apparatus, suitable for the manufacture of wash, beer or spirits, is in whole or in part manufactured, made or kept;

and every office, workshop, warehouse, granary, fermenting-room, mash-house, still-room, rectifying-house, vault, cellar, shed, yard or other place owned or occupied by or on behalf of, or for the use of any distiller, or wherein any part of his business as such is transacted, or where any grain, matter, material or apparatus suitable for or adapted to the production of spirits, or which is or is to be used in the production or rectification of spirits is kept or stored, or where any of the products of the distillery are kept or stored, or where any process of manufacture is carried on shall be held to be included in and to form part of the distillery to which it is attached or appurtenant;

(f) 'distiller' means and includes any person who conducts, 'Distiller.' works, occupies or carries on any distillery, or who rectifies any spirits by any process whatsoever, either by himself or his agent, or who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits; and every person making or keeping beer or wash prepared, or in preparation, or fit for distilling, or low wines or fains, or having in his possession or use a still or rectifying apparatus, shall be deemed to be a distiller, and liable to the several duties, obligations, penalties and forfeitures imposed by law on distillers;

(g) 'chemical still' means any distilling apparatus which 'Chemical still,' has a capacity of less than fifty gallons, and which is kept and used by a manufacturing chemist or druggist for the sole purpose of distilling water or reclaiming alcohol previously used in or for the preparation or manufacture of chemical, medicinal or pharmaceutical preparations, or which is used for scientific purposes (of every one of which cases the Department shall be the sole judge), and which is not used for the manufacture or distillation of spirits: Provided that the Governor in Council may make such regulations, as to him seem necessary, for permitting the increase of the capacity of chemical stills, but such capacity shall in no case exceed two hundred gallons;

(h) 'beer,' 'wash,' or 'wort,' as applied to distilleries, 'Beer.' means and includes all liquor, fermented or unfermented, Wash,' 'Wort.' made in whole or in part from grain, malt, or any sac-charine matter.

2. Any use made of any still, worm, mash-tub or fermenting- tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the distillation or rectification of any

Working of a distillery.

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any spirits, or for fermenting any beer or wash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus, shall be deemed to be a working of a distillery and acting as a distiller within the meaning of this Act. R.S., c. 34, s. 121; 54-55 V., c. 46, s. 3; 61 V., c. 27, s. 1; 62-63 V., c. 24, s. 1.

Compounders.

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

(a) compounded spirits' means and include all articles produced by the mixing or compounding of Canadian or other spirits, either alone or with other ingredients, enumerated in the schedule forming part of this section or which are added to such schedule by any order of the Governor in Council;

(b) 'compounder' means and includes every person who, by himself or his agent, compounds or mixes for sale by wholesale any such articles.

Schedule.—Wines and spirituous liquors and bitter liquors and cordials when containing alcohol upon which the duty has been paid. R.S., c. 34, s. 163; 54-55 V., c. 46, s. 6.

Breweries.

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

(a) 'beer' means and includes beer, ale, porter, and all other fermented liquor made in whole or in part from malt, grain or any saccharine or

(b) 'brewery' means and includes any place or premises where any beer or malt liquor, or beverage in imitation of malt liquor, is manufactured; and all offices, granaries, mash-rooms, cooling-rooms, vaults, cells, cellars and store-rooms connected therewith or in which any material to be used in the manufacture of beer or malt liquor is kept or stored, or where any process of manufacture is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be held to be included in and to form part of the brewery to which they are attached or are appurtenant;

(c) 'brewer' means and includes any person who occupies, carries on, works or conducts any brewery, either by himself or his agent. R.S., c. 34, s. 172.

Malling and Malt-Houses.

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

(a) 'malt' means and includes all preparations of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying, or

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which are to be used for the production of beer, or that may be malted for the purpose of distillation;

(b) 'malt-house' means and includes any place or premises where any malt is manufactured, made or produced; and all offices, granaries, malt-houses, kilns, yards, malt warehouses and store-rooms connected therewith, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or utensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant;

(c) 'maltster' means and includes any person who occupies, carries on, works or conducts any malt-house, either by himself or his agent;

(d) 'cistern' means and includes any vessel, vat or other apparatus or utensil wherein any grain or leguminous seeds are steeped or wetted during any of the processes of converting the same into malt;

(e) 'couch-frame' means and includes any place or compartment into which the grain or leguminous seeds are conveyed after being removed from the cistern;

(f) 'malt-floor' means and includes all floors in the malt-house wherein the grain or leguminous seeds are placed after the next process after removal from the couch-frame;

(g) 'kiln' means and includes all heated floors or apparatus wherein or whereon grain or leguminous seeds are dried or roasted in the next process after removal from the malt-floor.

2. Any use made of any cistern, couch-frame, malt-floor or kiln for the steeping, germinating or drying of any grain or leguminous seeds, is a working of a malt-house, and an acting as a maltster within the meaning of this Act. R.S., c. 34, s. 187.

Bonded Manufacturers.

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

(a) 'bonded manufacturer' means and includes any person who, by himself or his agent, carries on the manufacture of any article or compound wherein goods liable to duties of Customs or excise are used before the duties to which they are liable are paid;

(b) 'bonded manufactory' means and includes any place or premises where any article or compound is manufactured or made, in the compounding or manufacturing wherein goods liable to duties of Customs or excise are used before the duties to which they are liable are paid; and every place R.S., 1906.
place where any such goods are warehoused, stored or kept, shall be held to form a part of the bonded manufactory to which it is attached or appurtenant. R.S., c. 34, s. 229.

**Tobacco and Cigars and Manufacturers thereof.**

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

(a) 'raw leaf tobacco' means unmanufactured tobacco, or the leaves and stems of the plant before they have passed through any process of manufacture;

(b) 'manufactured tobacco' means and includes every article made from raw leaf tobacco by any process of manufacture whatever, except cigars;

(c) 'standard leaf tobacco,' as applied to any kind of tobacco, means that which consists of ten per centum of water and ninety per centum of solid matter; and the weight of all raw leaf tobacco, scraps, cuttings, stems and other unmanufactured tobacco, shall be computed and charged in all inventories, statements, accounts and returns, with reference to such standard, in such manner as is provided by departmental regulation;

(d) 'tobacco manufactory' means and includes any place or premises where raw leaf tobacco is worked up into what is designated by this Act as manufactured tobacco; and every workshop, office, store-room, warehouse, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of manufactured tobacco is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the tobacco manufactory to which they are attached or are appurtenant;

(e) 'tobacco manufacturer' means and includes every person who manufactures tobacco for himself, or who employs others to manufacture tobacco, other than cigars, whether such manufacture is by cutting, casing, packing, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco, or otherwise preparing raw leaf or manufactured or partially manufactured tobacco, or by the putting up for use or consumption of scraps, waste, clippings, stems or deposits of tobacco, resulting from any process of handling tobacco, or by the working or preparation of raw leaf tobacco, tobacco stems, scraps, clippings or waste, by sifting, twisting, screening or any other process;

(f) 'cancellation stamp or die' means and includes any distinctive stamp or punch used to impress or print upon, or burn into, or indent any tobacco or cigar stamp subject to the provisions of this Act, or of any order in council or departmental regulation made under such provisions; and such stamps or dies shall be of such form, material and design,

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**Definitions.**

- 'Raw leaf tobacco.'
- 'Manufactured tobacco.'
- 'Standard leaf tobacco.'
- 'Tobacco manufactory.'
- 'Tobacco manufacturer.'
- 'Cancellation stamp or die.'

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design, and shall be used in such manner as is, from time to time, ordered and regulated by the Department;

(g) 'caution label' means and includes the notice required 'Caution label' by the provisions of this Act to be attached to certain packages hereinafter described, containing manufactured tobacco or cigars;

(h) 'cigarette' means any description of cigarette made of 'Cigarette' cut tobacco, and wrapped with paper or one single thickness of leaf tobacco, or any cigarette of a description identical with a sealed sample, approved by departmental regulations in that behalf and deposited in the office of the collector for the division in which such cigarettes are manufactured, or where any such cigarettes are imported;

(i) 'cigar' means and includes every description of cigar 'Cigar' and cheroot;

(j) 'cigar manufactory' means and includes any place or 'Cigar manufactory' premises where raw leaf tobacco is worked up into what is described and designated as a cigar under this Act; and every workshop, office, store-room, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of cigars is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the cigar manufactory to which they are attached or are appurtenant;

(k) 'cigar manufacturer' means and includes any person, 'Cigar manufacturer' who by himself or his agent, carries on the manufacture of cigars as defined by this Act; and the casing, packing, cutting, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco or otherwise preparing raw leaf tobacco for manufacture into cigars, shall be a working of a cigar manufactory, and an acting as a cigar manufacturer within the meaning of this Act;

(l) 'tobacco stamp' means any distinctive stamp affixed to 'Tobacco stamp' any package of manufactured tobacco, as required by any of the provisions of this Act, or of any order in council or departmental regulation made under such provisions; and such stamps shall be made and affixed in such manner and by such means as are, from time to time, ordered and regulated by the Department;

(m) 'cigar stamp' means any distinctive stamp affixed to 'Cigar stamp' any package of cigars, as required by any of the provisions of this Act, or of any order in council or departmental regulation made under such provisions; and such stamps shall be made and affixed in such manner and by such means as are, from time to time, ordered and regulated by the Department;

(n) 'cigar sample box' means any box containing not more 'Cigar sample box' than twenty-five cigars, and each bearing the special sample sample box stamp 57 2 /3 899  stamp R.S., 1906.
stamp provided by the Department, and which box the manufacturer of cigars is permitted to have, in his factory premises, open for the purpose of exhibiting the cigars contained therein to his customers;

(o) 'common Canada twist,' otherwise called *tabac blanc en torquette*, means the unstemmed, unflavoured and unpressed leaf of tobacco grown in Canada, twisted and made into coils by the cultivator thereof, or by a manufacturer of tobacco duly licensed under this Act to manufacture Canadian leaf tobacco only. R.S., c. 34, s. 247; 52 V., c. 15, s. 13; 4-5 E. VII., c. 17, s. 26.

APPLICATION.

All Canada. 9. This Act extends and applies to the whole of Canada, subject always to the provisions respecting intoxicants applying in that part of Canada formerly known as the district of Keewatin. 55-56 V., c. 22, s. 1.

PART I.

THE DEPARTMENT OF INLAND REVENUE.

10. There shall be a department to be called the Department of Inland Revenue, over which the Minister of Inland Revenue for the time being, appointed by the Governor General, by commission under the Great Seal, shall preside. R.S., c. 34, s. 2; 60-61 V., c. 18, s. 2.

11. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Inland Revenue, and who shall hold office during pleasure. 1 E. VII., c. 23, s. 1.

12. The Governor in Council may, from time to time, appoint officers and other persons to carry out this Act and all other Acts relative to the matters and things placed under the control and management of the Department, and also all orders in council or regulations made thereunder, and the Governor in Council may assign the names of office of such officers and persons, and grant them such salaries or pay for their labour and responsibility as he deems reasonable and necessary, and may appoint the times and manner in which the same shall be paid; but no such officer or person shall receive a higher annual salary than is allowed in his case by the Civil Service Act. R.S., c. 34, s. 4.

13. The Department shall have the control and management of,—


(a) the collection of all duties of excise;

900

(b)
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(b) the collection of stamp duties and the preparation and issue of stamps and stamped paper, except postage stamps;
(c) internal taxes;
(d) standard weights and measures;
(e) the collection of bridge and ferry tolls and rents;
subject always to the provisions of this Act and of all other Acts relating to the said subjects and matters connected therewith.
R.S., c. 34, s. 5.

14. The Minister shall annually make to the Governor General a report and statement of the transactions and affairs of the Department during the year then next preceding, which shall be laid before Parliament within fifteen days after the next meeting thereof. R.S., c. 34, s. 6.

PART II.

GENERAL.

Licenses.

15. The Minister may for any reason which he deems sufficient in the public interest refuse to issue any license authorized by this Act. 55-56 V., c. 22, s. 1.

16. No license shall be issued under this Act, nor shall any business subject to excise be carried on in any unsurveyed or unsettled tract of country, or in any district or place prohibited by order in council. 55-56 V., c. 22, s. 1.

17. No person, unless licensed as herein provided, shall carry on the business or trade of a distiller, rectifier, compounder, brewer or maltster, manufacturer of tobacco or cigars, or bonded manufacturer; or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise; or import, make, or begin to make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification or compounding of spirits. R.S., c. 34, s. 9.

18. Every person who imports, makes or has in his possession or keeps any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, malt-kiln or malt-floor, or any apparatus for the manufacture or production of malt, or any tobacco press or mill for cutting or grinding tobacco, shall, when such articles come into his possession and on or before the tenth day of July in each subsequent year, give to the collector of the division in which such article or apparatus is located a list of the apparatus to be furnished to the collector. R.S., 1906.
is located a full and particular list, description and return thereof, the same in nature and form as is by this Act required in an application for a license to use similar apparatus or machinery. R.S., c. 34, s. 9.

19. Every license shall terminate on the thirtieth day of June in each year, and the same amount shall be paid for every such license whether it has a full year or only a part of a year to run from the date when it is granted: Provided that in the case of an application for any such license by a person who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or after the first day of January, may be issued to such applicant for the remainder of the fiscal year, upon payment of one-half only of the annual license duty or fee otherwise payable on such license. R.S., c. 34, s. 10.

20. Every person requiring a license under this Act shall make application therefor in writing over his signature to the collector, or any other officer appointed by the Minister, within whose district or Inland Revenue division the business for which such license is required is to be carried on; and every such application shall be made in the form prescribed by the Department. R.S., c. 34, s. 11.

21. Every application for a license shall state the exact locality, in the city, town, village, township or local municipality as the case may be, where the premises are situated, in which the business for which the license is required is to be carried on, and shall also contain or have annexed thereto a full and particular written description in triplicate, with such models, diagrams or drawings also in triplicate, as are needed for fully understanding the same, of all the machinery, buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used or to be used therein, or any of the products thereof, are or are to be stored or kept, and of the power by which the machinery so used is to be worked; and the description shall also set forth, in detail, every building and every separate room, cellar, vault, shed or other compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance to each, in accordance with the provisions of this Act.

2. No license shall authorize a person to keep or use a still, or make wort or wash, low wines or spirits, or brew malt liquor, or manufacture malt, tobacco or cigars, or manufacture in bond, in any other place than the house or premises mentioned in the application for such license.

3. In the case of a manufactory in which no material changes or alterations have been made since the original descriptions, R.S., 1906.
models, diagrams or drawings were furnished, if the manufacturer certifies in writing, upon application being made for any subsequent license, that the original papers filed with the Department still correctly represent his manufactory premises, and that no changes or alterations have been made therein, and such certificate bears the endorsement of the collector or other proper officer, the application may be accepted and the license issued without new descriptions, models, diagrams and drawings. R.S., c. 34, s. 12; 4-5 E. VII., c. 17, s. 1.

22. Every such application shall also state the name of the guarantee company proposed by such applicant as his surety, in accordance with the requirements of this Act; and it shall also contain a statement of the maximum quantity of each article which the utensils are capable of mashing, fermenting, distilling or otherwise producing within each month. 4-5 E. VII., c. 17, s. 2.

23. Every application for a license for distilling, compounding, brewing, malting, or for manufacturing in bond, shall also contain a list and description in triplicate of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, unders back, steep cisterns, closed spirit-receivers or other vessels or machinery which are intended to be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly,—

(a) the dimensions and capacity of every still, steep cistern, Dimensions of stills, etc.
mash-tub, fermenting-tun, cooler, closed spirit-receiver, and
every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be placed or used; and,
(b) a description of every pipe, conduit, trough, hose, valve, Description of pipes, etc.
pump, cock, and of every means of connection or communication between the several vessels or utensils used in or about the distillery or brewery, with a description and drawing or model showing the exact position of every cock, valve, connection and joint. R.S., c. 34, s. 14.

24. No license shall be granted for carrying on any business or trade under this Act, until after a survey has been made by the collector, or an officer instructed for the purpose by him, of the building or place wherein such business is to be carried on, nor until such collector or other officer has certified in writing that the application, descriptions, models, diagrams and drawings correctly represent the premises, and that all the provisions of this Act and of every order in council or departmental regulation made in virtue thereof, have been complied with as respects such place.

2. No license shall be granted for carrying on any such business in a building or premises which, after careful survey, appear unsatisfactory. R.S., 1906.
No license when manufactory communicates with place of sale.

Nor when inspector reports against granting.

How long bond shall remain in force.

New bond if new license.

New bond if guarantee company fails.

License void until new bond given.

Amount of security determined by Governor in Council.

Application for a license and proceeding thereon.

appear to the Department to be so situated with reference to surrounding buildings or places of business, or to be so constructed or arranged, as to embarrass or endanger the full collection of the revenue.

3. Except as hereinafter specially provided, no license shall in any case be granted for carrying on any business in any building which forms part of or is appurtenant to, or which communicates in any way whatever, except by means of a public highway, with any shop or premises wherein any article to be manufactured under such license is sold by retail, or wherein there is kept any broken package of any such article.

4. If any inspector of Inland Revenue reports to the Department that it is not expedient that a license should be granted in respect of any building in connection with which a license is applied for, in view of its proximity to any such shop or premises as in the next preceding subsection mentioned, the license may not be granted, notwithstanding that the provisions of the said subsection would not operate to prevent the granting of such license. R.S., c. 34, s. 15.

25. Every bond entered into under the provisions of this Act shall remain in force so long as any duty upon any articles or commodities subject to excise, or upon any license to which the bond relates, or any penalty, remains unpaid by the person to whom such license was granted. R.S., c. 34, s. 16.

26. Whenever any new license is granted to any person a new bond shall be entered into with reference to such new license.

2. A new bond shall also be given, whenever, during the period for which any license is in force to which the bond first given relates, the guarantee company is wound up, becomes insolvent or ceases to do business in Canada; and the license shall be void from the time the person to whom it was granted is required by the collector or superior officer to enter into a new bond, until the time when such new bond is given, during which time the person neglecting to enter into such new bond shall be held to be without a license. 4-5 E. VII., c. 17, s. 3.

27. Whenever the required amount of security, as computed under any provision of this Act, exceeds ten thousand dollars, the amount may be determined by the Governor in Council at such sum, not less than ten thousand dollars, as to him appears sufficient for the safety of the revenue. R.S., c. 34, s. 18.

28. Every application for a license under this Act shall be forwarded by the collector to the district inspector of Inland Revenue, with such information as is required by any departmental regulation; and so soon as the said application is returned to the collector, endorsed with the approval of the district
district inspector, and, in the case of a bonded manufacturing license, by the Department also, and upon the due execution of the bond with surety as herein required, the collector shall, unless otherwise directed by the Department, issue a license to carry on the business and to use the utensils, machinery and apparatus specified in the application, and in the place and premises therein specified, and in such place or premises only, and shall immediately report the issue of such license to the Department. 4 E. VII., c. 18, s. 1.

29. Upon application being made, in the form prescribed by the Department, by the holder of any license under this Act, the license so held may be transferred from any premises to any other premises of similar capacity situated within the same Inland Revenue division, without payment of additional license fee, if all the requirements of this Act have been complied with by the holder of such license in reference to the premises to which it is proposed to transfer it, and if all obligations imposed by the license have been fulfilled.

30. Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof, except as hereinbefore provided as to diagrams, drawings, models or descriptions, shall be subject to the same restrictions and conditions as the granting of the original license. R.S., c. 34, s. 22.

31. The Minister may lawfully suspend or revoke the license of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, who delays, obstructs or prevents, or whose agent or servant delays, obstructs or prevents any officer or his assistant in or from entering into a distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or any house, outhouse, store or other place whatsoever of such distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, or in or from otherwise performing his duty in the enforcement of any Act relating to the Inland Revenue. R.S., c. 34, s. 72.

32. The Minister may declare forfeited any license authorized by this Act in any case where a person who, being a manufacturer of any class of goods subject to a duty of excise, either directly or indirectly,—

(a) makes a sale of any such goods, or consigns them for sale upon commission, to another person, subject to the condition that the purchaser or the consignee shall not sell or deal in such goods for or in the name, firm, or style of such person. R.S., 1906
deal in goods of a like kind produced by, or obtained or to be obtained from any other manufacturer or dealer; or,

(b) makes a sale of any such goods, or consigns them for sale upon commission, to another person, upon such terms as would, in their application, give more profit to the purchaser or the consignee if he should not sell or deal in goods of a like kind produced by, or obtained or to be obtained from any other manufacturer or dealer.

2. The collector of Inland Revenue shall thereupon cause a notice of such forfeiture to be forthwith inserted in the Canada Gazette, and from and after the insertion thereof the license shall be null and void.

3. No new license shall be granted to such person, and no license shall be granted to any other person for carrying on any business in the premises occupied by him, until the Minister is satisfied that the dealings in this section referred to have ceased.

4. The decision of the Minister as to whether any sale or consignment of goods is, or is not, subject to any such conditions, or upon any such terms, as are in this section mentioned, shall be final. 4 E. VII., c. 17, s. 1.

33. The burden of proof that any license required by this Act has issued, shall rest upon the person to whom such license is alleged to have been issued. R.S., c. 34, s. 23.

34. Every person licensed under this Act shall keep his license posted up in a conspicuous place in his manufactory. R.S., c. 34, s. 24.

35. All license fees shall be due and payable at the time when the license is granted, and in no case shall a license be issued until all such fees are paid. R.S., c. 34, s. 25.

36. Licenses to manufacture spirits or other articles subject to excise within the provinces of Manitoba and British Columbia shall be issued only for the following places, namely:—Winnipeg in Manitoba, and Victoria and New Westminster in British Columbia, and such other places as are, from time to time, named for the purpose by the Governor in Council. R.S., c. 34, s. 26.

Obligations of Licensees.

37. No distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer shall work his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time, unless he has given at least six days' previous notice in writing to the collector of his intention to work the same at some time not less than six and not more than twenty days after the giving of such notice;
and if he commences to work the same within such time, he may continue uninterruptedly without new notice; but after any interruption of work for more than one week a new notice shall be given. R.S., c. 34, s. 27.

38. Every person licensed under this Act shall, at all times when required, supply any officer of Inland Revenue with all assistance, lights, ladders, tools, staging or other thing necessary for inspecting the premises, stock, tools or apparatus belonging to such licensed person, or for weighing, gauging or testing any article or commodity then on the premises for which the license is granted, and shall open all doors, and open for examination all boxes, packages, casks, barrels and other vessels, when required so to do by any officer of Inland Revenue. R.S., c. 34, s. 28.

39. If any person holding a license under this Act, intends to make any alteration or addition to the premises, utensils, machinery or apparatus, described as herein provided, or to remove any portion of such utensils, machinery or apparatus, or to make any use of any compartment or room for a purpose different from that mentioned in the written description accompanying his application for license, notice in writing shall be served on the collector of the intention to make such alterations, additions, removals or changes, at least one week before they are commenced; and every such notice shall set forth fully and correctly the particulars of the proposed alterations, additions, removals or changes. R.S., c. 34, s. 29.

40. Any inspector of Inland Revenue may, for sufficient cause, of which sufficiency he shall be the sole judge, at any time after having given ten days' notice, require a new list and description, with such models, diagrams or drawings as are herein required in an application for a license, to be made out and furnished by any person holding a license under this Act. R.S., c. 34, s. 30.

41. All beams, scales, weights and measures used in or about any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, shall be inspected, tested and verified by an officer of Inland Revenue, or by an inspector of Weights and Measures, as often as any inspector of Inland Revenue or excise directs: Provided that scales used in a tobacco or cigar manufactory, when used exclusively for weighing tobacco during any intermediate process of manufacture, and not used for weighing raw material brought into the manufactory or taken for use therein, or in ascertaining the manufactured products of such manufactory, may be used without inspection. R.S., c. 34, s. 37.

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Part II.

No business on Sundays.

42. Except for the necessary continuance of some process of manufacture previously commenced in the ordinary course of business, no person licensed under this Act shall during Sunday, in the premises mentioned or referred to in the license held by him, transact any business, or perform any act, operation or process of manufacture which, under any regulation then in force, requires the supervision or attendance of an officer of Inland Revenue.

2. No act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required, by any regulation then in force, shall be done or carried on in any licensed premises before the hour of six o'clock in the forenoon, or after six o'clock in the afternoon, except when permitted by departmental regulations.

3. Whenever any business, act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required by any regulation then in force, is carried on or done in any premises licensed under this Act, before eight o'clock in the forenoon, during the dinner hour, or after six o'clock in the afternoon, the person in whose premises the business, act, operation or process is carried on or done, shall pay the collector for the attendance of the officer or officers during the extra time they are so employed, at such rate as is determined by departmental regulations in that behalf. R.S., c. 34, s. 31.

As to night work.

Extra time of officers to be paid for.

Rate of pay.

43. There shall be conspicuously placed over the chief entrance to every place or premises subject to excise, or where any business subject to excise is carried on, the name of the person, or the name and style of the firm by whom such premises are occupied, or on whose behalf such business is carried on, and the name so placed shall be written or printed in oil colours in Roman characters at least three inches in height.

2. Every separate apartment, room, granary, kiln, vault, workshop or store-room, in every place or premises subject to excise, or in which any business subject to excise is carried on, or in which any utensils, apparatus or machinery used in such business are situated, or in which any of the materials to be used therein, or the products of such manufactory are stored or kept, shall have placed over the principal entrance thereto, by the manufacturer, a sign in Roman characters, written or printed in oil colours, at least two inches in height, stating the designation thereof, and such designation shall indicate the use to which the apartment is to be put.

3. Every mash-tub, fermenting-tun, closed spirit-receiver, cooler, tank, vat or other utensil or vessel, for the using of which a license is required, or which is used for containing any commodity subject to excise, shall have written, stamped or printed on it in white Roman characters, at least two inches in height, on a black ground, the serial number, the name or designation.

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designation of the vessel or utensil and the capacity thereof in gallons and in cubic inches.

4. Every notice or written or printed designation or name of any person, place or thing by this section required, shall be printed, painted, put up or affixed under and according to the direction of an officer of Inland Revenue, and at the expense of the person on whose behalf it is done. R.S., c. 34, ss. 32 and 134; 4-5 E. VII., c. 17, s. 5.

Books, Accounts and Papers.

44. Every distiller, compounder, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other manufacturer, who is required to take out a license under this Act, or who carries on any business subject to excise, shall, in addition to the books, accounts and papers hereinafter specially mentioned, keep on and within the premises covered by the license issued to such manufacturer or other person, such stock books and other books, in such form and manner as are prescribed and supplied by the Department, in which books there shall be clearly recorded, day by day, and on the same day on which the circumstance, thing or act to be recorded is done or occurs, in the prescribed columns,—

(a) a full and particular account of all grain, malt, spirits, raw and manufactured tobacco, cigars and other stock, material or commodity brought into the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other licensed premises, to which such stock books relate; and,

(b) a full and particular account of all grain, spirits, malt, raw or manufactured tobacco, cigars or other stock, material or commodity, sold, removed or transferred from such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other licensed premises; and,

(c) such further particulars as are required by any departmental regulation in that behalf.

2. There shall in every case be stated in such books the name of the person from whom the said materials were bought or obtained, or to whom they were sold or transferred, as the case may be, and also the mode of conveyance by which they were brought to the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other licensed premises, or by which they were carried therefrom; and if any such grain, malt, spirits, manufactured or raw tobacco, cigars or other stock, material or commodity, have been conveyed by any vessel or railway to or from any port, wharf or station, situated within a distance of ten miles from the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or other licensed premises, then such vessel or railway shall be named as the conveyance by which such grain, spirits, malt.

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malt, tobacco, cigars, stock, material or commodity were conveyed as aforesaid. R.S., c. 34, s. 33.

45. Every distiller, maltster, tobacco manufacturer, cigar manufacturer or bonded manufacturer, now or hereafter engaged in the manufacture of or dealing in articles subject to excise, shall make and deliver to the collector of the division in which his manufactory or premises is or are situated, an inventory in such form as is prescribed by the Department, and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufactured products, and all other materials held or owned by him on the first day of July of every year, or, at the time of commencing and at the time of concluding business, if before or after the first day of July, or at any intermediate time, when required by the Department.

Stock-taking. 2. The stock-taking necessary to make up such inventory shall be done under the immediate supervision and to the satisfaction of the officer in charge of the respective manufactories or other premises, or other duly authorized officer; and the inventory shall have endorsed thereon the certificate of the said officer as to its correctness. R.S., c. 34, s. 34.

46. Every person who is licensed to carry on any business subject to excise under this Act, shall, when required so to do, and as often as is required by any officer of Inland Revenue, and at any time within ordinary business hours, or when any operation is being carried on within the premises licensed, produce for the inspection of any such officer,—

(a) all books, papers and accounts, kept in accordance with the requirements of this Act, or in accordance with the requirements of any order in council or any departmental regulation made under this or any other Act, in which books or accounts such officer may enter any memorandum, statement or account of quantities; and in such case he shall attest the same by his initials;

(b) all books, accounts, statements and returns whatsoever, and all partnership accounts used by any such person or by any co-partners in carrying on any such licensed business, whether such books, memoranda, papers or accounts are considered private or otherwise; and every such officer shall be permitted to take extracts therefrom or copies thereof.

2. In case of seizure of any article or thing in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, for violation of this Act, the seizing officer or any superior officer of excise, may take possession of and remove all or any books, papers or accounts kept under the requirements of this Act, or under the requirements of any order in council or any departmental
mental regulation made thereunder, and may retain the same until the seizure is declared valid by competent authority, or the article or thing seized or the proceeds thereof is, by competent authority, directed to be restored. R.S., c. 34, s. 35.

47. No erasure shall be made in any stock or other book kept by any manufacturer or other person licensed in accordance with the provisions of this Act; nor shall any leaf or leaves, or part of a leaf or leaves, be removed therefrom; and any obliterating of words or figures by any means whatever, other than by ruling through the same, with ink, in such a manner as not to render the words or figures so ruled out incapable of being read, shall be deemed to be an erasure. R.S., c. 34, s. 36.

48. Except as herein otherwise provided, every quantity of grain recorded or stated in the stock-books herein mentioned, and in all returns, accounts, inventories and statements required by this Act to be kept or made, and the quantity of every other article or commodity, except fluids, used in or about any premises subject to excise, or entering into the manufacture of any article or commodity subject to excise, shall be stated in pounds avoirdupois.

2. All quantities of fluids, except when otherwise provided by this Act, shall be stated in the aforesaid books, returns, accounts, inventories and statements, in gallons; and the quantity of any fluid, in gallons, shall, for all the purposes of this Act, be determined by weighing or gauging, in such manner as is, from time to time, prescribed by any departmental regulation in that behalf. R.S., c. 34, s. 37.

Returns.

49. All returns, unless otherwise provided by this Act, shall be made distinct and separate for each month, and shall relate to the month last preceding the day of making such returns respectively. R.S., c. 34, ss. 39, 41, 146, 181, 216, 237 and 293.

50. Every return as to quantities, required to be made by this Act, shall be made to the collector or other officer authorized by the Department to receive the same, on the first day of each month for the month last preceding such day. R.S., c. 34, s. 40.

51. Every account or return rendered as herein provided shall be made and signed by the person carrying on the business to which it relates, or his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed in or about the premises where the business is carried on.

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2. The collector or any superior officer may, at any time after the making of such account or return, require any other person employed about such premises, who, in his opinion, is best acquainted with the quantity of material used and goods produced, subject to excise, to testify upon oath before him as to the correctness of such account or return. R.S., c. 34, s. 42.

52. Every such account or statement shall be attested by the persons signing the same under oath, in the form following:—

'I, , do solemnly swear that the several accounts included in this return are true according to their purport: So help me God.' R.S., c. 34, s. 43.

53. Every such oath shall be made before a collector or other duly authorized officer of Inland Revenue.

2. The collector or officer before whom the oath is made, or any superior officer may, when the account or statement is made, or at any time thereafter, put to the person or persons making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct.

3. The collector or officer aforesaid may also, when the account or statement is made, or at any time thereafter, examine under oath, as to the truth of all such statements, any person or persons employed, or who have, at any time, been employed in or about the distillery, brewery, malt-house, tobacco manufactory, cigar manufactory or bonded manufactory, or other premises subject to excise, to which such account relates, or any person doing business therewith or selling material thereto or buying goods therefrom, and also any common carrier, agent, clerk or other person who has been concerned in the removal of any such goods or material to or from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory or other premises subject to excise, or in taking or keeping an account of such removals, and may reject all such written statements as are shown by such evidence to be incorrect or unreliable; and such rejection shall render the person making the return liable to the same penalty as he would be liable to if no return whatever had been made.

4. Whenever the Governor in Council deems it expedient so to do, he may authorize the taking of such oath or evidence before a justice of the peace. R.S., c. 34, s. 44.

54. All notices, lists, descriptions, returns, inventories, statements, accounts and reports required by this Act to be given or made to any officer or person, shall be held to be validly so given or made, if they are received by such officer or person, as the case may be, or if they are left at the usual place of residence of such officer or person, within the period or delay fixed
fixed herein in that behalf, without any reference to the mode by which such notice, list, description, account, statement, inventory or return was conveyed to such officer or person.

2. The burden of proof that all such notices, lists, descriptions, returns, inventories, accounts, statements and reports have been given or made, as herein required, shall lie upon the person whose duty it is to give or make them. R.S., c. 34, s. 45.

Duties, how ascertained and when payable.

55. The amount of duty shall be calculated on the measurements, weights, accounts, statements and returns, taken, kept or made, as herein provided, subject to correction and approval by the collector or other officer thereunto duly authorized; and when two or more methods for determining quantities or the amount of duty to be paid are provided for, that method which yields the largest quantity or the greatest amount of duty shall be the standard.

2. If the collector or any superior officer of Inland Revenue has any reason to doubt the correctness of any statement, account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly.

3. Such computation may be based on any reliable evidence respecting the quantity of material brought into the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, or as to the quantity of the manufactured article removed therefrom, or as to the quantity or strength of any articles used in any of the processes of manufacture.

4. If the result is disputed, the burden of proof of the error or wrong shall rest with the person who is liable for the payment of the duty. R.S., c. 34, s. 49.

56. All duties of excise imposed by this Act shall accrue and be levied on the quantities made or manufactured, ascertained in the manner by this Act provided, or otherwise proved, and shall be in addition to all sums charged as license duties, whether on utensils or otherwise.

2. The said duties shall be duties within the meaning of the Consolidated Revenue and Audit Act, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 34, s. 38.

57. The several duties imposed by this Act shall be due and payable on the first day of each month, for the quantities of each article or commodity produced or manufactured during the preceding month, unless another time of payment is herein expressly fixed. 3 E. VII., c. 26, s. 1.

58. No goods, subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco, R.S., 1906.
bacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, licensed as herein provided, or from any warehouse in which they have been bonded or stored, until the duty on such goods has been paid or secured by bond in the manner by law required. R.S., c. 34, s. 47.

59. Except under departmental authority, in each case specially obtained, no goods, subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or from a bonding warehouse or other premises licensed as herein provided, between the hours of six o'clock in the afternoon and seven o'clock on the following forenoon. R.S., c. 34, s. 48.

Bonding and Warehousing.

60. Any portion of the premises of a licensed manufac-
turer referred to in the application for a license, and shown on the plan accompanying the same and designated as a bond-
ing warehouse, having been approved and accepted by the Department, shall be deemed to be a bonding warehouse within the meaning of this Act. 54-55 V., c. 46, s. 1.

61. Spirits, malt, tobacco, cigars and other articles subject to duty under this Act may, subject to the following provisions and to such regulations as the Governor in Council makes, be deposited in any suitable excise bonding warehouse licensed for the purpose, without payment of the duty hereby imposed. R.S., c. 34, s. 50.

62. Before any license is granted to any person for a bonding warehouse, for goods subject to excise duties, such person shall give good and sufficient security by bond of a guarantee company, approved by the Department, for an amount equal to the sum to which it is estimated the duty on the average quantity of goods in the warehouse will amount.

2. Such bond shall be conditioned for the payment of all such duties and all penalties to which the owners of any goods warehoused therein, or the owner of any such warehouse may become liable under this Act.

3. Whenever the duties on the goods warehoused in such warehouse exceed the amount for which the bond is taken, a new bond may be taken for a sum sufficient to cover the increased amount of duty. 4-5 E. VII., c. 17, s. 6.

63. The warehouse shall be provided by the owner or bailee of the goods, and shall be licensed in conformity with such departmental regulations as are, from time to time, made in that behalf, and upon being surveyed and approved as to security by the inspecting officer, shall be secured under the joint locks R.S., 1906.
locks of the Department and the owner or bailee of the goods warehoused, so as to be accessible only in the presence of an officer of Inland Revenue and of the owner or bailee of the goods in bond, or his agent. R.S., c. 34, s. 52.

64. All goods warehoused shall be at the risk of the owner, Goods at and, unless destroyed by fire, the duty shall be payable thereon owner’s risk. as if they were entered for consumption. R.S., c. 34, s. 53.

65. Except as herein otherwise provided, no goods shall remain warehoused for a longer period than two years, and at the end of that time the full amount of duty remaining unpaid shall be collected. R.S., c. 34, s. 54.

66. If the quantity of goods bonded in any warehouse, at any time or by any means, falls short or is deficient of the actual quantity which ought to be or remain warehoused, after deducting the quantities entered ex-warehouse, the owner thereof shall be liable for the full duties on the balance of goods with which the warehouse stands debited; and the goods remaining shall be subject to the duties on the quantity deficient, and shall be sold for payment thereof, by order of the Department, and the surplus, if any, shall be payable to the person who warehoused such goods, or his assigns, after deducting all penalties and expenses incurred: Provided that when the Department is satisfied that no goods have been illegally removed from the warehouse, such goods as are actually in the warehouse at the time stock is taken, or at the expiration of two years, may be re-warehoused on payment of the full amount of duty on the ascertained deficiency. R.S., c. 34, s. 54.

67. At the time of entering the goods for warehouse, the Goods at the amount of duty shall be computed and ascertained and stated in the entry. R.S., c. 34, s. 55. warehoused

68. Goods warehoused under this Act may be transferred in bond, and may be exported or removed from one warehouse to another, without payment of duty, under such restrictions and regulations as the Governor in Council deems necessary. R.S., c. 34, s. 56.

69. When goods are entered for warehouse, the entry shall state the exact quantity of goods in each package or parcel, and the duty to which they are liable; and each package shall be described in the entry paper, and shall also be designated by a distinguishing number. R.S., c. 34, s. 57.

70. Each package, when originally warehoused by the manufacturer, shall be marked with the date when warehoused, and with the quantity which the package contains, and, except in Packages warehoused to be marked. the R.S., 1906.

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the case of cigars, shall be consecutively numbered and marked with the entry number. R.S., c. 34, s. 58.

71. Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case, except in the case of cigars, shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another. R.S., c. 34, s. 59.

72. Whenever the marks or numbers on any goods in warehouse have been omitted, or have been defaced or otherwise become illegible, or whenever such goods are not stowed or arranged in compliance with the requirements of this Act, the owner of such goods shall, on being required so to do, immediately re-mark or arrange or stow them, as the case may be, to the satisfaction of the collector, or of any officer inspecting the division.

2. If the owner of such goods fails to re-mark, arrange or stow them in the manner herein required, for the space of one week after having been required so to do, all such goods shall be forthwith entered for duty ex-warehouse, and the duty thereon collected in accordance with the original warehouse entry.

3. Any failure so to enter for duty ex-warehouse, and to pay the duty thereon, when a demand to that effect has been made by the collector, shall be construed as evidence of a deficiency in the said warehouse, and shall be dealt with accordingly. R.S., c. 34, s. 60.

73. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon. R.S., c. 34, s. 61.

74. Except as herein otherwise provided, the collector or other officer of Inland Revenue or Customs, in whose charge goods warehoused under this or any other Act relating to warehousing are placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent has complied with all conditions in respect thereto, required by this or any other Act, or by any regulations made by virtue of this or any other Act. R.S., c. 34, s. 62.

75. All entry papers, either for warehouse, ex-warehouse for removal, or other purposes, shall be made in such forms, and shall be attested by such affidavits, affirmations or declarations as the Department orders. R.S., c. 34, s. 63.

76. The person in whose favour a license is granted for an excise bonding warehouse, not included in the description of R.S., 1906.
of the premises in respect of which a license has been issued to him under this Act, shall pay for one such warehouse the sum of twenty dollars, and for each additional warehouse the sum of ten dollars. R.S., c. 34, s. 64.

77. The Governor in Council may order that an Inland Revenue bonding warehouse shall be established at any place or places specified in such order.

2. Such order shall prescribe the storage dues, and the license fee to be paid by persons using such Inland Revenue bonding warehouse, but such license fee shall not exceed ten dollars per annum. R.S., c. 34, s. 65.

78. All goods stored and kept in any Inland Revenue bonding warehouse, established under the provisions of the next preceding section, shall be so stored and kept at the risk, in every respect, of the owner thereof, and in case of damage or loss by fire or otherwise, the owner shall not have any claim for indemnity. R.S., c. 34, s. 65.

Powers and Duties of Officers.

79. The Deputy Minister of Inland Revenue or other person acting as deputy head of the Department, and every inspecting officer of Inland Revenue, shall have and may exercise in each and every revenue division all the powers and rights conferred by this Act on the collector or any other officer of Inland Revenue. R.S., c. 34, s. 66.

80. Inspectors of Inland Revenue, and all persons appointed under this Act, or employed for the purposes of this Act, or upon whom any duty is imposed by this Act, shall be known as officers of Inland Revenue. R.S., c. 34, s. 67.

81. Every superior and inspecting officer, and every collector, and such other officers as are, from time to time, designated by the Governor in Council, are hereby empowered and authorized to administer all oaths and receive all declarations required or authorized by this Act. R.S., c. 34, s. 68.

82. The collector or any other officer of Inland Revenue, or any person aiding or assisting him in seizing property as forfeited under this Act, shall mark and number each separate piece, and make a schedule of all the property seized, with the estimated value thereof, which schedule or list shall be dated and signed by the collector or other officer; and a true copy thereof shall be given to the person from whom the seizure was made, or forwarded to his last known post office address by registered letter; and another copy, together with the collector's or other officer's report relating to such seizure, shall be transmitted without delay to the Department. R.S., c. 34, s. 108.
83. All property seized under any provision of this Act, shall be seized, marked and secured in the name of His Majesty the King, and the power of seizing, marking and securing the same shall be exercised by direction and under the authority of the collector or other officer, where and when necessary in order to carry out the provisions of this Act. R.S., c. 34, s. 109.

84. If any stock, steam-engine, boiler, still, fermenting-tun, machinery, apparatus, vessel or utensil, or other article or commodity is forfeited under the provisions of this Act, for any violation thereof, it may be seized by the collector or other officer of Inland Revenue, or by any other person acting by the authority of such officer, at any time after the commission of the offence for which it is forfeited, and may be marked, detained, removed, sold or otherwise secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, it shall be removed, sold or otherwise dealt with as the Minister directs. R.S., c. 34, s. 107.

85. Every officer of Inland Revenue may,—

(a) with any assistants acting under him and by his direction, at all times, as well by night as by day, enter into and remain in, as long as he deems necessary, any building or place belonging to or used by any person for the purpose of carrying on any trade or business subject to excise, or in which are any machinery, utensils or apparatus subject to excise, or which may be used in the manufacture of goods subject to excise;

(b) with any assistants acting under him and by his direction, at any time between six o'clock in the forenoon and ten o'clock in the afternoon, enter the premises of any dealer wherein any goods subject to excise are stored, kept or sold;

(c) with any assistants acting under him and by his direction, inspect any such building or place, and take such account as he deems necessary of every part thereof, and of all works, vessels, utensils, goods and materials, machinery and apparatus, belonging or in any wise appertaining to such business;

(d) break up or cause to be broken up or removed any floor, wall, partition, ceiling, roof, door or other part of such building, place or premises, or any ground surrounding them, for the purpose of ascertaining whether there is any pipe, worm, still, conduit, tool, vessel, utensil, machinery or apparatus, or any stock, goods, commodity or article subject to excise, concealed or kept out of view;

(e) examine the worm of any still or other apparatus used by any distiller or bonded manufacturer, by causing the water to be drawn off from the worm-tub or refrigerator containing
containing such worm, at any time when, in the opinion of such officer, the doing so will not be prejudicial to the working of such still or other apparatus, or when he deems it necessary so to do for the prevention or detection of fraud;

(f) gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any fermenting-tun, mash-tub, cistern, kiln, worm, still, spirit-receiver, pipe, cock, vessel or apparatus, furnace door, machinery or utensil, or any goods, article or commodity subject to excise, and close, seal and secure all or any such worms, stills, fermenting-tuns, mash-tubs, furnace doors, kilns and utensils during the period when the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory is not at work;

(g) take, at any time that he is instructed by the collector or superior officer so to do, a sample or samples of any goods unmanufactured, or in process of manufacture, or manufactured, in the stock or possession of any person carrying on business subject to excise, paying for the same, if demanded, at the current wholesale price of such articles; except that samples of raw leaf-tobacco, stems, scraps, cuttings or other unmanufactured products of raw leaf tobacco, when taken for the purpose of ascertaining the moisture therein, shall be furnished by the manufacturer or other person free of cost. R.S., c. 34, s. 69.

86. If any officer of Inland Revenue, with any assistants acting under him and by his direction, after having demanded admittance into any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to excise, or into the premises of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer, or into any place or premises subject to excise, and having declared his name and business at the gate or entrance door, or at any window or door of any such distillery, malt-house, brewery, manufactory or place, or at the door, window or gate of any building or place forming part thereof, is not immediately admitted into such distillery, malt-house, brewery, manufactory or other premises, such officer and any persons acting in his aid, may at all times, as well by night as by day, break through any of the doors, windows or walls of such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises necessary to be broken open or through to enable him and them to enter the said distillery, malt-house, brewery, manufactory or other premises aforesaid: Provided that, if the breaking is done by night, it shall be in the presence of a constable, or other peace officer. R.S., c. 34, s. 70.

87. Any justice of the peace may grant to any collector or other officer of Inland Revenue, or any person acting under or by R.S., 1906.
Powers under.

Storage of goods seized.

Collector or officer may examine on oath in certain cases.

Power of officers under writs of assistance.

Entry and seizure.

Arrest of offender.

by the direction of such collector, on affidavit made before him, stating reasonable grounds to the satisfaction of such justice for the issuing thereof, a search warrant under which such collector, officer or person may, at any hour between sunrise and sunset, enter into and search any house, building or place mentioned in such search warrant, as being one in which it has been made to appear by affidavit that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, malt-floor or kiln, press, cutting-knife, mill or other vessel or implement is unlawfully in use or possession, or in respect of which the provisions of this Act are otherwise violated. R.S., c. 34, s. 71.

88. Any article or commodity seized as forfeited under this Act or any Act relating to Inland Revenue, may, at the option of the seizing officer, be kept or stored in the building or place where it was seized, until it is condemned or ordered to be restored to any claimant; and so long as such article or commodity is under seizure, the place or building in which it is so kept or stored shall be held to be in the sole custody of the officer of excise, or other person appointed for that purpose by the seizing officer or by any superior officer; or such article or commodity may, by direction of such seizing officer or superior officer, be removed to be kept in any other place. R.S., c. 34, s. 105.

89. If any person does or permits to be done, anything in or about any premises subject to excise, which, in the opinion of any officer of Inland Revenue, is intended, or likely to mislead such officer in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to excise, such person or any other person who is supposed to have any knowledge of the facts, may be examined on oath by any collector or other superior officer. R.S., c. 34, s. 73.

90. Under authority of a writ of assistance, any officer of Inland Revenue, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment, or by general regulation, may enter in the night time, if accompanied by a peace officer, and in the day time without being so accompanied, any building or other place within the jurisdiction of the court or judge granting such writ, and may search for, seize and secure any goods or things liable to forfeiture under this Act, and in case of necessity, may break open any entrance or other doors, walls, floors, windows or gates and any chests or other packages for that purpose.

2. Any officer of Inland Revenue, having a writ of assistance, may arrest and detain any person whom he detects in the commission of any act prohibited, or in the free exercise of any unlawful privilege.
commission of any offence declared by this Act to be an indictable offence.

3. Every person so arrested shall, as soon as possible thereafter, be brought before any court of record having jurisdiction in the premises, or before a judge or junior judge of a county court, or before a police or stipendiary magistrate or two justices of the peace.

4. If such prosecution is brought before a judge, or a junior judge, or a county court, or before a police or stipendiary magistrate, or before any two justices of the peace, no other justice shall sit or take part therein. R.S., c. 34, s. 75.

91. All justices of the peace, mayors, bailiffs, constables and all persons serving under His Majesty by commission, warrant or otherwise, and all other persons whosoever shall aid and assist, and they are hereby respectively required to aid and assist every officer of Inland Revenue in the due execution of any act or thing authorized, required or enjoined by this or any other Act. R.S., c. 34, s. 76.

Writs of Assistance.

92. The judge of the Exchequer Court of Canada, or any judge of any of the superior courts in any of the provinces 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 any superior officer, and such writ shall remain in force so long as any person named therein remains an officer of the Inland Revenue, 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 portion of the Northwest Territories formerly included within 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. 34, s. 74; 52 V., c. 15, s. 1.

93. A writ of assistance addressed to a collector or any superior officer shall have full force and effect in the hands of any officer to whom he delegates his authority for its execution. 60-61 V., c. 19, s. 1.

Protection of Officers.

94. No writ shall be sued out against, or any process served upon any officer of Inland Revenue for any thing done in the exercise of his duty as such officer, until one calendar month after notice in writing has been delivered to him, or left at his usual place of abode by the attorney, solicitor or agent of the person R.S., 1906.
person who intends to sue out such writ or process, in which notice shall be clearly and explicitly stated the cause of action, name and place of abode of the person who intends to bring such action, and the name and place of abode of the attorney, solicitor or agent.

2. No evidence of any cause of action shall be produced except of such as shall be stated in such notice; and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given; and in default of such proof, the defendant shall recover in such action a verdict or judgment and costs. R.S., c. 34, s. 77.

95. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the acts were committed.

2. The defendant may plead the general issue, and give the special matter in evidence.

3. If the plaintiff is non-suited, or discontinues the action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given. R.S., c. 34, s. 78.

96. Any such officer or person against whom any action is brought on account of any such seizure or entry, or of any thing done under the authority of this Act, may, within one calendar month after such notice, tender amends to the person complaining or his agent, and plead such tender in bar or answer to any action, together with other pleas or defences; and if the court or jury, as the case may be, find the amends sufficient a judgment or verdict shall be given for the defendant; and in such case, or in case the plaintiff is non-suited or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided that such defendant may, by leave of the court where such action is brought, at any time before issue is joined, pay money into court as in other actions. R.S., c. 34, s. 79.

97. If, in any such action, the court or judge before whom the action is tried certifies that the defendant or defendants in such action acted upon probable cause, the plaintiff in such action shall not be entitled to more than twenty cents damages, or to any costs of suit. R.S., c. 34, s. 80.

98. If any information or suit is brought to trial or determined on account of any seizure or entry made under this Act, and a verdict is found or decision or judgment is given for the claimant, and if the court or judge, before whom the cause has been tried, certifies that there was probable cause for such seizure
seizure or entry, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure or entry be liable to any action, indictment, or other suit or prosecution on account of such seizure or entry.

2. If any action, indictment, or other suit or prosecution is brought to trial against any person on account of such seizure or entry, wherein a verdict or judgment is given against the defendant, the plaintiff, if probable cause is certified as aforesaid, besides the thing seized, if a seizure, or the value thereof, shall not be entitled to more than twenty cents damages or to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents. R.S., c. 34, s. 81.

**Offences and Penalties.**

99. Every manufacturer who neglects or refuses to keep his license posted up in a conspicuous place in his manufactory, shall incur a penalty of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence. R.S., c. 34, s. 82.

100. (a) All grain, malt, raw tobacco, and other material in stock;
(b) All engines, machinery, utensils, worms, stills, mash-tubs, fermenting-tuns, tobacco presses or knives;
(c) All tools or materials suitable for the making of stills, worms, rectifying or similar apparatus; and,
(d) All spirits, malt, beer, tobacco, cigars and other manufactured articles;
which are at any time found in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises or place where anything is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out, shall be liable to be seized by any officer of Inland Revenue having a knowledge thereof, and to be forfeited to the Crown, and may either be destroyed when and where found, or removed to some place for safe-keeping, in the discretion of the seizing officer.

2. All horses, vehicles and other appliances which have been or are being used for the purpose of removing any spirits, malt, beer, tobacco, cigars, materials or apparatus used or to be used in the production of any article subject to excise, in violation of this Act, shall likewise be liable to be seized by any such officer and to be forfeited to the Crown, and may be dealt with in like manner. R.S., c. 34, s. 83.

101. Every distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer who works his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time for which he has working distillery, etc., without notice. R.S., 1906.
has not given to the collector at least six days' previous notice in writing of his intention to work the same, shall incur the same penalty and forfeiture as if he had worked the same without a license. R.S., c. 34, s. 27.

102. Every steam-engine, boiler, mill, still, worm, rectifying apparatus, fermenting-tun, mash-tub, cistern, couch-frame, machine, vessel, tub, cask, pipe or cock, with the contents thereof, and all stores or stocks of grain, spirits, malt, beer, tobacco, cigars, drugs or other materials or commodities which are in any premises or place subject to excise, shall be forfeited to the Crown, and be dealt with accordingly, if any fraud against the revenue is committed in any such place or premises, or if the owner of any such place, premises, apparatus, goods or commodities, his agent or any person employed by him, or any person having lawful possession or control of such place, premises, apparatus, goods, or commodities, is discovered in the act of committing, or is convicted of committing any act in or about such place or premises which is declared by this Act to be an indictable offence. R.S., c. 34, s. 84.

103. Every article or thing subject to duty under this Act, and on which the duty hereby imposed has not been paid at the proper time for paying the same, shall be seized by any officer of Inland Revenue, and shall be forfeited to the Crown and be dealt with accordingly. R.S., c. 34, s. 85.

104. Every person who puts into any package, barrel or cask which has been stamped, marked or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, is guilty of an indictable offence; and for a first offence shall incur a penalty not exceeding five hundred dollars, and not less than one hundred dollars, and for each subsequent offence a penalty of five hundred dollars; and shall, in addition, for any offence, be liable to imprisonment for a term not exceeding three months. R.S., c. 34, s. 86.

105. Every vendor of the contents of any package, barrel or cask, labelled, branded, marked or sealed, as required by this Act, who, so soon as the contents thereof have been removed, fails to obliterate or effectually deface such label, mark, brand or seal, and every person in whose possession any such package, barrel or cask, the contents of which have been removed and the label, mark, brand or seal on which has not been obliterated or defaced, is found, shall, for each such offence, incur a penalty not exceeding one hundred dollars, and the package, barrel or cask in respect of which the offence has been committed shall be forfeited to the Crown, and shall be dealt with accordingly. R.S., c. 34, s. 87.
106. Every person who, except as permitted by this Act, brings or causes or permits to be brought into any place licensed under this Act, belonging to him, or into any place in which any business subject to excise is carried on under his supervision or control, or in whose licensed premises there is at any time found, any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached or affixed to it, under any provision of this Act, any stamp, mark or brand, or a part of any stamp, mark or brand, as evidence that the duty to which the contents of such box, jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made, shall, for a first offence, incur a penalty not exceeding five hundred dollars, and not less than one hundred dollars, and for each subsequent offence a penalty of five hundred dollars; and all articles subject to excise on the premises at the time of the commission of such subsequent offence, shall be forfeited to the Crown and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 88.

107. Every person carrying on any business subject to excise, or having in his possession or on his premises, any machinery, tools, utensils, apparatus or appliances, suitable for carrying on any business subject to excise, who,—

(a) neglects, refuses or omits to make a true and correct return and entry at the time and in the manner required by this Act, or at any time when specially required so to do under the provisions hereof, of all workshops, apartments, utensils, tools, apparatus, machinery or appliances possessed, occupied or used by or for him, or existing in or introduced into or intended to be used in the premises wherein such business is or might be carried on; or,

(b) makes use of any still, worm, fermenting-tun, mash-tub, cistern, malt-kiln, malt-floor, tobacco-press, cutting-machine, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump or other appliance or apparatus, or permits any such to be used in his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or other premises subject to excise, which, or any of which, have not been known or reported to the proper officer previous to being so used, or for the use of which no license has been taken out, as herein required; or,

(c) makes any changes therein, or additions thereto without duly notifying the collector; or,

(d) makes, causes to be made, or permits to exist, any secret covert or unusual connection or communication between the several parts or compartments of the premises in which such business is carried on, other than as shown on the return or plan made thereof; or,

(e) ...
(e) allows any pipes, pumps, cocks, conduits, troughs or other means for conducting fluids or other matter from one part of such premises to another, or from one vessel to another, other than such as are clearly indicated and made known on the returns, models, diagrams or entries made of such premises or vessels, or other than have been made known to the collector, or other than are permitted to be used by this Act; or,

(f) permits any apparatus, utensils, vessels, pipes, store-rooms or compartments of such premises to be used or occupied otherwise than for the purpose for which they have been entered or returned; or,

(g) neglects or refuses to designate in the manner required by this Act, the contents or capacity of, and the purpose to which each vessel, utensil, apparatus, pipe, conduit, store-room, workshop or compartment of such premises, is respectively applied; or,

(h) refuses to admit the collector or other officer of Inland Revenue or his assistants to the premises or manufactory where any business subject to excise is carried on, at any hour of the day or night when such business is being carried on, or when any act or thing connected with the carrying on of such business is being performed therein; or,

(i) refuses to admit any officer of Inland Revenue to inspect any place or premises where any grain, stock, commodity, material, utensil or apparatus suitable for carrying on any business subject to excise is placed or deposited; or,

(j) does or causes or permits to be done, anything in or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to excise;

shall, for a first offence, incur a penalty of not exceeding five hundred dollars, and not less than one hundred dollars, and for each subsequent offence a penalty of five hundred dollars, and, for any offence, first or subsequent, a further penalty of one hundred dollars for each and every day upon which such offence has been committed. R.S., c. 34, s. 89.

108. Any person holding a license under this Act shall incur the same penalty as is by this Act prescribed for carrying on any business subject to excise without a license, if such person, at any time, having been required by any inspector of Inland Revenue, in the manner authorized by this Act, to make out and furnish with reference to the licensed premises a new list and description with such models, diagrams or drawings as are by this Act required in an application for a license, refuses to comply with such requisition. R.S., c. 34, s. 30.

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109.
109. Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, tobacco-press, cutting-machine, vessel, utensil, pipe, cock, pump, trough, conduit, cistern, couch-frame or apparatus, with all and every matter or thing which they contain, and the contents of every store-room, workshop, malthouse, kiln or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 90.

110. Every person who refuses or neglects to aid any officer of Inland Revenue in the execution of any act or duty required by this Act, is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars, and not less than fifty dollars, and to imprisonment for a term not exceeding six months and not less than three months. R.S., c. 34, s. 91.

111. Every person carrying on any business subject to excise, who fails or neglects, or allows any person acting for him or in his employ, to fail or neglect to keep stock books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by any departmental regulation in that behalf, or to make true and correct entries therein of all particulars required by this Act, or by the said regulations, to be entered in such books, and every person carrying on any business subject to excise who,—

(a) in any way alters or falsifies any such entries, or makes, or causes or allows to be made any untrue entry or entries in the said books; or,

(b) removes, or causes or permits the removal from the said books of any leaf or leaves or part of a leaf or leaves; or,

(c) defaces or erases, or causes or permits to be defaced or erased, any entry made therein; or,

(d) neglects or refuses to prepare and deliver any inventory or make any return or statement, or to give any information, or to render any accounts required by this Act; or,

(e) falsifies any such return, inventory, statement or account, or knowingly gives false information; or,

(f) neglects or refuses to produce any book, account, statement or return by this Act required to be kept, or any private books or accounts which are demanded for the inspection of any duly authorized officer of Inland Revenue, when required so to do during ordinary business hours;

shall, for a first offence, incur a penalty not exceeding three hundred dollars and not less than fifty dollars, and for each subsequent offence a penalty of five hundred dollars, together with penalty incurred.

Part II.  Inland Revenue. Chap. 51.
Articles in respect of which no return made.

Or return defaced.

Or false or fraudulent return.

Seizure and forfeiture.

112. (a) Every article or commodity, in respect of which any fraudulent, false, incorrect, or imperfect information, entry, return, inventory, account or statement has been made or given, or in respect of which any entry, return, account, inventory, statement or information has been in whole or in part neglected or refused to be made or given, or in respect of which any entry, return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed; and,

(b) All spirits, raw and manufactured tobacco, cigars, goods or materials, grain, beer, malt, hops, drugs, stock, machinery, utensils, tools, apparatus, articles or commodities, in respect of which any such fraudulent, false or imperfect entry, return, inventory, account or information has been made or given, or in respect of which any information, return, entry, inventory or account has been in whole or in part neglected, or omitted, or refused to be made or given, or in respect of which any entry, return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed, or which are found in the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, at the time when such false, fraudulent or imperfect information, entry, return, inventory, account or statement is discovered to have been made or given, or at the time when it is discovered that the giving of any information or the making of any return, inventory, entry, statement or account has been in whole or in part neglected, or at the time when it is discovered that any return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed; shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 92.

113. Except as by this Act otherwise provided, every person who uses, or causes or permits the using of any beams, scales, weights or measures in or about any distillery, malt-house, tobacco manufactory, cigar manufactory, brewery, bonded manufactory or other premises subject to excise, other than such as have been tested, inspected and approved by the proper officer of Inland Revenue as by this Act provided, shall, for every such offence, incur a penalty of one hundred dollars, and a further penalty of fifty dollars for each subsequent day upon which
which such use is continued; and such beams, scales, weights and measures shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 93.

114. Every person who opens or breaks any lock or seal, or other contrivance attached to any apparatus, vessel, pipe, trough, safe, closed spirit-receiver, meter, pump, cock, room, warehouse or other apartment used for the security of the revenue under this Act, or who unlawfully abstracts any spirits, malt, beer, tobacco or cigars, goods manufactured in bond, or materials for the manufacture thereof, from any place where they or any of them are retained under the supervision of any officer of Inland Revenue, or who counterfeits any label, stamp or seal provided for under this Act, or who in any way perforates any vessel or closed spirit-receiver used for containing any spirits on which the duties have not been paid, without the knowledge and consent of the collector, is guilty of an indictable Penalty. offence. R.S., c. 34, s. 94.

115. If any goods subject to excise are removed or in any way abstracted from any bonding warehouse authorized under this or any other Act, without due entries having been made and the duties paid as required by law, whether such removal or abstraction is effected with or without the knowledge or consent of the person holding the license for such warehouse, or of the owner of the goods abstracted, the person to whom the license for the warehouse was granted, and the owner of the goods shall, in addition to the duties of excise to which the goods abstracted were liable, incur a penalty equal in amount to the said duties.

2. All goods, articles or things remaining in the warehouse, when it is ascertained that any goods have been unlawfully abstracted, shall be liable for the duties to which the abstracted goods were subject and for the penalty aforesaid, and may be forthwith sold by order of the collector or other officer whose duty it then is to collect such duties of excise.

3. The proceeds of such sale shall be applied,—

(a) to the liquidation of the duties of excise to which the goods then in warehouse are subject;

(b) to the payment of the duties of excise to which the abstracted goods are subject;

(c) to the payment of the penalty hereby imposed.

4. If the persons who become liable to the penalty hereby imposed show, to the satisfaction of the Minister, that they were in no wise privy to the unlawful abstraction of such goods, or that the goods were stolen by some person or persons unknown to them, and that they have used all possible means for the detection and arrest of the criminal, the Governor in Council may remit such penalty upon payment of the duties to which such goods would otherwise have been liable. R.S., c. 34, s. 95.

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116. Any goods removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, licensed as herein provided, or from a warehouse before the duty thereon has been paid or secured by bond in the manner by law required, shall be seized and detained by any officer of excise having a knowledge of the fact, and shall be and remain forfeited to the Crown. R.S., c. 34, s. 47.

117. Any goods subject to excise duty under this Act, removed except under special departmental authority from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or from any bonding warehouse or other premises licensed, as herein provided, between the hours of six o'clock in the afternoon and seven o'clock in the following forenoon, shall be seized and detained by any officer of Inland Revenue having knowledge of the fact, and shall be and remain forfeited to the Crown. R.S., c. 34, s. 48.

118. If any goods subject to excise 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, are not duly carried and shipped or otherwise conveyed out of Canada, or are afterwards re-landed, sold or used in or brought into Canada without the permission of the proper officer of the Crown, such goods shall be forfeited to the Crown and may be seized by any officer of Inland Revenue and dealt with accordingly. 60-61 V., c. 19, s. 2.

119. Every person carrying on any business subject to excise who refuses or neglects,—

(a) to render such accounts, inventories, statements and returns as are by this Act required, and at the time by this Act prescribed; or,

(b) to pay over at the proper time the duties and license fees imposed by this Act; or,

(c) to pay over any penalty incurred, or deliver any article forfeited under this Act, for more than one month after such penalty has been incurred, or such forfeiture has taken place;

shall, by every such refusal or neglect, forfeit his license; and the collector shall thereupon cause a notice of such forfeiture to be forthwith inserted in the Canada Gazette, and from and after the insertion thereof, the license shall be null and void.

2. No new license shall be granted to such person, and no license shall be granted to any other person for carrying on any business in the premises occupied by the person so refusing or neglecting at the time of his failure to render true accounts, inventories, statements and returns, or to pay duties or penalties,

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ties, until he has complied with the provisions of this Act, nor until after such penalty or forfeiture has been satisfied. R.S., c. 34, s. 96.

120. Every person licensed under this Act who commences Unlawfully any operation, or uses any apparatus for which a notice is required to be given, before the time mentioned in such notice as that of such commencement or use, shall, for every such offence, incur a penalty of one hundred dollars. R.S., c. 34, Penalty. s. 97.

121. Every person who, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same, or of some competent authority, shall be deemed to have stolen such goods, vessel, carriage or other thing, being the property of His Majesty, and is guilty of theft and Penalty. liable to three years' imprisonment. R.S., c. 34, s. 100.

122. Every person who refuses or neglects to appear before any court, judge or any justice of the peace to give evidence, when summoned, concerning any alleged offence against the provisions of this Act, or who refuses or neglects to give evidence when required, before any officer herein authorized to examine such person, shall, for such refusal or neglect, incur a penalty of one hundred dollars. R.S., c. 34, s. 101.

123. Every person who violates any of the provisions of this Act, or who neglects any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall incur a penalty of two hundred dollars. R.S., c. 34, s. 102.

124. Whenever any person is convicted of any offence against this Act, for which a money penalty only is hereby provided, the court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, sentence the offender to be imprisoned for any term not exceeding two years. R.S., c. 34, s. 103.

Recovery of Duties and Penalties.

125. All duties of excise or license duties or fees payable Although no under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, beer, tobacco, cigars, drugs, or other goods or commodities, has or has not been rendered as by this Act R.S., 1906.
Act required, or whether a true return of the utensils, tools and apparatus on which such duties or license fees are payable has or has not been made as by this Act required.

2. All such duties and license fees shall be recoverable with full costs of suit as a debt due to His Majesty, in any court of competent jurisdiction. R.S., c. 34, s. 104.

126. In case of the seizure of any article, the Department may authorize the collector for the division in which the seizure has been made, or any superior officer, to sell the same, as if it had been condemned, within such delay as to prevent its becoming deteriorated in value, or a part of the value being consumed by reason of the expense of keeping or the decay or waste of the same, and to keep in his hands the proceeds of such sale until the article has been condemned, or deemed to be condemned, or ordered to be restored to any claimant; in which last mentioned case, the court before which the claim is heard shall order the collector to pay over to the claimant the proceeds of such sale in lieu of awarding restitution: Provided that the Department may authorize the collector or superior officer aforesaid to deliver up to any claimant any such article so seized as aforesaid, upon such claimant depositing in the hands of the collector or superior officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such collector or superior officer that the value of such seizure and all costs shall be paid to the use of His Majesty, if such article is condemned. R.S., c. 34, s. 105.

127. The burden of proof that the duties of excise have been paid and all the other requirements of this Act complied with as regards any article of any kind subject to duty under this Act, shall lie upon the person in whose possession the goods or articles liable to duty may, at any time, have been before such duties were proved to have been paid, or whose duty it was to pay such duties and to comply with such requirements. R.S., c. 34, s. 106.

128. The grain, malt, beer, tobacco, cigars, or other materials or stock in trade, from which any goods subject to excise are or could be wholly or in part made, stills, mash-tubs, vats, fermenting-tuns, engines, water-wheels, tables, presses and other machinery, implements, articles and utensils, used or capable of being used for making, manufacturing or producing any such goods or preparing any materials therefor, or by means of which any trade, business or employment subject to excise is or has been or might be carried on, and whether so fixed as to form part of the real or immovable property or not, which are on the premises mentioned in the license or in the custody or possession of the person carrying on such trade or business, or in the custody or possession of any factor, agent or other person in trust for or for the use of such person, at the time when
any duties become due or any penalty or forfeiture is incurred under this Act, shall be liable for such duties and for any such penalty or forfeiture incurred by the distiller, brewer, maltster, tobacco manufacturer, cigar manufacturer or bonded manufacturer, or other person carrying on business subject to excise, on whose premises or in custody or possession of whom or of whose factor, or agent, or trustee as aforesaid they are, and may be seized and sold in satisfaction of such duty, penalty or forfeiture, under any warrant of distress or writ of execution, or other process for the recovery thereof, and may be removed by the purchaser.

2. Notwithstanding anything in this section contained all claims of the Crown, whether preferential or privileged, or not, upon any other property of the debtor, or offender, or his sureties, for any such duties, penalties or forfeitures are hereby preserved. R.S., c. 34, s. 109.

129. So soon as an information has been filed in any court for the condemnation of any goods or thing seized under this Act, notice thereof shall be posted up in the office of the registrar, clerk or prothonotary of the court, and also in the office of the collector or chief officer in the Inland Revenue division wherein the goods have been seized or thing has been seized as aforesaid.

2. If the owner or person claiming the goods or thing presents a claim to the same and gives security and complies with all the requirements of this Act in that behalf, the said court, at its sitting next after the said notice has been so posted during one month, may hear and determine any claim which has been duly made and filed in the meantime, and release or condemn such goods or thing, as the case requires; otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof.

3. No claim on behalf of any person who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless made within one week after the posting thereof; nor shall any claim be admitted unless notice thereof has been given in writing to the collector or superior officer within one month from such seizure. R.S., c. 34, s. 110.

130. All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, within one month from the day of seizure, gives notice in writing to the seizing officer, the collector in the Inland Revenue division in which such goods were seized, or superior officer, that he claims or intends to claim the same.
2. The collector at the place where the seized articles are secured, or any superior officer, may order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such collector or superior officer, for double the value in case of condonation.

3. If such seized articles are condemned, the value thereof shall be forthwith paid to the collector and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered.

4. Such bond shall be taken to His Majesty's use in the name of the collector or superior officer, and shall be delivered to and kept by such collector or superior officer. R.S., c. 34, s. 111.

131. The payment of any penalty or forfeiture incurred under this Act shall not discharge the person paying the same from the obligation to pay all duties due by such person, and the same shall be paid and may be recovered as if such penalty had not been paid or incurred. R.S., c. 34, s. 112.

132. Every penalty or forfeiture incurred for any offence against the provisions of this Act or any other law relating to excise, may be sued for and recovered or may be enforced,—

(a) before the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or,

(b) if the amount or value of such penalty or forfeiture does not exceed five hundred dollars, whether the offence in respect of which it has been incurred is declared by this Act to be an indictable offence or not, by summary conviction, under Part XV. of the Criminal Code, before a judge of a county court, or before a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process.

2. Any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of the court, judge, magistrate or justices having cognizance of the case; or the said court, judge, magistrate or justices may, in its or their discretion, commit the offender to the common gaol for the period of six months, unless the penalty and costs, including those of conveying the offender to such gaol and stated in the warrant of committal, are sooner paid. R.S., c. 34, s. 113.

133. Any term of imprisonment imposed for any offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered,—

(a) by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or,

(b) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment which may be
be adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, by summary conviction under Part XV. of the Criminal Code, by a judge of a county court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process. R.S., c. 34, s. 113.

134. If any prosecution in respect of an offence against any provision of this Act is brought before a judge of a county court, or before a police or stipendiary magistrate, or before any two justices of the peace, no other justice of the peace shall sit or take part therein: Provided, however, that in any city or district in which there are more than one judge of a county court, or more than one police or stipendiary magistrate, such prosecution may be tried before any one of such judges or police or stipendiary magistrates. 54-55 V., c. 46, s. 2.

135. Any information or complaint with respect to any offence against the provisions of this Act or any other law relating to the Inland Revenue, may, whenever the prosecution, suit or proceeding is instituted under Part XV. of the Criminal Code, be laid or made within two years of the time when the matter of the information or complaint arose. 60-61 V., c. 19, s. 3.

136. If any article or thing is voluntarily given up or abandoned by the owner to any collector or superior officer, as forfeited under this Act, or if any sum of money is voluntarily paid to any such collector or officer as the amount of a penalty incurred under this Act, such article or thing may be dealt with as if lawfully condemned, and such sum of money as if lawfully recovered. R.S., c. 34, s. 117.

137. If in any case it appears to the Department that a seizure has been made through an error in judgment by an officer of Inland Revenue, and that the retention of such seized property would result unfairly in pecuniary loss to the person from whom such property was seized, such seizure may be released by the Minister, or in his absence, by the Deputy Minister of Inland Revenue, without reference of the matter to the Governor in Council. R.S., c. 34, s. 118.

Appropriation of Penalties and Forfeitures.

138. All forfeitures and penalties under this Act, after deducting the expenses in connection therewith, shall, unless it is otherwise expressly provided, belong to His Majesty for the public uses of Canada: Provided that,—

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(a) R.S., 1906.
Division among persons seizing.

(a) the net proceeds of any penalty or forfeiture imposed or made in respect of persons licensed under this Act, or any portion thereof, may be divided between and paid to any officer of Inland Revenue holding a rank not higher than that of special exciseman, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty; and,

(b) the net proceeds of any penalty or forfeiture imposed or made in respect of persons not licensed under this Act, or any portion thereof may be divided between and paid to an officer of Inland Revenue by whom the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty;

and such division and payment may in such cases be made 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 by this Act or any other law with regard to the remission of penalties or forfeitures. 57-58 V., c. 35, s. 1.

139. All sums of money paid or recovered for any penalty or forfeiture under this Act, or any part thereof, belonging to His Majesty, shall be paid to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 34, s. 116.

Regulations.

140. The Governor in Council may make such regulations for the warehousing and for the ex-warehousing, either for consumption, for removal, for exportation, or otherwise, of goods subject to a duty of excise, and for giving effect to any of the provisions of this Act, and declaring the true intent thereof in any case of doubt as to him seems meet. R.S., c. 34, s. 119.

141. The Department may, under regulations made for that purpose, allow on the exportation of goods which have been manufactured from articles subject to a duty of excise, and on which such duty of excise has been paid, a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations, and subject to the direction of the Governor in Council. 57-58 V., c. 35, s. 2.

142. All regulations made under this Act, whether made by the Governor in Council or departmental, shall have the force of law, and any violation of any such regulation shall subject the holder of a license under this Act, or any other person in the
the said regulations mentioned, to such penalty or forfeiture as is, by the said regulations, imposed for such violation; and the same shall be enforced in like manner as other penalties and forfeitures imposed by this Act. R.S., c. 34, s. 120.

PART III.

DISTILLERIES.

Interpretation.

143. The provisions of this Part are to be construed as Additional additional or supplemental to the provisions of Parts I. and II. of this Act applicable to distilleries and their products. R.S., c. 34, ss. 122, 128, 145, 147 and 158; 51 V., c. 16, s. 4.

Licenses.

144. A license to carry on the business or trade of a distiller may be granted to any person who has complied with the other requirements of this Act, if the granting of such license has been approved by the district inspector, and such person has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty, in a sum equal to the amount at which the collector or superior officer estimates the duties to accrue on the products of the distillery for which the license is to be granted, when worked to its full capacity during one month of the time for which the license is to remain in force, plus such further amount as the collector deems sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue, which further amount shall be determined by such means as the Department prescribes, the person obtaining the license and the guarantee company both being bound in the full amount of such estimates.

2. Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the person to whom the license is to be granted becomes liable to render or pay under this Act, and that such person will faithfully comply with all the requirements of this Act, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 7.

145. A license to carry on the trade or business of a rectifier may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and such person has jointly with R.S., 1906.
with a guarantee company, approved by the Department, entered into a bond to His Majesty, in the sum of four thousand dollars.

2. Such bond shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 7.

146. A license to import or make (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and such person has, jointly with a guarantee company approved by the Department, entered into a bond to His Majesty, in the sum of one thousand dollars.

2. Such bond shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 7.

147. An application for a license to have in possession and use the chemical stills mentioned in such application, shall contain a full and exact description of such stills, and of the capacity of each, and also of the purposes to which they are to be applied, and of the place wherein they are to be used. 4-5 E. VII., c. 17, s. 7.

148. A license to possess and use chemical stills within the limits of a city, town or village, or within one mile thereof, may be granted to any manufacturing chemist or druggist who has complied with the provisions of this Act, if,—

(a) the granting of such license has been approved by the district inspector and authorized by the Department, and all the apparatus connected therewith are so made and arranged, and the whole so situated, as regards the nature of the building in which it is placed and the location of such building, as to all which the Department shall be the sole judge, that such stills and apparatus may be kept under such supervision by an excise officer as will prevent their fraudulent use; and,

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(b) such person shall, before such license is issued, jointly with a guarantee company, approved by the Department, enter into a bond to His Majesty, in such sum as, in each case or class of cases, is decided by the Governor in Council.

2. Such bond shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the person to whom the license is granted becomes liable to render or pay under the provisions of this Act, and that such person will comply with the requirements thereof, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 7.

**License Fees.**

149. The person in whose favour a license is granted for distilling and rectifying, or for either, by any process, shall, upon receiving such license, pay to the collector the sum of two hundred and fifty dollars. R.S., c. 34, s. 124.

150. The person in whose favour a license is granted to have and use any chemical still or stills mentioned in his application for a license, shall, upon receiving such license, pay to the collector the sum of twenty-five dollars: Provided that a chemist or druggist using a chemical still of a capacity not exceeding three gallons, may, upon registering the said still at the office of the collector of the division in which it is situated, be permitted to use the same without payment of license fee or the giving of bonds; but the possession of any such still without registration shall be deemed a having in possession of a still contrary to the provisions of this Act. R.S., c. 34, s. 125.

151. Every person who, not being licensed as a distiller, applies for a license to import or manufacture stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, shall, when applying for such license, pay to the collector the sum of twenty dollars. R.S., c. 34, s. 126. §20.

**Importation and manufacture of Apparatus.**

152. Every person who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, shall, before the importation or making thereof is commenced, report in writing to the nearest officer of Inland Revenue, his intention in relation thereto, stating the number of stills, worms, rectifying or other apparatus or part thereof, suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing, with reference to each,—

(a) the capacity of the apparatus or part thereof;

(b) the name and residence of the person for whom such apparatus or part thereof is to be imported or made;

(c) R.S., 1906.
(c) the time at which every such apparatus or part thereof is to be imported or made;
(d) the date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;
(e) the material of which such apparatus is or is to be made.
R.S., c. 34, s. 127.

Books, Accounts and Papers.

153. Every person licensed as a distiller shall keep a book or books, in a form to be furnished, from time to time, by the Department, which books shall be open at all reasonable hours to the inspection of the collector or other officer, and wherein such distiller shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

(a) the quantity of grain and other raw material brought into or removed from his distillery premises;
(b) the date and hour upon which the operations to be carried on in his distillery, and of which notice is required by any departmental regulation, are to be commenced;
(c) the quantities of grain or other vegetable production or other substance, put by him into the mash-tub, or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits;
(d) the quantity of beer or wash fermented or made by him or in his distillery;
(e) the quantity of spirits distilled, manufactured or made by him or removed or brought into his distillery premises;
(f) the hours during which his stills are worked on each day;
(g) the quantity of spirits entered for warehouse and ex-warehouse. R.S., c. 34, s. 129.

Duties of Excise.

154. There shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the collector, as herein provided, that is to say:—

(a) When the material used in the manufacture thereof consists of not less than ninety per centum, by weight, of raw or unmalted grain, or when manufactured from sugar, syrup, molasses or other saccharine matter not otherwise provided for, on every gallon of the strength of proof by Sykes' hydrometer, one dollar and ninety cents, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon;
(b) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs
customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the Department prescribes, with malted barley taken to the distillery in bond and on which no duty of Customs or of excise has been paid, on every gallon of the strength of proof by Sykes' hydrometer, one dollar and ninety-two cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon;

(c) When manufactured exclusively from molasses, syrup, sugar or other saccharine matter, taken to the distillery in bond and on which no duty of customs has been paid, on every gallon of the strength of proof by Sykes' hydrometer, one dollar and ninety-three cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon. 60-61 V., c. 19, s. 4; 61 V., c. 28, s. 3; 4 E. VII., c. 18, s. 2.

155. The duty upon spirits shall be charged and computed as follows:—

(a) Upon the grain used for its production at the rate of one gallon of proof spirits for every twenty and four-tenths pounds, or, in a distillery where malt only is used, upon the malt used for its production at the rate of one gallon of proof spirits for every twenty-four pounds;

(b) Upon the quantity of beer or wash, fermented or made in the distillery, at the rate of one gallon of proof spirits for every fourteen gallons of beer or wash;

(c) Upon the quantity of beer or wash fermented or made, in proportion to its alcoholic value;

(d) Upon the quantity of spirits which passes from the tail of the first worm in which it is condensed into the closed spirit-receivers, subject to the following abatements,—

(i) as to all transactions subsequent to the first day of July, one thousand nine hundred and two, an abatement not exceeding three per centum in distilleries using grain, and four per centum in distilleries using molasses or other saccharine matter only, for such quantity of fusel-oil or other refuse as is separated therefrom by a second process of distillation, the quantity so allowed in abatement being determined and destroyed in the presence of an officer of excise or otherwise accounted for in accordance with such regulations as are approved by the Governor in Council;

(ii) in the case of spirits which are not removed from the distiller's premises within two years of the date when warehoused, an abatement for shrinkage by evaporation while maturing, which shall not exceed six per centum for the first year, four per centum for the second year, three per centum for the third year, and two per centum for each succeeding year up to seven per centum.

Duty, how computed.

Various methods.
seven years in all, after which no further abatement for shrinkage shall be allowed; but no such abatement shall be allowed unless the distiller has complied with all regulations made by the Governor in Council in relation to such abatement, nor unless the spirits have been kept in wood or in ventilated tanks approved by the Governor in Council, during the whole period for which the abatement is claimed; and every such abatement shall be made in respect of each specific package or tank, and shall in no case exceed the actual deficiency found to exist in the package or tank;

(e) Upon the quantity of spirits sold or removed from any distillery by the distiller, or by his agent or for his account; and that method of computation which yields the greatest amount of revenue, shall, in all cases, be the one upon which the distiller shall pay the duty.

2. When any distiller is about to use damaged grain or mill offal, and gives the collector one week’s notice of his intention so to do, such officer as is instructed for that purpose by the collector shall specially inspect the beer or wash made from such damaged grain or mill offal, and test its alcoholic value and the quantity of such material which it contains; and if he reports that the yield of such damaged grain or mill offal is less than one gallon of proof spirits to twenty and four-tenths pounds, the Minister may authorize the assessment of the duty on the highest quantity ascertained by any of the other methods, without reference to the quantity of damaged grain or mill offal used by the distiller. R.S., c. 34, s. 131; 51 V., c. 16, ss. 2 and 5; 62-63 V., c. 24, s. 2; 3 E. VII., c. 26, s. 3.

156. For the purpose of computing the duty by the methods prescribed in the next preceding section,—

(a) the quantity of grain shall be the quantity actually weighed into the mash-tubs and recorded in the books kept under the requirements of this Act; except that whenever there appears to be cause to doubt the correctness of the quantity so entered on the said books, an inquiry may be made by any inspecting officer of Inland Revenue, who may swear and examine witnesses under oath, and inquire as to the quantity of grain taken to the distillery in which such books are kept, and as to the quantity of grain removed therefrom, and generally into the matters referred to, and shall determine, as nearly as may be, the actual quantity of grain consumed in the distillery; and the duty may be assessed and levied on the quantity of grain so determined, in the proportion of one gallon of proof spirits to every twenty and four-tenths pounds of grain;

(b) the quantity of beer or wash fermented or made in the distillery shall be determined by the distiller, or as often
often as is directed by any departmental regulation in that behalf, by an officer of Inland Revenue, who shall gauge the quantity in the fermenting-tuns at the time when the fermentation has been completed, or when the beer is in a fit state for distillation; and the quantities so determined shall be recorded by the distiller in a register of fermentation, under such regulations as the Department orders; except that whenever there appears to be cause to doubt the correctness of the quantity entered in the said register of fermentation, an inquiry may be made by any inspecting officer of Inland Revenue in the manner hereinbefore provided, as to the capacity of the fermenting-tuns used in the distillery, the frequency with which they have been used, and the quantity of beer or wash, from time to time, fermented therein; and the duty may be assessed and collected in the proportion of one gallon of proof spirits for every fourteen gallons of beer or wash determined by such inspecting officer, after such inquiry, to have been fermented in the distillery;

(c) the alcoholic value of any beer or wash made in any distillery may be determined by any inspecting officer of Inland Revenue or by any collector or other officer of Inland Revenue authorized thereto, who, as often as he deems necessary, but not more frequently than once in each day, may take out of any beer or wash then in the distillery a quantity not exceeding twenty-eight gallons, as a sample, which he may distil or cause to be distilled, for the purpose of any computation under this Act, and he may calculate the value or strength of the beer or wash used in that distillery according to the result ascertained from the sample so taken; or,

he may, at any time, test the strength of any beer or wash then in the distillery by its attenuation or by running a portion thereof, not exceeding the contents of any one fermenting-tun, through the stills, in the ordinary course of working such distillery, and may require the ordinary operatives of such distillery to do the work, or may introduce other operatives into the distillery for that purpose; and for the purpose of any such computation as aforesaid, he may calculate the alcoholic value or strength of the beer or wash used in that distillery according to the result ascertained from the portion of such beer or wash so distilled; and the alcoholic value of the beer or wash, as determined by either of the above methods, may be applied to or used in the computation and charge of duty on the beer or wash made in that distillery;

(d) the quantity of spirits which passes from the tail of the first worm into the closed spirit-receivers shall be ascertained and determined by weighing the quantity and testing the contents thereof.  

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ing the strength thereof at such time and place and in such manner as the Department establishes by regulation;

\(e\) the quantity of spirits sold or removed from any distillery by the distiller shall be the quantity recorded in the distillery stock books kept under the provisions of this Act; but whenever any inspector of Inland Revenue has cause to doubt the correctness of the quantity so recorded, he may inquire, or cause an inquiry to be made, in the manner hereinbefore provided, as to the quantity of spirits sold by the distiller or by his agent, or for his account, and as to the quantity removed from the distillery by any agency or vehicle whatsoever, and also as to the quantity of duty-paid spirits brought into the distillery; and for the purpose of such inquiry, all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence of the sale or removal by him from his distillery of the quantity therein specified, and the evidence on oath of any railway clerk; station-master or agent, or of any warehouseman or common carrier or shipping agent, as to the truth of the accounts kept by him of shipments or removals of spirits by any distiller, shall be sufficient evidence of the truth of such accounts; and the evidence on oath of any person who has purchased any spirits from a distiller or from his agent, shall be taken as evidence that the spirits so bought were manufactured at the distillery of the distiller selling the same, unless the contrary is shown; and all packages of spirits not otherwise described in the accounts or shipping notes or bills of lading relating thereto, or proved to contain some greater or less quantity, shall be reckoned as puncheons containing each one hundred and fifty gallons of proof spirits; and the difference between the quantity shown by such inquiry to have been sold by the distiller or removed from his distillery, and the quantity of duty-paid spirits brought into the distillery, shall be held to be the quantity liable to duty under this Act.

2. The inquiries of any inspecting officer or collector, as in this section authorized, may be made for any period not more than one year before the time when the inquiry is commenced; and if it is found that during the said period the returns have been made for, and the duty charged on a less quantity of spirits than is ascertained and determined by the result of such inquiry, the additional duty then determined shall become due and payable within five days after the distiller has been notified of the result of such inquiry; and the payment of such additional duty shall be enforced in the same manner, and under the same conditions and penalties as the payment of the duty mentioned in the monthly returns in respect of other matters subject to excise as in this Act provided.

3. If the determination of the officer is disputed, the burden of proof of the error or wrong shall rest with the person alleging it. R.S., c. 34, s. 132; 4-5 E. VII., c. 17, s. 8.

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Supervision.

157. On or before the tenth day of July in each fiscal year, the capacity of all spirit-receivers, fermenting-tuns, mash-tubs, coolers and other vessels used in or about distilleries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the officer of excise determines or directs; and a correct list thereof shall be made out by the distiller, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel; and the said list shall be attested by the signature of the distiller, and shall be subject to the verification and approval of the officer of excise under whose supervision the gauging or measurement was made.

2. Every such list when signed by the officer in testimony of such approval, shall be admissible as evidence.

3. Every such list may, at any time, be revised by any superior officer, and if any errors are found therein, he shall cause the necessary corrections to be made in such list by the distiller. R.S., c. 34, s. 133.

158. One counterpart of such list shall be kept on record at the distillery, another at the Department, and the third shall be retained by the collector within whose district or division the distillery is situated. R.S., c. 34, s. 133.

159. (a) The spirit-receiver, doubler, low wines receiver, faints receiver, the safe or apparatus inclosing the tail of the worm or still; and,

(b) Every pump used for removing any spirit, wash or other matter to or from any vessel, or from one vessel to another, and every lock, pipe, valve, duct, conduit, cock or connection used for securing, leading to or from, or between, or for giving access to any of the vessels herein mentioned or referred to; and,

(c) Every valve, pipe, cock, gauge, pump, lock or other apparatus, utensil, appliance or arrangement for securing, gauging, ascertaining; testing or proving the quantity or strength of any spirit, wash or worts, manufactured or distilled, or for preventing the undue abstraction of any such spirits, wash or worts;

shall be constructed, arranged and applied at the cost of the distiller, in accordance with such plans, designs, drawings and regulations, and of such materials as are, from time to time, approved by the Department.

2. Every pipe, trough or conduit used for the conveyance of spirits, shall be painted or coloured a light blue.

3. Every pipe, trough or conduit used for the conveyance of water, shall be painted or coloured white.

4. Every pipe, trough or conduit used for the conveyance of beer or wash, shall be painted or coloured red. R.S., c. 34, s. 134.

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160. On every cask or barrel used in a distillery, or for keeping or delivering out any spirits, there shall, at all times, be legibly cut, branded or painted in oil colours, on one head the name of the distiller, and on the other head such marks, numbers and other information as are required by any departmental regulation in that behalf. R.S., c. 34, s. 135.

161. The tail of every worm in every distillery shall be inclosed in a locked or sealed safe, or other suitable apparatus, in which the strength of the spirits and low wines flowing from the worm may be approximately ascertained by the inspection of the hydrometer or other suitable instruments contained therein.

2. Every such safe shall be constructed in such manner and secured by such means and by such mechanism as are approved by the Department.

3. From the said closed safe or apparatus all low wines, fains and spirits, from time to time running from the end of the worm, shall be conveyed to the doubler or closed spirit-receiver, as the case may be, through suitable pipes of such metal as required by departmental regulations, visible throughout the whole of their length, with stop cocks and other appliances so arranged that the liquid may be conveyed either to the doubler or to the receiver: but so that no portion of the liquid can be abstracted or diverted from the closed spirit-receiver or doubler without the knowledge and consent of the proper officer. R.S., c. 34, s. 136.

162. In distilleries where the weekly production of spirits is not over six thousand gallons, two closed spirit-receivers shall be provided, each of which shall have sufficient capacity to contain at least one week’s production of spirits.

2. In distilleries where the weekly production of spirits exceeds six thousand gallons, there shall also be two closed spirit-receivers, each of which shall have sufficient capacity to contain at least one day’s production.

3. The quantities of spirits produced shall be ascertained by the officer of excise in charge of the distillery under such regulations as may be established by the Department. R.S., c. 34, s. 137; 4-5 E. VII., c. 17, s. 10.

163. The spirit which passes from the tail of the worm to the closed spirit-receiver shall not be removed from the closed spirit-receiver except for the purpose of ascertaining the quantity and strength thereof as provided by this Act. 4-5 E. VII., c. 17, s. 11.

164. The closed spirit-receiver shall be a closed vessel, and all pipes, cocks or valves communicating therewith, as well as all means of access thereto, shall be securely locked or sealed, and
and the key or keys shall remain in the sole possession of the collector or other proper officer. R.S., c. 34, s. 130.

165. No vessel shall be used as a closed spirit-receiver, high wine-tub, low wine-tub or doubler, in which there has been bored or made any perforation or aperture other than those necessary for its lawful use; and if, at any time, it is discovered that any perforation, aperture or hole has been made in such closed spirit-receiver, high wine-tub, low wine-tub or doubler, or that any such exists therein, although it has been stopped or plugged, the existence of such perforation, aperture or hole, plugged or unplugged, shall be evidence that it has been unlawfully made and used. R.S., c. 34, s. 140.

166. Around, above and below every closed spirit-receiver and every apparatus used for gauging or testing the strength of spirits, and every safe or apparatus used for inclosing or guarding the tail of the worm, and around and above every fermenting-tun, still charger, beer pump or spirit pump, there shall be sufficient space to admit of a full and careful examination of every such vessel or apparatus, with the contents thereof, and there shall be sufficient light for the purpose of such inspection.

2. The beer reservoir in every distillery shall be so placed that it and every pipe, trough, hose or conduit leading into or from it may be fully seen and examined; and no pipes, troughs, conduits or hose for the passage of any water, spirits, wash or other liquid, shall be placed near to any such beer reservoir, or so that any fluid whatever can be run into it, except with the knowledge of the officer in charge.

3. Any failure to comply with the requirements or provisions of this section, after one month's notice has been given of such default, shall be sufficient cause for cancelling any license granted to the distiller so in default; and no further license shall be granted to any person for distilling within the premises wherein such default has occurred, until all the requirements of this and the preceding sections have been fully complied with. 4-5 E. VII., c. 17, s. 12.

167. In every distillery which is not working, all the worms, still-heads, closed spirit-receivers and doublers, with all pipes and cocks leading to or connecting with the same shall be closed and locked or sealed in such manner as the collector or the inspecting officer requires or directs; and the absence from any closed spirit-receiver, still-head, worm, doubler or cock, of the locks or seals herein required, shall subject the distiller in whose distillery the default has occurred, to the same penalties as he would be liable to for working without a license; Provided that whenever it becomes necessary to execute any repairs to any of the apparatus herein mentioned, the locks and seals may be removed by a proper officer of

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Inland Revenue, to such extent as is actually necessary for the performance of such repairs, and during the period they are actually in progress. R.S., c. 34, s. 142.

168. All safes, meters, locks or seals which are required to be used under this Act or under any departmental regulation or order in council made under this Act, may be supplied by the Department, under such departmental regulations as are adopted in that behalf; but the cost thereof shall be borne and discharged by the distiller for whose premises or utensils they are provided. R.S., c. 34, s. 143.

169. In distilleries where a doubler is used or where a portion of the products of the still, commonly called low wines or faints, are passed over for redistillation, the vessels and pipes used in that process shall be locked or sealed and shall receive the low wines from the safe or apparatus which incloses the tail of the worm, through suitable metal pipes, cocks or valves properly secured by locks or seals, so as to prevent the running or removal of any liquid therefrom, except with the knowledge and concurrence of the proper officer. R.S., c. 34, s. 144.

Returns.

170. Every person carrying on business as a distiller shall render to the collector or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

(a) the quantity of spirits produced according to each weight and test taken during the preceding month, with the strength thereof, and, in a separate column, the equivalent quantity of spirits of the strength of proof;

(b) the quantity of grain, malt, spirits, beer or wash, or other commodity brought into the distillery during the preceding month;

(c) the quantity of each kind of grain or other commodity or substance used in the distillery, in the manufacturing of spirits during the preceding month;

(d) the quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distillation during the preceding month;

(e) the quantity of spirits sold or removed from the distillery during the preceding month;

(f) the number and denomination of packages, and the aggregate quantity in each lot of spirits received into the distillery during the preceding month, other than that manufactured therein;

(g) the quantity of beer or wash made and set to ferment on each day of the preceding month;

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(h) the quantity of beer or wash fermented and distilled on each day of the preceding month;

(i) the quantity of spirits entered for warehouse and ex-warehouse. R.S., c. 34, s. 146; 51 V., c. 16, s. 3; 4-5 E. VII., c. 17, s. 13.

Bonding and Warehousing.

171. All spirits produced in a distillery shall be warehoused in accordance with departmental regulations made in that behalf.

2. No less quantity than one hundred gallons of proof spirits shall be entered for warehouse by one entry.

3. Except for export, no less quantity than thirty gallons of proof spirits or the contents of one barrel shall be ex-warehoused by one entry.

4. No spirits subject to excise which have not been warehoused for at least two years shall be entered for consumption.

5. Spirits may, under regulations made by the Department, be removed in bond at any date after being warehoused, from any duly licensed distillery to the premises of any duly licensed bonded manufacturer for manufacturing purposes only, but not for sale. R.S., c. 34, s. 148; 51 V., c. 16, s. 5; 60-61 V., c. 19, s. 5.

172. Molasses imported into Canada may be removed in bond, without the payment of duties of Customs thereon, into a licensed distillery, and there used in the manufacture of spirits, subject to regulations made by the Governor in Council under this or any Act respecting the Inland Revenue.

2. When the collector or other proper officer of excise certifies that the molasses has been so used, the bonds given in that behalf shall be cancelled.

3. The Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits which shall be held to be equivalent to any assigned weight of molasses. R.S., c. 34, s. 149.

173. All casks of spirits shall be arranged and stowed in the warehouse so that access may be easily had to each cask, and so that the marks and numbers thereon may be conveniently read or ascertained. R.S., c. 34, s. 150.

174. The duty paid on spirits taken out of warehouse for consumption, or which have gone directly into consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such spirits out of Canada, unless when specially permitted by some regulation made by the Governor in Council in that behalf. R.S., c. 34, s. 151.

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175. The Governor in Council may make such regulations as to him seem necessary for allowing the bottling of spirits in bond, at the distillery where the spirits were manufactured, and for their removal therefrom after being so bottled.

2. Subject to the provisions of the Trade Mark and Design Act, no person shall attach to any bottle, flask or other package of spirits any label, stamp or other device containing any statement or information other than the name of such spirits and the name of the bottler and his place of residence, unless the form and wording thereof have first been approved by the Department. R.S., c. 34, s. 152; 55-56 V., c. 22, s. 2.

**Drawback on Exportation.**

176. Every distiller who exports any spirits in the production whereof any malt is used, upon which any duty of excise has been paid, shall, upon the production of due proof of such use and payment of duty, be entitled to a drawback equal to the excise duty paid on the malt used in the production of the spirits so exported, and the amount of such drawback shall be determined in such manner as is directed by any departmental regulation in that behalf. 53 V., c. 23, s. 4.

**Permits.**

177. No spirits shall be removed from any distillery, or from any warehouse in which they have been bonded or stored, until a permit for such removal has been granted in such form and by such authority as the Governor in Council, from time to time, directs and determines. R.S., c. 34, s. 155.

178. Any officer of Inland Revenue or Customs, or any constable or peace officer, having general authority therefor from any superior officer, may stop and detain any person or vehicle carrying packages of any kind supposed by him to contain spirits, and may examine such packages, and require the production of a permit authorizing the removal thereof.

2. If such permit is produced, the officer shall endorse the time and place of examination thereon.

3. If no such permit is produced, then if such packages are found to contain spirits, and if the quantity thereof is greater than five gallons, and such officer has cause to believe that they have been unlawfully removed, such packages may, with their contents, be detained until evidence to the satisfaction of such officer is adduced that such spirits were being lawfully removed, and that the duty thereon had been paid. R.S., c. 34, s. 156.

179. No spirits shall be removed from a distillery at any time in casks or packages containing less than ten standard gallons each. 61 V., c. 27, s. 2.
Offences and Penalties.

180. Every person who without having a license under this Act, then in force,—

(a) distils or rectifies any spirits, or makes or ferments any beer; or,

(b) assists in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or,

(c) imports, makes, commences to make, sells, offers for sale or delivers any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus; or,

(d) completely or partially sets up or assists in setting up, prepares or partially prepares for working, any such still, worm, rectifying or other apparatus; or,

(e) has in his possession, in any place, any such still, worm, rectifying or other apparatus, or any part or parts thereof, or any beer or wash suitable for the manufacture of spirits, without having given notice thereof as required by this Act, except in cases of duly registered chemical stills of capacity not exceeding three gallons each as hereinbefore provided for, or in whose place or upon whose premises such things are found; or,

(f) conceals or keeps, or allows or suffers to be concealed, or kept, in any place or premises owned or controlled by him, any such still, worm, rectifying or other apparatus, or part thereof, or any beer or wash suitable for the manufacture of spirits; or,

(g) conceals by removing, or removes, or assists in concealing by removing or otherwise, any such still, worm, rectifying or other apparatus, or part thereof, or any beer or wash suitable for the manufacture of spirits; is guilty of an indictable offence, and shall, for a first offence, be liable to a penalty not exceeding five hundred dollars, and not less than one hundred dollars, and to imprisonment, with or without hard labour, for a term not exceeding twelve months and not less than one month, and, in default of payment of the penalty, to a further term of imprisonment not exceeding twelve months and not less than six months, and for every subsequent offence, to a penalty of five hundred dollars, and to imprisonment, with hard labour, for a term not exceeding twelve months, and not less than six months, and, in default of payment of the penalty, to a further term of imprisonment equal to that already imposed by the court for such subsequent offence.

2. All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash or spirits that are found in the possession of any unlicensed person exercising any business of distilling without license.
licensed person, or in any unlicensed place, shall be forfeited to
the Crown, and shall be seized by any officer of Inland Revenue,
and may either be destroyed when and where found or removed
to some place of safe-keeping, in the discretion of the seizing
officer. R.S., c. 34, s. 159; 60-61 V., c. 19, s. 6; 61 V., c. 27,
s. 3.

181. Every person who becomes liable to a penalty provided
for in the last preceding section, shall, in addition thereto,
forfeit and pay, for the use of His Majesty, double the amount
of excise duty and license duty which should have been paid by
him under this Act. R.S., c. 34, s. 160.

182. If, in any distillery, there is, at any time, found a
closed spirit-receiver, high wine-tub, low wine-tub, doubler or
other vessel that may be used for containing any of the products
resulting from distillation before the quantity of such products
is determined and an account taken thereof, in which there is
any perforation, hole or aperture, other than such as is neces-
sary for the lawful use of such closed spirit-receiver or other
vessel, or in violation of this Act, the distiller in whose distillery
the closed spirit-receiver or other vessel so perforated is found,
although such holes or apertures or perforations have been
plugged or stopped, shall incur a penalty of five hundred
dollars; and the closed spirit-receiver or other vessel, with its
contents, together with all the stock of spirits or grain in the
distillery at the time when such unlawful perforation is dis-
covered, shall be forfeited to the Crown and dealt with accord-
ingly. R.S., c. 34, s. 161.

183. Spirits removed from any distillery or warehouse in
which they have been bonded or stored before a permit for such
removal has been granted as hereinbefore required shall be
forfeited to the Crown, and shall be seized and detained by any
officer of Inland Revenue and dealt with accordingly.

2. If any package containing spirits exceeding in quantity
five gallons has been detained by any officer of Inland Revenue
or Customs by reason of the same being carried by any person
or vehicle without a permit authorizing the removal thereof,
such officer having cause to believe that such spirits have been
unlawfully removed, and if, within thirty days after the deten-
tion thereof, evidence is not adduced to the satisfaction of such
officer that such spirits were being lawfully removed, and that
the duty thereon had been paid, the package and spirits so de-
tained shall be forfeited to the Crown and dealt with accord-
ingly. R.S., c. 34, ss. 155 and 156.

184. If any spirits are removed from any distillery at any
time in casks or packages containing less than ten standard
gallons each, the same shall be forfeited to the Crown, and shall
be

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be seized by any officer of Inland Revenue and dealt with accordingly. 61 V., c. 27, s. 2.

185. Every person who sells or offers for sale, or who purchases any spirits, or has any spirits in his possession, knowing them to have been unlawfully manufactured or imported, shall, for a first offence, incur a penalty not exceeding fifty dollars, and not less than ten dollars, and for each subsequent offence, a penalty of one hundred dollars; and all spirits so unlawfully manufactured or imported, wheresoever they are found, and all horses and vehicles and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown, and shall be dealt with accordingly. 60-61 V., c. 19, s. 7.

186. Every person who, except as authorized by the provisions of the Trade Mark and Design Act, attaches to any bottle, flask or other package of spirits, any label, stamp or other device containing any statement or information other than the name of such spirits and the name of the bottler and his place of residence, unless the form and wording thereof have been first approved by the Department, shall for a first offence incur a penalty of fifty dollars, and for each subsequent offence a penalty of one hundred dollars, and in addition thereto in either case a penalty equal to fifty cents per gallon upon the reputed contents of the bottles, flasks or other packages so illegally labelled or stamped. 53 V., c. 23, s. 5.

PART IV.

COMPOUNDERS.

Interpretation.

187. The provisions of this Part are to be construed as additional or supplemental to the provisions of Parts I. and II. of this Act applicable to compounders. R.S., c. 34, s. 164.

Licenses.

188. A license to carry on the business of, and to act as a compounder may be granted to any person who has complied with the provisions of this Act, if the granting of the license has been approved by the district inspector, and the person has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty in the sum of two thousand dollars.

2. Such bond shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the person to whom the license is granted becomes liable to render. R.S., 1906.
render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 14.

189. The person in whose name a license is granted to act as a compounder shall, upon receiving such license, pay to the collector the sum of one hundred and fifty dollars. 54-55 V., c. 46, s. 8.

Books and Returns.

190. Every compounder shall make such entries and returns, and keep such books and accounts, as are, from time to time, determined by departmental regulations. R.S., c. 34, s. 167.

Offences and Penalties.

191. Every person who, without having a license under this Act, then in force, carries on business as a compounder, shall be liable for a first offence to imprisonment, with or without hard labour, for a term not exceeding six months, or to a penalty not exceeding one hundred dollars, and, in case of a second or subsequent conviction, to imprisonment with or without hard labour, for a term not exceeding six months, or to a penalty not exceeding two hundred and fifty dollars, or to both such imprisonment and penalty; and, in any case, all goods compounded, or in course of being compounded by such person, and every chattel, article, instrument or thing used for the purpose of or in connection with such compounding, which is found on his premises, shall be forfeited to the Crown and shall be dealt with accordingly. 54-55 V., c. 46, s. 9.

192. Every person who knowingly sells, exposes or offers for sale, or removes from any place of manufacture, store or warehouse, any compounded article which is not designated by some label or brand, in accordance with the provisions in the next following section contained, shall be liable for a first offence to imprisonment, with or without hard labour for a term not exceeding six months, or to a penalty not exceeding one hundred dollars, and, in case of a second or subsequent conviction, to imprisonment, with or without hard labour, for a term not exceeding six months, or to a penalty not exceeding two hundred and fifty dollars, or to both such imprisonment and penalty; and every such compounded article so sold, exposed or offered for sale or removed, without being so designated, shall be forfeited to the Crown and shall be dealt with accordingly. 54-55 V., c. 46, s. 9.
General.

193. Every article made by a compounder shall be designated by some label or brand, which shall be applied to each and every cask, barrel, case, bottle, flask, jug, vessel or other package, wherein any such article is contained or put up, and which shall, in an equally conspicuous manner with any other name, description or statement lawfully applied to such article, show the name of the compounder and the place at which such article was made, and that the same is a compounded article, the whole to be contained in one label or brand.

2. The Governor in Council may, when it is deemed necessary, so to do, order that such brand or label shall be in the form of a stamp issued by the Department. 54-55 V., c. 46, s. 10.

194. All the articles made by a compounder shall be subject to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to. R.S., c. 34, s. 170.

195. The Governor in Council may add to the schedule of wines and spirituous liquors and bitter liquors and cordials, hereinbefore in the interpretation clauses of this Act set forth, or may remove from the said schedule, any article or ingredient the addition or removal of which he deems necessary in the public interest.

2. Every such order shall be published in the Canada Gazette, and shall take effect at the expiration of thirty days from the date of such publication. R.S., c. 34, s. 171.

196. Nothing in the three last preceding sections contained shall be held to apply to the bottling of bona fide wines or spirits, merely blended or reduced by water, or to anything done or performed under the supervision of the Department by licensed distillers, or to the fortifying of native wines under such regulations as are made by the Governor in Council; but in every case the burden of proof shall be upon the bottler or person selling, or offering or exposing for sale such articles, that the same are solely composed of bona fide wines or spirits blended, reduced or fortified as aforesaid. 54-55 V., c. 46, s. 11.

PART V.

BREWERIES.

Interpretation.

197. The provisions of this Part are to be construed as additional or supplemental to the provisions of Parts I. and II. of Parts I. and II. of R.S., 1906.
of this Act applicable to breweries. R.S., c. 34, ss. 173, 179 and 182.

Licenses.

198. A license to carry on the trade or business of a brewer may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and the person has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty, in the sum of one thousand dollars.

2. Such bond shall be conditioned for the rendering of all accounts and the payment of all duties and penalties to which the person to whom the license is granted may become liable under the provisions of this Act, and that such person will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 15.

Beer brewed for private use.

199. Utensils used by any person solely for the purpose of brewing beer for the use of himself and his family, and not for sale, are exempt from the provisions of this Act, provided due notice of the possession thereof and of his intention of using them for the above mentioned purpose is given to the nearest collector or to the Department at Ottawa; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own and his family's use. 60-61 V., c. 19, s. 8.

Fee.

200. The person in whose favour a license for brewing is granted, shall, upon receiving such license, pay to the collector the sum of fifty dollars. R.S., c. 34, s. 176.

Duties of Excise.

201. There shall be imposed, levied and collected on every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, a duty of excise of ten cents, which shall be paid to the collector as herein required: Provided that any brewer using sugar, syrup or other saccharine matter in the manufacture of beer, and having previously given ten days' notice in writing, to the collector of his intention to use such sugar, syrup or other saccharine matter, and paying the duty hereinbefore mentioned on the beer made therewith, may receive a drawback equal to the duty of excise paid by him on the malt used with such sugar, syrup or other saccharine matter in making such beer, under such restrictions and regulations as the Department prescribes. 54-55 V., c. 46, s. 12.


**Drawback on Exportation.**

202. Every licensed brewer who exports any beer or malt liquor of his own manufacture, shall be entitled to receive a drawback thereon equivalent to the duty herein imposed on the malt contained in the beer so exported; and the amount of such drawback shall be in proportion to the strength of the beer, which shall be tested and the drawback computed in such manner and by such means as are, from time to time, directed by departmental regulations in that behalf.

2. No such drawback shall be allowed or paid unless the brewer claiming it has given at least two days' notice of his intention to export the beer on which it is claimed, and made such declaration as to the strength thereof as is required by departmental regulations in that behalf, nor unless the beer has been duly inspected and tested and certified by a proper officer of Inland Revenue. R.S., c. 34, s. 178.

**Returns.**

203. Every person who carries on business as a brewer shall render to the collector or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

(a) the quantity of malt and of each description of vegetable or saccharine matter brought into, removed from or used in the brewery;

(b) the quantity of beer or other fermented liquor made in the brewery;

(c) the serial numbers of the brewings made and the products of each of the said brewings. R.S., c. 34, s. 180.

**Offences and Penalties.**

204. Every person who, without having a license under this Act, then in force, brews any beer or other fermented liquor, except for the use of himself or his family, as by this Act provided, is guilty of an indictable offence, and shall, for the first offence, incur a penalty of fifty dollars, and for each subsequent offence, a penalty of two hundred dollars. 60-61 V., c. 19, s. 9.

205. Every person who becomes liable to a penalty provided for in the last preceding section, shall, in addition thereto, forfeit and pay for the use of His Majesty, double the amount of excise duty and license duty which should have been paid by him under this Act. R.S., c. 34, s. 184.

206. Every person who has in his possession any brewing apparatus, without having made a full and particular list, R.S., 1906.
list, description and return thereof, as by this Act required, shall incur, for a first offence, a penalty not exceeding one hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of one hundred dollars; and, in either case, all such apparatus shall be forfeited to His Majesty, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 185.

207. Every brewer who adds to the malt brought into his brewery, any meal, raw grain or other material, or puts into his mash-tub or mixes with his worts any syrup, sugar or other saccharine matter, without making a true return thereof to the proper officer, or without entering the same in the books or accounts kept or required to be kept by him in pursuance of any regulations made under this Act, shall, for a first offence, incur a penalty of one hundred dollars, and for each subsequent offence, a penalty not exceeding three hundred dollars and not less than two hundred dollars.

2. For any such subsequent offence all the malt, beer and utensils in his brewery when the offence is discovered, shall be forfeited to the Crown and seized by any officer of Inland Revenue, and shall be dealt with accordingly. R.S., c. 34, s. 186.

PART VI.

MALTING AND MALT-HOUSES.

Interpretation.

208. The provisions of this Part are to be construed as additional or supplemental to the provisions of Parts I. and II. of this Act applicable to malting and malt-houses. R.S., c. 34, ss. 188, 193, 214, 217 and 220.

Licenses.

209. Every application for a license to carry on business as a maltster shall, in addition to the matters required to be therein set forth by the general provisions respecting licenses, contain a description of all cisterns, couch-frames, malt-floors, kilns, malt warehouses or other places, utensils, apparatus or things whereon or wherein malt is to be made, manufactured or stored, in every case stating the dimensions, cubical contents or area, as the case may be, of the cisterns, couch-frames, malt-floors, kilns or storehouses. R.S., c. 34, s. 189.

Conditions of license.

210. A license to carry on the trade or business of a maltster may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and the person has, jointly

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with a guarantee company, approved by the Department, entered into a bond to His Majesty, in a sum equal to the amount bond at which the collector estimates the duties to accrue on the goods to be manufactured by the person to whom the license is granted during one month of the time it is to remain in force, and to such further amount as the collector deems sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue, which latter amount shall be determined by such means as the Department prescribes, the person obtaining the license and the guarantee company both being bound in the full amount of such estimates.

2. Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 16.

211. The person in whose favour a license for malting is granted, shall, upon receiving such license, pay to the collector,—

(a) for a first-class license, which shall entitle him to work a malt-house having a capacity to produce two hundred thousand pounds and upwards of malt during one month's working, two hundred dollars;

(b) for a second-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred and fifty thousand and not more than two hundred thousand pounds of malt during one month's working, one hundred and fifty dollars;

(c) for a third-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred thousand, and not more than one hundred and fifty thousand pounds of malt during one month's working, one hundred dollars;

(d) for a fourth-class license, which shall entitle him to work a malt-house having a capacity to produce not more than one hundred thousand pounds of malt during one month's working, fifty dollars.

2. The capacity in each case shall be as computed by the collector, upon a survey of the premises for which a license is required. R.S., c. 34, s. 191.

Books.

212. Every person licensed to carry on business as a Maltster to maltster shall keep a book or books in a form to be furnished, keep.

959 from R.S., 1906.
from time to time, by the Department, which book or books shall be open at all reasonable hours to the collector or other officer of Inland Revenue, wherein such maltster shall enter, day by day, and on the same day on which the circumstance, thing or act to be recorded is done or occurs,—

(a) the quantity of grain or leguminous seeds, and of malt, brought into or removed from his malt-house;

(b) the quantity by gauge and by weight of dry grain or leguminous seeds placed to steep or wet in any cistern or cisterns;

(c) the quantity by weight, of malt taken from the kilns; and also such other particulars relative to quantity in the various stages of its manufacture as are required by departmental regulations;

(d) the quantity of malt warehoused and ex-warehoused. R.S., c. 34, s. 194; 52 V., c. 15, s. 3.

Various Requirements.

213. All grain or leguminous seeds brought into any malt-house shall be weighed and the quantity shall be stated in all books, returns and accounts kept and made under this Act, in pounds avoirdupois.

2. For comparing the gauges of grain or leguminous seeds required by this Act, a malt measure is hereby established, which shall be a vessel, the capacity of which is one thousand cubic inches.

3. The quantity of grain or leguminous seeds placed in steep in any malt-house shall be stated in pounds and in cubic inches.

4. All the quantities of grain or leguminous seeds in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in cubic inches.

5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by weighing, and shall be stated in all books and returns made under this Act in pounds. R.S., c. 34, s. 195; 52 V., c. 15, s. 4; 4-5 E. VII., c. 17, s. 17.

214. Every cistern shall be made with its interior truly cylindrical, or it shall be a rectangular vessel, having its bottom truly even and its sides perfectly straight and perpendicular, but the bottom may have such an incline as is necessary for drip; or it shall be of such other shape as is approved by the Department. R.S., c. 34, s. 196; 60-61 V., c. 19, s. 10.

215. Every maltster licensed under this Act shall provide a couch-frame; and such couch-frame shall be constructed with the sides and bottom straight and at right angles with each other, and of such strength that they will preserve their true form when the frame is filled with grain. R.S., c. 34, s. 197.
216. Above and around every such cistern and couch-frame, there shall be sufficient space for conveniently gauging their contents, and they shall be so placed that there shall be sufficient light for that purpose and for examining the contents. R.S., c. 34, s. 198.

217. The maltster shall, in all cases, when required so to do by any officer of Inland Revenue, deposit the grain in process of manufacture into malt on the malt-floor, of an equal depth over the whole surface covered, and shall make the outward edges thereof in straight lines convenient for gauging, as is required by the officer aforesaid. R.S., c. 34, s. 199.

218. No grain or leguminous seeds shall be placed in any cistern to steep or wet, nor shall any malt be placed in any kiln to be dried, or moved from any such kiln after the drying is completed, except between the hours of seven o'clock in the forenoon and six o'clock in the afternoon. 4-5 E. VII., c. 17, s. 18.

219. Whenever any maltster is about to place any grain or leguminous seeds in the cistern, to be steeped for the making of malt, he shall first give the proper officer, when the malt-house is within a city or town, twenty-four hours' notice, or if not within a city or town, forty-eight hours' notice, of his intention to steep grain or leguminous seeds as aforesaid, stating in every such notice the day and hour at which he will place the grain or leguminous seeds in the cistern, and describing the cistern, by number or otherwise, in which it is to be placed.

2. Such notice shall be in writing and in such form as is from time to time required by departmental regulations. R.S., c. 34, ss. 201 and 202.

220. Whenever any maltster is about to place any grain or leguminous seeds, then in process of manufacture into malt, on any kiln to be dried, or when he is about to move any dried malt from any such kiln, he shall notify the proper officer of his intention so to do, in the same manner as is provided in the last preceding section. R.S., c. 34, s. 202.

221. Whenever any maltster requires to add water to any grain or leguminous seeds, after leaving the steep-tub, he shall record, in the notice book supplied by the Department, his intention so to do, giving in each instance the number of the steep and at what stage it is to be watered. R.S., c. 34, s. 203.

Duties of Excise.

222. There shall be imposed, levied and collected the following duties of excise on all malt, which shall be paid to the collector, as by this Act provided, that is to say:

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(a) R.S., 1906.
(a) On every pound of malt manufactured in Canada, subject to excise regulations with respect to coomings and absorption of moisture in warehouse as provided by the order in council of the seventh day of February, one thousand eight hundred and ninety-one, one and one-half cents; Provided that malt may be removed from a malt-house to a distillery in bond, and the duty on such malt may be remitted upon proof satisfactory to the Department that such malt has been used solely for the production of spirits, in which production no other material than malt is used; and provided further that malt used, in any licensed bonded manufactory, in the manufacture of malt extract or other similar medicinal preparation approved by the Department may have duty thereon remitted under such regulations as the Department establishes;

(b) On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of one and one-half cent: Provided that malt imported into Canada, crushed or ground, shall be subject to a duty of two and one-half cents per pound. 4 E. VII., c. 18, s. 3.

223. The duty payable on malt shall be computed as follows:

(a) The grain or leguminous seeds when about to be placed in steep, and before being run into the cistern, shall be weighed and gauged by or in the presence of the proper officer of Inland Revenue; and the quantity so ascertained shall be immediately entered by the maltster, or his agent, in a book or books provided for that purpose, and such person shall also attest the correctness of the entry by his initials;

(b) The maltster or his agent shall also gauge the grain or leguminous seeds while in the cistern, after the process of steeping has been completed and immediately after the water has been drawn therefrom; and the result of such gauging shall be entered in the book provided for that purpose, by the maltster or his agent, and shall be used for computing the quantity of malt manufactured, as herein provided;

(c) the malt taken from the kiln after it has been dried, and the process of manufacture completed, shall be weighed by or in the presence of the proper officer of excise; and the quantity so ascertained shall be immediately entered in the book or books provided for that purpose, in pounds, by the maltster or his agent, who shall attest every such entry by his signature; and the gauge of the malt removed from the kiln may also be taken whenever deemed necessary by an officer of Inland Revenue, and such gauge may be used as a basis for computing the duty:

Provided
Provided that, at any time when the proper officer of Inland Revenue is not present at the time for which notice has been legally given for any of the above-mentioned operations, the maltster may proceed with the operation or operations, except the weighing of malt removed from the kiln, as if the officer was present, and shall enter the result of the gauging or weighing, or both, in the book or books provided for that purpose. R.S., c. 34, s. 204; 52 V., c. 15, s. 5; 4-5 E. VII., c. 17, s. 19.

224. In comparing the results of the gauging, weighings and computations, the following proportions shall form the basis of calculation:—

(a) One hundred malt measures, by gauge, of dry barley or other grain, shall be deemed to be equivalent to one hundred and twenty-five malt measures, by gauge, of barley or other grain properly saturated with water for the purpose of malting or in the couch, or to one hundred and seven malt measures, by gauge, of dry malt;

(b) One hundred pounds of barley or other grain weighed into the cistern shall, without any allowance for skimmings, be held to be equal to not less than seventy-five pounds of malt taken from the kiln, and so in proportion for every greater or less quantity;

(c) The quantity upon which the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from any other gauging or weighing, or series of gaugings or weighings, is greater than the quantity weighed from the kiln, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of the gaugings or weighings, taken as aforesaid, exceeds seven per centum, the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns. 52 V., c. 15, s. 6; 4-5 E. VII., c. 17, s. 20.

225. Malt shall be weighed when removed from the kiln, and no less quantity than the whole contents of one kiln shall be placed in the warehouse or taken for use out of the manufacture at any one time. 52 V., c. 15, s. 6.

226. If, at any time, any doubt or question arises as to the manner of determining the quantity of malt liable to duty under this Act, such doubt or question shall be decided and determined by the Minister, whose decision shall be final and conclusive. R.S., c. 34, s. 206.

227. When a maltster licensed under this Act desires to follow a process of malting not herein provided for, and gives notice R.S., 1906.
notice to that effect, such notice being accompanied by such
plans and descriptions as the Department deems necessary for
fully understanding the proposed process, the Governor in
Council may authorize such modes of determining the quantity
of malt that shall be held to be produced from a stated quantity
of grain or leguminous seeds, as, having reference to the pro-
posed change in the process of manufacture, he deems necessary
for ensuring an equitable assessment of the duty. R.S., c. 34,
s. 207.

228. The duty imposed upon malt shall be finally computed
and charged when it is removed from the kiln, and an account
thereof shall then be entered in the stock books kept under this
Act, which shall be balanced on the first day of each month for
the month next preceding that day, but the duty shall be col-
lected whenever any malt is taken for consumption either
ex-warehouse or ex-manufactory; and the duty shall, when the
malt has been placed in warehouse, be collected on the full
quantity of malt entered on the warehouse books as having been
placed in such warehouse, notwithstanding any deficiency that
may arise or be discovered during its delivery or removal
therefrom.

2. An account shall also be kept, in such other form as is
required by departmental regulation, of all malt placed in the
malt-warehouse and all malt removed therefrom; and the
account shall be taken and recorded, at the time of placing such
malt in the malt-warehouse and at the time of removing it there-
from, in a book or books to be kept for that purpose, in such
form as is required by any departmental regulation made in
that behalf. R.S., c. 34, s. 209; 52 V., c. 15, s. 7.

Supervision.

229. So soon as any malt is dried and ready for removal
from the kiln, and the required notice of such removal duly
given, the said malt shall be removed to the malt-warehouse and
shall be there stored under the lock of the owner thereof and the
lock of the Department, until the duty thereon has been paid;
Provided that any maltster may remove for use and enter for
consumption out of the manufactory any portion of the pro-
ducts of his malt-house, not less than the contents of one kiln,
which he does not intend to warehouse. R.S., c. 34, s. 210.

230. Every maltster shall, at his own charge, provide
a suitable warehouse for the storage of malt on which the duty
has not been paid, subject to the survey of the proper officer of
Inland Revenue, which warehouse shall be included in his
licensed premises, and shall, in all cases, be contiguous thereto;
and every entrance to such warehouse, as well as every window
or other mode of access thereto, shall be secured to the satisfac-

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tion of such surveying officer, and also to the satisfaction of the inspecting officers. R.S., c. 34, s. 211.

231. Every principal entrance to a malt-warehouse shall be secured by two locks, one of which shall be supplied by the Department and the key thereof shall be kept by the officer of Inland Revenue; and the other lock shall be provided and the key thereof kept by the owner, and all other entrances shall be secured on the inside.

2. Every such malt-warehouse shall be fitted up with such convenient bins or other compartments for storing the malt as are required by the officer of Inland Revenue, so that it may, at any time, be gauged and the quantity therein ascertained. R.S., c. 34, s. 212.

232. Whenever any maltster ceases from working his malt-house, the kiln and all means of access thereto shall be closed and secured by lock of the Department to the satisfaction of the proper officer of Inland Revenue, and the keys of such locks shall remain in the possession of the collector; and the kiln shall remain so closed and secured until the maltster gives the required notice of his intention to resume working: Provided that the collector may, in his discretion, remove the locks while repairs are necessarily and actually in progress, or while the kiln is being used, under departmental regulation, for the purpose of drying damaged grain. R.S., c. 34, s. 213.

Returns.

233. Every person who carries on business as a maltster shall render to the collector or other officer whose duty it is to receive the same, a just and true account in writing extracted from the books kept as by this Act provided, which account shall exhibit,—

(a) the quantity of grain, malt or leguminous seeds, in pounds, brought into the malt-house during the preceding month;

(b) the quantity of grain or leguminous seeds, in cubic inches and in pounds, placed in steep or wetted or used for malting on each day during the preceding month;

(c) the quantity of malt, in pounds, malted or made and removed from the kiln on each day during the preceding month;

(d) the quantity of grain or leguminous seeds, in pounds, removed from the malt-house, or disposed of otherwise than for the production of malt, during the preceding month;

(e) the quantity of malt, in pounds, removed from the malt-house;

(f) the quantity of malt, in pounds, warehoused, ex-warehoused and entered for duty, ex-manufactory, during the preceding month.

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preceding month. R.S., c. 34, s. 215; 52 V., c. 15, s. 8; 4-5 E. VII., c. 17, s. 21.

Bonding or Warehousing.

234. No less quantity than two thousand pounds of malt shall be entered for warehouse under one entry; and except for exportation, no less quantity than two thousand pounds of malt shall be ex-warehoused for duty by one entry. R.S., c. 34, s. 218.

235. The duty paid on malt taken out of warehouse for consumption, or which has gone directly into consumption, shall not be refunded, by way of drawback or otherwise, upon the exportation of such malt out of Canada. R.S., c. 34, s. 219.

236. Malt imported into Canada shall be warehoused in a suitable bonding warehouse, provided at the cost of the importer and approved as such by a duly authorized revenue officer, and shall be bonded under the excise regulations then in force in respect of malt in Canada, and shall be subject to the restrictions applying to malt in Canada. 4 E. VII., c. 18, s. 3.

Offences and Penalties.

237. Every person who, without having a license under this Act, then in force, makes any malt or steeps any grain or leguminous seeds for the purpose of malting, is guilty of an indictable offence, and shall, for the first offence, incur a penalty of one hundred dollars, and for each subsequent offence, a penalty of two hundred dollars. R.S., c. 34, s. 221.

238. Every person who becomes liable to a penalty provided for in the last preceding section, shall, in addition thereto, forfeit and pay for the use of His Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. R.S., c. 34, s. 222.

239. Every person who has in his possession any malt-floor, malt-kiln, or any malting implement, machinery or apparatus, without having made a full and particular list, description and return thereof as by this Act required, shall incur, for a first offence, a penalty not exceeding one hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of one hundred dollars; and all such implements, machinery or apparatus shall be forfeited to the Crown, and shall be seized by an officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 223.

240. If any maltster adds, or causes or permits to be added, any grain or leguminous seeds to the grain or leguminous seeds, or adds or causes or permits to be added, any grain or leguminous seeds to the grain or leguminous seeds, the maltster shall be liable to a penalty not exceeding five hundred dollars. R.S., 1906.
ous seeds wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer of Inland Revenue has taken an account thereof, he shall, for a first offence, incur a penalty of two hundred dollars, and for each subsequent offence, a penalty of five hundred dollars; and all the grain and leguminous seeds so mixed or added, together with all the grain and leguminous seeds and malt then in the malt-house, shall be forfeited to the Crown and dealt with accordingly. R.S., c. 34, s. 224.

241. If any maltster removes, or causes or permits to be removed, any malt from his malt-house before an account has been taken of the same by the proper officer, and in the manner required by this Act, or if any person receives or has any malt so removed, knowing the same to have been so removed, the maltster and person so offending shall, for a first offence, incur a penalty of two hundred dollars, and for each subsequent offence, a penalty of five hundred dollars; and the malt so removed, together with all the grain, leguminous seeds and malt then in the malt-house from which the malt was so illegally removed, shall be forfeited to the Crown, and shall be seized by an officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 225.

242. Every maltster who adds water to any grain or leguminous seeds, after leaving the steep-tub, without having first given the notice hereinbefore required, shall, for a first offence, incur a penalty of twenty dollars, and for each subsequent offence, a penalty of fifty dollars. R.S., c. 34, s. 226.

243. Every person who sells or offers for sale, or who purchases any malt, knowing the same to have been unlawfully manufactured, shall, for a first offence, incur a penalty of fifty dollars; and for each subsequent offence, a penalty of one hundred dollars; and all malt so unlawfully manufactured, wheresoever it is found, and all horses, vehicles and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown, and shall be dealt with accordingly. R.S., c. 34, s. 227.

244. Every person who removes or delivers any malt either in bond or duty paid, into the possession of any person other than a brewer or distiller licensed under this Act, except upon a written permit granted by the collector for the division in which the malt-house from which such removal or delivery is to take place is situated, and every person who receives any malt removed or delivered in violation of the provisions of this section, shall incur a penalty of one hundred dollars. R.S., Penalty. c. 34, s. 228.
Neglect to warehouse imported malt. Forfeiture.

245. If any malt is imported into Canada and not immediately thereupon warehoused as by this Act required, the same shall be forfeited to the Crown and may be seized by any officer of the revenue and dealt with accordingly. 4 E. VII., c. 18, s. 3.

PART VII.

BONDED MANUFACTURERS.

Interpretation.

246. The provisions of this Part are to be construed as additional or supplemental to the provisions of Parts I. and II. of this Act applicable to bonded manufacturers. R.S., c. 34, ss. 230, 233 and 242.

Licenses.

247. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he, from time to time, sees fit to designate, in the manufacture or production whereof spirits or other articles subject to duties of Customs or excise are used, by persons licensed to that effect, and subject to the provisions herein made and to the regulations made by the Governor in Council in that behalf. R.S., c. 34, s. 231.

248. Before any person shall be entitled to carry on any such manufacture in bond, he shall obtain a license so to carry on the manufacture of some certain kind or kinds of goods to be mentioned in the application for license, in some certain premises to be therein described, and every such license shall be known as a bonded manufacturing license.

2. No such license shall be granted to any person until the granting thereof has been approved by the district inspector, and authorized by the Department, nor until he has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty, in the sum of five thousand dollars, and in a further sum equal to the amount at which the said collector or superior officer estimates the maximum amount of duties on the goods to be manufactured by such person during any one month of the time it is to remain in force.

3. Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the person to whom the license is granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories,

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inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever.

4. Every application to manufacture in bond shall contain a description of all the articles to be used in the manufactory and of the articles to be produced therein, stating the quantity of each of the said articles respectively, to be used in the production of a stated quantity of the manufactured article to be produced therefrom; and whenever the proportions stated, as herein required, are such as to make an evasion of duty or loss of revenue on any of the said articles possible (of which the Department shall judge), the license asked for shall be refused. R.S., c. 34, s. 232; 4-5 E. VII., c. 17, s. 22.

249. The person in whose favour a license for manufacturing in bond, for consumption in Canada only, is granted, shall, upon receiving such license, pay to the collector the sum of fifty $50. dollars. R.S., c. 34, s. 232.

250. The person in whose favour a license is granted to manufacture in bond for exportation, shall, upon receiving such license, pay to the collector the sum of three hundred dollars. §300. R.S., c. 34, s. 232.

Supply of Wood Naphtha, etc.

251. When wood naphtha, wood alcohol, or methylated or other denaturalized spirit is to be used for manufacturing purposes in Canada, it shall be supplied by the Department on such conditions as are determined by the departmental regulations in that behalf, and the prices thereof shall not exceed the actual cost with the addition of fifteen per centum. 4-5 E. VII., c. 17, s. 23.

Duties of Excise.

252. There shall be imposed, levied and collected on goods manufactured in bond within Canada, the following duties of excise, which shall be paid to the collector, as by this Act provided, that is to say:—

All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of excise equal to the duties of customs to which they would be subject if imported from the United Kingdom and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable, and the customs duty which would be levied on such article, if so imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory; but in the case of spirits to be used for any chemical or manufacturing purposes. R.S., 1906.
facturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council, if no increase of duties accrue therefrom;

Provided that the undermentioned articles, when manufactured in bond, shall, when entered for consumption in Canada, be subject to the following duties of excise, and to no other, that is to say:

Vinegar.

Vinegar containing six per centum of acetic acid, the strength to be determined by such tests as are established by order in council, four cents per gallon, and so in proportion for any greater or less strength, or for any less quantity than a gallon;

Spirits.

Spirits used in any bonded manufactory in the production of such chemical compositions as are determined by the Governor in Council, for every gallon of the strength of proof, by Sykes' hydrometer, fifteen cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon. 52 V., c. 15, s. 9; 57-58 V., c. 35, s. 5; 60-61 V., c. 19, s. 11; 4-5 E. VII., c. 17, s. 24.

Returns.

253. Every person carrying on business as a bonded manufactory, shall render to the collector or other officer whose duty it is to receive the same, a just and true account, in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

(a) the quantity of each description of article or commodity brought into the manufactory to which the account relates during the preceding month;
(b) the quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory during the preceding month;
(c) the quantity of each description of article or commodity removed from the manufactory, or disposed of otherwise than for the production of the article, therein manufactured or made, during the preceding month;
(d) the quantity of each description of manufactured article or commodity made or produced on each day during the preceding month, except so far as it may be dispensed with by departmental regulations;
(e) the quantity of manufactured product removed from the manufactory;
(f) the quantity entered for warehouse; and,
(g) the quantity ex-warehouse and the quantity entered for duty, ex-manufactory. R.S., c. 34, s. 236.

Drawback and Remission of Duties.

254. Every person who manufactures any goods in bond under a license granted under this Act, and who exports any

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of the goods so manufactured by him, in the production whereof any article has been used upon which duties of Customs or excise have been paid by him, shall, upon the production of due proof of such use and payment of duty, be entitled to receive a drawback equal to the duties paid on the articles used in the production of the goods exported.

2. The amount of such drawback shall be determined in Amount. such manner, and the proof of the payment of the duty and export of the goods for which the drawback is claimed shall be of such nature, as are directed or required by any departmental regulation in that behalf. R.S., c. 34, s. 238.

255. The Minister may remit the duty on malt used in the manufacture of vinegar, under the supervision of the Department, in a manufactory where no other article than malt is used in the manufacture thereof, and where no other article than vinegar is produced. 52 V., c. 15, s. 10.

256. Every person licensed to manufacture in bond may receive into the place for which his license is granted, as into a bonded warehouse, and, except as is herein otherwise provided, without payment of the duty thereon, all such spirits and other articles as are commonly used in the manufacture of the goods for which the license is granted, on a permit for that purpose granted by the collector, in such form, and on such bond being entered into, and on such conditions as are prescribed in any order in council or departmental regulation in that behalf; but no less quantity of such spirits or other articles shall be so received at any one time than might be taken out of bond for consumption. R.S., c. 34, s. 239.

Supervision.

257. Goods manufactured in bond shall remain in the place for which the license was granted, in like manner and subject to the like restrictions and to the supervision of the officers of Inland Revenue, as by law provided with respect to other goods manufactured in Canada and subject to excise; and the duty thereon shall be paid in like manner within one day of the close of every month, unless such goods are then Duty payable exported or warehoused, as they may be, in the manner provided monthly. with respect to other goods subject to excise. 3 E. VII., c. 26, s. 4.

258. On the first day of each of the months of October, January, April and July the inspector of Inland Revenue shall cause to be taken an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of manufacture; and whenever it appears to his satisfaction,
259. When the quantity of any article found in stock is less than that which, with the quantity lawfully taken for use and accounted for, would be equivalent to the whole quantity of such article taken into the manufactory, the bonded manufacturer shall forthwith pay the amount of duty for which the quantity so deficient would have been liable if entered for consumption from a regular bonding warehouse, and the duty so collected shall be held to be a duty of excise, and shall be collected and accounted for as such. 52 V., c. 15, s. 11.

260. When, as to any transaction subsequent to the first day of July, one thousand nine hundred and two, it is ascertained by the quarterly stock-taking that the standard of production established by or under this Act has not been reached by any bonded manufacturer, the duty on the quantity of spirits equivalent to the deficiency so determined shall become due and payable within one day of the close of each quarter, except that in cases where a deficiency has been found, and where the Minister, after a proper inquiry, is satisfied that such failure to reach the established standard was not due to any fraudulent dealings by the manufacturer, the quarter in which the deficiency arose and the one immediately following, may, for the purpose of computing the standard of production, be merged and dealt with as one period. 3 E. VII., c. 26, s. 5.

261. No article or commodity shall be brought into any bonded manufactory other than those enumerated in the approved formula furnished to the Department when the application for license is made; and such formula shall specify only such articles and in such proportions as the Department sees fit to permit. 52 V., c. 15, s. 11.

262. No less quantity of goods manufactured in bond shall be ex-warehouse by one entry than would be liable to a duty of twenty dollars. R.S., c. 34, s. 243.
Offences and Penalties.

263. Every person who, without the specific authority of the Department, removes any spirits to be used for any chemical or manufacturing purpose from any bonded manufactory, and every person who receives any such spirits removed in violation of the provisions of this section, shall incur a penalty of one hundred dollars for the first offence and of five hundred dollars for each subsequent offence. 4-5 E. VII., c. 17, s. 25.

264. Every bonded manufacturer who brings or allows to be brought into his manufactory, or upon whose licensed premises there is, at any time, found any article or commodity other than those enumerated in his formula submitted to and approved by the Department, is guilty of an indictable offence, and shall incur a penalty of two hundred dollars; and all articles and commodities found on the premises wherein any such offence is or has been committed, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. 52 V., c. 15, s. 11.

265. Every person who deodorizes or clarifies, or attempts to deodorize or clarify, any methylated spirits, whether by distillation, filtration or any other process, is guilty of an indictable offence, and shall, for the first offence, be liable to a penalty of five hundred dollars, and for each subsequent offence Penalty, to a penalty of one thousand dollars. 4-5 E. VII., c. 17, s. 23.

266. Every person who uses spirits containing methyl alcohol in any form in any pharmaceutical or medicinal preparation intended for internal use, shall be liable to a penalty of five hundred dollars. 4-5 E. VII., c. 17, s. 23.

Regulations.

267. The Governor in Council may, from time to time, make regulations respecting the sale of methylated spirits and of spirits to be used for any chemical or manufacturing purpose only. R.S., c. 34, s. 245.

268. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying into effect and enforcing the provisions of this Act respecting the manufacture of goods in bond, or the warehousing of such goods when manufactured, and for declaring the true intent and meaning of such provisions in any case of doubt, and for declaring how far any of the provisions of this Act shall be modified in their application to the manufacture of goods in bond and matters therewith relating, or for substituting other provisions of the like nature in the place of any of them which cannot, in his opinion, conveniently be so applied; and may, by such R.S., 1906.
such regulations, require any bond or any oath or affirmation which he deems requisite for the purposes aforesaid, and may, for breach of such regulations, impose any penalty not exceeding five hundred dollars in any case, or the forfeiture of the goods or articles or things in respect of which any such regulation has been violated. R.S., c. 34, s. 246.

PART VIII.

TOBACCO AND CIGARS AND MANUFACTURERS THEREOF.

Interpretation.

269. The provisions of this Part are to be construed as additional or supplemental to the provisions of Parts I. and II. of this Act applicable to tobacco and cigars and the manufacturers thereof. R.S., c. 34, ss. 248, 287, 291, 294 and 316.

Licenses.

270. Every application for a license for the manufacturing of tobacco or cigars shall, in addition to the matters required to be therein set forth by the general provisions of this Act respecting licenses, contain a list and description of all tools and machinery used or proposed to be used in the business for which the license is sought, especially of all presses, cutting machinery and mills and shall state the part of the building in which they are to be used, and shall further state whether foreign or domestic raw leaf tobacco or both in combination are to be used in or brought into the factory for which the license is required. R.S., c. 34, s. 249.

271. Every application for a license as a cigar manufacturer shall also state the number of persons employed, or to be employed, in making cigars, in accordance with the requirements of this Act. R.S., c. 34, s. 250.

272. A license to carry on the trade or business of a tobacco or cigar manufacturer may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved of by the district inspector, and the person has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty, in a sum equal to the amount at which the collector estimates the duties to accrue on the goods to be manufactured by the person to whom the license is to be granted, during one month of the time it is to remain in force, plus such further amount as the collector deems sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue, which latter amount shall be determined by

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by such means as the Department prescribes; the person obtaining the license and the guarantee company both being bound in the full amount of such estimates.

2. Such bond shall be conditioned that the person obtaining the license shall render correctly all the returns, inventories, statements and accounts prescribed by law, that he shall pay all duties and penalties which he becomes liable to pay under the provisions of this Act, and that he shall comply with all the requirements of the law relating to the manufacture and warehousing of tobacco or cigars, according to their true intent and meaning, as well with regard to such returns, inventories, statements, accounts, duties and penalties, as to all other matters and things whatsoever. 4-5 E. VII., c. 17, s. 27.

273. No manufacturer of tobacco shall, in such licensed premises, carry on the business of a cigar manufacturer, nor shall a cigar manufacturer carry on, in such licensed premises, the business of a manufacturer of tobacco, nor shall either carry on in his licensed premises any other business deemed by the department to be incompatible with the business engaged in by him, and for which he has obtained a license from the Department. R.S., c. 34, s. 252.

274. No license shall be granted to any person as a tobacco or cigar manufacturer for carrying on business in any building or premises, unless the same is within one and one-half miles of a place where an officer of Inland Revenue is stationed at the time the application is made, or within one and one-half miles of the limits of any city or incorporated town: Provided that the provisions of this section shall not operate to prevent the granting of new licenses, from time to time, to persons holding licenses under any Act relating to Inland Revenue on the twenty-fifth day of May, one thousand eight hundred and eighty-three. R.S., c. 34, s. 253.

275. The person in whose favour a license for manufacturing tobacco or cigars exclusively from foreign leaf tobacco is granted, shall, upon receiving such license, pay to the collector the sum of seventy-five dollars.

2. The person in whose favour a license for manufacturing tobacco or cigars exclusively from tobacco grown in Canada is granted, shall, upon receiving such license, pay to the collector the sum of fifty dollars.

3. The person in whose favour a license for manufacturing tobacco or cigars from foreign and domestic leaf tobacco in combination is granted, shall, upon receiving such license pay to the collector the sum of sixty-five dollars. 60-61 V., c. 19, §65. s. 12.

276. Every collector shall cause the several manufactories of tobacco and cigars in his division to be numbered in accordance with R.S., 1906.
and registered.

Application for license to specify entrance for raw leaf tobacco.

Notice to be posted in each compartment.

Form of notice.

Duties of excise.

On manufactured tobacco.

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ance with a register kept in the Department, which registered number shall be issued from the Department, and shall not thereafter be changed; and the registered numbers for tobacco manufactories shall be separate and distinct from those issued to cigar manufactories. R.S., c. 34, s. 255.

Special Obligations of Persons Licensed as Manufacturers of Tobacco and Cigars.

277. Every manufacturer of tobacco or cigars shall, at the time when he applies for a license, mention and describe in the papers accompanying his application, some one certain entrance to his manufactory as that at which raw leaf tobacco will be brought in, and shall place over the entrance so mentioned a sign, in Roman characters, written or painted in oil colours, at least three inches in height, containing the words Raw Leaf Tobacco Entrance; and no manufacturer of tobacco or cigars shall receive raw leaf tobacco into his manufactory through any other entrance or opening than the one so mentioned, designated and set apart for that purpose. R.S., c. 34, s. 256.

278. Every manufacturer of tobacco or cigars shall post up in a conspicuous place in each room or compartment in his manufactory, and to the satisfaction of the collector or other superior officer, a printed notice, the letters of which shall be at least one-quarter of an inch in height, to the following effect:—'The Inland Revenue Act provides that raw leaf tobacco may only be brought into a tobacco or cigar manufactory through the one entrance, designated by the sign containing the words, Raw Leaf Tobacco Entrance, and that any manufacturer who brings raw leaf tobacco into his manufactory by any other than the above mentioned entrance, or who brings foreign leaf tobacco into a manufactory licensed to use Canadian leaf tobacco only, or who brings any Canadian or other raw leaf tobacco into a manufactory without reporting the same or entering the quantity so brought in, in his stock book, shall incur a penalty of from two hundred to one thousand dollars; and further, that all goods subject to excise, on the premises at the time the offence is committed, shall be forfeited.' R.S., c. 34, s. 257.

Duties.

279. There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada, the following duties of excise, which shall be paid to the collector as by this Act provided, that is to say:—

(a) on all chewing and smoking tobacco, fine cut, cavendish, plug or twist, cut or granulated, of every description, on tobacco twisted by hand or reduced into a condition to be consumed or, in any manner other than the ordinary mode of drying and curing, prepared for sale or consump-

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tion, even if prepared without the use of any machine or instrument and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco, made, in whole or in part, from foreign or imported raw leaf tobacco, or the product in any form, in whole or in part, of foreign raw leaf tobacco, twenty-five cents per pound, actual weight;

(b) On manufactured tobacco of all kinds, except cigarettes, but including common Canadian twist, when made solely from tobacco grown in Canada, and on the farm or premises where grown, by the cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, five cents per pound actual weight;

c) On all snuff made in whole or in part from foreign or domestic raw leaf tobacco, or the product in any form, in whole or in part, of foreign or domestic raw leaf tobacco, or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use and containing not more than forty per centum of moisture, twenty-five cents per pound, actual weight;

d) Snuff flour, when sold or removed for use or consumption, shall pay the same duty as snuff, and shall be put up in packages and stamped in the same manner as is herein prescribed for snuff completely manufactured; except that snuff flour not prepared for use, but which needs to be subjected to further processes, by sifting, pickling, scenting or otherwise, before it is in a condition fit for use or consumption, may be sold by one tobacco manufacturer directly to another tobacco manufacturer, and without the payment of the duty, under such regulations as are provided in that behalf by the Department;

e) On damp or moist snuff, when containing over forty per centum of moisture, and when put up in packages of less than five pounds each, twenty-five cents per pound, actual weight;

(f) On damp or moist snuff when containing over forty per centum of moisture, and when put up in packages of five pounds each, and over, eighteen cents per pound, actual weight;

(g) On cigars of all descriptions, made in whole or in part from foreign or imported leaf tobacco, or any substitute thereof, six dollars per thousand;

(h) On cigars of all descriptions, made solely from tobacco grown in Canada, and made in a manufactory where no foreign or imported leaf is used or kept, three dollars per thousand;

(i) On all cigars, whether the product of foreign or of domestic raw leaf tobacco, when put up in packages containing less than ten cigars each, seven dollars per thousand;

(j) On manufactured tobacco made of Canadian leaf.

Snuff flour.

Moist snuff.
On domestic cigarettes. 

(j) On cigarettes, the product solely of domestic leaf tobacco, weighing not more than three pounds per thousand, one dollar and fifty cents per thousand;

(k) On cigarettes, the product solely of foreign leaf tobacco, weighing not more than three pounds per thousand, three dollars per thousand;

(l) On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing more than three pounds per thousand, eight dollars per thousand;

(m) On all foreign raw leaf tobacco, unstemmed, taken out of warehouse for manufacture in any cigar or tobacco manufactory, ten cents per pound computed according to the standard of leaf tobacco as hereinbefore established;

(n) On all foreign raw leaf tobacco, stemmed, taken out of warehouse for manufacture in any cigar or tobacco manufactory, fourteen cents per pound computed according to the standard of leaf tobacco as hereinbefore established. 54-55 V., c. 46, s. 14; 60-61 V., c. 19, s. 13; 61 V., c. 28, s. 1.

Drawbacks.

280. A drawback, at the rate of two per centum on the value of the stamps used, shall be allowed to manufacturers of foreign leaf tobacco licensed under this Act, in respect of all cut tobacco and cigarettes manufactured by them, when entered for duty ex-manufactory and put up in packages weighing one pound and less, which drawback shall be paid monthly by the Department under regulations established by the Governor in Council in that behalf; but such drawback shall not be allowed or paid on any tobacco that has been placed in warehouse. R.S., c. 34, s. 259.

281. A drawback of five per centum on the value of the stamps used shall be allowed to manufacturers of foreign leaf tobacco licensed under the Act, in respect of uncut plug or cavendish tobacco manufactured by them and put up in packages containing four pounds or less, which drawback shall be paid under such regulations as the Governor in Council establishes in that behalf. 53 V., c. 23, s. 7.

Collection of Duties.

282. All manufactured tobacco and cigars, whether imported or manufactured in Canada, shall be put up and prepared by the manufacturer or importer before they are offered for sale, or for removal for sale or for consumption, in packages of the following description, and in no other manner, and shall be stamped by the manufacturer or importer in such manner as is required by any departmental regulation, and to the satisfaction of the collector or other proper officer, that is to say:

(a) All cavendish, plug and twist tobacco, in rectangular wooden boxes, except as hereinafter provided, containing 978 from R.S., 1906.
from one to twenty-five pounds inclusive, from thirty-five to forty-five pounds inclusive, from sixty to eighty pounds inclusive, or from one hundred to one hundred and ten pounds inclusive;

(b) All fine-cut chewing tobacco and all other kinds of fine-cut, etc. tobacco not otherwise provided for, in packages containing one-twentieth, one-sixteenth, one-fifteenth, one-fourteenth, one-thirteenth, one-twelfth, one-eleventh, one-tenth, one-ninth, one-eighth, one-seventh, one-sixth, one-fifth, one-fourth, one-third, or one-half of one pound or one pound; except that fine-cut chewing tobacco, when of a quality and description identical with a sealed sample approved by departmental regulations in that behalf, and deposited in the office of the collector for the division in which the tobacco is manufactured or where any such tobacco is imported, may, at the option of the manufacturer or importer, be put up in wooden packages containing five or ten pounds each;

(c) All cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing tobacco which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, cuttings and sweepings of tobacco, in packages containing one-twentieth, one-sixteenth, one-fifteenth, one-fourteenth, one-thirteenth, one-twelfth, one-eleventh, one-tenth, one-ninth, one-eighth, one-seventh, one-sixth, one-fifth, one-fourth, one-third, or one-half of one pound or one pound each;

(d) All snuff, in packages containing one-sixteenth, one-twelfth, one-eighth, one-fourth or one-half of one pound or one pound each, or in wooden packages, containing five or ten pounds each; except that snuff, when containing more than forty per centum of moisture, may, also be put up in packages containing twenty pounds each, actual weight;

(e) All cigarettes, in packages, containing six, seven, ten, twenty, fifty or one hundred cigarettes each;

(f) All manufactured tobacco of every description, except to be put up snuff, whether plug, cut, cigarettes or other, shall be put up in packages not before used for that purpose;

(g) When any package of tobacco contains less than a pound, it shall be such quantity as is covered by some denomination of stamp then authorized and in use;

(h) All cigars shall, except as hereinafter provided, be packed in wooden boxes, not before used for that purpose, containing respectively three, six, ten, twenty-five, fifty, one hundred or two hundred cigars each; except that Manila cigars and cheroots, but not imitations thereof, may, when imported from abroad, be contained, in addition to the above-named quantities, in boxes of five hundred each:

Provided

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Provided that cut tobacco fine-cut shorts (the refuse of fine-cut chewing tobacco), refuse scraps, cuttings, stems and sweepings of tobacco, may be sold in bulk as material, and without the payment of duty, by one manufacturer directly to another manufacturer, or for exportation, under such restrictions and regulations as the Department prescribes; and further, that wood, metal, paper or other material may be used separately or in combination for packing tobacco or cigars, under such regulations as the Department prescribes.

2. Every wooden, metal or other package containing caviar, dish, plug or twist tobacco weighing one pound or over, and all packages containing fine-cut chewing tobacco or snuff weighing five pounds or over, shall have printed or marked thereon the registered number of the manufactory, the number of the Inland Revenue division in which the manufactory is situated, and the gross weight, the tare and the net weight of the tobacco in each package. R.S., c. 34, s. 260; 51 V., c. 16, s. 10; 53 V., c. 23, s. 8; 61 V., c. 27, s. 4; 62-63 V., c. 24, s. 3; 3 E. VII., c. 26, s. 6; 4-5 E. VII., c. 17, s. 28.

283. All boxes containing cigars shall have stamped, burned or impressed into them or indented in a legible and durable manner, the registered number of the manufactory where made, the number of the Inland Revenue division in which the manufactory is situated, and the number of cigars contained in each box; and such stamping, indenting, burning or impressing shall be done in such manner as is determined by the Department. R.S., c. 34, s. 261.

284. All manufactured tobacco and cigars imported from foreign countries shall have the stamps affixed and cancelled by the owner or importer thereof while they are in the custody of the proper Customs officers, and such tobacco or cigars shall not pass out of the custody of the said officers until the stamps have been so affixed and cancelled; and such tobacco or cigars shall be put up in packages, as prescribed by law for like articles manufactured in Canada, before the stamps are affixed: Provided that imported tobacco or cigars, intended for removal in bond to another port or place within Canada, may be removed to such other port under such regulations as are established by the Governor in Council.

2. The owner or importer of manufactured tobacco and cigars imported from foreign countries shall be subject to all the penal provisions prescribed in respect of manufacturers of tobacco or cigars manufactured in Canada. R.S., c. 34, s. 262.

285. All imported manufactured tobacco and cigars, which, when imported, are not packed in packages of the respective kinds required by the provisions of this Act, shall be bonded in
in a Customs warehouse approved of by the collector of Customs at the port of entry.

2. The bond shall be for a sum equal to double the amount of Customs duty to which the tobacco or cigars are liable, and the conditions shall be that the Customs duty shall be paid, that such tobacco or cigars shall, within such limited time and in accordance with such conditions as are fixed by regulation of the Governor in Council, be packed by the importer in packages of the respective kinds required by the provisions of this Act, and duly stamped, or be exported or destroyed. R.S., c. 34, s. 262.

286. Whenever any stamped box, bag, vessel, wrapper or envelope of any kind, containing tobacco or cigars, is emptied, the stamp or stamps thereon, and, in the case of cigars, the package also, shall be destroyed by the person in whose hands the same is.

2. No licensed tobacco or cigar manufacturer, dealer or other person, shall retain in his possession any stamped package used for putting up or packing tobacco or cigars, upon which there remains any inland revenue or customs stamp or any part of such stamp, after the contents thereof have been removed.

3. No empty or partly filled package of a description such as is used for packing tobacco or cigars, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, and, except under specific provisions established by order in council, no package, the stamp on which has been cut or broken, shall be brought into or remain in any tobacco or cigar manufactory: Provided that packages containing samples of cigars, each containing not more than twenty-five cigars, may be and remain open in the cigar manufactory where the same were manufactured, for the purpose of exhibition to the customers of the manufacturer; but all such packages containing samples of cigars shall be regularly and duly stamped with a duty paid stamp and bear all the marks, the caution label and any other information required by the Department. R.S., c. 34, s. 263; 53 V., c. 23, s. 9.

287. Every such empty box or other package upon which there remains any tobacco or cigar stamp, in violation of this Act, shall be destroyed by an officer of Customs or excise, who shall report the whole circumstances connected with the discovery and destruction of the same to the collector within whose division such empty stamped box or package was found. R.S., c. 34, s. 264.

288. Every such empty box or package, on which there remains any tobacco or cigar stamp or part thereof, shall be subject to the provisions of this Act, whether such stamp was affixed to the box or package before or after the coming into force of this Act. R.S., c. 34, s. 265.
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289. All cavendish, plug and twist tobacco shall be considered as completely manufactured as soon as it has been put up in packages, except that when a manufacturer sweats his tobacco after it has been put into caddies, boxes or other packages, the manufacture shall be considered completed only when the tobacco is moved from the sweat room.

2. All cut and granulated smoking, fine-cut chewing tobacco, snuff, cigarettes and all other descriptions of tobacco and cigars, shall be considered as completely manufactured as soon as they have been put up in packages. R.S., c. 34, s. 266; 51 V., c. 16, s. 11.

290. All tobacco and cigars, the manufacture of which has been completed during any month, shall be returned as produced, and at the end of each month shall either be entered for duty ex-manufactory, or be warehoused. R.S., c. 34, s. 267.

291. The deficiency between the raw leaf tobacco and other materials taken for use and the manufactured tobacco and other products resulting therefrom, during the period between any two stock-takings, in any tobacco manufactory, shall not at any time exceed six per centum. R.S., c. 34, s. 268.

292. There shall be produced from each and every twenty-five pounds of unstemmed raw leaf, scraps, cuttings or other material taken for use in a cigar manufactory, at least one thousand cigars; but if at any time the Department determines that the standard herein established exceeds or falls short of what is hereafter ascertained to be the true standard, the Governor in Council may amend or alter such standard by regulation, to the extent of three pounds. R.S., c. 34, s. 269.

293. Tobacco and cigars may be re-worked under such rules and regulations and subject to such charges as the Department prescribes. R.S., c. 34, s. 270.

294. All raw leaf tobacco, stems, cuttings, liquorice, sugar, gum or other raw material shall, when brought into, used in, or removed from a tobacco or cigar manufactory, be dealt with in such manner and under such regulations as the Department prescribes. R.S., c. 34, s. 271.

295. No foreign leaf tobacco shall be brought into any tobacco or cigar manufactory licensed to use Canadian leaf tobacco only. R.S., c. 34, s. 272.

296. Whenever it is ascertained by stock-taking that the standard of production established by or under this Act has not been reached by any manufacturer of tobacco or cigars, the Deputy Minister of Inland Revenue may make an assessment and
and order the collection from such manufacturer of the duty at the highest rate chargeable on the manufactured tobacco or cigars so deficient. R.S., c. 34, s. 273.

297. No manufactured tobacco or cigars shall be sold or offered for sale unless put up in packages and branded and stamped as prescribed in this Act, and then under such conditions as are prescribed by the Governor in Council. R.S., c. 34, s. 274.

298. Cigars, when put up in packages of three or six cigars, shall not be sold or removed from any licensed factory in lots of less than one hundred cigars. 55-56 V., c. 22, s. 3.

299. Every manufacturer of tobacco shall, in addition to complying with all other requirements of this Act relating to tobacco, print on each package, or securely affix by pasting on each package containing tobacco manufactured by or for him, when containing more than one pound, a label, on which shall be printed the number of his manufactory, the number of the Inland Revenue division in which his manufactory is situated, and a caution notice in the form and wording prescribed by departmental regulation. R.S., c. 34, ss. 275 and 279.

300. Every importer of tobacco shall, in addition to complying with all other requirements of this Act relating to imported tobacco, print on each package, or securely affix by pasting on each package containing tobacco imported by or for him, when containing more than one pound, a label, on which shall be printed the name of the port where, and the number of the entry under which such tobacco is ex-warehoused for duty, and a caution notice in the form and wording prescribed by departmental regulation. R.S., c. 34, ss. 276 and 279.

301. Every manufacturer of cigars shall securely affix, by pasting on each package containing cigars manufactured by or for him, a label, on which shall be printed the number of his manufactory, and the number of the Inland Revenue division in which his manufactory is situated, and a caution notice in the form and wording prescribed by departmental regulation. R.S., c. 34, ss. 277 and 279.

302. Every importer of cigars shall securely affix, by pasting on each package containing cigars imported by or for him, a label, on which shall be printed the name of the port at which, and the number of the entry under which such cigars are ex-warehoused for duty, and a caution notice in the form and wording prescribed by departmental regulation. R.S., c. 34, ss. 278 and 279.
0303. Any label required to be placed upon any package containing tobacco or cigars shall be of such dimensions and shall be placed upon the package in such manner as prescribed by the Department. R.S., c. 34, s. 279.

0304. The Deputy Minister shall cause to be prepared suitable and special stamps for the duty on manufactured tobacco and cigars, which shall indicate, in the case of tobacco, the weight of the article, and in the case of cigars, the number on which payment is to be made, which stamps shall be affixed and cancelled in the manner prescribed by the Deputy Minister.

2. Any wooden or metal package containing tobacco or cigars shall be made in such manner and combination of wood or other material as the Department prescribes, and the stamps thereon shall be cancelled by sinking a portion of the stamp into the wood or other material of which the package is composed, with a steel die.

3. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal to the probable demand for three months, and shall issue the same only to the tobacco or cigar manufacturers in his division who have given bonds and paid their license fees as required by law, and to merchants and others who have given bonds and taken out licenses for excise bonding warehouses, under such regulations as are prescribed by the Department; and every collector shall keep an account of the number, amount and denominate values of stamps issued by him to each manufacturer or other person aforesaid. R.S., c. 34, s. 280.

0305. Such stamps as are required to stamp tobacco or cigars sold under distress by any collector, or for stamping any tobacco or cigars which have been abandoned, condemned or forfeited, and sold by order of the court or of any Government officer for the benefit of the Dominion of Canada, may, under such rules and regulations as the Department prescribes, be used by the collector making such sale, or furnished by a collector to a sheriff or to any other Government officer making such sale for the benefit of Canada.

2. If it appears that any abandoned, condemned or forfeited tobacco or cigars, when offered for sale will not bring a price equal to the duty due and payable thereon, such tobacco or cigars shall not be sold for consumption in Canada; and upon application made to the Deputy Minister of Inland Revenue, he may order the destruction of such tobacco or cigars by the officer in whose custody and control the same are at the time, and in such manner and under such regulations as the Department prescribes. R.S., c. 34, s. 280.

0306. The cancellation of tobacco and cigar stamps shall be by means of such dies or device as the Department prescribes, and
and shall be performed by the person entering the goods for consumption before the packages leave his premises. R.S., c. 34, s. 281.

307. The Department may prescribe such instruments or other means for attaching, protecting and cancelling tobacco and cigar stamps, as are approved by the Governor in Council; and such instruments or other appliances shall be furnished by the Department to the person using the stamps to be affixed or cancelled therewith, under such regulations as the Department prescribes. R.S., c. 34, s. 282.

308. The Department may establish, and, from time to time, alter or change the form, style, character, material and device of any stamp, mark, label or brand used on packages of tobacco and cigars, under any provisions of the law relating to the Inland Revenue; and such stamps shall be attached, protected, removed, cancelled, obliterated and destroyed in such manner and by such instruments or other means as are prescribed by departmental regulation. R.S., c. 34, s. 283.

309. All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not worked up, and charged at some manufactory with duty, shall be destroyed under such regulations as are prescribed in accordance with the provisions of this Act, or entered for exportation. R.S., c. 34, s. 284.

310. Every manufacturer of tobacco or cigars shall provide, for the use of the collector, all necessary means, tools and apparatus for weighing and stamping the products of his manufactory and the raw leaf or other material used therein, except dies or stamps, and also a convenient place wherein such process of weighing and stamping may be performed. R.S., c. 34, s. 285.

Regulations.

311. The Governor in Council may, subject to the provisions of this Act, make such regulations as to him seem necessary, as regards imported or domestic raw leaf tobacco and also as regards tobacco and cigars manufactured in or imported into Canada,—

(a) for warehousing raw leaf tobacco;
(b) for destroying such as is not entered for exportation or manufacture;
(c) for removing raw leaf tobacco from one warehouse to another;
(d) for causing accounts to be kept by tobacco and cigar manufacturers of all raw leaf tobacco received by them

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and subsequently disposed of by them by removal, sale or otherwise;

(e) for determining the manner in which the computation of the weights of tobacco with reference to the standard herein established shall be made;

(f) for the inspection of tobacco and cigars and the collection of the duty thereon, and as is deemed most effective for the prevention of frauds in the payment of such duty;

(g) for the manufacture and sale of common Canada twist tobacco, made from raw leaf tobacco grown in Canada, such tobacco being made into Canada twist by the cultivator only on whose farm or premises it is grown, or in a manufactory licensed to use Canadian raw leaf tobacco only, and the duty of five cents per pound paid, as herein required;

(h) for determining the time and manner of payment of the duties on foreign raw leaf tobacco taken for use in any tobacco or cigar manufactory;

(i) for the manufacture of tobacco, cigars and cigarettes, from foreign and domestic leaf in combination, and for determining the proportion of each that shall be used and the duty that shall be payable thereon, having regard, as nearly as possible, to the proportion of foreign and domestic leaf used, and for determining what proportion of such duties shall be levied upon the foreign leaf taken for use, and what proportion upon the resultant finished product: Provided that the aggregate duties of excise so imposed shall not exceed those fixed from time to time with respect to tobacco, cigars and cigarettes; and,

(j) generally for giving effect to the provisions of this Act. R.S., c. 34, s. 286; 60-61 V., c. 19, s. 15; 4-5 E. VII., c. 17, s. 29.

Books, Accounts and Papers.

312. Every person licensed as a tobacco or cigar manufacturer shall keep a book or books in a form furnished by the Department, which book or books shall be open at all reasonable hours to the inspection of the collector or other officer; and therein such tobacco or cigar manufacturer shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

(a) the quantity of raw leaf tobacco, scraps, cuttings, stems and other raw materials, and of manufactured tobacco and cigars, brought into or removed from his tobacco or cigar manufactory;

(b) the quantity of raw leaf tobacco, stems, scraps, cuttings or other material taken for use in his manufactory;

(c) the quantity of manufactured tobacco, cigars and other articles produced therein:

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(d) the quantity of stems, scraps, cuttings or other materials destroyed;
(e) the quantity of tobacco and cigars entered for warehouse and ex-warehouse;
(f) the number, denomination and value of tobacco or cigar stamps used;
(g) the number and capacity of cigar boxes brought into and used or otherwise disposed of, in the cigar manufactory. R.S., c. 34, s. 288.

313. Every person who has a licensed bonding warehouse in which raw leaf tobacco is stored or kept, shall keep a book or books, in a form prescribed by the Department, which book or books shall be open at all reasonable hours to the inspection of the collector or other officer; and therein such person shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

(a) the quantity of raw leaf tobacco, scraps, cuttings or other materials brought into his warehouse, giving the name and residence of the person from whom purchased or received; and,
(b) the quantity of raw leaf tobacco, scraps, cuttings or other materials removed from his warehouse, giving the name and residence of the person to whom sold or conveyed. R.S., c. 34, s. 289.

314. With the exception of cigars, the quantities of which shall be stated by number, and cigarettes, the quantities of which shall be stated by number and pounds, all quantities recorded in the books hereinbefore mentioned of a tobacco or cigar manufacturer, or of a person having a license to use an excise bonding warehouse in which raw leaf tobacco is stored or kept, and all quantities recorded in the returns, inventories, descriptions and statements required to be kept or made by this Act or any other Act, as well with regard to fluids as to solids, used in or about the premises subject to excise, or entering into the manufacture of any article or commodity produced in such tobacco or cigar manufactory, shall be stated in pounds avoirdupois and decimal parts thereof. 4-5 E. VII., c. 17, s. 30.

Returns.

315. Every person carrying on business as a tobacco or cigar manufacturer shall render to the collector, or other officer whose duty it is to receive the same, a just and true account, in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

(a) the quantity of raw leaf tobacco and of all other materials used in the manufacture of tobacco or cigars, brought into the manufactory during the preceding month;
(b) the quantity of tobacco and cigars disposed of in the manufactory during the preceding month.

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(b) the quantity of raw leaf tobacco and other materials removed from the manufactory or disposed of, otherwise than for the production of manufactured tobacco or cigars, during the preceding month;

(c) the quantity of raw leaf tobacco and the quantity of all other materials used in the manufacture of tobacco or cigars, during the preceding month, in the manufactory to which such return relates;

(d) the quantity of each description of tobacco or cigars, at each rate of duty, manufactured in, brought into or removed from such manufactory during the preceding month, showing the number of packages, the description and the aggregate quantity at each rate of duty;

(e) the quantity of unmanufactured and manufactured tobacco and other materials or manufactured cigars on hand;

(f) the quantity of manufactured tobacco and cigars warehoused and ex-warehoused during the preceding month;

(g) the quantity of manufactured tobacco and cigars entered for duty ex-manufactory during the preceding month; and,

(h) the number and capacity of cigar boxes brought into the cigar manufactory, and the number and capacity of cigar boxes used therein, during the preceding month.

R.S., c. 34, s. 292.

Bonding and Warehousing.

316. No less quantity than one hundred pounds of raw leaf tobacco, two hundred pounds of cavendish or other tobacco, or four thousand cigars, shall be entered for warehouse by one entry.

2. Except for export, no less quantity than one hundred pounds of cavendish or manufactured tobacco, seventy-five pounds of raw leaf tobacco, or two thousand cigars, shall be ex-warehoused by one entry.

3. The restrictions in this section contained as to the quantity of raw leaf tobacco that may be warehoused or ex-warehoused at one time, shall not apply to samples of foreign leaf tobacco made up in accordance with the departmental regulations made in that behalf. 60-61 V., c. 19, s. 16.

317. No tobacco of any description put up in packages containing one pound or under, or tobacco in any sized packages whatever containing less than ten pounds, if the product of raw leaf tobacco of Canadian growth, and no cigars when put up in packages containing less than twenty-five cigars each, shall be removed in bond from one warehouse to another, whether within the same or any other Inland Revenue division.

51 V., c. 16, s. 12.

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318. All boxes, caddies or packages of tobacco and cigars, shall be arranged and stowed in warehouse so that access may be easily had to each package, and so that the marks required to be placed thereon by the provisions of this Act may be easily read. R.S., c. 34, s. 297.

319. The duty paid on tobacco and cigars taken out of warehouse for consumption, or which have gone directly into consumption, shall not be refunded by way of drawback or otherwise, upon the exportation of such tobacco or cigars out of Canada. R.S., c. 34, s. 298.

320. Manufactured tobacco and cigars intended for immediate exportation may, after being properly inspected and marked, labelled or branded, be removed from the manufactory in bond, without having affixed thereto the stamps indicating the payment of the duty thereon.

2. The removal of such tobacco and cigars from the manufactory shall be made under such regulations, and after making such entries, and executing and filing with the collector of the division from which the removal is made, such bonds, and giving such other additional security as is prescribed by the Department and approved by the Governor in Council.

3. There shall be affixed to each package of tobacco or cigars intended for immediate export, before it is removed from the manufactory, a label or brand of such design as the Department prescribes, indicative of such intention.

4. Each package shall be examined carefully by the officer in charge, and shall be marked, labelled or branded in such manner and under such regulations as the Department prescribes. R.S., c. 34, s. 299.

321. The bond taken for raw leaf tobacco warehoused as therein required, shall be for a sum equal to forty cents per pound on the tobacco to which it relates, and shall be conditioned as follows,—

(a) for the delivery of the raw leaf tobacco to which it relates to some one or more tobacco or cigar manufacturers duly licensed as such under any Act relating to the Inland Revenue; or,

(b) for the delivery of such tobacco into a bonding warehouse, licensed under this Act; or,

(c) for its exportation or destruction, as therein required, within two years of the date of such warehousing.

2. The evidence of the delivery of such tobacco to a licensed bonding warehouse or to a licensed tobacco or cigar manufacturer shall be the certificate of a collector, or other proper officer, that the tobacco has been delivered into some certain licensed tobacco or cigar manufactory or manufactories, or into bond.

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into some licensed bonding warehouse therein named, and that an account thereof has been entered in the manufacturer's books or in the warehouseman's books, as required by law. R.S., c. 34, s. 300; 4-5 E. VII., c. 17, s. 31.

Two years in bond.

322. Raw leaf tobacco warehoused as herein provided may remain in warehouse for a period of two years, at the expiration of which period, or sooner, it shall be removed to and be entered in some licensed tobacco or cigar manufactory or manufactories, or to some other warehouse as herein provided, or entered for exportation, or re-warehoused in the same warehouse for a further term, the full amount of duty being first paid, at the rate charged on manufactured tobacco, on any deficiency that is ascertained by stock-taking at the expiration of two years, or when the new bond is taken; or, at the expiration of such period, it shall be destroyed, under such regulations as are made in that behalf by competent authority. R.S., c. 34, s. 301.

Canadian Leaf Tobacco.

323. Every cultivator of tobacco desiring to manufacture the leaf tobacco grown by him into common Canada twist for sale, shall make application to the collector for the division in which his farm is situated for a license therefor; and every cultivator of tobacco who manufactures any tobacco for sale without having obtained such a license, shall be liable to the same fines, penalties and forfeitures as if he had worked a tobacco manufactury without a license. R.S., c. 34, s. 302.

324. The cultivator in whose favour a license is granted for manufacturing common Canada twist, shall, upon receiving such license, pay to the collector the sum of two dollars. R.S., c. 34, s. 303.

325. A person who grows tobacco on his own land or property, and manufactures the same into common Canada twist solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty: Provided that the quantity so manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm or premises as aforesaid. 51 V., c. 16, s. 13.

326. Common Canada twist shall, before it is offered for sale, be put up in rolls or coils weighing one-fourth, or one-half of a pound or one pound each, and every such roll or coil shall be secured, and the stamp attached thereto in such manner as the Department determines.

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2. All tobacco so manufactured shall be stamped as herein required before it is removed from the farm or premises on which the tobacco from which it was made was grown, or from the factory wherein it was manufactured.

3. Any package of tobacco exposed or offered for sale or found in the market without being sealed, stamped; labelled or marked as herein required, shall be deemed to be tobacco unlawfully in the market. R.S., c. 34, s. 304.

327. The cultivator, having taken out a license as herein provided, may manufacture into common Canada twist the surplus tobacco grown by him over what is required for the use of his own family, and may sell the tobacco so manufactured, after paying to the nearest officer of Inland Revenue the duty of five cents per pound, and after causing such tobacco to be put up in packages in accordance with this Act, and causing each package to be duly stamped in such manner as is required by any departmental regulation in that behalf. R.S., c. 34, s. 305.

328. Except as herein otherwise provided, when any raw leaf tobacco of Canadian growth has been taken into a licensed warehouse in which there is any foreign leaf tobacco, or which is used for the storage of foreign leaf tobacco, or into any factory which has been licensed to use foreign leaf tobacco, or into which any foreign leaf tobacco has been taken, either for use or storage, such Canadian leaf tobacco shall thereafter be deemed to be foreign leaf tobacco, and shall be dealt with accordingly. R.S., c. 34, s. 306; 60-61 V., c. 19, s. 17.

Foreign Raw Leaf Tobacco.

329. Raw leaf tobacco shall not be imported into Canada except at such ports of entry as the Governor in Council authorizes. R.S., c. 34, s. 307.

330. All raw leaf tobacco imported shall be bonded at port of entry, in a customs warehouse, which shall be subject to the approval of the collector of Customs at the port of entry. R.S., c. 34, s. 308.

331. All imported raw leaf tobacco shall be weighed by the proper officer of Customs at the port where it enters Canada; and the importer or owner thereof shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages. 4-5 E. VII., c. 17, s. 32.

332. All imported raw leaf tobacco shall be in packages which can be conveniently stamped; and except as herein otherwise provided, no such tobacco shall be removed from any warehouse R.S., 1906.
house wherein it has been bonded, except in such original stamped packages. R.S., c. 34, s. 310.

**Removal in bond.**

333. Imported raw leaf tobacco shall only be removed in bond, and may be delivered to the undermentioned persons and to no others, that is to say:—

(a) Manufacturers of tobacco and cigars, duly licensed under this Act; or,

(b) Persons who have taken out a license for an excise or customs bonding warehouse. R.S., c. 34, s. 311.

**Removal in bond to a manufactory.**

334. All imported raw leaf tobacco which is removed from the custody of the Customs authorities to a tobacco or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the Department, may be so removed in bond, and such bond shall be taken by the collector of Customs and accompanied by proper entry papers, and shall be for an amount equal to forty cents per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein.

2. Such bond shall be cancelled by a certificate on the Customs removal entry, by the collector or other proper officer of Inland Revenue, that the tobacco to which it relates has been received at the tobacco or cigar manufactory or licensed bonding warehouse mentioned therein, and an account thereof made in the manufacturer’s or licensed warehouseman’s books.

3. The quantity certified to by the collector shall be that ascertained by actual weighing by the officer in charge of the tobacco or cigar manufactory or on the premises of a licensed warehouseman. R.S., c. 34, s. 312; 4-5 E. VII., c. 17, s. 33.

**Cancellation of bond.**

335. The weight of all quantities of imported raw leaf tobacco after passing out of the control of the Customs shall be stated so as to show the weight with reference to standard leaf tobacco. 60-61 V., c. 19, s. 18.

**Weight, how stated.**

336. All raw leaf tobacco received into a licensed bonding warehouse shall be bonded, the necessary entries therefor being made with and delivered to the proper officer. R.S., c. 34, s. 314.

337. All removals of raw leaf tobacco from a licensed bonding warehouse shall be in bond, and the necessary removal or other entries shall be passed for the quantity so removed on each occasion. R.S., c. 34, s. 315.

**Offences and Penalties.**

338. Every person who, without having a license under this Act then in force,—

(a) R.S., 1906.
(a) manufactures any tobacco or cigars except as by this Act permitted; or,
(b) claiming to have grown any tobacco and manufactured it solely for his own use, sells or barters away any tobacco so manufactured; or,
(c) having purchased any raw leaf tobacco grown in Canada from the cultivator thereof, in any way unlawfully manufactures such tobacco and sells it, or offers it for sale in a manufactured state;

is guilty of an indictable offence, and shall, for the first offence, incur a penalty not exceeding one hundred dollars, and not less than twenty-five dollars, and for each subsequent offence, a penalty of five hundred dollars, and all goods subject to excise, found on the premises wherein any such offence is committed, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 317; 60-61 V., c. 19, s. 19.

339. Every person who, without having a license under this Act then in force, manufactures any tobacco grown on his own land or property,—

(a) for the purpose of sale, or for any purpose other than use by himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown; or,
(b) into any product other than Canada twist; or,
(c) in excess of thirty pounds for each adult male member of his family resident on such farm or premises;

is guilty of an indictable offence, and shall, for the first offence, incur a penalty not exceeding one hundred dollars, and not less than twenty-five dollars, and for each subsequent offence a penalty of five hundred dollars, and all goods subject to excise, found on the premises wherein any such offence is committed, shall be forfeited to the Crown and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 317; 60-61 V., c. 19, s. 19.

340. Every person who becomes liable to a penalty provided for in either of the last two preceding sections, shall, in addition thereto, forfeit for the use of His Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. R.S., c. 34, s. 318.

341. Every person who opens any package containing tobacco or cigars in any other manner than as herein prescribed, that is to say, so as to break the stamp thereon in so doing, or in whose possession there is, at any time, found any package of tobacco or cigars opened otherwise than in accordance with the provisions of this Act, shall, for a first offence, incur a penalty of twenty-five dollars, and for each subsequent offence a penalty of twenty-five dollars, and for each subsequent offence.

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a penalty of one hundred dollars; and all packages of tobacco or cigars which are at any time found that have been opened otherwise than as herein directed, shall be forfeited to the Crown, and shall be seized by any officer of excise or Customs and dealt with accordingly. R.S., c. 34, s. 319.

342. Every manufacturer of tobacco or cigars, and every other person who, except as permitted by this Act, packs, puts up or has in his possession tobacco or cigars in packages which have been before used for that purpose, shall, for the first offence incur a penalty of ten dollars for each box or package so unlawfully used, and for each subsequent offence, a penalty of fifty dollars for each box or package so used. R.S., c. 34, s. 320.

343. Every person who sells, or offers for sale, or has in his possession, except in a licensed tobacco or cigar manufactory, any loose or unpacked foreign raw leaf tobacco, shall incur, for a first offence, a penalty not exceeding two hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of two hundred dollars, and all raw tobacco so offered or exposed for sale, or so unlawfully had in possession, loose or unpacked, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 321.

344. All imported raw leaf tobacco brought into Canada at any port or place other than at the ports of entry herein named, or which are hereafter authorized by the Governor in Council, shall be forfeited to the Crown, and shall be seized by any officer of Customs or excise and dealt with accordingly. R.S., c. 34, s. 322.

345. All imported raw leaf tobacco not bonded and not in stamped packages as herein required, and in the possession of any person except a licensed tobacco or cigar manufacturer, or unless in a licensed bonding warehouse, shall be forfeited to the Crown, and shall be seized by any officer of Customs or excise and dealt with accordingly. R.S., c. 34, s. 323.

346. Every person who neglects or refuses to destroy the stamp or stamps on any box, bag, vessel, wrapper or envelope of any kind which has contained tobacco or cigars, and every person who sells or gives away, or who buys or accepts from another any such empty stamped box, vessel, bag, wrapper or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper or envelope of any kind, shall, for each such offence, incur a penalty not exceeding one hundred dollars. R.S., c. 34, s. 324.

347. (a) Every manufacturer or other person who puts tobacco or cigars into any such box, bag, vessel, wrapper or envelope,
envelope, the same having been either emptied or partially emptied, or who has in his possession, or who sells or offers for sale any box or other package of tobacco or cigars, having affixed thereto any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped;

(b) Every tobacco or cigar manufacturer who brings or allows to be brought into his manufactory, or in whose possession is found, any emptied or partly emptied stamped box or package, such as is used for packing tobacco or cigars and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not: and,

(c) Every tobacco or cigar manufacturer upon whose factory premises there is, at any time, found any package or packages of tobacco or cigars, the stamps or labels upon which have been unlawfully cut or broken, whether such package or packages are filled or partly filled;

is guilty of an indictable offence, and for a first offence shall incur a penalty not exceeding five hundred dollars and not less than one hundred dollars, and for each subsequent offence, a penalty of five hundred dollars, and in addition to such penalties shall for any offence be liable to imprisonment for a term not exceeding three months.

2. All articles subject to excise on the premises at the time forfeiture, such packages are discovered shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 325.

348. Every person who affixes to any package containing tobacco or cigars, any false, forged, fraudulent, spurious or counterfeit stamp, or a stamp which has been before used, is guilty of an indictable offence, and shall be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment for any term not exceeding five years and not less than six months. R.S., c. 34, s. 326.

349. Every person who removes from any manufactory, or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put up in proper packages, or without being stamped and the stamps being properly cancelled as required by law or regulations established thereunder, or who uses, sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country, or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the R.S., 1906.
the amount of duty thereon being affixed and cancelled, shall, for each such offence, be liable to a penalty not exceeding five 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.

2. All tobacco or cigars so offered or exposed for sale, or so unlawfully had in possession without being stamped and the stamps being properly cancelled or the package branded, as herein required, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 327.

350. The absence of the proper duty-paid stamp on any package of tobacco or cigars sold, or offered for sale, or kept for sale, or found in possession of any person other than a licensed manufacturer and in his manufactory, or a licensed bonding warehouseman and in his licensed bonding warehouse, shall be notice to all persons that the duty has not been paid thereon, and shall be prima facie evidence of the non-payment thereof.

2. Such tobacco or cigars shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue or Customs and dealt with accordingly: Provided that tobacco and cigars removed in bond, and having only the removal permit stamp thereon, or removed for exportation, and having only the exportation stamp or brand thereon, shall not be liable to the forfeiture by this section provided, when regularly and legally in transit. R.S., c. 34, s. 328.

351. Every person who knowingly purchases or receives for sale any manufactured tobacco or cigars from any manufacturer not duly licensed under this Act, shall, for each offence, incur a penalty of two hundred dollars, and shall, in addition thereto, forfeit all the articles so purchased or received for sale, or the full value thereof. R.S., c. 34, s. 329.

352. Every person who purchases or receives for sale any manufactured tobacco or cigars which have not been packed and branded or stamped according to law, shall incur a penalty of two hundred dollars for each offence, and shall, in addition, forfeit all the articles so purchased or received for sale, or the full value thereof. R.S., c. 34, s. 330.

353. Every manufacturer of tobacco or cigars who neglects or refuses to post up in a conspicuous place, in each room or compartment in his manufactory, the notice by this Part required to be there posted up, shall incur a penalty of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence. R.S., c. 34, s. 331.

354. Every manufacturer or importer of tobacco or cigars who neglects to print on or affix to any package containing tobacco

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tobacco or cigars made or imported by or for him, or sold or offered for sale by or for him, the caution label required to be affixed to packages of tobacco or cigars by the provisions of this Act, and every person who removes any such label, so affixed, from any such package, shall incur a penalty of fifty dollars for each package in respect of which such offence is committed. R.S., c. 34, s. 332.

355. Every manufacturer of tobacco or cigars who,—

(a) causes or permits to be brought into, or into whose manufactory there is brought, any raw leaf tobacco, through any other entrance than the one mentioned in the papers accompanying his application for a license, and designated by the sign Raw Leaf Tobacco Entrance; or,

(b) having obtained a license to manufacture exclusively from raw leaf tobacco grown in Canada, uses in or brings into, or permits to be used in or brought into his manufactory any foreign raw leaf tobacco; or,

(c) omits to enter or allows any person in his employ to omit to enter in the inventories, statements, books or returns kept or made in pursuance of this Act, or of any regulations made thereunder, a true account of all tobacco of Canadian or foreign growth brought into his manufactory; shall, for each such offence, incur a penalty not exceeding one thousand dollars and not less than two hundred dollars; and all goods subject to excise found on the premises wherein any such offence is committed, shall be forfeited to the Crown and dealt with accordingly. R.S., c. 34, s. 333.

356. Except as herein specially provided, every person who sells or offers for sale, or, not being a licensed tobacco or cigar manufacturer, has in his possession any kind of manufactured tobacco or cigars, not put up in packages and stamped in accordance with the provisions of this Act, is guilty of an indictable offence and shall incur a penalty not exceeding five hundred dollars and not less than fifty dollars.

2. Any tobacco or cigars so found, which are not put up in packages and stamped as herein provided, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue and dealt with accordingly. R.S., c. 34, s. 334; 60-61 V., c. 19, s. 20.

357. Every person who sells or offers for sale any imported tobacco or cigars, or tobacco or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this Act, shall incur a penalty not exceeding five hundred dollars and not less than fifty dollars. R.S., c. 34, s. 335.

358. Every person who sells or offers for sale, or delivers or offers to deliver any cigars in any other form than in new boxes, R.S., 1906.
Fraudulently branding.

boxes, as by this Act provided, or packs in any box any cigars in excess of the number required by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of duty than that required by law, shall incur a penalty for each offence, not exceeding five hundred dollars and not less than fifty dollars. R.S., c. 34, s. 336.

Cigars improperly packed or branded.

359. Whenever any cigars are removed from any manu-

factory or place where cigars are made, without being packed in boxes as required by the provisions of this Act, or without the proper stamps thereon, denoting the duty, or without the proper bonded removal permit stamp, or without the stamping, indenting, burning or impressing into each box, in a legible and durable manner, of the number of the cigars contained therein, the number of the manufactory and the number of the Inland Revenue division in which the manufactory is situated, or without the properly affixing thereon and the cancelling of the stamp denoting the duty on the same, or whenever any cigars are offered for sale, not properly boxed and stamped, such cigars shall be forfeited to the Crown.

Forfeiture.

Penalty.

2. Every person who commits any offence against the pro-

visions of this section shall, for each such offence, be liable to a penalty not exceeding five 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. R.S., c. 34, s. 337.

Unlawfully having sample box of cigars.

360. Every person who unlawfully has in his possession any sample box of cigars, shall, for the first offence, incur a penalty of fifty dollars, and for each subsequent offence, a penalty of five hundred dollars. R.S., c. 34, s. 338.

Having sample box elsewhere than in manufactory.

361. If any packages containing samples of cigars, herein-

before authorized to be and remain open in the cigar manu-

factory where the same were manufactured for the purposes of exhibition to the customers of the manufacturer, are found in the possession of any other person than the licensed manu-

ufacturer, or his duly authorized travelling agent, and elsewhere than in the factory premises where made, the same shall be for-

feited, and shall be seized by any officer of excise or Customs and dealt with accordingly. R.S., c. 34, s. 263.

PART IX.

ACETIC ACID.

Application of Part II.

Application of Part II.

362. All the provisions of Part II. of this Act respecting licenses and the obligations of persons holding them, the keep-
ing of books or accounts, the payment of duties and making of returns, and the general regulations as to bonding and warehousing, so far as applied by departmental regulations, and all provisions respecting penalties, so far as applicable, shall have full force and effect with respect to the manufacture of acetic acid, and the persons licensed as herein provided, as if such provisions had been enacted with special reference to the manufacture of acetic acid and to such persons. 60-61 V., c. 19, s. 21.

**Licenses.**

363. No person who has not been licensed as herein provided shall carry on the business of the manufacture of acetic acid. 60-61 V., c. 19, s. 21.

364. A license to carry on the business of the manufacture of acetic acid may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector and the person has, jointly with a guarantee company, approved by the Department, entered into a bond to His Majesty, in the sum of four thousand dollars.

2. Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and for the payment of all duties and penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof according to their true intent and meaning. 4-5 E. VII., c. 17, s. 34.

365. The person in whose favour a license is granted for the manufacture of acetic acid shall, upon receiving such license pay to the collector the sum of fifty dollars. 60-61 V., c. 19, §50. s. 21.

**Duties of Excise.**

366. There shall be imposed, levied and collected upon acetic acid produced in Canada by the destructive distillation of wood, the following duty of excise, which shall be paid to the collector as by this Act provided, that is to say: For every gallon of six per centum acid, and so in proportion for any greater or less strength, four cents, the strength to be determined by such tests as are established by departmental regulations. 60-61 V., c. 19, s. 21.
Regulations as to exemptions.

367. The Governor in Council may make regulations exempting from duties of excise, in whole or in part, any acetic acid used in any of the mechanical arts and manufactures specified in such regulations. 60-61 V., c. 19, s. 21.

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CHAPTER 52.

An Act respecting Weights and Measures.

SHORT TITLE.

1. This Act may be cited as the Weights and Measures Act. Short title. R.S., c. 104, s. 1.

INTERPRETATION.

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

(a) "cask" means and includes every vessel constructed for holding liquids and made of staves and headings bound together by hoops;

(b) "dealers" includes auctioneers, second-hand dealers, repairers and adjusters, having in their possession for sale, repair or adjustment, any weight, measure or weighing machine;

(c) "trade" includes every contract, bargain, sale or dealing made or had in Canada in respect of any work, goods, wares or merchandise, or other thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure, and the collection of all tolls and duties charged or collected according to weight or measure;

(d) "Minister" means the Minister of Inland Revenue. R.S., c. 104, ss. 21 and 53; 61 V., c. 30, s. 1.

STANDARDS OF WEIGHTS AND MEASURES.

3. Except as herein otherwise provided, the weights and measures used throughout Canada shall be uniform. R.S., c. 104, s. 2.

4. The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and deposited at the Department of Inland Revenue, in the custody of the Minister, as provided in the Act passed in the thirty-sixth year of the reign of Her late Majesty Queen Victoria, chapter forty-seven, and intituled An Act respecting Weights and Measures, shall continue to be the Dominion standards of measure and weight. R.S., c. 104, s. 3.

5. R.S., 1906.
5. The said bronze bar shall continue to be the Dominion standard for determining the standard yard for Canada; and the said platinum weights shall respectively continue to be the Dominion standards for determining the standard pound and the standard troy ounce for Canada. R.S., c. 104, s. 3.

6. The two copies of the standards of measure and weight, described in the second part of the first schedule to this Act and deposited as therein mentioned, shall be deemed to be parliamentary copies of the said Dominion standards. R.S., c. 104, s. 4.

7. If at any time either of the Dominion standards of measure and weight is lost, or in any manner destroyed, defaced or otherwise injured, the Minister may cause the same to be restored, by reference to or adoption of either of the parliamentary copies of that standard, or of such one of them as remains available for that purpose. R.S., c. 104, s. 5.

8. If at any time either of the parliamentary copies of either of the Dominion standards is lost or in any manner destroyed, defaced or otherwise injured, the Minister may cause the same to be restored, by reference either to the corresponding Dominion standard, or to the other parliamentary copy of that standard. R.S., c. 104, s. 6.

9. The departmental standards of measure and weight which, having been derived from the Dominion standards, are in use under the direction of the Minister and are mentioned in the second schedule to this Act, and no others, save as hereinafter mentioned, shall be secondary standards of measure and weight, and shall be called departmental standards. R.S., c. 104, s. 7.

10. If, at any time, any of such standards is lost or in any manner destroyed, defaced or otherwise injured, the Minister may cause the same to be restored, by reference either to one of the Dominion standards or to one of the parliamentary copies of those standards. R.S., c. 104, s. 7.

11. The Minister shall, from time to time, cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the Dominion weights and measures ascertained by this Act, as are required in addition to those mentioned in the second schedule to this Act to be made and duly verified, and such new denominations of standards, when approved by the Governor in Council, shall be departmental standards in like manner as if they were mentioned in the said schedule. R.S., c. 104, s. 7.
12. The Governor in Council may declare that a departmental standard for the time being, of any denomination, whether mentioned in the said schedule or approved by the Governor in Council, shall cease to be such standard. R.S., c. 104, s. 7.

13. The standards of measure and weight which are lawfully in use by inspectors or assistant inspectors of weights and measures, for the purpose of verification or inspection, and all copies of the departmental standards which are compared with those standards and verified by the Minister for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be called local standards. R.S., c. 104, s. 8; 3 E. VII., c. 72, s. 1.

DOMINION MEASURES OF LENGTH.

14. The straight line or distance between the centres of the two gold plugs or pins, as mentioned in the first schedule to this Act, in the bronze bar by this Act declared to be the Dominion standard for determining the Dominion standard yard, measured when the bar is at a temperature of sixty-one degrees and ninety-one hundredths of Fahrenheit’s thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from varying temperature, shall be the legal standard measure of length and shall be called the Dominion standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, superficial or solid, shall be ascertained. R.S., c. 104, s. 9.

15. One-third part of the Dominion standard yard shall be a foot, and the twelfth part of such foot shall be an inch; and the rod, pole or perch in length, shall contain five such yards and a half; and the chain shall contain twenty-two such yards, and the link shall be the one hundredth part of the chain; the furlong shall contain two hundred and twenty such yards; and the mile one thousand seven hundred and sixty such yards. R.S., c. 104, s. 10.

16. The rood of land shall contain one thousand two hundred and ten square yards, according to the Dominion standard yard; and the acre of land shall contain one hundred thousand square links, being four thousand eight hundred and forty such square yards, or one hundred and sixty square rods, poles or perches. R.S., c. 104, s. 11.

17. In the province of Quebec, the measures of length and superficies for all lands comprised in those parts of the province originally in Quebec. R.S., 1906.
originally granted under the seigniorial tenure, shall be French measures, the ratio and proportion of which shall be to the Dominion standard measures as follows, that is to say:—

(a) The foot, French measure or Paris foot, shall be held to contain twelve inches and seventy-nine hundredths of an inch, standard measure;

(b) The arpent, when used as a measure of length, shall be one hundred and eighty French feet; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet; and the perch, as a measure of length, shall contain eighteen French feet; and as a measure of superficies, three hundred and twenty-four square French feet:

Provided, that the provisions of this section shall apply only to territorial measurement; and the French measures toise and anne shall not be used as standard measures, but the Dominion standard yard, as hereinbefore described shall be used instead thereof. R.S., c. 104, s. 12.

DOMINION MEASURES OF WEIGHT AND CAPACITY.

18. The Imperial pound, as established by the Act passed by the Parliament of the United Kingdom, in the session held in the forty-first and forty-second years of the reign of Her late Majesty Queen Victoria, chapter forty-nine, and intituled The Weights and Measures Act, 1878, as represented by the platinum iridium weight mentioned in the first schedule to this Act, and hereby declared to be the Dominion standard for determining the Dominion standard pound, shall be the legal standard measure of weight and of measure, having reference to weight, and shall be called the Dominion standard pound, and shall be the only unit or standard measure of weight from which all other weights, and all measures having reference to weight, shall be ascertained. R.S., c. 104, s. 13.

19. One-sixteenth part of the Dominion standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one-seven-thousandth part of the Dominion standard pound shall be a grain.

2. One hundred standard pounds shall be a cental or hundred-weight, and twenty centals or two thousand pounds shall be a ton.

3. Four hundred and eighty grains shall be an ounce troy.

4. All the foregoing weights, except the ounce troy, shall be deemed to be avoirdupois weights. R.S., c. 104, s. 14.

20. The unit or standard measure of capacity, from which all other measures of capacity, as well for liquids as for dry goods, shall be derived, shall be the gallon containing ten Dominion standard pounds weight of distilled water weighed in air against brass weights with the water and the air at 1004 pounds per square inch of superficies, and containing one hundred and twenty gallons, as intended to be ascertained.
the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

2. The quart shall be one-fourth part of the gallon, and the Quart, pint, pint shall be one-eighth part of the gallon.

3. Two gallons shall be a peck, and eight gallons shall be a Peck, bushel. bushel. R.S., c. 104, s. 15.

21. When milk is sold by measure, all cans or other vessels Milk of a capacity of one gallon or over used for the purpose of such sale shall contain one Dominion standard gallon, as defined by the last preceding section, or some multiple of such gallon.

2. Such cans or other vessels, when of a capacity of eight gallons, shall be known as a standard; when of a capacity of four gallons, as a half-standard; and when of a capacity of two gallons, as a quarter-standard. 6 E. VII., c. 52, s. 1.

22. The table in the third schedule to this Act shall be deemed to set forth the equivalents in Dominion weights and measures of the weights and measures therein expressed in terms of the metric system; and such table may be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system. R.S., c. 104, s. 20.

STAMPING AND VERIFICATION.

23. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped or engraved on the top or side thereof in legible figures and letters.

2. Every measure of capacity shall have the denomination thereof stamped or engraved on the outside of such measure in legible figures and letters.

3. All cans or other vessels used for the purpose of the sale of milk by measure shall have the capacity thereof and the name of the maker cast, engraved or stamped thereon.

4. Every beam, steelyard or other weighing machine shall have marked upon some essential part of it the maximum weight which it is constructed to weigh, and also on the weights or poises used with it, their actual weight when truly adjusted, in parts or multiples of the avoirdupois pound.

5. A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act as is herein mentioned. R.S., c. 104, s. 28; 6 E. VII., c. 52, s. 1.

USE OF DOMINION WEIGHTS AND MEASURES.

24. Every contract, bargain, sale or dealing made or had in Canada in respect of any work, goods, wares or merchandise, or other thing which has been or is to be done, sold, delivered, carried

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Weights and Measures.

carried or agreed for by weight or measure, shall be deemed to be made and had according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had, shall be void, except when made according to the metric system; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof. R.S., c. 104, s. 21.

25. All articles sold by weight shall be sold by avoirdupois weight, except that gold and silver, platinum and precious stones, and articles made thereof, may be sold by the ounce troy or by any decimal part of such ounce, and all contracts, bargains, sales and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid. R.S., c. 104, s. 22.

26. No weight made of lead or pewter, or of any mixture thereof, shall be stamped with a stamp of verification, or used for trade, unless it is wholly and substantially cased with brass, iron or copper, and legibly stamped or marked cased. R.S., c. 104, s. 30.

27. The use of local or customary measures, or of heaped measures, shall not be lawful. R.S., c. 104, s. 21.

28. In using a Dominion measure of capacity the same shall not be heaped, but either shall be stricken with a round stick or roller straight and of the same diameter from end to end, or if the article sold cannot, from its size or shape, be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article admits of. R.S., c. 104, s. 19.

29. No contract or agreement shall be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of Dominion weights and measures, whether metric or otherwise, are used in such contract or dealing. R.S., c. 104, s. 23.

30. Nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any specific quantity in Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shown that such vessel is not used or intended for use as a measure. R.S., c. 104, s. 24.

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LIQUIDS IN CASKS.

31. The capacity of any cask shall, in all cases of dispute, be determined by the weight of rain water it holds, the water being at a temperature of sixty-two degrees of Fahrenheit's thermometer, and ten pounds of such water being reckoned as equal to one gallon; and the determination by such weighing by an inspector or assistant inspector of weights and measures, or by an officer of Inland Revenue, authorized thereto under departmental regulations, of the contents of any cask, shall be final and conclusive. R.S., c. 104, s. 54; 3 E. VII., c. 72, s. 3.

32. No malt liquors or any other liquids subject to excise that have been put into any cask in Canada, shall be delivered in the cask to the purchaser unless the capacity of the cask in which delivery is made, ascertained as aforesaid, is legibly marked in gallons, and parts of a gallon, on one head thereof; and such marking shall be cut or branded in the wood, or painted thereon in oil colours, in characters not less than one inch and one-quarter in height; Provided that such marking shall not be necessary on casks on which the quantity of liquid then contained in them has been marked or verified in compliance with excise regulations then in force. 52 V., c. 17, s. 1.

CHARGE FOR THRESHING GRAIN.

33. Notwithstanding anything in this Act, the charge for the threshing of grain may, until a suitable scale or measuring apparatus therefor that may be verified, is provided and has been approved by an order of the Governor in Council, be determined by any device which records, automatically or otherwise, the number of discharges made: Provided that the quantity threshed and upon which the charge for threshing is to be based may be determined by check-weights on a properly verified scale such number of times per day as is agreed upon between the operator of the threshing machine and the owner of the grain threshed; and the aggregate quantity thus established shall be that for which threshing charges shall be payable; and such charges may be recovered in any court of law or equity.

2. This section may be repealed by order of the Governor in Council whenever it is established to his satisfaction that an apparatus complying with the provisions of this Act is available. 3 E. VII., c. 72, s. 4.

ADMINISTRATION.

34. The Minister shall have the custody of the Dominion standards of measure and weight, and of the departmental standards, and of all balances, apparatus, books, documents and things used in connection therewith or relating thereto. R.S., c. 104, s. 32.

35. The Minister to have custody of standards.
Deposit of parliamentary standards.

Periodical comparison.

Departmental standards.

Record of verification.

Copies of metric standards.

Comparisons, verifications, etc.

Duty of Dep. Min. of Inland Revenue.

Extra pay.

35. The parliamentary copies of the Dominion standards of measure and weight, mentioned in part two of the first schedule to this Act, shall continue to be deposited as therein mentioned.

2. The Minister shall cause the parliamentary copies of the Dominion standards of measure and weight to be compared with each other once in every five years and once in every ten years with the Dominion standards of measure and weight. R.S., c. 104, s. 33.

36. Once, at least, in every five years, the Minister shall cause the departmental standards, for the time being, to be compared with the parliamentary copies of the Dominion standards of measure and weight made and approved in pursuance of this Act, and with each other, and to be adjusted or renewed if requisite. R.S., c. 104, s. 34.

37. A record shall be kept by the Minister of all standards verified or reverified, showing full particulars of the results of such verification or reverification. R.S., c. 104, s. 34.

38. The copies of the metric standards mentioned in the fourth schedule to this Act having been obtained and deposited in the custody of the Minister, the Minister may cause to be compared with the said standards and verified, all metric weights and measures which are submitted to him for the purpose, and which are of such shape and construction as are, from time to time, directed under any order in council in that behalf, and which the Minister is satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose within the meaning of this Act. R.S., c. 104, s. 35.

39. All comparisons, verifications and other operations with reference to standards of length, weight and capacity shall be conducted under the supervision of the Deputy Minister of Inland Revenue, and generally he shall have such powers and duties in relation thereto as are assigned to him by the Governor in Council.

2. The Deputy Minister of Inland Revenue shall also conduct all such comparisons, verifications and other operations with reference to standards of measure and weight in aid of scientific researches, or otherwise, as the Minister deems expedient.

3. In consideration of the special qualifications and knowledge necessary for the proper discharge of such duties, the said Deputy Minister may be paid, in addition to his salary as Deputy Minister, such further allowance, out of any moneys voted by Parliament for the purposes of this Act, as is directed by the Governor in Council. R.S., c. 104, s. 36.

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Inspectors.

40. The Governor in Council may, from time to time, appoint one or more inspectors of weights and measures for each province, and such number of assistants to each inspector as is, from time to time, found necessary, and may, from time to time, assign them inspection divisions; and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister; and the Governor in Council may assign to each inspector or assistant so appointed such remuneration or salary as is deemed expedient, not exceeding the amount voted by Parliament, and may also allow to each such inspector or assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties. R.S., c. 104, s. 37.

41. The Governor in Council may appoint any officer of the Department of Inland Revenue to the office of district inspector under this Act, and such officer shall discharge the duties assigned to him under this Act, in conjunction with and in addition to his other official duties. R.S., c. 104, s. 38.

42. Each inspector or assistant inspector shall, on appointment, take an oath for the faithful discharge of his duties, and shall give a bond, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus entrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for the duly accounting for all moneys collected by him. R.S., c. 104, s. 39.

43. Each inspector shall be furnished by the Minister with one or more sets of standards, to be called the local standards, carefully verified and authenticated by comparison with the departmental standards in the custody of the Minister, and with such apparatus as is requisite to enable him to perform his duties under this Act. R.S., c. 104, s. 40.

44. No officer appointed under this Act shall be a maker or seller of weights, balances, measures or weighing machines, but under special departmental instructions in that behalf, he may be allowed to adjust or alter any weight verified by him or submitted to him for verification, and to collect therefor such compensation as is authorized by the Governor in Council. R.S., c. 104, s. 41.

45. The standards and other apparatus shall be used by the inspector or assistant into whose custody they are given solely for the purpose of comparing and verifying weights, measures, balances and weighing machines used for purposes of trade. R.S., c. 104, s. 42.
46. The inspector or his assistant shall perform such duties incident to the verification of weights and measures, and of beams, scales, steelyards and other weighing machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession, as are assigned to him under departmental regulations. R.S., c. 104, s. 43.

47. The inspector or his assistant shall, at all proper times carefully examine and compare all weights and measures, and all beams, scales or other weighing machines of any kind, presented to him within his division; and when found correct and just, he shall mark, stamp or brand the same in such manner as is, from time to time, directed by the Minister, who shall furnish such stamps, brands and implements as he thinks proper for that purpose. R.S., c. 104, s. 43.

48. The inspector or his assistant may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the carriage or conveyance thereof by weight or measure, and there examine all weights, measures, beams, scales, steelyards or other weighing machines, and compare and try the same with the local standards of weight and measure in his possession, and he shall do so from time to time, and without previous notice, so as best to ensure compliance with the provisions of this Act, and the discovery and punishment of any violation thereof.

2. He shall attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing machine in his division.

3. He may also, subject to regulations made by the Governor in Council in that behalf, at any time when not so engaged as aforesaid, inspect, verify, stamp and certify any weights, measures or weighing machines, at the request of the owner thereof, and at any place in his division. R.S., c. 104, s. 45.

49. The inspector shall keep a book in which he shall enter minutes of all verifications made by him or his assistant, and at the time of every inspection he or his assistant shall deliver to the owner of any weight or measure, or weighing machine verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and specifying the weight, measure or weighing machine inspected. R.S., c. 104, s. 47.

50. Within four months after the expiration of two years from the first verification and stamping, and once in two years after each subsequent verification, every weight, measure and
Weighing machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper inspector; and the production of the certificate shall be prima facie evidence of the verification or stamping, or re-verification, having taken place within the period prescribed by law. 61 V., c. 30, s. 4.

51. No weight, measure or weighing machine duly stamped by any inspector, or other person hereby authorized to examine and stamp the same, shall be subject to be re-stamped, although the same is used beyond the limits of the inspection division within which it was originally stamped, but shall be considered as a lawful weight or measure or weighing machine throughout Canada, unless found defective or unjust on any inspection under this Act by the inspector or his assistant for the division in which it is at the time of such inspection. R.S., c. 104, s. 50.

REGULATIONS.

52. The Governor in Council may, from time to time, make regulations concerning,—

(a) the guidance of the inspectors and their assistants in the performance of their duties;
(b) the replacement and use of the standards;
(c) the methods of verifying local standards or weights, measures, weighing machines and balances, and of certifying such verification;
(d) the amount of error that may be tolerated in weights, measures, balances and weighing machines;
(e) the shapes, dimensions and proportions to be required in weights, weighing machines and measures, and the materials of which they may be made;
(f) the marking on weights and measures authorized under this Act, of their several denominations;
(g) defining and specifying what weights, measures, weighing machines and balances shall or shall not be admitted to verification;
(h) the more frequent verification of elevator, railway, colliery and public scales, and spring balances, and requiring the owners thereof to provide suitable and safe storage for such standard weights as are necessary for the proper conduct of such verification;
(i) the construction of cans or other vessels used for the purpose of the sale of milk by measure, the manner of inspection thereof, and generally for giving effect to the provisions of this Act respecting the use, verification and inspection of such cans or other vessels.

2. Such regulations shall be published in the Canada Gazette. R.S., c. 104, s. 57; 61 V., c. 30, s. 4; 6 E. VII., c. 52, s. 1.

R.S., 1906.
Fees and Stamps.

53. The Governor in Council may, from time to time, make a tariff of fees to be paid to the inspectors or their assistants for inspecting and stamping weights and measures, balances, beams and other weighing machines, under this Act; and the order in council containing such tariff and regulations, and any repeal or amendment thereof, shall be published in the Canada Gazette; and the said fees shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 104, s. 58; 6 E. VII., c. 52, s. 1.

54. Such fees shall be paid at the time of the inspection, stamping or verification, to the inspector or his assistant, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such fee, and shall, at the time of affixing the same, write or mark thereon, in such manner as is directed by departmental regulations, the date at which it is affixed; and no certificate shall be valid or avail for any purpose whatsoever unless the requisite stamp or stamps have been duly affixed and remain affixed thereto and cancelled. R.S., c. 104, s. 59.

55. In case of dispute as to the correctness of a weight, measure or weighing machine, if an inspector or assistant inspector is requested to inspect such weight, measure or weighing machine, the fees for such inspection shall be paid by the person against whom the decision is given. 61 V., c. 30, s. 7.

56. If any person refuses to pay the inspection fees payable by him, on demand of the inspector or assistant inspector, such inspector or assistant inspector may, to secure the same, seize sufficient of the weights, measures or weighing machines, for the inspection whereof such fees are due, and retain them until the fees and all expenses incurred are paid, and shall forthwith institute proceedings for the recovery thereof and costs. R.S., c. 104, s. 60.

57. The Governor in Council may, from time to time, direct adhesive stamps, bearing such device as he thinks proper, to be prepared for the purposes of this Act, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. R.S., c. 104, s. 61.

58. The device on such adhesive stamp shall express the value thereof, that is to say, the sum at which it is to be reckoned in payment of the duty hereby imposed. R.S., c. 104, s. 61.
Weights and Measures.  Chap. 52.  

RETURNS.

59. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and within fifteen days from the commencement of the first session of Parliament after the close of each fiscal year, a correct statement of such fees and duties for such fiscal year shall be laid before Parliament. R.S., c. 104, s. 62.

OFFENCES AND PENALTIES.

60. Every person who sells by any denomination of weight or measure other than one of the Dominion weights or measures, or some multiple or part thereof, and every public weigher or measurer who uses any weight or measure, or who uses, in any certificate as to the weight or measure of any article weighed or measured by him, any other than one of the Dominion weights or measures, or some multiple or part thereof, shall be liable to a penalty not exceeding twenty dollars for every such sale, weighing or certificate. R.S., c. 104, s. 21.

61. Every person who sells by weight any article otherwise than by avoirdupois weight, except gold and silver, platinum and precious stones and articles made thereof, shall be liable to a penalty not exceeding twenty-five dollars for each offence. R.S., c. 104, s. 22.

62. Every person who uses or has in his possession for use, in trade, any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall incur a penalty not exceeding twenty-five dollars and not less than ten dollars, or, in the case of a subsequent offence, of fifty dollars; and any contract, bargain, sale or dealing made by the same shall be void; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized by the inspector or his assistant as being so forfeited. R.S., c. 104, s. 25.

63. When any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall incur a penalty of twenty-five dollars, or in the case of a subsequent offence, of fifty dollars; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. R.S., c. 104, s. 26.

64. Every person who wilfully makes or sells, or causes to be made or sold, any false or unjust weight, measure, scale, balance, steelyard or weighing machine, shall incur a penalty not exceeding fifty dollars, or in the case of a subsequent offence, of fifty dollars; and the false or unjust weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. R.S., 1906.
not exceeding fifty dollars and not less than twenty-five dollars, or, in the case of a subsequent offence, of one hundred dollars. R.S., c. 104, s. 27.

65. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any land, goods, materials or other thing, for the purpose of charging for or ascertaining the amount or price to be paid, or the charge to be made therefor, any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, is guilty of an offence against this Act, and shall, on conviction, incur a penalty not exceeding fifty dollars and not less than five dollars for each such offence; and every such unstamped weight, weighing machine or measure so used, found in his possession, shall, on being discovered by the inspector or his assistant, be forfeited and forthwith seized and broken by him, without suit or authority other than this Act:
Provided that,—

(a) no manufacturer of or dealer in weights, measures or weighing machines, who has in his possession for sale, any weight, measure or weighing machine, shall be bound to have the same inspected and stamped according to this Act, so long as the same remains in his manufactory or warehouse; but no such weight, measure or weighing machine shall be removed from his premises, sold or taken into use for trade without being inspected and stamped;
(b) postal scales, when engraved and stamped as such, and of a capacity not exceeding four pounds, and not used for trade purposes, may be sold without inspection under such regulations as the Department of Inland Revenue prescribes; but any person using such scales for other than postal purposes shall be liable to the penalties prescribed by this section. R.S., c. 104, s. 29; 3 E. VII., c. 72, s. 2.

66. Every trader who is not a manufacturer of or dealer in weights, measures or weighing machines, and who has in his possession any unstamped weight, measure or weighing machine, shall incur a penalty not exceeding fifty dollars and not less than five dollars for the first offence, and for each subsequent offence a penalty of fifty dollars; and such weights, measures or weighing machines shall be forfeited, and shall be forthwith seized by the inspector or his assistant. R.S., c. 104, s. 29.

67. Every person who stamps with a stamp of verification or who uses for trade a weight made of lead or pewter or of any mixture thereof, unless it is wholly and substantially cased with brass, iron or copper and legibly stamped or marked with the number 1014, is guilty of an offence against this Act; and shall, on conviction, incur a penalty not exceeding fifty dollars for each such offence. R.S., 1906.
Cased, shall incur a penalty not exceeding twenty-five dollars, and in case of a second offence fifty dollars; but nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is bona fide necessary for the purpose of adjusting it, and of affixing thereto the stamp of verification. R.S., c. 104, s. 30.

68. Every person who forges or counterfeits any stamp used for the stamping, under this Act, of any weight, balance, weighing machine or measure, or who wilfully increases or diminishes any weight or measure so stamped, or in any way alters or tampers with any balance, weighing machine or measure, which has been so stamped, so as to cause it to weigh or measure unjustly, shall incur a penalty of forty dollars for the first offence, and for each subsequent offence he shall be liable to a penalty of one hundred dollars and to imprisonment for a term of two months. R.S., c. 104, s. 31.

69. Every person who knowingly uses, sells, utters, disposes of, or exposes for sale, any weight, balance, weighing machine or measure, with a forged or counterfeit stamp thereon, or any weight, balance, weighing machine or measure increased, diminished, falsified or tampered with, shall incur a penalty, for the first offence, not exceeding fifty dollars and not less than twenty-five dollars, and, for each subsequent offence, a penalty of one hundred dollars, and the weight, balance, weighing machine or measure shall be forfeited, and shall be forthwith seized as being so forfeited. R.S., c. 104, s. 31.

70. Every manufacturer of or dealer in weights, measures and weighing machines, who has in his possession for purposes of trade, any weight, measure or weighing machine except such as can, after adjustment, be admitted to verification shall be liable to a penalty not exceeding ten dollars for the first offence, and a penalty not exceeding twenty dollars for each subsequent offence; and such weights, measures and weighing machines shall be seized and confiscated. 61 V., c. 30, s. 5.

71. Every trader who uses with a weighing machine a greater number of weights than is required by its certified capacity, shall be liable to a penalty not exceeding ten dollars for the first offence, and not exceeding twenty dollars for each subsequent offence, and to the confiscation of the weights. 61 V., c. 30, s. 6.

72. Every person who, for the purpose of buying or selling milk by measure, uses any can or other vessel which has not been duly inspected and stamped according to this Act, shall, for the first offence, incur a penalty not exceeding fifty dollars, and for the second offence, a penalty not exceeding one hundred dollars. 1015 R.S., 1906.
and not less than five dollars, and for each subsequent offence, a penalty of fifty dollars; and such vessel shall be forfeited, and shall be seized by the inspector or his assistant. 6 E. VII., c. 52, s. 1.

Obstructing inspector or assistant. 73. Every person who wilfully obstructs or impedes any inspector or assistant inspector in the performance of his duty under this Act, or under any order in council or departmental regulation lawfully made under it, and every person who aids or assists him in so doing, shall incur a penalty of one hundred dollars. R.S., c. 104, s. 46.

Refusing to produce weights for inspection. 74. (a) Every person, not being a manufacturer, dealer in or importer of weights, measures or weighing machines, who refuses to produce for inspection, when required so to do by any inspector or inspector's assistant appointed under this Act, all weights, measures and weighing machines in his possession, and used for any purpose of trade; and,

Or refusing to permit inspection. (b) Every manufacturer of, dealer in or importer of weights, measures or weighing machines, who refuses to permit the inspection, when required in the manner herein provided, of any weights, measures or weighing machines about to be removed from his premises to be used for purposes of trade, or who permits any such weights, measures or weighing machines to be so removed without having been first inspected and stamped as herein required; shall, for a first offence, incur a penalty not exceeding twenty-five dollars and not less than five dollars, and for each subsequent offence a penalty of fifty dollars: Provided that the provisions of this section shall not be construed as imposing any penalty on a manufacturer of, dealer in, or importer of weights, measures or weighing machines in respect of any dormant scales, which cannot be properly verified until set upon a fixed foundation. R.S., c. 104, s. 49.

Proviso.

Stamping any weight, etc., without verifying it. 75. If any inspector or inspector's assistant stamps or marks any balance, beam, weight or measure or weighing machine without having first duly compared and verified the same with the standard or other authorized instrument in his possession for the purpose, he shall, on conviction, incur a penalty not exceeding fifty dollars for each offence. R.S., c. 104, s. 51.

Stamping out of division. 76. Every inspector or assistant inspector, who, without authority from the Minister, knowingly stamps any balance, weight, measure or weighing machine, belonging to any person residing within the limits of any inspection division for which another inspector has been lawfully appointed, shall, on conviction, incur a penalty not exceeding five dollars for every

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balance, weight, measure or weighing machine so stamped.
R.S., c. 104, s. 52.

77. Every public gauger or other person who,—
(a) marks or causes to be marked on any cask as its capacity, a quantity greater than such cask will hold; or,
(b) uses or causes to be used, for the delivery to a purchaser of any malt liquors, or any other liquid subject to excise, put into a cask in Canada, any cask so falsely marked; or,
(c) except as herein provided, delivers any such liquid put into a cask in Canada, in a cask not marked as herein required;
is guilty of an offence against this Act, and shall incur a penalty of ten dollars for every cask so falsely marked or so used without being first properly marked, and a penalty of double the amount for every subsequent offence. R.S., c. 104, s. 56.

PROCEDURE.

78. All penalties imposed by this Act or by any regulation made under this authority, shall be recoverable with costs,—
(a) before any civil court of competent jurisdiction, by any person who shall sue for the same; and in such case the amount of the judgment, if not forthwith paid, may be levied by execution and sale of the goods and chattels of the offender; or,
(b) if the penalty does not exceed fifty dollars by summary conviction before any justice of the peace for the district, county or place in which the offence is committed, and, if the penalty exceeds fifty dollars, by summary conviction before any two such justices.

2. Subject to the provisions of this Act, Part XV. of the Part XV. of Criminal Code shall apply to all prosecutions for penalties. C. code.
R.S., c. 104, s. 63.

79. If the person who sues for the penalty is not an inspector or an assistant inspector a moiety of every penalty so recovered shall belong to him, and the other moiety, or, if the person suing is an officer acting in pursuance of this Act, the whole penalty, shall belong to His Majesty. R.S., c. 104, s. 64.

80. No action or prosecution shall be brought against any person for any penalty imposed by this Act, unless the same is commenced within six months after the offence is committed.
R.S., c. 104, s. 68.

GENERAL.

81. All false weights, beams, balances and weighing machines seized as forfeited under this Act, shall be delivered to
1017
the R.S., 1906.
the district inspector for the district in which the offence is committed, in whose custody they shall remain, subject to the order of the Minister.  R.S., c. 104, s. 65.

82. If any weight, beam, balance, measure or weighing machine is voluntarily given up or abandoned by the owner thereof to any inspector or assistant inspector of weights and measures, as forfeited under this Act, or if any sum of money is voluntarily paid to any such inspector or assistant inspector, with the consent and approval of the Minister, as the amount of any penalty under this Act, such abandonment or payment shall be deemed to be a lawful abandonment or payment; and the weight, beam, balance, measure or weighing machine so abandoned or given up may be dealt with as if forfeited under this Act, and the sum of money so paid may be dealt with as if it was a penalty recovered under this Act.  R.S., c. 104, s. 66.

83. Every person aggrieved by the use of any weight or measure or weighing machine, which has not been duly inspected and stamped according to this Act, or which is found light, deficient or otherwise unjust, may recover treble damages and treble costs.  R.S., c. 104, s. 67.

SCHEDULE ONE.

PART I.

Dominion Standards.

The following standards were constructed under the direction of the Commissioner of Inland Revenue:—

The Dominion standard for determining the length of the Dominion standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily’s metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin are cut, a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as

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as the centres of the said gold plugs or pins, and such bar is marked 'Mr. Baily's metal,' 'Standard Yard,' 'A,' 'Troughton and Simms, London.' There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Dominion standard for determining the weight of the Dominion standard pound is of platinum-iridium, the form being that of a cylinder nearly 1.35 inch in height and 1.15 inch in diameter, with a groove or channel round it, the middle of which is about 0.34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked 'A.' The weight of this standard in terms of the Imperial standard is 6999.97694 grains when both are weighed in vacuo and 6999.98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is to be made when comparing other standards.

The Dominion standard for determining the weight of the Dominion standard Troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly 1/8 of an inch in height, including the knob, the knob being nearly one-quarter of an inch and the base of the cone half an inch in diameter respectively, and such standard Troy ounce is marked 'A.' The weight of this standard in terms of the Imperial standard is 479.99197 grains when both are weighed in vacuo, and 480.03048 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is to be made when comparing other standards.

PART II.

Parliamentary Copies of Dominion Standards.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked 'Mr. Baily's metal,' 'Standard Yard,' 'B,' 'Troughton and Simms, London,' one of the copies of the Dominion standard for determining the Dominion standard pound, marked 'B,' and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce marked 1019 'B.'

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'B,' have been deposited with the Speaker of the Senate. This copy of the standard yard is standard at a temperature of 62.16° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999.98312 grains.

(2) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked 'Mr. Baily's metal,' 'Standard Yard,' 'C,' 'Troughton and Simms, London,' one of the copies of the Dominion standard for determining the Dominion standard pound, marked 'C,' and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce, marked 'C,' have been deposited with the Speaker of the House of Commons. This copy of the standard yard is standard at a temperature of 61.45° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999.98367 grains. R.S., c. 104, 1st sch.

SCHEDULE TWO.

DEPARTMENTAL STANDARDS.

<table>
<thead>
<tr>
<th>Measures of Length</th>
<th>Measures of Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denomination of Standard</td>
<td>Denomination of Standard</td>
</tr>
<tr>
<td>No. of</td>
<td></td>
</tr>
<tr>
<td>feet</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>100 feet.</td>
</tr>
<tr>
<td>1</td>
<td>66 feet or chain of 100 links.</td>
</tr>
<tr>
<td>2</td>
<td>10 feet end measure, with bed.</td>
</tr>
<tr>
<td>1</td>
<td>6 feet end measure, with bed.</td>
</tr>
<tr>
<td>1</td>
<td>3 feet or 1 yard.</td>
</tr>
<tr>
<td>1</td>
<td>1 inch, divided into 10 decimal parts, one of which is again divided into ten subdivisions of one one-hundredth of an inch each.</td>
</tr>
<tr>
<td>Set marked 'a'</td>
<td></td>
</tr>
<tr>
<td>Bushel.</td>
<td></td>
</tr>
<tr>
<td>Half-bushel.</td>
<td></td>
</tr>
<tr>
<td>Peck.</td>
<td></td>
</tr>
<tr>
<td>Gallon.</td>
<td></td>
</tr>
<tr>
<td>Half-gallon.</td>
<td></td>
</tr>
<tr>
<td>Quart.</td>
<td></td>
</tr>
<tr>
<td>Pint.</td>
<td></td>
</tr>
<tr>
<td>Half-pint.</td>
<td></td>
</tr>
<tr>
<td>Gill.</td>
<td></td>
</tr>
<tr>
<td>Half-gill.</td>
<td></td>
</tr>
<tr>
<td>Set marked 'b'</td>
<td></td>
</tr>
<tr>
<td>Bushel.</td>
<td></td>
</tr>
<tr>
<td>Half-bushel.</td>
<td></td>
</tr>
<tr>
<td>Peck.</td>
<td></td>
</tr>
<tr>
<td>Gallon.</td>
<td></td>
</tr>
<tr>
<td>Half-gallon.</td>
<td></td>
</tr>
<tr>
<td>Quart.</td>
<td></td>
</tr>
<tr>
<td>Pint.</td>
<td></td>
</tr>
<tr>
<td>Half-pint.</td>
<td></td>
</tr>
<tr>
<td>Gill.</td>
<td></td>
</tr>
<tr>
<td>Half-gill.</td>
<td></td>
</tr>
</tbody>
</table>

R.S., 1906.
## Weights

<table>
<thead>
<tr>
<th>Denomination of Standard</th>
<th>Denomination of Standard</th>
<th>Denomination of Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoirdupois Weights</strong></td>
<td><strong>Troy Bullion Weights</strong></td>
<td><strong>Decimal Grain Weights</strong></td>
</tr>
<tr>
<td><strong>Set marked 'a'</strong></td>
<td><strong>Set marked 'a'</strong></td>
<td><strong>Set marked 'a'</strong></td>
</tr>
<tr>
<td>50 pounds.</td>
<td>500 ounces.</td>
<td>1,000 grains.</td>
</tr>
<tr>
<td>30 do</td>
<td>300 do</td>
<td>600 do</td>
</tr>
<tr>
<td>20 do</td>
<td>200 do</td>
<td>300 do</td>
</tr>
<tr>
<td>10 do</td>
<td>100 do</td>
<td>200 do</td>
</tr>
<tr>
<td>5 do</td>
<td>50 do</td>
<td>100 do</td>
</tr>
<tr>
<td>3 do</td>
<td>30 do</td>
<td>60 do</td>
</tr>
<tr>
<td>2 do</td>
<td>20 do</td>
<td>30 do</td>
</tr>
<tr>
<td>1 pound.</td>
<td>10 do</td>
<td>20 do</td>
</tr>
<tr>
<td>8 ounces.</td>
<td>5 do</td>
<td>10 do</td>
</tr>
<tr>
<td>4 do</td>
<td>3 do</td>
<td>6 do</td>
</tr>
<tr>
<td>2 do</td>
<td>2 do</td>
<td>3 do</td>
</tr>
<tr>
<td>1 ounce.</td>
<td>1 do</td>
<td>2 do</td>
</tr>
<tr>
<td>8 drams.</td>
<td>.5 do</td>
<td>1 do</td>
</tr>
<tr>
<td>4 do</td>
<td>.3 do</td>
<td>.6 do</td>
</tr>
<tr>
<td>2 do</td>
<td>.2 do</td>
<td>.3 do</td>
</tr>
<tr>
<td>1 dram.</td>
<td>.1 do</td>
<td>.2 do</td>
</tr>
<tr>
<td>½ do</td>
<td>.05 do</td>
<td>.1 do</td>
</tr>
<tr>
<td>.5 pound.</td>
<td>.03 do</td>
<td>.06 do</td>
</tr>
<tr>
<td>.3 do</td>
<td>.02 do</td>
<td>.03 do</td>
</tr>
<tr>
<td>.2 do</td>
<td>.01 do</td>
<td>.02 do</td>
</tr>
<tr>
<td>.1 do</td>
<td>.005 do</td>
<td>.01 do</td>
</tr>
<tr>
<td>.05 do</td>
<td>.003 do</td>
<td>.01 do</td>
</tr>
<tr>
<td>.02 do</td>
<td>.001 do</td>
<td>.01 do</td>
</tr>
</tbody>
</table>

| **Set marked 'b'**       | **Set marked 'b'**       | **Set marked 'b'**       |
| 50 pounds.               | 500 ounces.              | 1,000 grains.            |
| 30 do                    | 300 do                    | 600 do                   |
| 20 do                    | 200 do                    | 300 do                   |
| 10 do                    | 100 do                    | 200 do                   |
| 5 do                     | 50 do                     | 100 do                   |
| 3 do                     | 30 do                     | 60 do                    |
| 2 do                     | 20 do                     | 30 do                    |
| 1 pound.                 | 10 do                     | 20 do                    |
| 8 ounces.                | 5 do                      | 10 do                    |
| 4 do                     | 3 do                      | 6 do                     |
| 2 do                     | 2 do                      | 3 do                     |
| 1 ounce.                 | 1 do                      | 2 do                     |
| 8 drams.                 | .5 do                     | 1 do                     |
| 4 do                     | .3 do                     | .6 do                    |
| 2 do                     | .2 do                     | .3 do                    |
| 1 dram.                  | .1 do                     | .2 do                    |
| ½ do                     | .05 do                    | .1 do                    |
| .5 pound.                | .03 do                    | .06 do                   |
| .3 do                    | .02 do                    | .03 do                   |
| .2 do                    | .01 do                    | .02 do                   |
| .1 do                    | .005 do                   | .01 do                   |
| .05 do                   | .003 do                   | .01 do                   |
| .02 do                   | .001 do                   | .01 do                   |

R.S., e. 104, 2nd sch. 1021

SCHEDULE

R.S., 1906.
SCHEDULE THREE.

Tables of the Values of the principal denominations of Measures and Weights of the Metric System, expressed in terms of the Standard Measures and Weights of Canada.

1.—*Measures of Length.*

<table>
<thead>
<tr>
<th>Metric Denominations and Values.</th>
<th>Equivalents expressed in terms of the Standard of Canada.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Standard yards and decimal parts of a yard.</td>
</tr>
<tr>
<td></td>
<td>Metres</td>
</tr>
<tr>
<td>Miliometre</td>
<td>10000</td>
</tr>
<tr>
<td>Kilometre</td>
<td>1000</td>
</tr>
<tr>
<td>Hectometre</td>
<td>100</td>
</tr>
<tr>
<td>Decametre</td>
<td>10</td>
</tr>
<tr>
<td>Metre</td>
<td>1</td>
</tr>
<tr>
<td>Decimetre</td>
<td>1/10</td>
</tr>
<tr>
<td>Centimetre</td>
<td>1/100</td>
</tr>
<tr>
<td>Millimetre</td>
<td>1/1000</td>
</tr>
</tbody>
</table>

2.—*Measures of Surface.*

<table>
<thead>
<tr>
<th>Metric Denominations and Value.</th>
<th>Equivalents expressed in terms of the Standard of Canada.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Square Metres</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Hectare</td>
<td>100 ares.</td>
</tr>
<tr>
<td>Decare</td>
<td>10 do</td>
</tr>
<tr>
<td>Arc</td>
<td>1 1/2 do</td>
</tr>
</tbody>
</table>

3.—*Weights.*

<table>
<thead>
<tr>
<th>Metric Denomination and Value.</th>
<th>Equivalents expressed in terms of the Standard of Canada.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Grams.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Millier</td>
<td>1000000</td>
</tr>
<tr>
<td>Quintal</td>
<td>100000</td>
</tr>
<tr>
<td>Myriagramme</td>
<td>10000</td>
</tr>
<tr>
<td>Kilogramme</td>
<td>1000</td>
</tr>
<tr>
<td>Hectogramme</td>
<td>100</td>
</tr>
<tr>
<td>Decagramme</td>
<td>10</td>
</tr>
<tr>
<td>Gramme</td>
<td>1</td>
</tr>
<tr>
<td>Decigramme</td>
<td>1/10</td>
</tr>
<tr>
<td>Centigramme</td>
<td>1/100</td>
</tr>
<tr>
<td>Milligramme</td>
<td>1/1000</td>
</tr>
</tbody>
</table>

R.S., 1906.
Weights and Measures. Chap. 52. 23

4.—Measures of Capacity.

<table>
<thead>
<tr>
<th>Metric Denominations and Value</th>
<th>Cubic Metres</th>
<th>Litres</th>
<th>Equivalents expressed in terms of the Standard of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kilolitre</td>
<td>1</td>
<td>1000</td>
<td>220.2443, 220.2444, 2.2024, 2.2024, 0.0220, 0.0022</td>
</tr>
<tr>
<td>Hectolitre</td>
<td>(\frac{1}{100})</td>
<td>10</td>
<td>22.0244, 220.2444, 2.2024, 2.2024, 22.0244, 0.2202</td>
</tr>
<tr>
<td>Decalitre</td>
<td>(\frac{1}{1000})</td>
<td>1</td>
<td>2.2024, 220.2444, 2.2024, 2.2024, 2.2024, 0.2202</td>
</tr>
<tr>
<td>Litre</td>
<td>(\frac{1}{10000})</td>
<td>(\frac{1}{100})</td>
<td>0.2202, 2.2024, 2.2024, 2.2024, 2.2024, 0.0220</td>
</tr>
<tr>
<td>Decilitre</td>
<td>(\frac{1}{100000})</td>
<td>(\frac{1}{1000})</td>
<td>0.0220, 0.2202, 2.2024, 2.2024, 2.2024, 0.0220</td>
</tr>
<tr>
<td>Centilitre</td>
<td>(\frac{1}{1000000})</td>
<td>(\frac{1}{10000})</td>
<td>0.0022, 0.0220, 0.2202, 2.2024, 2.2024, 0.0220</td>
</tr>
</tbody>
</table>

R.S., c. 104, 3rd sch.

SCHEDULE FOUR.

Metric Standards.

List of Metric Standards in the custody of the Inland Revenue Department.

MEASURES OF LENGTH.

Metre.

The Dominion standard for determining the length of the metre is a solid square bar, forty-one and a half inches long, and one inch square in transverse section, the bar being of bronze or gunmetal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being one metre or thereabout) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar. The measure of length of the metre is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked 'Mr. Baily's metal,' 'Standard Metre,' 'Troughton and Simms, London.' There are also on the upper side of the bar two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

R.S., 1906.
The temperature. This standard is shorter than the French standard "Metre des archives," by 0.00147 of a millimetre at 0° Centigrade, or 32° Fahrenheit, or is standard at 32\cdot16° Fahrenheit.

WEIGHTS.

Kilogramme.

The Dominion standard for determining the weight of the kilogramme is of bronze, the form being that of a cylinder with a knob, the cylinder having a groove cut in it at about two-thirds of its height. Its value as compared with the French standard kilogramme is 1000000\cdot45 milligrammes, or 1\cdot000000245 of a kilogramme.

METRIC WEIGHTS.

<table>
<thead>
<tr>
<th>No. of each</th>
<th>Denomination</th>
<th>No. of each</th>
<th>Denomination</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20 Kilogrammes.</td>
<td>1</td>
<td>5 Decigrammes.</td>
</tr>
<tr>
<td>1</td>
<td>10 do</td>
<td>1</td>
<td>2 do</td>
</tr>
<tr>
<td>1</td>
<td>5 do</td>
<td>2</td>
<td>1 Decigramme.</td>
</tr>
<tr>
<td>2</td>
<td>2 do</td>
<td>1</td>
<td>5 Centigrammes.</td>
</tr>
<tr>
<td>1</td>
<td>1 Kilogramme.</td>
<td>1</td>
<td>2 do</td>
</tr>
<tr>
<td>1</td>
<td>500 Grammes.</td>
<td>2</td>
<td>1 Centigramme.</td>
</tr>
<tr>
<td>2</td>
<td>200 do</td>
<td>1</td>
<td>5 Milligrammes.</td>
</tr>
<tr>
<td>1</td>
<td>100 do</td>
<td>2</td>
<td>2 do</td>
</tr>
<tr>
<td>1</td>
<td>50 do</td>
<td>1</td>
<td>1 Milligramme.</td>
</tr>
<tr>
<td>2</td>
<td>20 do</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>10 do</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>5 do</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2 do</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1 Gramme.</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

R.S., c. 104, 4th sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 53.

An Act respecting the Units of Electrical Measure.

1. This Act may be cited as the Electrical Units Act. Short title. 57-58 V., c. 38, s. 1.

2. The units of electrical measure for Canada shall be the following:

(a) As a unit of resistance, the ohm, which is based upon Ohm. The ohm equal to \(10^9\) units of resistance of the centimetre-gramme-second system of electro-magnetic units, and is represented by the resistance offered to an unvarying electric current by a column of mercury, at the temperature of melting ice \(14\cdot4521\) grammes in mass, of a constant cross-sectional area and of the length of \(106\cdot3\) centimetres;

(b) As a unit of current, the ampere, which is one-tenth of the unit of current of the centimetre-gramme-second system of electro-magnetic units, and is represented sufficiently well for practical use by the unvarying current which, when passed through a solution of nitrate of silver in water, and in accordance with the specification contained in schedule one to this Act, deposits silver at the rate of \(0\cdot001118\) of a grammme per second;

(c) As a unit of electro-motive force, the volt, which is the Volt, electro-motive force that, steadily applied to a conductor whose resistance is one ohm, will produce a current of one ampere, and which is represented sufficiently well for practical use by \(1009\cdot434\) of the electro-motive force between the poles or electrodes of the voltaic cell known as Clark's cell, at a temperature of \(15^\circ\) centigrade and prepared in accordance with the specification contained in schedule two of this Act;

(d) As a unit of quantity, the coulomb, which is the quantity Coulomb. of electricity transferred by a current of one ampere in one second;

(e) As a unit of capacity, the farad, which is the capacity Farad. of a condenser charged to a potential of one volt by one coulomb;

(f) As a unit of work, the joule, which is equal to \(10^7\) units Joule. of work in the centimetre-gramme-second system, and is represented sufficiently well for practical use by the energy expended in one second by one ampere in one ohm;

(g) R.S., 1906.
Watt.

\((g)\) As a unit of power, the watt, which is equal to \(10^7\) units of power in the centimetre-gramme-second system, and is represented sufficiently well for practical use by the work done at the rate of one joule per second;

Henry.

\((h)\) As the unit of induction, the henry, which is the induction in a circuit when the electro-motive force induced in that circuit is one volt, while the inducing current varies at the rate of one ampere per second. 57-58 V., c. 38, s. 2.

3. The units of electrical measure described in this Act, or such standard apparatus as is necessary to produce them, shall be deposited in the Department of Inland Revenue and shall form part of the system of standards of measure and weight established by the Weights and Measures Act. 57-58 V., c. 38, s. 3.

SCHEDULE ONE.

In the following specification, the term silver voltameter means the arrangement of apparatus by means of which an electric current is passed through a solution of nitrate of silver in water. The silver voltameter measures the total electrical quantity which has passed during the time of the experiment, and by noting this time, the time-average of the current, or, if the current has been kept constant, the current itself, can be deduced.

In employing the silver voltameter to measure currents of about one ampere, the following arrangements should be adopted. The cathode on which the silver is to be deposited should take the form of a platinum bowl not less than 10 centimetres in diameter and from 4 to 5 centimetres in depth. The anode should be a plate of pure silver 30 square centimetres in area and 2 or 3 millimetres in thickness. This is supported horizontally in the liquid near the top of the solution by a platinum wire passed through holes in the plate at opposite corners. To prevent the disintegrated silver which is formed on the anode from falling on to the cathode, the anode should be wrapped round with pure filter paper, secured at the back with sealing wax.

The liquid should consist of a neutral solution of pure silver nitrate, containing about 15 parts by weight of the nitrate to 85 parts of water.

The resistance of the voltameter changes somewhat as the current passes. To prevent these changes having too great an effect on the current, some resistance besides that of the voltameter should be inserted in the circuit. The total metallic resistance of the circuit should not be less than 10 ohms. 57-58 V., c. 38, sch. 1.

SCHEDULE
The cell consists of zinc and mercury in a saturated solution of zinc sulphate and mercurous sulphate in water, prepared with mercurous sulphate in excess, and is conveniently contained in a cylindrical glass vessel.

The mercury.—To secure purity it should be first treated with acid in the usual manner, and subsequently distilled in vacuo.

The zinc.—Take a portion of a rod of pure re-distilled zinc, solder to one end a piece of copper wire, clean the whole with glass paper, carefully removing any loose pieces of the zinc. Just before making up the cell, dip the zinc into dilute sulphuric acid, wash with distilled water, and dry with a clean cloth or filter paper.

The zinc sulphate solution.—Prepare a saturated solution of pure (pure re-crystallized) zinc sulphate by mixing in a flask distilled water with nearly twice its weight of crystals of pure zinc sulphate, and adding zinc oxide in the proportion of about 2 per centum by weight of the zinc sulphate crystals to neutralize any free acid. The crystals should be dissolved with the aid of gentle heat, but the temperature to which the solution is raised should not exceed 30° C. Mercurous sulphate treated as hereinafter described, should be added in the proportion of about 12 per centum by weight of the zinc sulphate crystals, and the solution filtered, while still warm, into a stock bottle. Crystals should form as it cools.

The mercurous sulphate.—Take mercurous sulphate, purchased as pure, and wash it thoroughly with cold distilled water by agitation in a bottle; drain off the water, and repeat the process at least twice. After the last washing, drain off as much of the water as possible.
Mix the washed mercurous sulphate with the zinc sulphate solution, adding sufficient crystals of zinc sulphate from the stock bottle to ensure saturation, and a small quantity of pure mercury. Shake these up well together to form a paste of the consistence of cream. Heat the paste, but not above a temperature of 30° C. Keep the paste, for an hour at this temperature, agitating it from time to time; then allow it to cool, continuing to shake it occasionally while cooling. Crystals of zinc sulphate should then be distinctly visible, and should be distributed throughout the mass. If this is not the case, add more crystals from the stock bottle, and repeat the whole process. This method ensures the formation of a saturated solution of zinc and mercurous sulphates in water.
Contact is made with the mercury by means of a platinum wire about No. 22 gauge. This is protected from contact with the other materials of the cell by being sealed in a glass tube. The ends of the wire project from the ends of the tube; one end forms the terminal; the other end and a portion of the glass tube dip into the mercury. 57-58 V., c. 38, sch. 2.
CHAPTER 54.

An Act respecting the Department of the Interior.

1. This Act may be cited as the Department of the Interior Short title. Act.

2. There shall be a department of the Government of Canada Department which shall be called the Department of the Interior, over which constituted. the Minister of the Interior, for the time being, appointed by the Governor General, by commission under the Great Seal of Canada, shall preside; and he shall hold office during pleasure, and shall have the management of the Department. R.S., c. 22, s. 1.

3. The Governor in Council may appoint an officer who shall be called the Deputy Minister of the Interior, and such departmental officers, agents, 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. 22, s. 2.

4. The Minister of the Interior shall have the control and management of,—

(a) the affairs of the Northwest Territories, and of the Yukon Territory;
(b) all Crown lands which are the property of Canada, including those known as Ordnance and Admiralty lands, and all other public lands not specially under the control of the Department of Public Works, Railways and Canals, or Militia and Defence, and excepting also marine hospitals and lighthouses and land connected therewith, and St. Paul's, Sable and Portage Islands. R.S., c. 22, ss. 3 and 4.

5. Persons employed in one branch of the Department may be directed by the Minister to perform any duty in or with respect to any other branch. R.S., c. 22, s. 5.

6. When it becomes necessary to employ temporary assistants in the Surveyor General's branch of the Department of the Interior, for the performance of services requiring technical, scientific or professional qualifications, the Minister may, upon the requisition of the Deputy Minister, employ as such temporary assistants any persons who are reported to him by R.S., 1906.
by the Deputy and the Surveyor General to be possessed of the special qualifications requisite for such services. 62-63 V., c. 15, s. 1.

7. Any person who was, on the eleventh day of August, one thousand eight hundred and ninety-nine, temporarily employed in the Surveyor General’s branch of the Department in professional or technical work, and who is reported by the Deputy Minister and the Surveyor General to the Minister to have the special qualifications requisite for such work may be continued in such employment so long as his services therein are required. 62-63 V., c. 15, s. 2.

8. Notwithstanding anything contained in the Civil Service Act, it shall not be necessary that any person so employed or continued in employment shall have passed any examination under that Act.

2. Any such person may be paid out of moneys voted by Parliament for the contingencies of the Department, or out of any other moneys voted by Parliament for the services in connection with which such person is employed or continued in employment, at a rate in excess of the minimum yearly remuneration authorized by the Civil Service Act to be paid to temporary clerks or writers. 62-63 V., c. 15, s. 3.

9. The Minister of the Interior shall annually lay before Parliament, within fifteen days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding. R.S., c. 22, s. 6.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King’s most Excellent Majesty.
CHAPTER 55.

An Act respecting Public Lands.

SHORT TITLE.

1. This Act may be cited as the Dominion Lands Act. Short title. R.S., c. 54, s. 1.

INTERPRETATION.

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

(a) 'Minister' means the Minister of the Interior; "Minister.'

(b) 'Surveyor General' means the officer of the Depart- "Surveyor General.'

ment of the Interior who bears that designation, or the

chief clerk performing his duties for the time being;

(c) 'agent or officer' means any person or officer employed 'Agent or

in connection with the administration and management, 'officer.'

sale or settlement of Dominion lands; 'local agent' means

the agent for Dominion lands employed as aforesaid, with

respect to the lands in question; and 'land office' means

the office of any such local agent;

(d) 'Dominion land surveyor' means a surveyor duly 'Dominion

authorized, under the provisions of this Act, to survey land surveyor.'

Dominion lands;

(e) 'Crown timber agent' means the local officer appointed 'Crown tim-

to collect dues on and to perform such other duties as are ber agent.'

assigned to him in respect to the timber on Dominion

lands;

(f) 'Dominion lands' means any lands to which this Act 'Dominion

applies;

(l) "pre-emption entry" means the entering on the books 'Pre-em-

of a local agent, as was formerly provided for, of a prefer-

ential claim to acquire by purchase, in connection with a tion entry.'

homestead entry, and on becoming entitled to a patent for the homestead, a quarter-section, or a part of a quarter-

section of land adjoining such homestead; and 'pre-emption right' means the right of obtaining a patent for such quarter-section, or part of a quarter-section, on the said condition and on payment of the price fixed by the Governor in Council at the time of entry for the class of lands in which such pre-emption is comprised, in respect of land subject to pre-emption entry;

1031 (h) R.S., 1906.
Dominion Lands.

(h) 'Commissioner of Dominion Lands' means the officer of the Department of the Interior who bears that designation, or any officer appointed to perform his duties for the time being;

(i) 'timber' includes all wood and all products thereof.

(j) 'form' means a form in the schedule to this Act. R.S.,
c. 54, s. 2 and 64; 1 E. VII., c. 20, s. 1.

APPLICATION OF ACT.

3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies exclusively to the public lands in the provinces of Manitoba, Saskatchewan and Alberta, and the Territories of Canada.

2. The three and one-half million acres of lands in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains, granted to the Crown, as represented by the Government of Canada, by the Act of the Legislature of British Columbia, number fourteen, passed in the session held in the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, intituled An Act relating to the Island Railway, the Graving Dock and Railway Lands of the Province, and to be located by the said Government in one rectangular block, shall also be held to be Dominion lands within the meaning of this Act. R.S., c. 54, s. 3; c. 56, s. 2.

4. None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. R.S., c. 54, s. 4.

5. An exchange of any Crown lands within, and now the property of the province of Manitoba, for Dominion lands of equal value, may be made between that province and the Dominion of Canada; and when such exchange has been completed the Crown lands so granted to the Dominion shall be deemed to be and shall be Dominion lands within the meaning of this Act, and may be administered under its provisions as if they had never ceased to be Dominion lands. 61 V., c. 31, s. 11.

POWERS OF THE GOVERNOR IN COUNCIL.

6. The Governor in Council may,—

(a) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;

(b) reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in the provinces of Manitoba, Saskatchewan and Alberta, or in the Territories of Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner,

R.S., 1906.
manner, at such price and on such terms as are deemed expedient;

(c) make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand and eight hundred acres for each mile beyond the limits of Manitoba, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson Bay;

(d) grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as is deemed fair and reasonable;

(e) grant land—not in any case exceeding in extent one section and one-half section—to any person who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during that period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister;

(f) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;

(g) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such territory or tract on the first day of January, one thousand eight hundred and ninety-nine, and who were at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person;

(h) investigate and adjust claims preferred to Dominion lands situate outside of the province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and being by their own residence, or that of those through whom they claim, or that of their servants, tenants or agents, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims as is considered fair and reasonable, but not exceeding in any case one quarter section, unless there has been cultivation of more than that area;

(i) make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary.

R.S., 1906.
necessary to give the provisions in this section contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

(j) impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act;

(k) provide that any statement or return required to be made by such regulations, shall be verified on oath. R.S., c. 54, s. 90; 62-63 V., c. 16, s. 4.

7. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water-powers and privileges necessary therefor. 55-56 V., c. 15, s. 7.

8. Every order or regulation made by the Governor in Council, in virtue of the provisions of this Act, shall, unless herein otherwise specially provided, have force and effect only after the same has been published for four successive weeks in the Canada Gazette; and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the session next after the date thereof. R.S., c. 54, s. 91.

9. Notwithstanding anything contained in any Act relating to Dominion lands, the omission to publish any order or regulation made by the Governor in Council under the provisions of any such Act prior to the twenty-third day of July, one thousand eight hundred and ninety-four, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder. 57-58 V., c. 26, s. 2.

10. The Governor in Council may establish a tariff of fees to be charged by the Minister for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands. R.S., c. 54, s. 92.

ADMINISTRATION.

11. The Minister shall have the administration and management of the Dominion lands; and such administration and management shall be effected through a branch of the Department of the Interior, which shall be known and designated as the Dominion Lands Office. R.S., c. 54, s. 5.
12. The Governor in Council may appoint an officer who shall be styled the Commissioner of Dominion Lands, an officer who shall be styled the Inspector of Dominion Lands Agencies, and an officer who shall be styled the Superintendent of Mines, and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that are, from time to time, conferred upon and assigned to them by order of the Governor in Council. R.S., c. 54, s. 6.

13. The Governor in Council may establish a Dominion Lands Board to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands, the Inspector of Dominion Lands Agencies, and the Superintendent of Mines, and all other matters connected with the administration of the Dominion lands system in the provinces of Manitoba, Saskatchewan and Alberta and the territories of Canada; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as the Governor in Council, from time to time, directs. R.S., c. 54, s. 6.

14. No person employed in or under the Department of the Interior shall purchase any Dominion lands except under authority of the Governor in Council, or shall locate military or other bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person, except his superior officer, any discovery made by him or by any other officer of the Department of the Interior, or any other information in his possession in relation to Dominion lands, until such discovery or information has been reported to the Minister, and his permission for such disclosure has been obtained. R.S., c. 54, s. 7.

15. Every person employed in the outside service of the Dominion Lands Branch of the Department of the Interior, who has not already done so, and every extra clerk employed in the said branch, who has not already done so, and every person or extra clerk who is hereafter so employed, shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by the Civil Service Act for like employees. R.S., c. 54, s. 7.

Surveyors.

16. No person shall act as surveyor of Dominion lands unless he was, before the fourteenth day of April, one thousand eight hundred and seventy-two, duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the provinces of Canada, or has become qualified under the provisions hereinafter set forth. R.S., c. 54, s. 99.
17. Persons qualified so to act shall be styled Dominion Land Surveyors, or Dominion Topographical Surveyors, as the case may be. R.S., c. 54, s. 100.

18. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or for admission as articled pupils, which shall consist of the Surveyor General and two Dominion topographical surveyors appointed from time to time by order in council; and the meetings of the Board shall commence on the second Monday in the month of February in each year or at such other times as the Minister directs—due notice thereof being given in the Canada Gazette; and the place of meeting shall be at the city of Ottawa, or at such other place as is from time to time fixed by the Minister. 62-63 V., c. 16, s. 5.

19. Every member of the Board of Examiners shall take an oath of office, in form A, which shall be administered by a judge of any one of the superior courts in any province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath. R.S., c. 54, s. 101.

20. The Board of Examiners shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings. R.S., c. 54, s. 101.

21. The Minister may cause examinations of candidates for commissions as Dominion land surveyors, or for admission as articled pupils, to be held at such times and places as he directs, by one of the members of the Board of Examiners, or by a special examiner who shall be a Dominion land surveyor or Dominion topographical surveyor, and shall be appointed by order in council; but such examinations shall be subject to the rules and regulations made by the Board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the Board. R.S., c. 54, s. 101; 62-63 V., c. 16, s. 6.

22. Three members of the Board of Examiners shall form a quorum.

2. In the event of any member of the Board being unable, through illness or other cause, to attend any meeting of the Board, his place may be temporarily filled by another Dominion topographical surveyor, appointed by order in council as occasion requires. R.S., c. 54, s. 101; 62-63 V., c. 16, s. 7.

23. No person shall be admitted as an articled pupil with any Dominion land surveyor, unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, as to his penmanship and orthography, and R.S., 1906.
and also as to his knowledge of arithmetic, algebra including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of supercifices, and the use of logarithms, and has obtained a certificate of such examination, and of his proficiency, from such Board. R.S., c. 54, s. 102.

24. Applicants for such examination, previously to being articled, shall give notice to the secretary of the Board of their desire to present themselves for examination; whereupon that officer shall instruct them as to the manner in which they must proceed. R.S., c. 54, s. 103.

25. No pupil shall be entitled to be examined before the Board, or before one of the members thereof, for a commission as a Dominion land surveyor, unless he has previously served regularly and faithfully for and during the period of three successive years, under articles in writing in form B, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in form C together with his own affidavit in form D, that he has so served; or, if for some good and valid reason such affidavits cannot be produced, unless he produces such evidence of the service as the Board requires; and such three years' service shall include at least twelve months' actual practice in the field. R.S., c. 54, s. 104.

26. Whenever the pupil of a Dominion land surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of this Act, a person of twenty-one years of age, the said form B may be altered to suit the case, by leaving out as much as relates to the father or other person by whose consent and approbation the pupil enters into articles, by making the pupil take upon himself the obligation in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil, and by otherwise so varying the form as to suit the circumstances of the case. R.S., c. 54, s. 105.

27. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion land surveyor, with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in form C, or, in default thereof, such evidence of service as the Board requires. R.S., c. 54, s. 106.

28. If any Dominion land surveyor dies, or leaves Canada, or is suspended or dismissed, his pupil may complete his term under R.S., 1906.
under articles, as aforesaid, with any other Dominion land surveyor. R.S., c. 54, s. 107.

29. Articled pupils shall transmit to the secretary of the Board, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the secretary shall acknowledge the receipt of such papers and shall carefully file and keep the same with the records of the Board. R.S., c. 54, s. 108.

30. Every person who, having regard to a standard of qualification existing subsequently to the fourteenth of April, one thousand eight hundred and seventy-two, is qualified by certificate, diploma or commission to survey lands in any province in Canada, and who, in order to become so qualified, has,—

(a) served a term, under articles to a surveyor, similar to the term prescribed by this Act; and,

(b) passed an examination, before the Board of Examiners of the province for which he is so qualified, in the subjects prescribed by this Act for the examination of candidates for commissions as Dominion land surveyors and as articled pupils;

shall be entitled to obtain a commission as Dominion land surveyor without further service, and without being subjected to any examination other than with respect to the system of survey of Dominion lands.

2. If, however, in the opinion of the Board of Examiners,—

(a) the service of such person is not equivalent to that required by this Act for pupils of Dominion land surveyors; or,

(b) the subjects of examination for the certificate, diploma or commission of a surveyor of Crown lands in the province for which such person is so qualified are not sufficiently similar to those by this Act prescribed for qualification as Dominion land surveyor;

the Board may in its discretion require the candidate to complete such further term of service or practice in surveying, and may examine him in such of the subjects prescribed by this Act, as may appear necessary. 61 V., c. 31, s. 8.

31. Every person who shows, to the satisfaction of the Board of Examiners, that he has been duly admitted as a surveyor of lands in any part of His Majesty’s dominions other than the provinces of Canada, and that he has had at least two years’ practice either as a surveyor or as a pupil to a surveyor (of which practice at least six months has been in the field), shall be entitled to a commission on passing an examination in such subjects as are prescribed by this Act for the examination of candidates seeking to become articled pupils and Dominion land surveyors, and on his producing an affidavit from a Dominion
Dominion land surveyor in form C, that such person has, in addition to the service aforesaid, served for one year with him, including at least six months' actual practice with him in the field. R.S., c. 54, s. 110.

32. Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a regular course of study in all the branches of education required by this Act for admission as a Dominion land surveyor, through the regular sessions, for at least two years in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination on producing an affidavit from a Dominion land surveyor in form C that such graduate has served for one year under articles with him, including six months' actual practice with him in the field; but it shall rest with the Board to decide whether the course of instruction in such college or university is that required by this section. R.S., c. 54, s. 111.

33. Every person who desires to be examined before the Board shall give notice thereof in writing to the secretary at least one month previous to the meeting of the Board, and shall, with such notice, transmit the fee hereinafter prescribed. R.S., c. 54, s. 112.

34. Except as in this Act otherwise provided, no person shall receive a commission from the Board authorizing him to practice as a Dominion land surveyor, until he has complied with the requirements of this Act in that behalf, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the Board or before a member thereof as hereinbefore provided in the following subjects, that is to say,—plane and solid geometry, spherical trigonometry, so far as it includes solution of triangles, the use of logarithms, measurement of areas, including their calculation by latitude and departure, and the dividing or laying off land, a knowledge of the elements of practical astronomy and the solution of the following elementary problems:—

(a) To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;
(b) To obtain the local time and the azimuth from an observed altitude of the sun or a star;
(c) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

2. Such person shall be practically familiar with surveying operations and capable of intelligently reporting thereon, and shall have been a graduate of the Royal Military College and other military colleges.

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be conversant with the keeping of field notes, and their plotting and representation on plans of survey in a style of draughtsmanship satisfactory to the Board, with the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments; and shall also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister, from time to time, for the guidance of Dominion land surveyors. R.S., c. 54, s. 113.

35. The Board may examine any candidate on oath, which oath may be administered by any one of the examiners, as to his actual practice in the field, and with regard to his instruments. R.S., c. 54, s. 114.

36. Every person who passes the examination prescribed by this Act, and every person who is, under the provisions of this Act relating to provincial land surveyors, entitled to receive a commission as a Dominion land surveyor, shall receive a commission from the Board in form E, constituting him a Dominion land surveyor, and shall, jointly and severally, with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of one thousand dollars to His Majesty, His heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe before a judge of any one of the superior courts in any province of Canada, who is hereby authorized and required to administer such oaths, or before the Board, any member of which may administer the same, the oath of allegiance, and an oath in the form following:

'I, do solemnly swear (or affirm as the case may be) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favour, affection or partiality. So help me God.'

2. Until such formalities have been complied with the said commission of Dominion land surveyor shall have no effect.

3. Such oaths of allegiance and of office shall be deposited in the Dominion lands office.

4. Such bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of Canada, and shall be subject to the same provisions, and shall enure to the benefit of any person who sustains damage by breach of any condition thereof.

5. Such commission shall be registered in the office of the Registrar General of Canada. R.S., c. 54, s. 115.

37. In addition to the qualification for the performance of the duties declared by this Act to be within the competence of 1010 Dominion
Dominion land surveyors every such surveyor who has previously given the notice of examination by this Act required, may be examined as to his knowledge of the following subjects relating to the higher branches of surveying, for the prosecution of extensive, governing or topographic surveys, or those of geographic explorations, that is to say:—

(a) Algebra;  
(b) Plane and spherical trigonometry;  
(c) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates;  
(d) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution;  
(e) Differential calculus as far as Taylor’s and McLaurin’s theorems, with their practical application;  
(f) Methods of trigonometrical surveying, of observing the angles and calculating the sides of large triangles on the earth’s surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, regard being had to the effect of the figure of the earth;  
(g) The theory of the projections and developments used in the delineation of spherical surfaces;  
(h) The portion of the theory of practical astronomy which relates to the determination of the geographic position of points on the earth’s surface and the directions of lines on the same;  
(i) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error;  
(j) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making tract, micrometer and exploratory surveys;  
(k) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments;  
(l) Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America, so far as to be able to give an intelligent outline of the leading geological features of Canada;  
(m) Methods of trigonometrical levelling, of measurement of heights by barometer or by the temperature of boiling water, and the use of the pendulum in determining the compression of the earth;
Magnetic declination. (n) The instruments and methods used in determining the magnetic declination, inclination and intensity. R.S., c. 54, s. 116.

Designation of those passing this examination.

38. Persons who pass the above mentioned examination in the higher branches of surveying shall receive a certificate to that effect from the Board, and shall be designated Dominion Topographical Surveyors. R.S., c. 54, s. 117.

Tariff of fees.

39. The following fees shall be paid under the provisions of this Act:

(a) To the Secretary of the Board, by each pupil, on giving notice of his desire for examination preliminary to being articulated, one dollar;

(b) To the Secretary of the Board, as the fee due on such examination, ten dollars, and a further sum of two dollars for the certificate;

(c) To the Secretary of the Board, by each pupil, at the time of transmitting to such Secretary the indentures or articles of such pupil, two dollars;

(d) To the Secretary of the Board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

(e) To the Secretary of the Board, by each applicant obtaining a commission, as his fee thereon, two dollars;

(f) To the Secretary of the Board as an admission fee by any candidate receiving a commission, twenty dollars,—which fee, as also the ten dollars due on the said preliminary examination, shall be paid to the Minister of Finance to the credit of Dominion lands;

(g) To the Secretary of the Board by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars;

(h) To the Secretary of the Board, for testing a surveyor's standard of length, two dollars. R.S., c. 54, s. 118.

Allowance to members of the Board.

40. Every member of the Board who attends at the meetings thereof, and the secretary and every member who holds an examination of candidates for commissions as Dominion land surveyors, or for admission as articulated pupils, shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member and consequent upon such attendance, and the Minister shall pay such sums; but no member or temporary member of the Board shall be entitled to any payment under the provisions of this section, unless he has been previously notified by the secretary to attend the meeting of the Board on account of which he claims payment for his services or for travelling and living expenses, and unless the secretary reports to the Minister that he was in regular
regular attendance at such meeting as a member or temporary member of the Board, and was duly notified to attend such meeting. 62-63 V., c. 16, s. 8.

41. The Board may, in its discretion, suspend or dismiss from the practice of his profession, any Dominion land or topographical surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office; but the Board shall not suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor; and, if, after being summoned as aforesaid, the surveyor does not appear, the Board may appoint a fit and proper person to present the evidence on behalf of the surveyor. R.S., c. 54, s. 120.

42. The Surveyor General shall require every Dominion land or topographical surveyor, in addition to the oath by this Act required to be administered to him on receiving his commission as such, to take and subscribe an oath, or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the Surveyor General; and if it is proved, on satisfactory evidence, before any court of competent jurisdiction, that such surveys, or any part thereof, have not been so executed, the Attorney General of Canada shall, upon the application of the Surveyor General, immediately institute a suit upon the bond of such surveyor; and the institution of such suit shall operate as a lien on any property owned or held by such surveyor, or his sureties, at the time the suit is instituted. R.S., c. 54, s. 121.

43. Every Dominion land surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and shall file them in the order of time in which the surveys have been performed, and he shall give copies thereof to all persons concerned, when required so to do; and for so doing he shall be paid the sum of one dollar for each copy, if the number of words therein does not exceed four hundred, but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for every hundred words over and above four hundred words. R.S., c. 54, s. 122.

44. Nothing in this Act shall extend to prevent Dominion land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before. R.S., c. 54, s. 139.

45. Every Dominion land surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence 66\(\frac{1}{2}\) 1043 Allowance to surveyor in R.S., 1906.
in his professional capacity as a surveyor, shall be allowed five dollars for each day he so attends, in addition to his reasonable travelling and living expenses, to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court. R.S., c. 54, s. 123.

Chain Bearers.

Every chain bearer employed in the survey of Dominion lands shall, before he commences his chaining or measuring, take an oath or affirmation that he will discharge such duty with exactness, according to the best of his judgment and ability, and render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty; and any Dominion land surveyor may administer such oath or affirmation. R.S., c. 54, s. 124.

Standard of Measure.

The measure of length used in the surveys of Dominion lands shall be the English measure of length; and every Dominion land surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished to him by the Secretary of the Board on payment of a fee of eight dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify, by such standard, the length of their chains and other instruments for measuring; and the said standard measure shall be returned to the Secretary of the Board as often as it requires to be tested again. R.S., c. 54, s. 125.

Every surveyor who is found performing his duties without being in possession of such standard measure shall be liable to be suspended for a period not exceeding twelve months. R.S., c. 54, s. 125.

Evidence Before Surveyors.

Every Dominion land surveyor acting in that capacity may examine witnesses on oath with respect to all matters relating to the settlement, occupation or possession of Dominion lands, and to the survey of lands, and for better ascertaining the original corner or limits of any township, section or other authorized subdivision, lot or tract of land, and may administer such oath to every person whom he examines in relation to such matters. R.S., c. 54, s. 133.

Whenever any Dominion land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason 1044
reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, and if such person does not willingly appear before, and be examined by such surveyor or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary subpoena ad testificandum, or a subpoena duces tecum, as the case requires, accompanying such application by an affidavit or solemn declaration made before such justice of the peace, as to the facts on which the application is founded; and such justice may issue a subpoena accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpoena, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein. R.S., c. 54, s. 134.

51. A subpoena issued as in the last preceding section set forth shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some adult person of his family at his residence, exhibiting to him or such adult person the original.

2. If the person required in such subpoena to appear, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice. R.S., c. 54, s. 134.

52. All evidence taken by a Dominion land surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the same, and shall be signed by such person; or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as shall also the Dominion land surveyor; and such evidence shall be filed and kept, and any document or plan prepared and sworn to as correct before a justice of the peace, by any Dominion land surveyor, with reference to any survey by him performed, may be filed and kept, at the registry office of the place in which the lands to which the same relate are situate, subject to be produced thereafter in evidence in court. R.S., c. 54, s. 135.

53. Any Dominion land surveyor, when engaged in the performance of his duties as such, may pass over, measure along power to enter upon private lands.

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and ascertain the bearings of any township or section line, or other governing line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. R.S., c. 54, s. 136.

SURVEYS.

54. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances between sections, and of such width, as the Governor in Council prescribes. Such sections shall be bounded and numbered as shown by the following diagram:

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R.S., c. 54, s. 8.

55. The lines bounding townships on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude. R.S., c. 54, s. 9.

56. The townships shall be numbered, in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in the province of Manitoba, east and west from a certain meridian line run in the year one thousand eight hundred and sixty-nine, styled the principal meridian, drawn northerly from the forty-ninth parallel of north latitude at a point ten miles, or thereabouts, westerly from Pembina; and in ranges numbered from such other initial meridians throughout the provinces of Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory as the Minister, in his direction of the land surveys, orders to be established which meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian. R.S., c. 54, s. 10.

57. Except as herein otherwise provided, townships shall be given their prescribed width on the base lines hereinafter mentioned;

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mentioned; and the meridians between townships shall be
drawn across such bases, northward and southward, to the
depth of two townships therefrom, that is to say, to the cor-
rection lines hereinafter mentioned. 52 V., c. 27, s. 1.

58. The meridians between those townships situated be-
tween the international boundary and the first correction line,
shall be surveyed to the south from the said first correction
line to the said international boundary. 52 V., c. 27, s. 1.

59. The said forty-ninth parallel, or international bound-
ary, shall be the first base line, or that for townships num-
bered one; the second base line shall be between townships
four and five; the third between townships eight and nine;
the fourth between townships twelve and thirteen; the fifth
between townships sixteen and seventeen; and so on, northerly,
in regular succession. R.S., c. 54, s. 12.

60. The correction lines, or those upon which the jog re-
sulting from the convergence of meridians shall be allowed,
shall be as follows, that is to say: On the line between town-
ships two and three, on that between townships six and seven,
on that between townships ten and eleven, and so on, that is
to say, they will be those lines running east and west between
townships and midway between the bases. R.S., c. 54, s. 13.

61. Each section shall be divided into quarter sections of
one hundred and sixty acres, more or less, subject to the pro-
visions hereinafter contained. R.S., c. 54, s. 14.

62. In the survey of a township, the deficiency or surplus,
resulting from convergence of meridians, shall be allowed in
the range of quarter-sections adjoining the west boundary of
the township, and the north and south error in closing on the
correction lines from the north or south shall be allowed in the
ranges of quarter-sections adjoining, and north or south respec-
tively of, the said correction lines; excepting in the case of the
north and south closings in those townships between the first
correction line and the first base line, which error is to be left
in the last quarter-section adjoining the said first base line;
but the Governor in Council may order such deficiency or sur-
plus, and such north and south error, or either of them, to be
equally distributed among all the quarter-sections involved.
52 V., c. 27, s. 2.

63. The dimensions and area of irregular quarter-sections
shall, in all cases, be returned by the surveyor at their actual
measurements and contents. R.S., c. 54, s. 16.

64. Except as hereinafter provided, only a single row of
posts or monuments, to indicate the corners of townships or
sections. R.S., 1906.
sections, shall be placed on any survey line thereof; such posts or monuments shall, on north and south lines, be placed in the west limit of the road allowances, and on the east and west lines, in the south limit of road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter-sections, on the opposite side of the road allowance. R.S., c. 54, s. 18.

65. In the case of township, section and quarter-section corners on correction lines, posts or monuments shall, in all cases, be planted and marked independently for the townships on either side; those for the townships north of the line in the north limit of the road allowance, and those for the townships south of the line, in the south limit. R.S., c. 54, s. 18.

66. The township subdivision surveys of Dominion lands, according to the system above described, shall be performed under contract at a certain rate per township, per mile, or per acre, fixed, from time to time, by the Governor in Council, or by competitive tender, as the Governor in Council, from time to time, directs. R.S., c. 54, s. 19.

67. In special cases, where circumstances render it advisable, the Governor in Council may order the survey of a township or townships to be effected otherwise than as hereinbefore provided. R.S., c. 54, s. 19.

68. To facilitate the description for letters patent of less than a quarter-section, every section shall be supposed to be divided into quarter quarter-sections, each of forty acres, which shall be styled legal subdivisions, and shall be numbered as shown in the following diagram, which is intended to show such subdivisions of a section:

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2. The area of any legal subdivision shall, in letters patent, be held to be more or less, and shall, in each case, be represented by the exact quantity as given to such subdivision in the original survey. R.S., c. 54, s. 20.

69. Nothing in this Act shall be construed to prevent fractional sections or lands bordering on any river, watercourse or lake, or on a public road, from being laid out and divided into 1048

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into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other authorized subdivisions into wood lots as hereinafter provided, or the describing of such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, and the Northwest Territories, and the Yukon Territory, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter-sections or legal subdivisions by fixing the corners of such townships, sections, quarter-sections, or other authorized subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter-sections or legal subdivisions for patent by metes and bounds, according to a plan of record. 55-56 V., c. 15, s. 2.

70. Notwithstanding anything in this Act contained, the Minister may direct that lands in the Yukon Territory and in remote parts of the unorganized portions of the provinces of Saskatchewan and Alberta and the Northwest Territories shall be laid off into lots of such size and shape as may be found advisable, and such lots may be dealt with and may be described according to plans of record. 60-61 V., c. 29, s. 19.

Re-Survey.

71. Whenever the Minister has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister, may direct that such survey shall be cancelled and a new survey made, and the said new survey shall be made accordingly. 52 V., c. 27, s. 7.

72. In effecting any such new survey, all posts, mounds or other marks placed to mark the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey, shall become the original marks of such survey. 52 V., c. 27, s. 7.

73. The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act. 52 V., c. 27, s. 7.

Amendment of plans.

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74. R.S., 1906.
74. When it is necessary for a Dominion land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting the points established in renewal thereof, in accordance with the provisions of this Act relating to lost corners and obliterated lines, giving, in either case, the quarter-sections involved an equal breadth.

2. In laying out a half-section or quarter-section he shall connect the opposite quarter-section posts by straight lines.

3. In laying out other authorized subdivisions he shall give to every such subdivision its proportionate share of the frontage and interior breadth, and connect the resulting terminal points by a straight line.

4. The lines or limits so drawn on the ground in the manner above prescribed shall, in the respective cases, be the true lines or limits of such section, half-section, quarter-section or other authorized subdivision, whether the same correspond or do not correspond with the area expressed in the respective patents for such lands. R.S., c. 54, s. 127.

Division Lines in Fractional Sections.

75. The dividing lines or limits between authorized subdivisions, in fractional sections, shall be drawn from the original corners (or the points representing such corners, as defined on the ground, in accordance with the provisions of this Act), in the section line intended as the front of the lot.

2. Northerly or southerly lines shall be drawn due north or due south.

3. Easterly or westerly lines shall be drawn at an angle with the meridian equal to the mean of the angles formed with the same meridian by the lines which are the northern and the southern boundaries respectively of the section. R.S., c. 54, s. 128.

Original Boundary Lines.

76. All boundary lines of townships, sections or other authorized subdivisions, and of towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other authorized subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions herein contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other authorized subdivisions, blocks, gores, commons and lots or parcel of land respectively, whether the same, upon admeasurement, are or are not

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not found to contain the exact area of dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other authorized subdivision, block, gore, common, lot or parcel of land. 52 V., c. 27, s. 7.

77. Every township, section or other authorized subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding. R.S., c. 54, s. 130.

78. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other authorized subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same contains on the ground, whether such quantity is more or less than that expressed in such patent, grant or instrument. R.S., c. 54, s. 131.

79. In every town and village in the provinces of Manitoba, Saskatchewan or Alberta, or in the Northwest Territories, or the Yukon Territory, surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion land surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys as are, by law, required of them when employed to make surveys in townships. R.S., c. 54, s. 132.

Renewal of lost Corners and obliterated Lines.

80. Whenever a Dominion land surveyor is employed to run any dividing line or limit between sections or other authorized subdivisions, and the mound, post or monument erected, marked or planted in the original survey, to define the corner of such section or other authorized subdivision, cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such corner mound, post or monument; but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:—

(a) If the lost corner mound, post or monument is that of a township corner, he shall report the circumstances of the R.S., 1906.
the case to the Surveyor General, who shall instruct him how to proceed;

(b) If the lost corner mound, post or monument is on one of the outlines of a township, he shall join, by a straight line, the nearest undisputed section, or quarter-section corners on such outline, and divide such straight line into such number of sections or quarter-sections or other authorized subdivisions as the same contained in the original survey, giving to each an equal breadth;

(c) If, in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the quarter-section adjoining the correction line;

(d) If, in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners is the western corner of the township, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(e) When the position of the township corner is also lost, it shall be re-established as aforesaid, previously to re-establishing the outline of the township;

(f) When the lost corner is in the interior of a township, on the limit of a meridian road allowance, the surveyor shall connect the two nearest undisputed corners on such limit by a straight line, and divide the distance into such number of sections or other authorized subdivisions as the same contained in the original survey, giving to each an equal breadth;

(g) If one of the nearest undisputed corners is on a correction line, he shall make each quarter-section exactly forty chains and leave the deficiency or surplus, as the case may be, in the quarter-section adjoining the correction line;

(h) When the nearest undisputed corners on the said limit of a meridian road allowance are in different townships, the outline between such townships shall be re-established previous to re-establishing the meridian;

(i) When the lost corner is that of a quarter section on a line running east and west, the surveyor shall join, by a straight line, the opposite section corners on the meridian on each side, and give to each quarter-section an equal breadth;

(j) If, in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, the first quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(k)
(k) When the position of one of the corners on the meridians is also lost, such meridian shall be re-established previously to re-establishing the east and west line;
(l) Whenever a surveyor erects, plants or places a mound, post or monument as aforesaid, to renew a lost or obliterated corner, he shall duly take into account any allowance for road or roads; and the corner, or division or limit so established, shall be the true corner, or division or limit of such section or other legal subdivision. R.S., c. 54, s. 126.

DISPOSAL OF DOMINION LANDS.

Hudson's Bay Company's Lands.

81. In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the fertile belt, that is to say: in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the international boundary, the whole of sections numbers eight and twenty-six, and in each and every of the other townships, the whole of section number eight, and the south half and northwest quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said company. P.S., c. 54, s. 22.

82. The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person by both of them duly authorized. R.S., c. 54, s. 22.

83. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been bona fide settled on under the authority of any order in council, or of this Act, the company may, if it foregoes its right to the sections settled upon aforesaid, or any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied. R.S., c. 54, s. 22.

84. The lands to which the company is entitled as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands under the provisions herein contained, shall not form part of the timber limit or limits included in such township, but shall be the property of the company. R.S., c. 54, s. 22.

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85. One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as herein provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the said company; but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed; and in such case the said company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six, as herein provided. R.S., c. 54, s. 22.

86. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township. R.S., c. 54, s. 22.

87. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled, as aforesaid, and to vest the same in the company, without the issue of a patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth, as hereinbefore provided, returns thereof shall be made in due course by the local agent or agents, to the Dominion Lands Office, and patents shall issue for the same accordingly. R.S., c. 54, s. 22.

**School Lands.**

88. Sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have bona fide settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the lands so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry.

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2. In every such case the Minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the Canada Gazette withdraw it from sale and settlement and set it apart as school lands. R.S., c. 54, s. 23; 57-58 V., c. 26, s. 1.

89. The school lands shall be administered by the Minister under the direction of the Governor in Council. R.S., c. 54, s. 24.

90. All sales of school lands shall be at public auction, and an upset price shall be fixed, from time to time, by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands are situate. R.S., c. 54, s. 25.

91. The terms of sale of all school lands, except as herein-after provided, shall be, at least one-tenth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in nine equal successive annual instalments, with interest at the rate of five per centum per annum, which shall be paid with each instalment of purchase money on the balance thereof from time to time remaining unpaid: Provided that if the Minister considers it will be to the advantage of the purposes for which school lands have been set apart under the provisions of this Act, he may dispose of any section or part of a section of school lands in legal subdivisions or in smaller subdivisions, or in town lots into which the Minister is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on a proper plan of survey by a duly qualified Dominion land surveyor; and the terms of sale of such legal subdivisions, smaller subdivisions or town lots shall be, at least one-fifth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in four equal successive annual instalments, with interest at the rate before mentioned payable as herein specified. 62-63 V., c. 16, s. 1; 1 E. VII., c. 20, s. 7.

92. All moneys, from time to time, realized from the sale of school lands shall be invested in securities of Canada, to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province or territory within which such lands are situated, towards the support of public schools therein; and the moneys so paid shall be distributed for that purpose by such government in such manner as it deems expedient. R.S., c. 54, s. 25.

93. Notwithstanding anything herein contained, in any case where pursuant to the provisions of a certain order in council R.S., 1906, the sale of school lands to former lessees, any lands to be set apart as school lands instead.

Sale to be by public auction and upset price.

Terms of investment of purchase money and disposal of interest thereon.
sees of grazing ranches. council of the twelfth day of October, one thousand eight hundred and ninety-two, a lease of a grazing ranch in the Northwest Territories has been determined, the Governor in Council may authorize the sale of school lands comprised in such lease to the former lessee thereof at the rate of one dollar and twenty-five cents per acre as part of the ten per cent of his leasehold which under the said order in council he was given the privilege of purchasing: Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee, other lands of equal area and value, as nearly as may be. 60-61 V., c. 29, s. 8.

Military Bounty Land Scrip.

94. In all cases in which land scrip has been earned, or is hereafter given by Canada, for military services, warrants therefor shall be granted in favour of the persons entitled thereto, by the Minister of Militia and Defence.

2. Such warrants shall be recorded in the Department of the Interior, and shall be received at the value shown upon their face, in payment for any Dominion lands open for sale. R.S., c. 54, s. 26.

95. No greater area in any township than twenty per centum of the land, exclusive of school and Hudson’s Bay Company’s lands, shall be open for entry by military bounty warrants. R.S., c. 54, s. 26.

96. When warrants are accepted as purchase money, any deficiency shall be payable in cash; but if any payment by warrant, or by amount in warrants, is in excess of the amount of the purchase money, the excess shall not be returned by the Crown. R.S., c. 54, s. 26.

97. Assignments of military bounty warrants, or of the expectancy of the same, shall not be recognized, but the warrants shall, similarly to other land scrip, be considered payable to bearer; the warrantees shall be at all risk of their loss, and no warrant shall be duplicated. R.S., c. 54, s. 27.

98. If any person entitled to a military bounty warrant dies before it is issued, the warrant shall issue in favour of the legal representative of the deceased. R.S., c. 54, s. 27.

99. In the case of the Order of the Governor in Council, dated the twenty-fifth day of April, one thousand eight hundred and seventy-one, by which it was declared that the officers and soldiers of the first or Ontario, and the second or Quebec battalion of rifles, then stationed in Manitoba, whether in the service or in depot companies, and not dismissed therefrom, should R.S., 1906.
should be entitled to a free grant, without actual residence, of one quarter-section, every assignment of his interest by a person so entitled duly made and attested, having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer the interest of the person so entitled in the warrant when issued.

2. The warrant in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the person entitled thereto, or for location. R.S., c. 54, s. 28.

Sale or Lease.

100. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise herein provided, be open for purchase, at such prices, and on such terms and conditions as are fixed, from time to time, by the Governor in Council; but no purchase shall be permitted at a less price than one dollar per acre, and, except in special cases in which the Governor in Council otherwise orders, no sale to one person shall exceed a section, or six hundred and forty acres. R.S., c. 54, s. 29.

101. Sales of Dominion lands shall be restricted, when the Governor in Council deems it expedient, to the odd-numbered sections in each township. R.S., c. 54, s. 29.

102. Such unoccupied Dominion lands as the Minister deems expedient, from time to time, may, when he so orders, be withdrawn from the ordinary sale and settlement, and sold at public auction to the highest bidder, an upset price being fixed for the same. R.S., c. 54, s. 29.

103. Every authorized subdivision or other portion of Dominion lands, which includes a water-power, harbour or stone quarry, shall be reserved from ordinary sale, and shall be disposed of in such manner, and on such terms and conditions, as are fixed by the Governor in Council, on the report of the Minister. R.S., c. 54, s. 29.

104. All leases issued by special authority of the Governor in Council, or pursuant to regulations of the Governor in Council, may be executed on behalf of the Crown by the Minister. 1 E. VII., c. 20, s. 6.

105. The Minister may withdraw from general sale and Arid lands, from settlement under the homestead provisions of this Act, any lands in the province of Saskatchewan or Alberta or in the Northwest Territories which he believes to be so arid as to be unsuited for proper cultivation without the aid of irrigation, and R.S., 1906.
and he may dispose thereof to any person for such price, upon such terms, and subject to such conditions as to the colonization or settlement thereof, and as to the cultivation thereof by the aid of irrigation, as the Governor in Council fixes and determines. 61 V., c. 31, s. 12.

106. Any male person, who has attained the age of eighteen years, may select any quantity of land not exceeding one quarter-section, which, being of the class of land open for sale, has been sold to a purchaser who has failed to comply with the conditions of sale and whose purchase has therefore been cancelled: Provided, that any person, or the legal representative of any person, who selects any land under these provisions shall not be entitled to a patent therefor until he has paid to the Minister an amount equivalent to a price per acre to be fixed by the Minister, and not less than one dollar per acre, nor until he has furnished the proof, required by this Act, of having duly complied with the ordinary homestead conditions, by this Act prescribed, as to his residence upon and cultivation of the said land. 61 V., c. 31, s. 13.

107. The Minister may withdraw from sale or homestead entry any tract or tracts of land, and may lay the same out into town or village lots; and the lots so laid out shall be sold, either by private sale and for such price as the Minister sees fit, or at public auction, an upset price being fixed for the same. R.S., c. 54, s. 30.

108. When the lands withdrawn from sale or homestead entry, to be laid out into town or village lots, are adjacent to lands to which any railway company is entitled, the Minister may arrange with such company that the lands so withdrawn, and such lands of the company in the town or village as are agreed upon, shall be sold on joint account and on such terms as appear just and equitable; and the lands so withdrawn may be granted to the company or to such person as the Government and the company agree upon for the purposes of such sale.

2. A deed from the grantee to the purchaser of any lands so withdrawn and sold, shall give the latter a good and valid title, free from all charges, incumbrances and trusts not expressed in such deed. R.S., c. 54, s. 30.

Homestead.

109. Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in form F, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, which is of the class of land open, under the provisions of this Act, to homestead entry; and such person shall, at the same
same time as he obtains his entry, declare under which of the conditions prescribed by this Act he elects to hold the land affected by such entry. 50-51 V., c. 31, s. 2.

110. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused. 60-61 V., c. 29, s. 12.

111. The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy, and cultivate the land entered for, and to hold possession of the same to the exclusion of any other person whomsoever, and to bring and maintain actions for trespass committed on the said land; the title to the land shall remain in the Crown until the issue of the patent therefor, and the land shall not be liable to be taken in execution before the issue of the patent. R.S., c. 54, s. 32.

112. The privilege of homestead shall only apply to surveyed agricultural lands.

2. No person shall be entitled to homestead entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position—such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station—it is in the public interest to withhold from such entry. R.S., c. 54, s. 32.

113. Any person who is entitled to make a homestead entry for land under the provisions of this Act may select as his homestead one or more of the legal subdivisions of any section which comprise one quarter-section thereof; and if the area so selected and entered for is not greater than eighty acres he may be granted his entry therefor for one-half of the amount of the fee which is exacted for a homestead entry for a whole quarter-section. 61 V., c. 31, s. 10.

114. Whenever the survey of any township has been finally confirmed and the township opened for homestead entry, any person who has bona fide settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, if such right is exercised within three months after the land is open for settlement, and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act.

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As to homestead entry thereafter.

Affidavit by applicant for entry.

Fee.

How entry made on behalf of another person.

Disputes as to right to homestead entry.

First of two or more settlers entitled.

2. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing has been given by the local agent to such *bona fide* settler that such land is open for settlement. R.S., c. 54, s. 33.

115. Every person applying for homestead entry shall appear and make affidavit before the local agent or his senior assistant, according to such one of the forms G to L, both inclusive, or like forms adapted to the circumstances of the case; and upon filing such affidavit with such local agent, or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, or senior clerk, in form M in the schedule to this Act; and such receipt shall be a certificate of entry and shall be authority to the person obtaining it to take possession of the land described in it. R.S., c. 54, s. 34; 61 V., c. 31, s. 1.

116. The Minister or any member of the Dominion Lands Board, or any person named for the purpose by the Minister, upon requisition, may authorize any person named in such requisition to make a homestead entry on behalf of any person signing the same and desiring to obtain such entry, and the person so authorized, in order to obtain such entry, shall make application in form X, on behalf of the person whom he represents, and shall make an affidavit before the local agent or his senior assistant, according to such one of the forms O, P and Q, or like forms adapted as the circumstances of the case require, and shall pay the office fee of ten dollars herein prescribed for such entry. R.S., c. 54, s. 34; 54-55 V., c. 24, s. 1; 60-61 V., c. 29, s. 2; 61 V., c. 31, s. 2.

117. If a dispute arises between persons claiming the right to homestead entry for the same land, the local agent, or any person thereto authorized by the Minister, shall make investigation and obtain evidence respecting the facts; and his report thereon, together with the evidence taken, shall be referred to the Minister for decision, or to the Dominion Lands Board, or to the Commissioner of Dominion Lands, or to such person as is appointed by the Governor in Council to consider and decide in case of such disputes. R.S., c. 54, s. 35.

118. When two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereto shall be entitled to such entry, if the land is of the class open to homestead entry, and if it is not in the opinion of the Minister otherwise inexpedient, in the public interest, to entertain any application therefor. R.S., c. 54, s. 35.

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119. When contending applicants have made valuable improvements on the land in dispute, the Minister may, if the application to acquire the land by homestead entry is entertained by him, order a division thereof in such manner as shall preserve to each of the parties to the dispute, as far as practicable, his improvements; and the Minister may, in his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter-section shall be made up from unoccupied land adjoining, if there is any such of the class open to homestead entry. R.S., c. 54, s. 35.

120. Every person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking, in his own person, possession of the land and beginning continuous residence thereon and cultivation thereof; and if the entry is not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the Minister: Provided that the Minister may grant a further period of six months in which to perfect such entry to any entrant who satisfies the Minister that because of illness, delay in bringing his family to the homestead entered for, or other causes, he will be prevented or has been prevented from perfecting his entry within the period of six months from its date; but no person shall be granted more than twelve months from the date of an entry for the perfecting thereof. R.S., c. 54, s. 36; 1 E. VII., c. 20, s. 2.

121. If a number of homestead settlers, embracing at least twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead. R.S., c. 54, s. 37.

122. Upon receiving from ten or more members of any association of settlers who desire to engage in co-operative farming, if the members of such association including the applicants are eligible for obtaining homestead entry, an application stating,—

(a) that they and their fellow members have formed an association for the purpose of engaging in co-operative farming;

(b) that for such purpose it is necessary to reserve and set aside one or more or part or parts of one or more townships;

(c) that out of such lands, until they have all been entered for by members of the association, each member will be entitled to the privilege of obtaining an entry for a part of R.S., 1906.
of the tract so reserved, not exceeding one quarter-section, as his homestead;

(d) that for the purposes of the association and for the reasons specified in the last preceding section, the members of the association desire to settle together in a hamlet or village within the boundaries of the lands so reserved;

and asking that in lieu of the residence and cultivation conditions which a settler has to comply with to obtain letters patent for the land entered for by him, as a homestead, under the ordinary homestead provisions of this Act, the residence by the settler within the said hamlet or village, for a period of not less than three years within the meaning of this Act, and the cultivation of parcels of land to be set aside for that purpose by the association near the village or hamlet, out of the tract so reserved for the association, and the improvement of the remainder of the tract by the association, shall be accepted as sufficient to warrant the Minister in issuing to such settler, or his legal representative letters patent for the land entered for by him as a homestead; the Minister may withdraw from general sale and from settlement under the ordinary homestead provisions of this Act, any available Dominion lands, including both odd-numbered and even-numbered sections or parts thereof, in tracts of one or more townships, or a sufficient part or parts of a township or townships: Provided that, before any settler who has obtained entry for a homestead under this section, or his legal representative, is entitled to the issue of letters patent therefor, the value of his residence within the said hamlet or village, and of the out-buildings and other improvements connected therewith, shall be equal at least to the value of the residence, out-buildings or other improvements required of an ordinary homesteader, and the total value of all improvements and cultivation done to the tract by the members of the association in connection with its scheme of co-operative farming, shall be equal at least to one hundred and fifty dollars for each member of the association at the date of the settler’s application. 61 V., c. 31, s. 3.

123. At the expiration of three years from the date of his homestead entry, a settler, or in case of his death, his legal representatives, upon proving, to the satisfaction of the local agent or his senior assistant, that he or they, or some of them have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, if such proof is accepted by the Commissioner of Dominion Lands, or the Dominion Lands Board; but the patent therefor shall not issue to any person who is not a subject of His Majesty by birth or naturalization, except in the case of a settler who, after having completed the conditions of his entry, dies prior to the issue of the patent, and whose legal representatives are citizens of

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of a foreign country, and except as hereinafter provided. R.S., c. 54, s. 38; 61 V., c. 31, s. 4; 62-63 V., c. 16, s. 2; 63-64 V., c. 20, s. 1.

124. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the manner hereinbefore mentioned, residence upon and cultivation of the land for the three years next preceding the application for patent, shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing section, if such residence and cultivation are otherwise in conformity with the provisions of this Act. R.S., c. 54, s. 38.

125. Every person who proves that he has resided on the land for which he has homestead entry for twelve months after the date of such entry, and that he has brought under cultivation at least thirty acres thereof, may obtain a patent before the expiration of three years from the date of such entry by paying the Government price for the land at the time of his application for patent. R.S., c. 54, s. 38; 62-63 V., c. 16, s. 3.

126. Proof of residence or cultivation, required by the three last preceding sections of this Act, and of the erection of a habitable house, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses resident in the vicinity of the land to which their evidence relates, and shall be subject to acceptance as sufficient by the Commissioner of Dominion Lands or the Dominion Lands Board; and such affidavit shall be sworn, and such evidence given, before the local agent, or his senior assistant, or before some other person named for that purpose by the Minister. R.S., c. 54, s. 38; 60-61 V., c. 29, s. 3.

127. If, in connection with the homestead entry, the settler has obtained a pre-emption entry, in accordance with the provisions of any Act then in force relating to Dominion lands, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed by the Governor in Council for land so entered for; but such pre-emption right, if not exercised and payment made within two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister. 55-56 V., c. 15, s. 3; 61 V., c. 31, s. 5.

128. After a homestead has been recommended for patent the holder of the pre-emption right may legally dispose of, convey, assign or transfer his right and title in the land for which he holds the pre-emption entry; and this provision shall also apply retrospectively, but shall have no force or effect as respects R.S., 1906.
respects any land in relation to which the subject-matter of this section had been adjudicated upon before the thirtieth day of September, one thousand eight hundred and ninety-one, or was then in question in any court of competent jurisdiction. 54-55 V., c. 24, s. 13.

129. Every person who has obtained a homestead entry, and who purposes to apply for a patent for such homestead, shall give six months' notice in writing to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application, that such notice has been duly given. R.S., c. 54, s. 38.

130. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by residence upon the first homestead, if the second homestead is in the vicinity of the first homestead. 61 V., c. 31, s. 6; 1 E. VII., c. 20, s. 3.

131. If the father (or the mother, if the father is deceased) of any person who is eligible to make a homestead entry under the provisions of this Act, resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother; and in the event of the death of the father or mother before the person is entitled to his patent, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person continuing to reside on the property which was the residence of the father or mother, or by removing to a residence upon his own homestead. 61 V., c. 31, s. 6.

132. If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of this Act as to residence may be satisfied by residence upon the said land. 1 E. VII., c. 20, s. 3.

133. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead shall be entitled to obtain such patent, upon proving to the satisfaction of the Minister or of the Commissioner of Dominion Lands,—

(a) that he has fulfilled three years' residence within the meaning of the provisions of this Act relating to homesteads;

(b)

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(b) that he has at least twenty head of cattle upon such land or land occupied by him in the vicinity, and that he is the actual owner of such cattle;

(c) that he has erected upon such land, or upon land occupied by him in the vicinity, stables and outhouses sufficient to winter at least twenty head of cattle. 1 E. VII., c. 20, s. 3.

134. Notwithstanding anything in this Act, the time during which a settler is absent from his homestead while he is a member of a military force enrolled under the authority of the Minister of Militia, and engaged as a member of such force in the suppression of an outbreak or insurrection in any part of Canada, or in the defence of Canada against a foreign power, or is a member of a company or contingent of Canadian volunteers enrolled under the authority of the Minister of Militia for active service, and also a period not exceeding three months after the discharge of such settler as a member of such force, company or contingent, to permit him to resume his residence upon his homestead, may be counted as residence upon such homestead, within the meaning of this Act. 63-64 V., c. 20, s. 4.

135. If it is established to the satisfaction of the Minister that a settler, while on active service as a member of any such force, company or contingent, is so disabled by wounds received in battle, or because of illness resulting therefrom, or from any other cause, between the time of his enrolment as a member of such force, company or contingent and that of his discharge therefrom, that it is not possible for him, because of such wounds or illness, to resume occupation of his homestead and complete the conditions of his entry therefor, the Minister may forthwith issue a patent for the homestead in favour of such settler. 63-64 V., c. 20, s. 5.

136. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof prescribed by this Act, the guardian or committee of such person, or any person who, in the event of his death, would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person. 60-61 V., c. 29, s. 14.

137. If it is proved to the satisfaction of the Minister,—

(a) that in any one year the settler has not resided upon and cultivated his homestead for at least six months, except where under any provision of this Act such non-residence is R.S., 1906.
Erecting habitable house.

(b) in case he has, in connection with his homestead entry, obtained a pre-emption entry, in accordance with the provisions of any Act then in force relating to Dominion lands, that he has failed to erect a habitable house and to commence actual residence in the same and cultivation of the land within six months of the date of such entry, and to continue and maintain such residence and cultivation as required by the provisions of the Dominion Lands Act in force on the date of entry or that he has failed to make permanent improvements on the land to the aggregate value of one dollar and fifty cents per acre within three years from the time allowed for the perfecting of his entry; or,

(c) in case he has obtained his entry under and in accordance with the conditions prescribed by subsection six of section thirty-eight of chapter fifty-four of the Revised Statutes of Canada as amended by the Act passed in the session held in the fifty-fourth and fifty-fifth years of the reign of Her late Majesty Queen Victoria, chapter twenty-four, that he has not been bona fide resident upon or within a radius of two miles from his homestead quarter-section for at least six months in any one year, or has failed to break, prepare for crop and crop, in each of the three years after obtaining his homestead entry, the areas of his homestead quarter-section mentioned in said subsection, or has failed to erect upon his homestead a habitable house and bona fide to reside therein for not less than three months as required by the said subsection; or,

(d) in case he has obtained his entry under and in accordance with the conditions prescribed by subsection seven of section thirty-eight of chapter fifty-four of the Revised Statutes of Canada as amended by the Act passed in the session held in the fifty-fourth and fifty-fifth years of the reign of Her late Majesty Queen Victoria, chapter twenty-four, that he has failed to perfect his homestead entry and make the cultivation of his homestead in the manner and within the times prescribed by the said subsection, or that he has failed to erect a habitable house upon his homestead before the expiration of the second year after the date of his homestead entry, or that he has not bona fide resided in the said house and cultivated the said land for at least six months in each of the three years following the date when he is required by the provisions of the said subsection to commence residence on his homestead;

the right to the land shall be forfeited, and the entry thereof shall be cancelled; and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases, in the discretion of the Minister. 54-55 V., c. 24, s. 6.
138. In case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister, unless the application for patent was made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight: Provided that in no case shall any homestead entry be cancelled under the provisions of this section until the person who made the entry has been given at least three months' notice in writing by the Minister that his entry will be forfeited because of his neglect to apply for patent, such notice to be mailed to such person, addressed to the post office nearest the land which is the subject of the entry. 60-61 V., c. 29, s. 15.

139. Failure on the part of any person, who has at any time obtained a homestead entry, to apply, as hereinbefore provided, for the patent for his homestead within a period of five years from the date of his homestead entry, shall render his right liable to forfeiture, in the discretion of the Minister. 54-55 V., e. 24, s. 7.

140. In case of illness, vouched for by sufficient evidence, or in the case of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, the Minister may, in his discretion, grant an extension of time during which the settler may be absent from his homestead, without prejudice to his right therein: but the time so granted shall not be reckoned as residence. R.S., e. 54, s. 40.

141. Every homestead, the entry of which has been cancelled, may, in the discretion of the Minister, be held for sale of the land with the improvements, if any, or of the improvements only in connection with homestead entry thereof, to a person other than the person whose entry is cancelled. R.S., e. 54, s. 41.

142. Except as herein provided unless the Minister otherwise declares every assignment or transfer of homestead or pre-emption right or any part thereof and every agreement to assign or transfer any homestead or pre-emption right or any part thereof after patent obtained, made or entered into before the issue of the patent shall be null and void; and unless the Minister otherwise declares the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry: Provided that a person whose Proviso. homestead or homestead and pre-emption have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in form R, counter-1067 signed R.S., 1906.
signed by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned. 60-61 V., c. 29, s. 5.

143. Notwithstanding any provision to the contrary contained in any Act relating to Dominion lands, no assignment or transfer of a homestead or of a pre-emption right held or acquired in whole or in part under any such Act, and no agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the twenty-second day of July, one thousand eight hundred and ninety-five, shall be ipso facto null and void, nor shall any forfeiture accrue in respect thereof; but the Minister may declare any such assignment, transfer or agreement to be null and void and such forfeiture to have accrued, or either; and such declaration shall have effect if made before the patent has issued for the homestead or pre-emption land to which it relates, or if the patent is issued through fraud, error or improvidence.

2. Nothing in this section contained shall affect any matter which had, on or before the last mentioned date, been adjudicated upon, or which then was in question in any court of competent jurisdiction. 58-59 V., c. 34, s. 5.

144. No person who has obtained a homestead patent or a certificate of recommendation entitling him to receive a patent for a homestead, shall be entitled to obtain another homestead entry: Provided that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or such a certificate of recommendation for a patent, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands so as to entitle him to such certificate, or, subject to the provisions hereinafter contained, any person who was permitted under the provisions of any Act at the time in force respecting Dominion lands, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry. 55-56 V., c. 15, s. 4.

Charges upon Homesteads for Advances.

145. If any person is desirous of assisting by advances in money intending settlers to place themselves on homestead lands in the province of Manitoba, Saskatchewan or Alberta or in the Northwest Territories, and of securing such advances, such person may make application to the Minister, stating the plan or project intended to be acted upon, the steps to be taken in

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in furtherance thereof, and the amount to be advanced to such settlers; and the Minister may sanction and authorize such plan or project, or refuse his sanction and authority thereto. R.S., c. 54, s. 44.

146. If the plan or project is sanctioned, and such person thereupon places any settler upon a homestead, a statement of the expenses incurred by such person in paying the actual bona fide cost of passage and freight, in paying for the homestead entry, in providing medical attendance and for the subsistence of the settler and his family, in providing materials for and erecting buildings on the homestead and in insuring such buildings (to which purposes one-half of the advance may be devoted), in breaking land on the homestead, and in providing horses, cattle, house furniture, farm implements and seed grain for the settler, in which statement a sum not exceeding ten dollars for the cost of selecting the homestead, placing the settler thereon and legal expenses, and also a sum to cover interest on the amount advanced for a time to be agreed upon to enable the settler to obtain a return from the cultivation of the homestead, may be included, shall be furnished to the settler, and shall also be submitted with proper vouchers in support thereof to the local agent, a homestead inspector or other agent appointed by the Minister.

2. The local agent, inspector or other agent so appointed, shall examine such statement and verify the same both by such vouchers, and by an examination under oath of the settler and of the person making the advances or his representative, and shall certify the result of his examination by a writing upon the statement signed by him; and thereupon the settler shall make and execute an acknowledgment in writing of the amount so advanced to him, and shall, by such writing, create a charge in form S upon the homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon at a rate not exceeding eight per centum per annum.

3. Notwithstanding anything in this Act contained it shall be competent for the person making an advance to take at once from an intending settler an acknowledgment in form T, and such acknowledgment shall operate as a charge upon the homestead for which the settler obtains entry, to the extent certified by the local agent, homestead inspector or other agent appointed by the Minister, for any sum not exceeding six hundred dollars, and for the interest thereon at a rate not exceeding eight per centum per annum, upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created has actually been made to the settler, and that the settler has been actually placed on the homestead.

52 V., c. 27, s. 5; 54-55 V., c. 24, s. 8.

147.

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Remedy for enforcing payment.

Additional charges may be created.

Assignment.

Provision in case settler forfeits his right to a patent.

**147.** A duplicate of such acknowledgment and charge shall be deposited with the local agent, and, thereupon, the holder of such acknowledgment and charge may by ordinary legal proceedings enforce payment of the amount due for money so advanced together with interest: Provided that no payment of capital shall be enforced before the expiration of four years from the date of the establishment of such settler upon his homestead, and no payment of interest shall be enforced before the expiration of two years from such date nor earlier than the first day of November in any year.

2. The settler may from time to time create additional charges on his homestead in the manner in this Act provided for the creation of a first charge; but the aggregate amount of the capital of the advances so charged thereon shall not at any time exceed six hundred dollars.

3. The holder of such charge may, subject to the approval of the Minister, assign the same, and he shall be deemed to have always had such power. 54-55 V., c. 24, s. 9.

**148.** Upon such acknowledgment and charge being duly executed and duly registered in the registry office for the registration district in which such homestead is situated, the same shall constitute and be and remain a first charge upon such homestead after the issue of the patent or certificate of recommendation for patent for such homestead, until duly satisfied and extinguished according to law. R.S., c. 54, s. 44.

**149.** If the settler does not perform the conditions of settlement required to entitle him to a patent for his homestead within the time and in the manner provided by this Act and thereby forfeits his right to obtain a patent, the holder of the charge may apply to the Minister for a patent of the homestead, and, upon establishing the facts to the satisfaction of the Minister, shall receive a patent in his own name therefor; and as patentee shall be bound to place a bona fide settler on the homestead by the sale thereof to such a settler or otherwise within two years from the date of the patent, and in default of so doing within the said period, shall be bound and obliged, on demand, to sell the homestead, to any person willing to become a bona fide settler thereon, for such sum of money as is sufficient to pay the amount of the charge and interest, and the expenses incurred by him in obtaining the patent and in retaining the homestead, on pain, in case of refusal, of an absolute forfeiture of the homestead and of all claims thereon and of the patent or other title thereeto. R.S., c. 54, s. 44.

**150.** If any settler has acquired a right to receive a patent for his homestead subject to an acknowledgment and charge created under the provisions of this Act, or any former Act, and
and does not apply for the issue thereof, or has applied for the issue of the patent, but it has not been issued, the holder of the charge may obtain the patent or a certificate for patent in the name of the settler, whether the latter is a British subject or not, or in the names of his legal representatives, whether they are British subjects or not, and thereafter the charge shall become a lien on such homestead. R.S., c. 54, s. 44; 63-64 V., c. 20, s. 3; 1 E. VII., c. 20, s. 4.

151. The provisions of this Act relating to charges created by settlers on homesteads for advances may be applied, at the option of any person interested, to any lands affected by advances made under any Act in that behalf heretofore in force, and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge by the settler to whom the advance was made, the registrar of the district in which the lands are situated, may accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the acknowledgment and charge has been so duly filed it shall be held to have constituted a first charge upon such lands from the date of its filing with the local agent, and to be and remain a first charge upon such lands until duly satisfied and extinguished according to law. 54-55 V., c. 24, s. 10; 60-61 V., c. 29, s. 16.

152. Every such acknowledgment for an advance to a settler upon his homestead which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of to a local agent, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister, shall be valid and binding in like manner as if the same had been examined, verified and certified by a local agent. 52 V., c. 27, s. 4.

153. Any settler who has created a charge upon his homestead for an advance under the provisions of any Act at the time in force affecting Dominion lands, and who applies under the provisions of this Act for an entry for another homestead in lieu thereof, shall be allowed such second entry only if the Minister and the holder of such charge consent, and if such settler executes a transfer of such charge to the new homestead; and upon such entry being obtained, the charge so created shall operate as a first charge upon the new homestead for the amount of such advance still unpaid, and shall cease to be a lien upon the abandoned homestead.

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2.

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2. The provisions of this section may be applied to any settler who has already obtained entry for a new homestead in lieu of a homestead upon which he had created a charge. 54-55 V., c. 24, s. 11; 55-56 V., c. 15, s. 4.

154. The Board constituted to administer the fund raised to enable the colonization in Canada of crofters and cotters from the West Highlands and Islands of Scotland, shall be vested with all the powers conferred by the provisions of this Act upon persons advancing money to settlers, and the said Board and any persons who accept the assistance of the said Board for the purpose of placing themselves upon homestead lands, shall be subject to all the provisions of this Act. 51 V., c. 21, s. 1.

155. Notwithstanding anything in this Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the said Board, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as herein provided, be granted a second homestead entry, if his entry was made previous to the twenty-ninth day of June, in the year one thousand eight hundred and ninety-seven, and he resided on said lands up to that date. 60-61 V., c. 29, s. 17.

156. The lands so abandoned may be granted to the said Board subject to a condition that the Board shall place a bona fide settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the Board, or, in default of so doing, shall, on demand, sell the said lands to any person willing to become a bona fide settler thereon for such sum of money as is sufficient to pay the amount of the charge of the Board and interest, and the expenses incurred by the Board in obtaining the patent for such less sum as is named in the patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto. 60-61 V., c. 29, s. 17.

157. For the purposes of this Act, the Minister shall be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in form T, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge upon his first homestead and interest and expenses and the value so placed upon such first homestead. 60-61 V., c. 29, s. 17.

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158. All charges created by settlers upon homesteads, under this Act, or under any Act heretofore in force relating to Dominion lands, shall be subject to the provisions of the Interest Act relating to mortgages, any principal or interest secured by which is not under the terms thereof payable till a time more than five years from the date of such mortgage. R.S., c. 54, s. 45.

**Mining and Mining Lands.**

159. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof. 55-56 V., c. 15, s. 5.

160. No disposition of mines or mining interests in the Rocky Mountains Park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years. 55-56 V., c. 15, s. 5.

161. No grant from the Crown of lands in freehold or for any less estate, shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant. R.S., c. 54, s. 48.

162. Every discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of chapter twenty-six of the Acts passed in the forty-third year of the reign of Her late Majesty Queen Victoria, shall be held to have the same rights as if that Act had not been passed. R.S., c. 54, s. 49.

**Grazing Lands.**

163. Leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions as in that behalf are set forth in regulations authorized from time to time by the Governor in Council. 60-61 V., c. 29, s. 6; 1 E. VII., c. 20, s. 5.

**Hay Lands.**

164. A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding a quarter

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quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut. R.S., c. 54, s. 51.

Wood for Settlers.

165. The Minister may direct that in the subdivision of townships, which consist partly of prairie and partly of timber land, the timber lands shall be divided into wood lots of not more than twenty and not less than ten acres each, in such manner as to afford, as far as practicable, one such wood lot to each quarter-section prairie farm. R.S., c. 54, s. 63.

166. Out of any wood lots so set apart the local agent shall, on application, apportion a wood lot to each settler on a homestead quarter-section not having on it more than ten acres of wood land; and such wood lot shall be paid for by the applicant at the price of wood lots fixed at the time by the Minister, and shall be entered in the books of the local agent and be given by him, in his returns, as appertaining to such homestead quarter-section; and on the homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot: Provided that any person to whom a wood lot was apportioned in connection with a homestead, under the provisions of subsection five of section forty-six of the Dominion Lands Act of one thousand eight hundred and seventy-two, having duly fulfilled the conditions of such homestead grant, shall receive a patent for such wood lot as a free grant, as provided in the said subsection, notwithstanding the repeal of the said subsection by the Act chapter nineteen of the statutes of one thousand eight hundred and seventy-four: Provided further that the cancellation of a homestead entry shall carry with it the cancellation of the entry of the wood lot apportioned thereto, and also the forfeiture of the purchase money of such wood lot. R.S., c. 54, s. 63.

167. If a quarter-section is found to contain timber land which does not exceed in extent twenty-five acres, such timber land shall be appurtenant to such quarter-section, and shall not be divided into wood lots. R.S., c. 54, s. 63.

Timber Berths.

168. The Governor in Council may, from time to time, declare districts of territory to be timber districts; and no lease of a timber berth shall be granted except within timber districts so set apart. R.S., c. 54, s. 65.

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169. The Minister may set apart any tract of land in any timber district, and may cause the same to be divided into timber berths not exceeding in area fifty square miles each, and the same shall be reserved from sale and settlement; and, under such regulations as are made by the Governor in Council respecting the ground rents, royalties or other dues which shall be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided. R.S., c. 54, s. 66.

170. The Governor in Council may, from time to time,—

(a) order that leases of the right to cut timber on certain timber berths defined in the order, shall be offered at public auction, at an upset bonus fixed in the order, and awarded to the person bidding, in each case, the highest bonus therefor, such bonus to be paid in cash at the time of sale;

(b) authorize the lease of the right to cut timber on any timber berth to any person who is the sole applicant for such lease,—the bonus to be paid by such applicant to be fixed in the order authorizing the lease to him, and to be paid in cash at the time of its issue;

(c) authorize the Minister, when one or more persons apply for the right to cut timber upon the same berth, to invite tenders from the applicants or the public, and the lease shall be awarded to the person tendering the highest cash bonus therefor. R.S., c. 54, s. 67.

171. Leases of timber berths shall be for a term not exceeding one year; and the lessee of a timber berth shall not be held to have any claim whatever to a renewal of his lease unless such renewal is provided for in the order in council authorizing such lease, or embodied in the conditions of sale or tender, as the case may be, under which it was obtained. R.S., c. 54, s. 68.

172. No lease shall be renewed in any case in which the lessee has failed to pay any ground rent, royalty or other dues in connection therewith. R.S., c. 54, s. 68.

173. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all rights of property whatsoever in all trees or timber cut within the limits of the leasehold, whether such trees and timber are cut by his authority or by any person without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit against any person unlawfully in possession of any such timber, and to prosecute all persons cutting timber in trespass upon his lease, to conviction and

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and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. R.S., c. 54, s. 69.

Conditions. 174. The lease shall, in addition to such other provisions as are prescribed in the order in council granting it, or in the conditions of sale or tender under which it was obtained, contain provisions binding the lessee,—

Erection of saw-mills. (a) to erect, in connection with the berth leased, and to have in operation within a time prescribed in the lease, a saw-mill or mills, of capacity to cut in twenty-four hours a thousand feet, board measure, for every two and a half square miles of the area leased, or to establish such other manufactory of wood goods as the Minister accepts as equivalent thereto;

Payment of ground rent and royalty. (b) to pay in advance, in addition to the bonus, an annual ground rent of five dollars for each square mile; and further, to pay in cash, at each time of his making the return of quantities by this section required, a royalty of five per centum on his sales of the products of the berth, as shown by such return;

Accounts to be kept. (c) to keep correct books of account of his business, and to submit the same for the inspection of any authorized agent of the Minister, whenever required;

Returns to be made. (d) to make, monthly or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber, in whatsoever form the same is sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor;

Preventing waste. (e) to prevent any unnecessary waste of timber in the process of cutting it, and to prevent, when it can be avoided, the destruction of growing trees which have not yet attained a size fitting them to be used for merchantable timber;

Precautions against fire. (f) to exercise strict and constant supervision to prevent the origin and spread of fire. R.S., c. 54, s. 70.

175. If, in consequence of any inaccuracy in survey or other error or cause whatsoever, a lease is found to comprise lands included in another lease of prior date, or any lands sold, granted, leased, or lawfully set apart for any other purpose under this Act, the later lease shall be void in so far as it interferes with any previous lease, sale, grant or setting apart. R.S., c. 54, s. 71.

Reservation of coal and minerals. 176. Every lease of a timber berth shall be subject to the right of the Crown to deal, in accordance with the provisions of this R.S., 1906.
this Act and the regulations made under it by the Governor in Council, with any and all coal and other minerals found within the limits of the berth leased; and the Crown shall have the right, in dealing, as above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal or other minerals are granted, to take possession of and occupy such extent of land so leased as is necessary to work such coal or other minerals, and to open necessary roads through any such timber berth, paying the lessee of the berth the value of any and all timber necessarily cut in making such roads or in working the mines, and the provisions of this section shall apply to all leases of timber berths herefore granted under any Act respecting Dominion lands, as if they had been contained in such Act when it was passed. R.S., c. 54, s. 72.

177. Every lease shall be subject to forfeiture for violation of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister may, without any action, suit or other proceeding and without compensation to the lessee, cancel the same and make a new lease or disposition of the limit described therein to any other person, at any time during the term of the lease so cancelled; but the Minister may, if he sees fit, refrain from cancelling such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided. R.S., c. 54, s. 73.

178. All ground rents, royalties or other dues on timber cut within the limits of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of five per centum per annum until paid, and shall be a lien on any timber cut within such limits; and in case of such non-payment, whether, in consequence thereof, the lease of the berth has or has not been cancelled, the Crown timber agent or other person authorized thereto may, with the sanction of the Minister, seize so much of the timber cut on such berth as will, in his opinion, be sufficient to secure the payment of such rent or royalty and interest, and the expenses of seizure and sale, and may detain the same as security for the payment thereof.

2. If payment is not made within three months after sale, such seizure, the Crown timber agent may, with the sanction of the Minister, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and the expenses aforesaid, he shall pay over the balance, if any, to the lessee, if the timber was in his possession at the time of seizure, or, if it was not, to the person who had possession thereof at that time. R.S., c. 54, s. 74.

179. All timber cut under lease shall be liable for the payment of the Crown dues thereon, whenever and wherever the said R.S., 1906.
said timber, or any part of it, is found, whether it is or is not converted into deals, boards or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided in the last preceding section. R.S., c. 54, s. 75.

180. If the payment of the Crown dues on any timber has been evaded by any lessee or other person, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded and any expenses incurred by the Crown in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any timber berth by the lessee or by his authority, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner hereinbefore provided; or the amount due to the Crown, of which payment has been evaded, may be recovered by action or suit in the name of the Minister or his agent, in any court of competent jurisdiction. R.S., c. 54, s. 76.

181. The Minister may take or authorize the taking of bonds or promissory notes for any money due to the Crown as aforesaid, or in his discretion, for double the amount of any dues, penalties and costs incurred or to be incurred, and may, if it is under seizure, then release any timber upon which the same would be leviable; but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or on any other berth, by the lessee or by his authority, if the sums for which such bonds or notes are given are not paid when due. R.S., c. 54, s. 77.

Slides and Stream and Lake Fronts.

182. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work previously constructed on such land, or on any stream passing through or beside it, for the purpose of facilitating the descent of timber or saw-logs, unless it is expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted. R.S., c. 54, s. 87.

183. The free use of slides, dams, piers, booms and other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not, in any way, be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequently to the construction of such works. R.S., c. 54, s. 88.
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184. The free use for the floating of saw-logs or other timber, of all streams and lakes necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or beside the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are necessary for taking out timber from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted and shall not be affected or obstructed by or in virtue of any sale or grant of such lands. R.S., c. 54, s. 89.

Liability of Persons cutting Timber without Authority.

185. If any person, without authority, cuts, or employs or induces any other person to cut or assist in cutting any timber of any kind on Dominion lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber or any claim for remuneration for cutting the same, preparing the same for market or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labour and disbursements, incur a penalty not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable, with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty.

2. In all cases the burden of proof of authority to cut and take the timber shall lie on the person charged; and the averment of the person seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. R.S., c. 54, s. 79.

186. Whenever any Crown timber officer or agent receives satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, that any timber has been cut without authority on Dominion lands, or if any Crown timber officer or agent, from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in His Majesty’s name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until the matter is decided by competent authority. R.S., c. 54, s. 80.

187. Penalty for cutting timber on Dominion lands without authority.

Additional penalty for removing out of reach of officers.

Burden of proof.

Seizure of timber on affidavit before a J. P.
If timber has been mixed with other timber.

187. If the timber, reported or known to have been cut without authority has been made up with other timber into a crib, drain or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the Crown timber agent, the timber cut without authority from the other. R.S., c. 54, s. 81.

In absence of satisfactory explanation, timber may be seized as cut without authority.

188. Whenever any Crown timber agent or other officer or agent of the Minister is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to Crown dues on the whole or any part thereof, he may inquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise, as he requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister or of such Crown timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof is not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as hereinbefore provided. R.S., c. 54, s. 82.

Release of timber on security being given.

189. If any timber, or any product thereof, is seized under the provisions of this Act by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction, for the full value thereof, or, in his discretion, for payment of double the amount of all dues, penalties and costs incurred or imposed thereon, as the case may be. R.S., c. 54, s. 83.

Timber seized to be deemed condemned, in default of owner claiming within one month.

190. All timber seized under this Act on behalf of the Crown, as being forfeited, shall be deemed to be condemned, unless the owner thereof or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer or to the Crown timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court is against him, or if the claimant fails duly to prosecute such proceedings, in the opinion of the judge before whom such case is tried who may for that cause dismiss the suit on the expiration of three months from the date on which R.S., 1906.
which it was instituted, anything to the contrary herein 
acted notwithstanding, the timber may be confiscated and 
may, after thirty days' notice posted up at the place where the 
same is confiscated, be sold, by order of the Minister, for the 
benefit of the Crown. R.S., c. 54, s. 84.

191. The Minister may, if he sees cause for so doing, in-
stead of confiscating timber cut without authority on Dominion 
lands, impose a penalty which, in addition to all costs incurred, 
shall be levied on such timber; and, in default of payment of 
the whole on demand, he may, after a notice of fifteen days, 
sell such timber by public auction, and may, in his discretion, 
retain the whole proceeds of such sale, or the amount of the 
penalty and costs only. R.S., c. 54, s. 84.

192. Whenever any timber is seized for non-payment of 
Crown dues, or for any cause of forfeiture, or any prosecution 
is instituted for any penalty or forfeiture under this Act, and 
any question arises whether the dues have been paid on such 
timber, or whether the timber was cut on other than Dominion 
lands, the burden of proving payment, or of proving on what 
land the timber was cut, shall lie on the owner or claimant of 
the timber, and not on the officer who seizes the same or the 
person instituting such prosecution. R.S., c. 54, s. 85.

193. Any officer or person seizing timber in the discharge of 
his duty under this Act may, in the name of the Crown, call in 
any assistance necessary for securing and protecting the timber 
seized. R.S., c. 54, s. 86.

Forest Parks.

194. The Governor in Council may, from time to time, for 
the preservation of forest trees on the crests and slopes of the 
Rocky Mountains, and for the proper maintenance throughout 
the year of the volume of water in the rivers and streams 
which have their sources in such mountains and traverse the 
province of Alberta or the Yukon Territory or the Northwest 
Territories, reserve from sale, lease or license, such portions of 
the land in the said province or such territory or territories, on, 
adjacent to, or in the vicinity of the Rocky Mountains, as to 
him it appears expedient so to reserve, and may define the limits 
or boundaries of such reserves; and may set aside and appro-
priate such lands for a forest park, or forest parks, as he deems 
expedient, and may appoint officers for the preservation of such 
reserves and forest parks. R.S., c. 54, s. 78.

195. Statements showing such reserves and appropriations, 
with the necessary maps, shall be laid before Parliament within 
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fifteen days after the commencement of the session next after such reserves or appropriations have been made. R.S., c. 54, s. 78.

Public Purposes.

196. The Governor in Council may set apart and appropriate such Dominion lands as he deems expedient, for the sites of market places, gaols, court-houses, places of public worship, burying grounds, schools, benevolent institutions and squares, and for other similar public purposes, and, at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient; and he may make free grants, for the purposes aforesaid, of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent. R.S., c. 54, s. 31.

Registration of Assignments.

197. The Minister shall cause to be kept, in the Department of the Interior, books for registering, at the option of the persons interested, assignments of any rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignments are in conformity with this Act; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered shall be unconditional, and all conditions on which the right depends shall be performed, or dispensed with by the Minister, before the assignment is registered. R.S., c. 54, s. 59.

Patents.

198. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents shall have the same force and virtue as if such patents were signed by the Governor General. R.S., c. 54, s. 52.

199. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister or the Deputy of the Minister, or by some other person specially authorized by the Governor in Council, and when so signed shall be registered by an officer specially appointed for that purpose by the Registrar General, and shall then be transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned, and the Great Seal of Canada thereto cause to be affixed: Provided that every patent for land shall be signed by the Governor General or Deputy Governor, as hereinbefore provided. R.S., c. 54, s. 53.

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200. Whenever, through error in survey or in the books or plans of a Dominion lands office, any grant of land is found deficient, the Minister may order a free grant, equal in value, at the time such land was granted or sold, to the ascertained deficiency; or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of five per centum per annum, from the time of the purchase thereof, to be paid back to the purchaser; but no claim respecting any such deficiency shall be entertained unless it is made within five years from the date of the patent, and unless the deficiency is equal to one-tenth of the whole quantity described in the patent as being contained in the lot or parcel of land granted. R.S., c. 54, s. 54.

201. Where a patent for any land is issued to or in the name of a person who is dead, the patent shall not be therefore void, but the title to the land thereby granted or intended to be granted shall vest in the heirs, assigns, devisees or other legal representatives of such deceased person according to the laws of the province in which the land is situated, as if the patent had issued to or in the name of the deceased person during his lifetime. 60-61 V., c. 29, s. 13.

202. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister may receive proof of the facts in such manner as he sees fit to require; and upon being satisfied that the claim has been justly established, may allow the same and cause a patent to issue accordingly. R.S., c. 54, s. 60.

203. Whenever a patent has been issued to, or in the name of a wrong person, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective patent to be cancelled and a correct one to be issued in its stead, which correct patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent. R.S., c. 54, s. 55.

204. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Minister may order a new grant to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the purchase money, with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a

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a free grant, the Minister may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him seems just and equitable under the circumstances; but no claim under this section shall be entertained unless it is preferred within one year after the discovery of the error. R.S., c. 54, s. 56.

205. Whenever patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the province where such lands are situate, may, upon action, bill or plaint respecting such lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said court orders, decree or adjudge such patent, lease or other instrument to be void; and upon the registry of such decree or adjudication in the office of the Registrar General of Canada, such patent, lease or other instrument shall be void. R.S., c. 54, s. 57.

TOWNSHIP PLANS AND PATENT LISTS.

206. The Minister shall transmit to the registrar of every county and registration district or division in the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory, as early as possible in each year, a certified copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a certified list of the lands in such county, district or division, patented during such year. R.S., c. 54, s. 61.

INDEBTED SETTLERS.

207. In any case in which any settler or purchaser is entitled to the issue of letters patent for any land to which this Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the repayment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his deputy or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar, when registering the patent for such land, shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall

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shall be and remain a charge upon the land until satisfied and extinguished according to law. 60-61 V., c. 29, s. 18.

SUMMARY PROCEEDINGS AGAINST TRESPASSERS, ETC.

208. Whenever any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or when any person is wrongfully or without lawful authority in possession of any Dominion lands and refuses to vacate or abandon possession thereof, the Minister, or any officer or agent of the Department of the Interior authorized by the Minister for that purpose, may, upon evidence of the facts by statutory declaration, apply to the judge of the county court for the county or district within which the lands are situated, if the lands are in the province of Manitoba, and to the judge of the judicial district in which the lands are situated, if the lands are in the province of Saskatchewan or Alberta, and to a stipendiary magistrate, if the lands are in the Northwest Territories, and to a judge of the Territorial Court, if the lands are in the Yukon Territory, for a summons directed to such person, calling upon him forthwith to vacate or abandon the said lands, or, within thirty days after service of the said summons, to show cause why an order or warrant for his removal from the said lands should not be made; and if, upon the return of the summons, it appears that he has not vacated or abandoned possession of the said lands, or if he does not show good cause to the contrary, the judge shall make an order or warrant for his summary removal from the said land, and the said order or warrant shall be executed by the sheriff, bailiff, constable or other person to whom it is delivered. 61 V., c. 31, s. 14.

209. It shall be sufficient service of the summons if a copy thereof is left with a grown-up person found on the said lands, and another copy is put in some conspicuous place thereon, or, where no grown-up person is found on the lands, if a copy is put up in each of two conspicuous places thereon. 61 V., c. 31, s. 15.

210. The officer or person to whom any such order or warrant is addressed shall forthwith remove the person named therein from the said lands, and in the execution of the said order or warrant shall have all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty. 61 V., c. 31, s. 16.

EVIDENCE.

211. Copies of any records, documents, plans, books or papers, belonging to or deposited in the Dominion Lands Office, shall be Certified copies of certain documents attested R.S., 1906.
ments to be evidence.

As to lithographed copies.

Before whom affidavits, etc., may be made.

Minister may require sworn statements as to lands.

Certain boards and officers may summon and examine persons on oath.

Punishment for contempt.

attested under the signature of the Minister, or of the Secretary of the Department of the Interior, or of the Surveyor General, or of any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or surveys office in the province of Manitoba, Saskatchewan or Alberta, or in the Northwest Territories or the Yukon Territory, attested under the signature of the Commissioner of Dominion Lands, the Secretary of the Dominion Lands Board, or other officer in charge of such office, shall be competent evidence in all cases in which the original documents, books, plans or papers would be evidence. R.S., c. 54, s. 93.

212. Lithographed or other copies of maps or plans purporting to be issued or published by the Dominion Lands Office of the Department of the Interior, and to have a lithographed or copied signature of the Minister or of the Surveyor General thereto attached, shall be received in all courts and proceedings is *prima facie* evidence of the original, and of the contents thereof. R.S., c. 54, s. 94.

213. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Dominion lands agent or officer, or any person specially authorized to take such affidavits by this Act or by the Minister. R.S., c. 54, s. 95.

214. The Minister may require any statement in relation to any land to which any Act relating to Dominion lands applies to be verified by oath, affirmation, declaration or affidavit. 50-51 V., c. 31, s. 7.

**GENERAL.**

215. The Dominion Lands Board, or any member thereof, or any person specially authorized to that effect by the Governor in Council, may summon before them or him, any person, by subpoena issued by them or him, examine such person under oath, and compel the production of papers and writings before them or him; and, if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena, legally served upon him, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant, under their or his hands or hand, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a term not exceeding fourteen days. R.S., c. 54, s. 96; 60-61 V., c. 29, s. 10.

R.S., 1906.
216. The Governor in Council may, if it is deemed expedient so to do, satisfy any claim to a grant of Dominion lands, respecting which no provision is otherwise made by law, by an issue of scrip redeemable only by its receipt in payment for such land. R.S., c. 54, s. 62.

217. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases. 60-61 V., c. 29, s. 11.

218. Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale has been revoked or cancelled by the Minister, entitle the person to whom the same was granted, to maintain actions or suits against any wrong-doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown. R.S., c. 54, s. 97.

219. Whenever lands are entered for as a homestead, or sold or otherwise disposed of, and such lands contain, or border upon, a coulee or ravine, which has been utilized for the purpose of forming a reservoir for the storage of water, or which, in the opinion of the Minister, or of the agent or other officer by whom such entry is issued or such sale or disposal is made, is capable of being so utilized to advantage, such entry may be issued or such sale or disposal made subject to the condition that no building shall be erected within a specified distance from the border of such coulee or ravine, and to such other conditions as, under the circumstances of the case, seem desirable with a view to the prevention of the pollution of the water stored in such reservoir; and in every such case any patent issued for such land shall be expressed to be subject to the conditions so imposed. 54-55 V., c. 24, s. 14.

220. Whenever interest is payable under or by virtue of any regulation or order made or issued by the Governor in Council or the Minister under this Act, for or on account of the purchase money or rent of any Dominion lands, school lands, or mining, grazing or timber lands or claims, or for or on account of the purchase money or rent of any other lands or claims to which this Act relates, or for or on account of any other claim, matter or thing arising under any provision of this Act, the rate of such interest from the seventh day of July, one thousand nine hundred, shall be five per centum per annum, whether such interest is payable under the terms of any sealed or unsealed instrument or not. 1 E. VII., c. 20, s. 7.

Rate of interest.

1057 OFFENCES

R.S., 1906.
221. Every person who, in any part of the Dominion lands, interrupts, molests or hinders any Dominion land surveyor while in the discharge of his duty as a surveyor, is guilty of an indictable offence, and liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court. R.S., c. 54, s. 137.

222. Every person who, knowingly and wilfully, pulls down, defaces, alters or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of the Governor in Council, is guilty of an indictable offence and liable to imprisonment for any term not exceeding seven years. R.S., c. 54, s. 138.

223. Every person who, knowingly and wilfully, defaces, alters or removes any other mound or land-mark, post or monument placed by any Dominion land surveyor to mark any limit, boundary or angle of any township, section or other authorized subdivision or lot or parcel of land in the province of Manitoba, Saskatchewan or Alberta, or in the Northwest Territories or the Yukon Territory, 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. R.S., c. 54, s. 138.

224. Every person who, not being a Dominion land surveyor, knowingly and wilfully has in his custody and possession, and not for any lawful purpose in connection with a survey of Dominion lands, any such post or monument, or any post or monument intended, or apparently intended to be used for the purposes of any such survey, or to mark any such limit, boundary or angle, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months, or to a penalty not exceeding one hundred dollars, or to both such fine and imprisonment. 61 V., c. 31, s. 9.

225. Every one who wilfully cuts down, breaks, barks, roots up, removes or destroys, or causes to be cut down, broken, barked, rooted up, removed or destroyed, any tree, sapling, shrub, underwood or timber growing in and upon any reserve or forest park set aside and appropriated as in this Act provided, shall, for every such offence, incur a penalty not exceeding one hundred dollars, and not less than ten dollars, which shall be recoverable, on summary conviction, with costs, before a judge of a superior court, a stipendiary magistrate, commissioner of police, or any two justices of the peace; and in default of immediate payment of such penalty, and of the costs of prosecution,
prosecution, the offender may be imprisoned for any term not exceeding three months. R.S., c. 54, s. 78.

226. Any holder of a homestead entry who, previously to the issue of the patent, sells any of the timber on either his homestead or pre-emption quarter-section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace; and, upon summary conviction, shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court; and, further, such person shall forfeit his homestead rights, and pre-emption rights if any, and the timber so sold shall be subject to seizure and confiscation in the manner herein provided. R.S., c. 54, s. 63.

227. Any person remaining upon Dominion lands after having been ordered to vacate them, under the provisions of this Act respecting summary proceedings against trespassers, or returning thereto after having vacated them in obedience to a summons obtained under such provisions, or after having been removed therefrom under an order or warrant obtained as aforesaid, shall, upon summary conviction thereof before a judge, stipendiary or police magistrate, or two or more justices of the peace, be liable to a fine of not less than twenty dollars and not more than one hundred dollars. 61 V., c. 31, s. 17.

SCHEDULE.

Form A.

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B. do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duty of an examiner of candidates for commissions as Dominion land or topographical surveyors according to law, without favour, affection or partiality. So help me God.

R.S., c. 54, sch., form M.

1089
ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These Articles of Agreement made the day of , one thousand nine hundred and , between A. B., of Dominion land surveyor, of the one part, and C. D., of and E. F., son of the said C. D., of the other part, witness:

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence ensuing, and fully to be completed and ended:

And the said C. D., doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well and faithfully and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil in the practice or profession of a Dominion land surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years:

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, steal, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A.B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof:

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B., in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B., in all matters and things, and, from time to time, pay all moneys which he shall receive of or belonging to or by order of the said A. B., into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B., at any time.

R.S., 1906.
time during the said term, without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety:

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do, in all things whatsoever in the manner above specified:

In consideration whereof, and of of lawful money by the said C. D., to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he, the said A. B., will at all times during the said term, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by the Dominion Lands Act in practical surveying operations, and generally in the art, practice and profession of, and in the use of instruments used by, a Dominion land surveyor, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, make the affidavit of service required by the Dominion Lands Act and use his best means and endeavours, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him, the said E. F., to be examined before the Board of Examiners of candidates for commissions as Dominion land surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupillage:

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents:

In witness whereof, the parties aforesaid have hereunto set their hands and seals, the day and year first above written,

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

Signed, sealed and delivered in the presence of
G. H.,
J. K.

R.S., c. 54, sch., form N.
69½ 1091

Form
R.S., 1906.
Form C.

AFFIDAVIT BY THE SURVEYOR.

I, A. B., of , Dominion land surveyor, do solemnly swear that E. F. has served regularly and faithfully as my pupil from the day of , 19 , to the day of , 19 . That he has been engaged with me in the field on the following surveys, that is to say:

From the day of ,
19 , to the day of ,
19 , on the survey of at
From the day of ,
19 , to the day of ,
19 , on the survey of at ; and that the said E. F. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Sworn before me

R.S., c. 54, sch., form O.

Form D.

AFFIDAVIT BY THE PUPIL.

I, E. F., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A. B., Dominion land surveyor, as his pupil, from the day of , 19 , to the day of , 19 ; that I have been engaged with him in the field between the following dates on the following surveys, that is to say:

From the day of ,
19 , to the day of ,
19 , on the survey of at
From the day of ,
19 , to the day of ,
19 , on the survey of at .

Sworn before me

R.S., c. 54, sch., form P.

R.S., 1906.
COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern, that A. B., of , hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion land surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he, the said A. B., is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a surveyor of Dominion lands.

In witness whereof, we, the President and Secretary of the said Board, have signed this commission, at on this day of hundred and .

C. D., Surveyor General.
E. F., Secretary.

R.S., c. 54, sch., form Q.

APPLICATION FOR A HOMESTEAD ENTRY.

I, of , do hereby apply for a homestead entry, under section of the Dominion Lands Act, for the quarter-section of section of the township, in the District. of the meridian.

19 .

R.S., c. 54, sch., form A; O.C. 29th March, 1888.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously obtained homestead entry.

I, do solemnly swear (or affirm), that I am over eighteen years of R.S., 1906.
of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing on the said land nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whatsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 19 , before me

(Signature.)

Local Agent.

O.C. 29th March, 1888.

FORM H.

Affidavit in support of claim for homestead entry by a person who has bona fide settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that I became resident upon and began to cultivate the said land on the day of 19 , before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whatsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of 19 , before me

(Signature.)

Local Agent.

R.S., c. 54, sch., form B.

R.S., 1906.
FORM J.

Affidavit in support of a claim for homestead entry by a person who obtained a recommendation for patent for a homestead, after three years' residence and cultivation on or before 2nd June, 1889.

I, A.B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly, for the use or benefit of any other person or persons whatsoever; that I obtained entry for the quarter-section of section , township , range , of the meridian as a homestead, on the day of , 18 , being the only homestead for which I have received a patent or certificate of recommendation for patent, that I resided upon and cultivated the same for three years, and that I had earned title to my said homestead on or before the second day of June, 1889, certificate of which fact, signed by the proper agent of Dominion lands and countersigned by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to, this day of , 19 , before me .

(Signature.)

Local Agent.

O.C. 5th July, 1890; O.C. 25th July, 1895.

FORM K.

Affidavit in support of a claim for a homestead entry by a person who earned title to a homestead, after three years' residence and cultivation on or before 2nd June, 1889, but cannot obtain a recommendation for patent until the lien on his homestead is discharged.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge .

R.S., 1906.
knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not, directly or indirectly, for the use and benefit of any other person or persons whomsoever; that I obtained entry for the quarter-section of section, township, range, of the meridian as a homestead, on the day of 18, being the only homestead for which I have received a patent or certificate of recommendation for patent, that I resided upon and cultivated the same for three years, and that I had earned title to my said homestead on or before the second day of June, 1899, a letter certifying which fact, signed by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to, this day of 19, before me

(Signature.)

Local Agent.

O.C. 5th July, 1890; O.C. 25th July, 1895.

FORM L.

『Affidavit in support of a claim for another homestead entry, by a person who obtained title to a homestead by purchase, prior to the 2nd of June, 1889.』

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead entry; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the day of 18, for the quarter of section, township, range, of the meridian, and on or before the 2nd day of June, 1889, acquired a right to a patent therefor by purchase after twelve months' residence thereon, under the provisions of the Dominion Lands Act in that behalf, being 1996.

R.S., 1906.
the only homestead for which I have received a patent or certificate of recommendation for patent, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to, this day of 19 , before me.

(Signature.)

Local Agent.

O.C. 5th July, 1890; O.C. 25th July, 1895.

Form M.

I certify that I have received from the sum of ten dollars, being the office fee for homestead entry for [describe the land], and that the said is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the Dominion Lands Act, respecting homestead rights.

(Place—Date ).

Local Agent.

R.S., c. 54, sch., form E.

Form N.

No....

APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT.

I, A. B., do hereby apply on behalf of [name], for a homestead entry under the provisions of section of the Dominion Lands Act, for the quarter of section , of township , range , west of the meridian.

R.S., c. 54, sch., form F; O.C., 5th June, 1890.
Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has bona fide settled and made improvements upon land in advance of survey.

I, A.B., do solemnly swear (or affirm, as the case may be) that, for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made, is of the class open for homestead entry; that the said became resident upon and began to cultivate the said land on the day of, 19 , before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the homestead provisions of the Dominion lands law ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person whomever, and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn to, this day of, 19 , before me

(Signature.)

Local Agent.

R.S., c. 54, sch., form G.

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Affidavit by an agent in support of claim for homestead entry on behalf of a person who has not previously settled on the land.

I, A. B., do solemnly swear (or affirm, as the case may be) that, for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead entry; that there is no person residing upon the said land.

R.S., 1906.
said land, nor are there any improvements thereon, and that
the application is made for the exclusive use and benefit of
the said
with the intention of his residing upon and cultivating the
said land, and not directly or indirectly for the use or benefit
of any other person or persons whomsoever, and that he has
not heretofore obtained an entry for a homestead on Dominion
lands.

Subscribed and sworn to, this 19 day of 19 , before me

(Signature.)

Local Agent.
R.S., c. 54, sch., form H.

FORM Q.

AFFIDAVIT by an agent in support of a claim for homestead
entry on behalf of a person who obtained a recommenda-
tion for patent for a homestead after three years' resi-
dence and cultivation on or before 2nd June, 1889.

I,
do solemnly swear (or affirm, as the case may be) that
for whom I am
acting herein as agent, is over eighteen years of age; that to
the best of my knowledge and belief the land in respect of
which the application is made is of the class open for home-
stead entry; that there is no person residing upon or culti-
vating the said land, nor are there any improvements thereon; that
the application is made for the exclusive use and benefit of
the said
with the intention of his residing upon and cultivating the
said land, and not directly or indirectly for the use or benefit
of any other person or persons whomsoever; that the said
obtained entry for the quarter-section of section
, township
, range
of the
, meridian, as a homestead
on the
day of
, 18 , being the only homestead for
which he has received a patent or certificate for recommenda-
tion for patent, that he resided upon and cultivated the same
for three years, that he had earned title to his said homestead
on or before the 2nd day of June, 1889, and that his said home-
stead

R.S., 1906.
stead has been recommended for patent, certificate of which fact, signed by the proper agent for Dominion lands, and countersigned by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn to this day of 19 , before me (Signature.)

Local Agent.

O.C. 25th July, 1895

Form R.

I certify that, who is the holder of a homestead entry for (describe the land), has complied with the provisions of the law required to be conformed to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

(Place—Date.)

Countersigned: Commissioner of Dominion Lands, or Member of the Dominion Lands Board.

R.S., c. 54, sch., form K.

Form S.

ACKNOWLEDGMENT AND CHARGE.

I, the undersigned, holding as a homestead the quarter-section of section , range , township , range meridian, upon which I have been established since the day of , 19 , hereby acknowledge to have received from , as an advance under the provisions of the Dominion Lands Act, in aid of my establishment upon the said homestead, the sum of dollars as shown by the statement thereof hereto annexed, certified by the 1100 , which sum of money I

R.S., 1906.
I undertake to pay to the said
his representatives or assigns in
from the day of , 19 , as follows:—
with interest thereon from the
day of , 19 , at the rate of
per centum per annum payable yearly
on the day of , in each year, the first instalment
whereof will become due on the
day of , 190 ; and
as security for such payments I hereby create a first mortgage
and charge upon the said homestead according to the provisions
of the said Act.

I create the said mortgage and charge upon the condition
that I am to have the privilege of paying off the said advance
at any time prior to the expiration of the said
years.

In witness whereof the parties hereto have executed these
presents in triplicate, this
day of , 19 .

Signed, sealed and delivered
in presence of }

[LS.]

STATEMENT OF EXPENSES.

For cost of passage . . . . . . . . . . . $ .
do subsistence . . . . . . . . . . . .
do entry fee . . . . . . . . . . . .
do breaking land . . . . . . . .
do selecting land and placing
settler thereon . . . . . . . .
do legal expenses . . . . . . . .
do material for building and cost
of erection . . . . . . . .
do horses and cattle . . . . . . .
do house furniture . . . . . . .
do farm implements . . . . . . .
do seed grain . . . . . . . .

Interest on $ , to , 19 .

52 V., c. 27, s. 8.
I, the undersigned, hereby acknowledge to have received the sum of dollars from as an advance under the provisions of the Dominion Lands Act, in aid of my establishment upon a homestead in the province of Manitoba, Saskatchewan or Alberta, or in the Northwest Territories of Canada, which sum of money I undertake to pay to the said, his representatives or assigns in years from the day of , 19, as follows:— with interest thereon from the day of , 19, at the rate of per centum per annum payable on the day of in each year; the first instalment whereof will become due on the day of 19, and as security for such payments I hereby undertake and agree that the homestead for which I shall obtain entry shall be charged with the said sum of money advanced to me, with interest thereon from the said day of , 19, at a rate of per centum per annum (not to exceed eight per centum per annum), according to the said Act. I create the said charge upon condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

In witness whereof the parties hereto have executed these presents in triplicate, this day of , 19.

Signed, sealed and delivered in presence of [L.S.]

52 V., c. 27, s. 9.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 56.

An Act respecting Forest Reserves.

1. This Act may be cited as the Dominion Forest Reserves Short title. Act. 6 E. VII., c. 14, s. 1.

2. All Dominion lands within the respective boundaries of the reserves mentioned in the schedule to this Act are hereby withdrawn from sale, settlement and occupancy under the provisions of the Dominion Lands Act, or of any other Act, or of any regulations made under the said Act or any such Act, with respect to mines or mining or timber or timber licenses or leases or any other matter whatsoever; and after the passing of this Act no Dominion lands within the boundaries of the said reserves shall be sold, leased or otherwise disposed of, or be located or settled upon, and no person shall use or occupy any part of such lands, except under the provisions of this Act or of regulations made thereunder. 6 E. VII., c. 14, s. 2.

3. The said reserves are hereby set apart and established for the maintenance and protection of the timber growing or which may hereafter grow thereon, for the protection, so far as the Parliament of Canada has jurisdiction, of the animals and birds therein, and the fish in the waters therein, and for the maintenance of conditions favourable to a continuous water supply; but subject to any regulations made under this Act. 6 E. VII., c. 14, s. 3.

4. The said reserves shall be under the control and management of the Superintendent of Forestry, or such other person as is from time to time in charge of forestry for Canada, subject to the direction of the Minister of the Interior. 6 E. VII., c. 14, s. 4.

5. The Minister of the Interior may appoint forest rangers for the purpose of carrying out the provisions of this Act, and every such ranger shall, for the purposes of this Act, have within the district for which he is appointed all the powers of a justice of the peace. 6 E. VII., c. 14, s. 5.

6. Every such ranger shall, before acting in that capacity, take and subscribe before a judge or notary public, or the Superintendent of Forestry or other person in charge of forestry for Canada, an oath in the words following:—

'I, A.B., a forest ranger in and for the district or territory 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 forest ranger according to the true intent and meaning of the Dominion Forest Reserves Act, and of all regulations made or to be made thereunder; so help me God.' 6 E. VII., c. 14, s. 6.

7. The Governor in Council may exchange for any land within any such reserve, the title to which is not vested in the Crown in the right of Canada, available Dominion lands situated outside the boundaries of such reserves, and, where necessary, may make compensation upon such exchange, and a copy of every order in council authorizing such an exchange shall be laid before Parliament during the first fifteen days of the then next session thereof. 6 E. VII., s. 14, s. 7.

8. Where a road allowance within the boundaries of any such reserve has been vested in the Crown in the right of the province in which it is situated, or has passed under the control of the executive authorities of the province, such road allowance may, with the consent of the lieutenant governor of the province in council, be included in and form part of such reserve and may be closed by any fence which may be erected for the inclosure of such reserve, or any part thereof. 6 E. VII., c. 14, s. 8.

9. Notwithstanding anything in this Act, the Governor in Council may cause to be established through and over any such reserve such roads as are necessary for the convenience of the public, and nothing in this Act or in any regulation made thereunder shall prevent the proper use of such roads by bona fide travellers or by others requiring to cross such reserve in the pursuit of their ordinary business or calling; but nothing in this section shall operate to withdraw such roads from the reserve. 6 E. VII., c. 14, s. 9.

10. The Governor in Council may secure from the holder of any title to or interest in any land within the limits of a forest reserve a waiver in writing of the exemption of such land from the provisions of any regulations made under this Act for the prevention of trespass and the protection of game, and, where necessary, may make compensation therefor; and from the date of such waiver, and to the extent therein agreed upon, this Act and the regulations made thereunder shall apply to such lands. 6 E. VII., c. 14, s. 11.
11. Except as herein otherwise provided, this Act shall not apply to lands within the boundaries of any reserve set apart and established thereby, the title to which was not vested in the Crown in the right of Canada on the thirteenth day of July, one thousand nine hundred and six, and shall not apply to any lands within such boundaries which at that date were held under lease or were subject to a license to cut timber or to any other right or interest therein or affecting the same, so long as such lease or license remains in force or such right or interest continues to exist: Provided that nothing contained in any lease or license granted before the said date shall be deemed to prevent the operation of this Act or any regulation made thereunder with respect to the protection of game, the prevention of fires and the preservation and reproduction of timber; and provided further that when any land in respect of which a lease or license to cut timber thereon has been granted does not contain, or has become demuded of, merchantable standing timber, such land may thereafter be withdrawn from such lease or license upon notice to the lessee or licensee, and such land shall thenceforth be subject to all the provisions of this Act and of any regulations made thereunder. 6 E. VII., c. 14, s. 12.

12. Neither the Governor in Council nor the Minister is authorized or empowered for the purposes of this Act to expropriate, purchase or acquire for compensation any right or interest held under license to cut timber.

2. In the event of the Governor in Council or the Minister being hereafter authorized or empowered by statute for the purposes of this Act to expropriate, purchase or acquire any such right or interest, the compensation payable therefor shall not be assessed or determined, either judicially or by agreement, at any larger or increased amount by reason of the land covered by such right or interest being situate in any forest reserve created by this Act. 6 E. VII., c. 14, s. 13.

13. The Governor in Council may make regulations, not inconsistent with the provisions of this Act, for the maintenance, protection, care, management and utilization of such reserves, and of the timber and minerals therein, and, so far as the Parliament of Canada has jurisdiction, of the animals and birds therein and the fish in the waters therein, and for the prevention of trespass thereon.

2. Such regulations shall be published for four consecutive weeks in the Canada Gazette, and shall thereupon have the same force and effect as if herein enacted, and the said regulations shall be laid before Parliament during the first fifteen days of the then next session thereof. 6 E. VII., c. 14, s. 4.

14. During the construction of any railway passing through Dominion lands, the Minister of the Interior may appoint such Rangers to protect forests from R.S., 1906.
forests caused by railways. forest rangers as he deems necessary for the protection from fire of the forests along or adjacent to such railway, and it shall be the duty of every such ranger to enforce the provisions of this Act and any regulations made thereunder, and of any other Act either of the Parliament of Canada or of the province in which such lands are situated, when and in so far as such Acts or any regulations made thereunder relate to the prevention of fires and are in force in the district for which such ranger is appointed; and for such purposes and within a tract of five miles on either side of such railway every such ranger shall have all the powers of a justice of the peace.

2. One-half of the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the person constructing such railway, and shall be payable upon demand of the Minister of the Interior, and may be recovered at the suit of the Crown in any court of competent jurisdiction.

3. The Governor in Council may make such regulations as he deems necessary or expedient to give full effect to the object and intention of this section. 6 E. VII., c. 14, s. 10.

15. Any person violating any provision of this Act or any regulation made thereunder shall, in addition to any civil liability thereby incurred, be liable, on summary conviction, to a penalty of not more than one hundred dollars; and in default of immediate payment of such penalty and of the costs of prosecution, such person may be imprisoned, with or without hard labour, for any term not exceeding six months. 6 E. VII., c. 14, s. 14.

SCHEDULE.

Dominion Forest Reserves set apart and established under this Act.

PROVINCE OF BRITISH COLUMBIA.

1. The Long Lake Dominion Forest Reserve, in the railway belt, in the province of British Columbia, consisting of the west half of township 17, range 18; township 17, range 19, except sections 5, 6, 7, 8, 17, 18, 19 and 20 of the said township; the west half of township 18, range 18; townships 18, ranges 19 and 20; the south half of township 19, range 19; township 19, range 20; all west of the sixth meridian, containing 190 square miles, more or less.

2. The Monte Hills Dominion Forest Reserve, in the said railway belt, consisting of the northwest quarter of township 16, range 14; the north half of township 16, range 15; sections 24, 25, 26, 27, 34, 35 and 36 in township 16, range 16; the west half of township 17, range 14; township 17, range 1106.

R.S., 1906.
range 15, and the east half of township 17, range 16; all west of the sixth meridian, containing 106 square miles, more or less.

3. The Martin Mountain Dominion Forest Reserve, in the said railway belt, consisting of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20 and 21 of township 19, range 13, and sections 1, 2, 3, 10, 11 and 12 of township 19, range 14; all west of the sixth meridian, containing 18 square miles, more or less.

4. The Niskonolth Dominion Forest Reserve, in the said railway belt, consisting of townships 21, ranges 14 and 15; the east half of township 21, range 16, except that part included in Kamloops Indian Reserve, and township 22, range 14; all west of the sixth meridian, containing 124½ square miles, more or less.

5. The Tranquille Dominion Forest Reserve, in the said railway belt, consisting of townships 22, ranges 18 and 19; that part of township 23, range 18, included in the said railway belt; township 29, range 19, and that part of township 24, range 19, included in the said railway belt; all west of the sixth meridian, containing 149 square miles, more or less.

6. The Hat Creek Dominion Forest Reserve, in the said railway belt, consisting of township 18, range 26; township 18, range 27, except the southwest quarter of the said township; that part of the north half of township 18, range 28, within the said railway belt, not included in the Indian Reserve; the west half of township 19, range 25; the east half of township 19, range 26; township 19, range 27; the easterly first tier of sections in township 19, range 28; that part of the southwest quarter of township 20, range 25, not included in the Cornwall Ranch; the southeast quarter of township 20, range 26; the west half of township 20, range 27; the easterly first tier of sections in township 20, range 28; section 4 of township 22, range 27, and that part of the west half of township 21, range 27, within the said railway belt and not included in the Indian Reserve; all west of the sixth meridian, containing 206 square miles, more or less.

7. The Donald Dominion Forest Reserve, in the said railway belt, consisting of that part of township 28, and the west half of township 29, range 22, which lies north and east of the Canadian Pacific Railway; that part of township 29, range 23, which lies north of the Canadian Pacific Railway, and that part of township 29, range 24, which lies north of the Canadian Pacific Railway; all west of the fifth meridian, containing 72 square miles, more or less.

8. The Larch Hills Dominion Forest Reserve, in the said railway belt, consisting of that part of township 21, range 8, which lies south of Salmon Arm and west of Mara Lake, and that part of township 21, range 9, south of Salmon Arm, except sections 5 and 6; all west of the sixth meridian, containing 25 square miles, more or less.

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Province

R.S., 1906.
9. The Riding Mountain Dominion Forest Reserve, in the province of Manitoba, consisting of township 18, range 16; townships 19, ranges 16, 17, 19 and 20; townships 20, ranges 17, 18, 19 and 20; townships 21, ranges 17, 18, 19, 20, 21, 22 and 23; townships 22, ranges 18, 19, 20, 21, 22, 23, 24, 25 and 26; townships 23, ranges 24 and 25; townships 24, ranges 26 and 27; townships 25, ranges 26 and 27; in township 18, range 17, sections 1, 13, 24, 25, 26, 35, and 36, and the east half of section 12; in township 18, range 19, sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; the northeast quarter of township 18, range 20; in township 20, range 21, sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the north half of township 20, range 22; all of township 23, range 26, except section 6; in township 25, range 25, sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29 and 30 and those parts of sections 31, 32 and 33 which may not be included in the Gambler Indian Reserve, probably one and a half square mile; the west half of township 24, range 25; in township 23, range 23, the following sections, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30; in township 23, range 22, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24; in township 23, range 21, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20 and 21, and the south half of section 22; all of that portion of township 23, range 20, lying south and east of the Vermilion river, excepting section 36 and that part of section 35 lying east of the said river; in township 23, range 19, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30; in township 23, range 18, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 29 and 30; in township 22, range 17, sections, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17 and 18, and the west half of sections 12 and 13; in township 21, range 16, sections, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, and the south half and northwest quarter of section 14; all of township 20, range 16, except the northeast quarter of section 36; all of township 19, range 18, except the southwest quarter and the west half of the southeast quarter of section 3, and the east half of the southeast quarter of section 4; all west of the first principal meridian, containing in all 1,535 square miles, more or less.

10. The Turtle Mountain Dominion Forest Reserve, in the province of Manitoba, consisting of townships 1, ranges 20 and 21; in township 1, range 19, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, and the west half of section 27, and in township 1, range 22, sections 1, 2, 11, 12, 13, 14, 24, 25 and 36, the east half of section 1108.
section 23 and the southeast quarter of section 26; all west of the first principal meridian, containing 1091/4 square miles, more or less.

11. The Lake Manitoba West Dominion Forest Reserve, in the province of Manitoba, consisting of townships 21, ranges 11, 12 and 13; townships 22, ranges 12 and 13; township 23, range 13, and that part of township 23, range 12, not included in the Ebb and Flow Indian Reserve No. 52; all west of the first principal meridian, containing 248 square miles, more or less.

12. The Spruce Woods Dominion Forest Reserve, in the province of Manitoba, consisting of township 9, range 15; in township 9, range 16, sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36; in township 10, range 15, sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20 and 21; in township 10, range 16, sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29 and 30; and in township 8, range 15, sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; all west of the first principal meridian, containing 110 square miles, more or less.

13. The Duck Mountain Dominion Forest Reserve, in the province of Manitoba, consisting of townships 27, ranges 24, 25 and 26; townships 28, ranges 24, 25 and 26; township 29, range 23, except the easterly tier of sections; townships 29, ranges 24, 25, 26, 27; township 30, range 23, except the easterly tier of sections; townships 30, ranges 24, 25, 26, 27; townships 31, ranges 23, 24, 25, 26, 27; townships 32, ranges 24, 25, 26, 27; townships 33, ranges 24, 25, 26, 27; townships 34, ranges 24, 25, 26; township 35, range 24; in township 26, range 24, sections 19, 20, 29, 30, 31 and 32; the north half of townships 26, ranges 25 and 26; the east half of township 35, range 25; the west half of township 33, range 23, and the west half of township 28, range 23; all west of the first principal meridian, containing 1.251 square miles, more or less.

14. The Porepine Dominion Forest Reserve No. 1, in the province of Manitoba, consisting of townships 41 and 42, range 27; townships 40, 41 and 42, range 28; the northerly four tiers of sections in township 39, and townships 40, 41 and 42, range 29; all west of the first principal meridian, containing 322 square miles, more or less.

PROVINCE OF SASKATCHEWAN.

15. The Beaver Hills Dominion Forest Reserve, in the province of Saskatchewan, consisting of townships 26, ranges 9 and 10, west of the second principal meridian, containing 72 square miles, more or less.

16. The Pines Dominion Forest Reserve, in the province of Saskatchewan, consisting of township 47, range 2; all of township 46, range 2, except sections 5 and 6; in township 45, range

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2.

R.S., 1906.
2, sections 25, 26, 35 and 36; in township 45, range 1, sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32 and 33; in township 46, range 1, sections 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34; in township 47, range 1, sections 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32 and 33; and in township 48, range 2, sections 1, 2, 3, 4, 10, 11, 12, 13, 14 and 15, and those parts of sections 5, 8, 9 and 16, lying east of the north branch of the Saskatchewan river; all west of the third principal meridian, containing 145 square miles, more or less.

17. The Moose Mountain Dominion Forest Reserve, in the province of Saskatchewan, consisting of township 10, range 4: all of township 10, range 3, not included in the White Bear Indian Reserve No. 70; in township 10, range 2, sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30 and 31, and those parts of sections 7, 8, 9, 10 and 11 not included in the White Bear Indian Reserve No. 70; in township 11, range 3, sections 1, 2, 3, 4, 5, 6, 9, 10 and 11, the south half of section 7 and the south half and northeast quarter of section 8; in township 11, range 4, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, and the west half of section 12; in township 11, range 5, sections 1, 2, 11, 12; in township 10, range 5, sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 35 and 36, and those parts of sections 4, 9, 16 and 21 which were not included in the old Indian Reserves, Pheasant's Rump No. 68 and the Ocean Man No. 69; in township 9, range 5, sections 24, 25, 26, 34, 35 and 36, the north half and southeast quarter of section 23, the north half and southeast quarter of section 27, and that part of the northeast quarter of section 28 and of the east half of section 33, which were not included in the old Ocean Man Indian Reserve No. 69; in township 9, range 4, sections 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; and in township 9, range 3, sections 19, 20, 21, 28, 29, 30, 31, 32 and 33, and those parts of sections 22, 27 and 34, not included in the White Bear Indian Reserve No. 70; all west of the second principal meridian, containing 163 square miles, more or less.

18. The Porcupine Dominion Forest Reserve No. 2, in the province of Saskatchewan, consisting of townships 39, 40, 41 and 42, range 30; townships 39, 40, 41 and 42, ranges 31 and 32; all west of the first principal meridian, containing 360 square miles, more or less.

**Province of Alberta.**

19. The Cooking Lake Dominion Forest Reserve, in the province of Alberta, consisting of the west half of township 52, range 19; township 52, range 20; township 53, range 20; in township 54, range 19, sections 18, 19, 30 and 31; in township 51, range 20, sections 2, 3, 4, 5, 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36; and in township 51, range 21, 1410 section.

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section 7: all west of the fourth principal meridian, containing 114 square miles, more or less.

20. The Cypress Hills Dominion Forest Reserve, in the province of Alberta, consisting of the south half of township 8, range 3, west of the fourth principal meridian, containing eighteen square miles, more or less.

21. The Kootenay Lakes Dominion Forest Reserve, in the province of Alberta, consisting of the west half of township 1, and the southwest quarter of township 2, range 29, west of the fourth meridian; and the east half of township 1 and the southeast quarter of township 2, range 30, west of the fourth meridian, containing 34,560 acres, more or less. 6 E. VII., c. 14, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
An Act respecting Grants of Public Lands.

1. This Act may be cited as the Public Lands Grants Act. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'grant' means and includes letters patent under the Great Seal of Canada, and any other instrument by which public lands may be granted in fee simple or for an equivalent estate;
   (b) 'public lands' means and includes Dominion lands, Ordnance or Admiralty lands, Indian lands and all other lands of whatever description which are vested in His Majesty in the right of or for the use or benefit of Canada, or of which the Government of Canada has power to dispose, and includes also any interest in lands which is so vested, or as to which the Government of Canada has such power. 53 V., c. 6, s. 3.

3. Every grant of public lands in the province of Ontario, Manitoba, Saskatchewan or Alberta, or in the Northwest Territories or the Yukon Territory shall, if the Crown has power to convey such an estate therein, and if no contrary or different intention is expressed in the grant, operate as a conveyance of an estate in fee simple or an equivalent estate in such lands, although no words of limitation are used in the grant. 53 V., c. 6, s. 1.

4. The Governor in Council may authorize the sale or lease of any public lands which are not required for public purposes, and for the sale or lease of which there is no other provision in the law, and may make regulations with respect to the price or rental for the sale or lease of any such lands. 1 E. VII., c. 20, s. 6.

5. All leases of any public lands issued by special authority of the Governor in Council, or pursuant to any regulations of the Governor in Council, may be executed on behalf of the Crown by the minister of the department having the control and management of such lands. 1 E. VII., c. 20, s. 6.
CHAPTER 58.

An Act respecting Ordnance and Admiralty Lands.

1. This Act may be cited as the Ordnance and Admiralty Lands Act. Short title.

2. All the lands mentioned in the schedule to this Act, by whatever mode of conveyance the same have been acquired or taken, whether in fee, for life, for years or otherwise, and all the appurtenances thereof, are and shall be and continue absolutely vested in His Majesty for the purposes of Canada. Lands in schedule vested in His Majesty.

2. The provisions of the laws relating to public lands shall apply to the said lands so far as they are applicable, and the said lands shall be held, used, alienated and dealt with accordingly; subject, however, to any sales, agreements, leases or agreements to lease, heretofore lawfully entered into respecting the same. R.S., c. 55, s. 1.

Laws relating to public lands applicable.

3. Nothing in this Act shall affect any right of any person claiming any of the said lands. R.S., c. 55, s. 2.

Private rights saved.

4. The said lands shall be divided by the Governor in Council into two classes, to be denominated respectively, class one and class two.

Two classes.

2. Class one shall comprise such of the said lands as are placed in that class by order of the Governor in Council, and class two shall comprise such of the said lands as are not in class one.

3. Lands in either class, may, from time to time, be placed or replaced in the other class by the Governor in Council.

Governor in Council to distribute.

R.S., c. 55, ss. 3, 4 and 5.

5. Lands in class one shall be retained by the Government of Canada for the defence of Canada.

Governed for the defence.

2. Such of the lands in class one as it is deemed necessary by the Governor in Council to occupy for the defence of Canada in time of peace, may be so occupied by such force as is lawfully directed by the Governor in Council.

Governed for the defence.

3. Such of the lands in class one as it is not deemed necessary to occupy, may be leased or otherwise used, as the Governor in Council thinks best for the advantage of Canada.

Governed for the defence.

R.S., c. 55, s. 4.

6. Lands in class two may be sold, leased or otherwise used as the Governor in Council from time to time directs.

2. Except in the case of lands sold to the government of a province for provincial purposes and except as provided by the next following section, sales of lands in class two shall only be made at public auction.

3. No such sale shall prejudice any right acquired by any person. R.S., c. 55, s. 5.

7. When any portions of the said lands are in the actual occupation of any person with the assent of the Crown, and improvements thereon have been made, such improvements shall be paid for at a fair valuation before exposing the land to competition; or the Crown may, by private contract, sell the portion of land so occupied to the person in possession without resorting to public auction. R.S., c. 55, s. 5.

8. The moneys arising from the sale or lease of any of the said lands shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada; and a separate account shall be kept thereof. R.S., c. 55, s. 8.
### SCHEDULE

**MILITARY PROPERTIES IN CANADA TRANSFERRED TO THE GOVERNMENT OF THE LATE PROVINCE OF CANADA.**

<table>
<thead>
<tr>
<th>Situation</th>
<th>Approximate Quantity of Land</th>
<th>Description of Buildings or Military Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Rivers</td>
<td>2 A 2 R 9 P</td>
<td>Barracks and Fuel Yard.</td>
</tr>
<tr>
<td>Sorel</td>
<td>33 A 2 15 P</td>
<td>Barracks for Cavalry, Artillery and Infantry.</td>
</tr>
<tr>
<td>Laprairie</td>
<td>42 A 1 8 P</td>
<td>Infantry Barracks and Old Fort.</td>
</tr>
<tr>
<td>St. Johns</td>
<td>153 A 2 22 P</td>
<td>Old Fort, Barracks for Cavalry, Artillery and Infantry, with Barracks,</td>
</tr>
<tr>
<td>Chambly</td>
<td>18 A 1 1 P</td>
<td>Master's house, etc.</td>
</tr>
<tr>
<td>Cascades</td>
<td>9 A 2 12 P</td>
<td>Wood Yard, Common and Canal.</td>
</tr>
<tr>
<td>Prescott</td>
<td>13 A 1 27 P</td>
<td>Fort Wellington.</td>
</tr>
<tr>
<td>Grant's Island, Brockville</td>
<td>1 A 2 32 P</td>
<td>Blockhouse.</td>
</tr>
<tr>
<td>Kingston</td>
<td>110 A 1 32</td>
<td>Late Commandant's Quarter.</td>
</tr>
<tr>
<td>Toronto</td>
<td>207 A 3 32</td>
<td>Horse Shoe Island.</td>
</tr>
<tr>
<td>Hamilton</td>
<td>29 A 2 32 P</td>
<td>Reserve, Burlington Heights, Hospital, Bathurst Street Barracks,</td>
</tr>
<tr>
<td>Niagara</td>
<td>444 A 4 32 P</td>
<td>Commissariat Quarters, Stores, Guard house and Victoria Square.</td>
</tr>
<tr>
<td>Queenston</td>
<td>39 A 3 32 P</td>
<td>Reserve, New Barracks</td>
</tr>
<tr>
<td>Navy Island</td>
<td>316 A 3 32</td>
<td>Reserve.—All, except that sold to the Purchasers of the Hamilton Estate.</td>
</tr>
<tr>
<td>Fort Erie</td>
<td>35 A 2 32</td>
<td>Reserve.</td>
</tr>
<tr>
<td>Turkey Point</td>
<td>300 A 8 32</td>
<td>Artillery and Infantry Barracks.</td>
</tr>
<tr>
<td>London</td>
<td>26 A 8 32 P</td>
<td>Infantry Barracks.</td>
</tr>
<tr>
<td>Chatham</td>
<td>11 A 3 32 P</td>
<td>Fort, Block and Picket Houses.</td>
</tr>
<tr>
<td>Amherstburg</td>
<td>7 A 3 32 P</td>
<td>Reserve,—Except land sold to Contractors for the Grand Trunk Ry.</td>
</tr>
<tr>
<td>Fort Edward, Sarnia</td>
<td>41 A 3 32 P</td>
<td>Reserve.</td>
</tr>
<tr>
<td>Owen Sound</td>
<td>51 A 2 32</td>
<td>City of Ottawa Barracks, Block houses and Adjuncts of the Canals</td>
</tr>
<tr>
<td>Penetangushene</td>
<td>132 A 3 32</td>
<td>&quot;</td>
</tr>
<tr>
<td>St. Joseph</td>
<td>450 A 1 32</td>
<td>&quot;</td>
</tr>
<tr>
<td>St. Mary's Island</td>
<td>156 A 1 32</td>
<td>&quot;</td>
</tr>
<tr>
<td>Rideau and Ottawa Canal</td>
<td>1117 A 1 32</td>
<td>&quot;</td>
</tr>
</tbody>
</table>
### Ordinance and Admiralty Lands

**WAR DEPARTMENT PROPERTY TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.**

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title</th>
<th>Contents (nearly)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Niagara.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fort Mississauga and land attached.</td>
<td>Partly by Crown reservation in 1784 or 1796, and partly by exchange with Mr. Crooks.</td>
<td>A. 66 R. 2 P. 14</td>
</tr>
<tr>
<td>Kingston.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land at the little Cataraqui.</td>
<td>Purchased by Imperial Government in 1812.</td>
<td>A. 142 R. 1 P. 31</td>
</tr>
<tr>
<td>Munsey Tower and Redoubt, land, etc.</td>
<td>Crown reservation and partly by deed of exchange.</td>
<td>A. 6 R. 3 P. 13</td>
</tr>
<tr>
<td>Market Battery and enclosure</td>
<td>Crown reservation and partly by deed of exchange.</td>
<td>A. 1 R. 2 P. 39</td>
</tr>
<tr>
<td>Shoal Tower and submerged land in front of Market Battery</td>
<td>Granted by Order in Council 18th November, 1845, and 25th June, 1846, but no letters patent issued.</td>
<td>A. 11 R. 1 P. 10</td>
</tr>
<tr>
<td>Tête de Pont Barracks, stables, etc.</td>
<td>By right of conquest and military appropriation, the site of Fort Frontenac and works attached.</td>
<td>A. 12 R. 3 P. 32</td>
</tr>
<tr>
<td>Fuel yard, No. 3, on site of advanced work of old Fort Frontenac.</td>
<td>Held by military occupation since the conquest. No written title yet found.</td>
<td>A. 4 R. 3 P. 31</td>
</tr>
<tr>
<td>Artillery Park, with barracks, stables, etc., workshops, etc., attached.</td>
<td>Crown reservation as delineated on a plan of Kingston in the Crown Lands Department, signed by Alex. Aitken, D. P. S., but no date.</td>
<td>A. 5 R. 2 P. 25</td>
</tr>
<tr>
<td>The water lot, being a portion of Cataraqui Bay, northeast of the city.</td>
<td>By letters patent from the Crown to the Hon. Board of Ordnance, on condition the navigation of the river should not be obstructed, nor the rights of private individuals be interfered with, dated 22nd Nov., 1845.</td>
<td>A. 71 R. ...</td>
</tr>
<tr>
<td>Military Burial Ground, Section G. in Cataraqui Cemetery.</td>
<td>Deed of Donation from the Trustees to the War Department, dated 31st January, 1885.</td>
<td>A. 2 R. 14</td>
</tr>
<tr>
<td>Port Frederick Naval Reserve dockyard, etc.</td>
<td>Crown Reserve, set apart by letters dated 11th Sept., 1783, and 22nd May, 1785, by General Haldimand and Lieut. Governor Hamilton.</td>
<td>A. 57 R. ...</td>
</tr>
<tr>
<td>Reserves situate near the city of Kingston, to wit:—So much of Point Frederick, in the township of Pittsburg, in the County of Frontenac, in the possession of the Naval Authorities at Kingston on the fifth day of December, in the year 1859, and included between a fence or fences on the south side of the road leading from the east end of the Cataraqui Bridge to the village of Barriefield, and another fence at the southwest end of the Naval Yard, separating it from the Tower on the extremity of Point Frederick, the inlets designated as Haldimand Cove and Hamilton Cove.</td>
<td>Crown Reserve as above quoted.</td>
<td>A. 8 R. 2 ...</td>
</tr>
<tr>
<td>Port Frederick—Glacis &amp; land attached at Point Frederick.</td>
<td>Crown Reserve as above quoted dated 11th September, 1783, and 22nd May, 1785.</td>
<td>A. 556 R. ...</td>
</tr>
</tbody>
</table>

R.S., 1906.
### WAR DEPARTMENT PROPERTY TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
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<th>Contents (nearly).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Kingston—Con.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar Island Tower and Glacis</td>
<td>Crown Reserve as last above quoted.</td>
<td>A. 23 R. 12 P. 1.5</td>
</tr>
<tr>
<td>Pittsburg, western addition of lot No. 20, Barriefield.</td>
<td>Purchased from Robert McDonald and wife, 6th July, 1844.</td>
<td>125</td>
</tr>
<tr>
<td>Pittsburg, western addition of lot No. 21, Barriefield.</td>
<td>Acquired from Robert David Cartwright and Harriet his wife by deed of exchange, 20th March, 1849.</td>
<td>102</td>
</tr>
<tr>
<td>Pittsburg, western addition, front part of lot No. 16, on the river Cataquaq, north of Barriefield.</td>
<td>Purchased by the Admiralty from Richard O'Connor, Captain R.N., represented by his Attorney, J. B. Marks, R.N., 23rd August, 1819.</td>
<td>4 2</td>
</tr>
<tr>
<td>Quebec City and District.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 3, Tower Field, N.W. of the Grande Allée, Plains of Abraham.</td>
<td>Leasehold from the Nuns of the Hotel Dieu, 99 years from the 1st May, 1790; space covered by the Tower is freehold.</td>
<td>37 12</td>
</tr>
<tr>
<td>No. 4, Tower Field, N.W. of St. John's Road.</td>
<td>Leasehold from the Nuns of the Hotel Dieu, 99 years from the 1st May, 1790, including a freehold strip of 9a. 1r. 0½p.</td>
<td>18 1 24</td>
</tr>
<tr>
<td>Land surrounding Nos. 1 and 2, Towers, S.E. side of the Grande Allées, Plains of Abraham.</td>
<td>Acquired by purchase from the Ursuline Nuns, 15th June, 1811, Joseph Plante, N.P., Quebec.</td>
<td>7 2 20</td>
</tr>
<tr>
<td>Land S.E. of the Grande Allée to the Cime du Cap and between Nos. 1 and 2, Towers property and counter scarp of the Citadel and Works adjacent.</td>
<td>The greater part acquired by purchase from various individuals, and partly by conquest of the Old French Works, etc., an annual ground rent of £1 17s. od. is payable on part of this land to the Fief de Villarey.</td>
<td>80</td>
</tr>
<tr>
<td>The Esplanade, Town Works, Glacis, ditches, ravelin, etc., in front lying between St. Louis and St. John's Gates.</td>
<td>Acquired partly by conquest and partly by purchase from various individuals.</td>
<td>10 3 3</td>
</tr>
<tr>
<td>Citadel, Glacis and Town Works, as far as St. Louis Gate, Engineer Yard, etc.</td>
<td>Chiefly by right of conquest and military appropriation.</td>
<td>45</td>
</tr>
<tr>
<td>Town Works, Artillery Bar racks, Glacis, etc., between St. John's Gate, Palace Gate, and St. Vallier Street.</td>
<td>Chiefly by conquest and military appropriation. Lots in St. Vallier St. purchased in 1846-47.</td>
<td>13 3 2</td>
</tr>
<tr>
<td>Mount Carmel, a commanding eminence, and site of the Windmill Redoubt, or Cavalier, formerly a portion of the defences of Quebec.</td>
<td>Acquired by purchase, 25th November, 1780. J. Pinguet, N.P.</td>
<td>2</td>
</tr>
<tr>
<td>Officers' Barracks, Garrison Hospital, etc., fronting on St. Louis Street, and in rear of St. Genevieve St.</td>
<td>By purchase, 5th April, 1811.</td>
<td>1 2</td>
</tr>
<tr>
<td>Commissariat Premises, opposite old Court House, on St. Louis Street, and in rear by Mount Carmel St.</td>
<td>Acquired by purchase, 11th August, 1815.</td>
<td>2 30</td>
</tr>
<tr>
<td>The Town Works, along the top of the Cape (Cime du Cap) between the King's Bastion of the Citadel and Prescott Gate, Mountain Hill, including site of old Port St. Louis, Governor's Garden, and also the cliff underneath not occupied by buildings, as a part of the rampart.</td>
<td>Part of the Crown Domain by conquest and military appropriation, with small portions at either end acquired by purchase in 1781, and about 1827-29.</td>
<td>3 3 2</td>
</tr>
</tbody>
</table>

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1119 WAR R.S., 1906.
## Ordnance and Admiralty Lands.

**WAR DEPARTMENT PROPERTY TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.**

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title</th>
<th>Contents, (nearly).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quebec City and District—Con.</strong></td>
<td></td>
<td>A.</td>
</tr>
<tr>
<td>Magazine E., Hotel Dien, on Rampart Street, between Palace and Hope Gates</td>
<td>Acquired by purchase, 17th June, 1869.</td>
<td>1</td>
</tr>
<tr>
<td>The defences along the Ramparts between Prescott Gate, Grand Battery, Hope Gate, and Palace Gate, (Upper Town).</td>
<td>By right of conquest and military appropriation, including Rampart Street and cliff underneath (contents never given).</td>
<td></td>
</tr>
<tr>
<td>Inclined Plane, Wharf and land to the Cime du Cap (top of the cliff) on Champlain Street, S. E. of the Citadel.</td>
<td>Acquired by purchase, 24th September, 1781; afterwards used in connection with the Citadel.</td>
<td>2</td>
</tr>
<tr>
<td>Queen's Wharf premises, and small lot opposite on Cuir de Saumon Street.</td>
<td>Formerly a part of the defences of Quebec, site of a battery. Acquired by right of conquest, etc.</td>
<td>1</td>
</tr>
<tr>
<td>Lot at the foot of the Cliff in La Canoterie and St. Charles Streets, as a Glacis in front of the TownWorks.</td>
<td>Acquired by purchase in 1846-7 to prevent buildings against the defences.</td>
<td>2</td>
</tr>
<tr>
<td>Commissariat Fuel Yard, etc., on Palace Harbour, St. Roch’s.</td>
<td>Part of the Intendant’s Palace property, held by conquest.</td>
<td>4</td>
</tr>
</tbody>
</table>

**Seigniory of Neuville, County of Portneuf.**

A strong defensive position on the right bank of the River Jacques-Cartier, about thirty miles above Quebec.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Point Lévis; Forts Nos. 1, 2, 3, Seigniory of Lauzon, County of Lévis, District of Quebec.</strong></td>
<td>Lands acquired by purchase in 1865, 1866, 1876, and 1868, under the provisions of the Consolidated Statutes of Canada, Chap. 36. J. Greaves Clapham, N.P., Quebec.</td>
<td>1242</td>
</tr>
<tr>
<td><strong>Point Lévis; Forts Nos. 1, 2, 3, Seigniory of Lauzon, County of Lévis, District of Quebec.</strong></td>
<td>Assignment of clearance rights acquired in 1867 and 1868; a servitude in perpetuity. J. Greaves Clapham, N.P., Quebec.</td>
<td>69</td>
</tr>
</tbody>
</table>

**Montreal City.**

Champ de Mars or parade ground for the troops.

<table>
<thead>
<tr>
<th>Military burial ground on the Papineau Road. St. Helen’s Island. Ille aux Fraises.</th>
<th>Held since the conquest in 1760, as a part of the old fortifications, fronting on Craig Street.</th>
<th>4</th>
<th>1</th>
<th>28</th>
</tr>
</thead>
<tbody>
<tr>
<td>By purchase, 30th December, 1814.</td>
<td>By deed of exchange, 8th April, 1818. (being in the St. Lawrence River, and lying contiguous).</td>
<td>123</td>
<td>3</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>19</td>
</tr>
</tbody>
</table>
### ADMIRALTY LANDS OR NAVAL RESERVES TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title</th>
<th>Contents (nearly.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ontario.</strong></td>
<td><strong>Naval Reserves.</strong></td>
<td>A.</td>
</tr>
<tr>
<td>County of Haldimand.</td>
<td>Grand River.</td>
<td>219</td>
</tr>
<tr>
<td></td>
<td>Barbet Point.</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Mohawk Bay.</td>
<td>20</td>
</tr>
<tr>
<td>County of Simcoe.</td>
<td>Reserve, east branch of Holland River, in town plot at Gwillimbury; lots 49, 50, 51 and 52, west side of Meadow Street.</td>
<td>4</td>
</tr>
<tr>
<td>County of Essex.</td>
<td>Reserve at Point Pelee, in the Township of Mersea.</td>
<td>3000</td>
</tr>
<tr>
<td>Lake Huron.</td>
<td>Lot 1, in 1st and 2nd concessions of the Island St. Joseph with broken point to south of same. South half lot 6, in the 9th concession in Milford Haven.</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>106</td>
</tr>
</tbody>
</table>
Chap. 58. *Ordnance and Admiralty Lands.*

**LANDS, ETC., OF THE WAR DEPARTMENT, TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.**

**QUEBEC.**

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title</th>
<th>Contents, (nearly.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal.</td>
<td>Naval Reserves.</td>
<td>A  R  P.</td>
</tr>
<tr>
<td>Logan's Farm.</td>
<td></td>
<td>84 ...</td>
</tr>
<tr>
<td>Farm at Longueuil.</td>
<td></td>
<td>190 14</td>
</tr>
<tr>
<td>Sorel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Military Reserve or Domain, southeast of the Town of Sorel, and lying between the town and lot 25. Part under lease and part patented. Shown on plan signed W. Hamilton, Colonel, Commanding Royal Engineers, 2nd August, 1870. (Coloured pink.)</td>
<td>70 1 28</td>
<td></td>
</tr>
<tr>
<td>Land lying on the west shore of the River Richelieu, on the point at its mouth, bounded on the south by the Chemin de Ligne à la Grande Rivière, and around its front and sides by the Richelieu and St. Lawrence Rivers, from the eastern to the western extremities of the said ‘Chemin de Ligne’ as shown on plan by Hayden, P.L.S., April, 1867; and in pink on plan by W. Hamilton, Col. C.R.E., 2nd August, 1870.</td>
<td>55 2 8</td>
<td></td>
</tr>
<tr>
<td>Part of Isle St. Ignace. Shown in pink on plan by Hamilton, Col. C.R.E., 2nd August, 1870.</td>
<td>140 ...</td>
<td></td>
</tr>
<tr>
<td>Isle de Grace.</td>
<td>River St. Lawrence.</td>
<td>140 2</td>
</tr>
<tr>
<td>Isle aux Corbeaux.</td>
<td>&quot;</td>
<td>20</td>
</tr>
<tr>
<td>St. Luc, County St. John's.</td>
<td>&quot;</td>
<td></td>
</tr>
</tbody>
</table>

R.S., 1906.
Ordinance and Admiralty Lands. Chap. 58.

LANDS, ETC., OF THE WAR DEPARTMENT, TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.

New Brunswick.

<table>
<thead>
<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title</th>
<th>Contents (nearly.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. John and Vicinity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fort Howe, Portland and land attached.</td>
<td>Acquired by deed of exchange, 9th June, 1789 (place of deposit of the deed unknown), Registry Office Book B, page 170, No. 317.</td>
<td>*16 37</td>
</tr>
<tr>
<td>Carleton, Martello Tower and Old Block House properties, and the site of Old Fort Point.</td>
<td>Acquired partly by purchase in 1827 and partly by undisputed military occupation. Act of Provincial Legislature, 1st May, 1856.</td>
<td>15 3</td>
</tr>
<tr>
<td>Carleton, Reserve Z.</td>
<td>Marked 'Reserve Z' in City Plan...</td>
<td>± 23</td>
</tr>
<tr>
<td>Carleton, Fort Dufferin and land attached, commanding harbour.</td>
<td>Purchased by the Provincial Government in 1864 and made over to the Imperial Government 15th December, 1884, under certificate of the Solicitor General of New Brunswick.</td>
<td>8 1 3</td>
</tr>
<tr>
<td>Red Head Battery, east side of entrance into harbour.</td>
<td>Purchased by the Provincial Government in 1864 and made over to the Imperial Government 15th December, 1884, under certificate of the Solicitor General of New Brunswick.</td>
<td>7 28</td>
</tr>
<tr>
<td>Partridge Island, Battery barracks, etc., with Queen's Wharf and right of way to battery, etc.</td>
<td>Works of defence erected by virtue of a reservation in the City charter. The free use of a landing place and roadway were also conceded to the War Department, 19th July, 1839, by the Board of Health.</td>
<td>2 8</td>
</tr>
<tr>
<td>St. John.</td>
<td>By reservation in City Charter, the Crown had the right to erect barracks, works of defence, etc., commencing about 1794; see also agreement with the Corporation of St. John, dated 16th January, 1858; original in Common Clerk's Office.</td>
<td>12 3</td>
</tr>
<tr>
<td>'Lower Cove Grounds,' Dorchester and other Batteries, Infantry and Artillery Barracks, with accessories, etc.</td>
<td>Originally a military reserve under certain deeds of exchange between the War Department and the City Corporation, 1866. See also Provincial Acts, 9 V., c. 78, and 28 V., c. 61.</td>
<td>8 3</td>
</tr>
<tr>
<td>Fredericton City.</td>
<td>No record furnished how this property came into possession of the War Department.</td>
<td>1 2 26</td>
</tr>
<tr>
<td>Property known as the 'Stone Barracks' (Infantry) and accessories attached complete. Also Officers' Barracks, etc., between Queen St. and River St. John, County York.</td>
<td>Reserved for military purposes in the Campbell grant, 11th October, 1823.</td>
<td>2 3</td>
</tr>
<tr>
<td>Artillery Park Barracks, and several other buildings accessories thereto, on George and Regent Streets, County York.</td>
<td>Reserved for military purposes in the Campbell grant, 11th October, 1823.</td>
<td>21 3</td>
</tr>
<tr>
<td>St. Andrews and Vicinity.</td>
<td>No record of title furnished by the Imperial Government.</td>
<td>22 1 12</td>
</tr>
<tr>
<td>West Battery Block-house, &amp;c., County Charlotte.</td>
<td>Acquired by exchange and deed of conveyance, 11th March, 1815, and Legislative Act, 7th March, 1814.</td>
<td>6 3 35</td>
</tr>
</tbody>
</table>

* Revised. † Approximate. ‡ Not given.

71 ½ 1123 LANDS, R.S., 1906.
Chap. 58. Ordnance and Admiralty Lands.

LANDS, ETC., OF THE WAR DEPARTMENT, TRANSFERRED TO THE GOVERNMENT OF THE DOMINION OF CANADA.

New Brunswick—Con.

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<tr>
<th>Local Name of the Property, etc.</th>
<th>Origin of the Title.</th>
<th>Contents. (nearly.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oromocto or Three Tree Creek, County Sunbury.</td>
<td>Reserved for military purposes. No date furnished as the precise time.</td>
<td>A. R. P. 200 8 6 676 6 2 14 1 72</td>
</tr>
<tr>
<td>Beaver Harbour, east of L'Etang, County Charlotte, near St. Andrews.</td>
<td>Reserved for military purposes in 1794.</td>
<td>676 2</td>
</tr>
<tr>
<td>(Reserve) Pomroy Bridge, Magaguadavic River, County Charlotte.</td>
<td>Reserved or acquired for military purposes. Title dated 14th July, 1837. Place of deposit unknown.</td>
<td>676</td>
</tr>
<tr>
<td>Presque'Isle (Original Record), River St. John, County Charlotte.</td>
<td>Reserved for military purposes in the Wakefield grant, 29th June, 1800. Lienc.-Governor's warrant of survey, dated 22nd October, 1827, in the Provincial Surveyor General's Office.</td>
<td>676 2</td>
</tr>
<tr>
<td>Grand Falls, River St. John, County of Victoria or Carleton.</td>
<td>Reserved for military purposes as shown on plan in the Surveyor General's Office since 1800. Provincial grant to the Ordnance dated 23rd April, 1845.</td>
<td>3 3 14</td>
</tr>
<tr>
<td>Little Falls (Edmundston), Madawaska River, County of Madawaska.</td>
<td>For site of Blockhouse, etc., by deed of sale from Joseph Herbert, to the Ordnance, dated 22nd August, 1843. No. 9569, Louis Panet, N.P., Quebec.</td>
<td>1</td>
</tr>
<tr>
<td>Dalhousie, Baie des Chaleurs, County Restigouche. (Reserve) Fort Cumberland, N. E. Shore, Bay of Fundy, County of Westmorland.</td>
<td>Provincial grant as a military reserve, 7th August, 1838. Site of a defensive post, captured from French in June, 1755, known at that time as 'Fort Beausejour.'</td>
<td>72</td>
</tr>
</tbody>
</table>

Nova Scotia.

| Shelburne Harbour, Navy and Commissary Islands. | Under Order in Council, 26th June, 1874, and by deed of conveyance from the Admiralty dated 28th November, 1874. | 27 3 |

R.S., c. 55, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 59.

An Act respecting Dominion Lands in British Columbia.

1. This Act may be cited as the Railway Belt Act.  

2. In this Act 'Railway Belt' means that tract of land in the province of British Columbia within which lie the lands granted to the Dominion Government for the purpose of constructing and to aid in the construction of the portion of the Canadian Pacific Railway on the mainland of the said province, by section one of the Act of the legislature of the said province, chapter eleven of one thousand eight hundred and eighty, as amended by the Act of the said legislature, chapter fourteen of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

3. The lands in the Railway Belt granted to the Dominion Government for the purposes and in manner aforesaid shall, in so far as they have not already been disposed of, be open for entry to bona fide settlers in such lots and at such prices as the Governor in Council determines. R.S., c. 56, s. 1.

4. Every person who squatted on any of the said lands prior to the nineteenth day of December, one thousand eight hundred and eighty-three, and who has made substantial improvements thereon, shall have a prior right of purchasing the lands so improved, at the rates charged to settlers generally. R.S., c. 56, s. 1.

5. The Governor in Council may, from time to time, regulate the manner in which, and the terms and conditions on which, the said lands shall be surveyed, laid out, administered, dealt with and disposed of.

2. Regulations respecting the sale, leasing or other disposition of such lands shall not come into force until they are published in the Canada Gazette. R.S., c. 56, s. 1.

6. The Dominion Lands Board shall, as respects such lands, have the like powers and perform the like duties as are conferred upon and assigned to them in relation to the Dominion lands for the administration of which provision is made by the Dominion Lands Act. R.S., c. 56, s. 1.
CHAPTER 60.

An Act respecting the Rocky Mountains Park of Canada.

SHORT TITLE.

1. This Act may be cited as the Rocky Mountains Park Short title. Act. 2 E. VII., c. 31, s. 2.

EXTENT OF PARK AND OBJECT OF RESERVATION.

2. The tract of land (saving and except so much thereof as was, immediately prior to the fifteenth day of May, one thousand nine hundred and two, included in Indian reserves) comprised within the limits hereinafter set forth, that is to say: commencing at a point where the eastern boundary of range number eight, west of the fifth meridian, in the province of Alberta, intersects the eastern boundary of the province of British Columbia, or if there be more than one such point, at the most northerly of such points, thence northerly along the eastern boundary of the said range number eight to the northern boundary of townships number thirty-four, thence westerly along the northern boundary of townships number thirty-four to the point where it intersects the eastern boundary of British Columbia, or if there be more than one such point, to the most easterly of such points, thence southeasterly along the said eastern boundary of British Columbia to the place of beginning, so far as the title to the said tract of land, in whole or in part, is vested in the Crown, is hereby withdrawn from sale, settlement and occupancy under the provisions of the Dominion Lands Act, or any regulations made under the said Act or any other Act with respect to mining or timber licenses or any other matter. 2 E. VII., c. 31, s. 1.

3. The said tract of land is hereby reserved and set apart as a public park and pleasure ground for the benefit, advantage and enjoyment of the people of Canada, subject to the provisions of this Act and of the regulations hereinafter mentioned, and shall be known as The Rocky Mountains Park of Canada. 50-51 V., c. 32, s. 2.
<table>
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<tr>
<th>Control by Minister of the Interior.</th>
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<td><strong>4.</strong> The Park shall be under the control and management of the Minister of the Interior, and the Governor in Council may make regulations for,—</td>
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<td>(a) the care, preservation and management of the Park and of the watercourses, lakes, trees and shrubbery, minerals, natural curiosities and the like matters;</td>
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<td>(b) the control of the hot springs situate in the Park, and their management and utilization for purposes of bathing and sanitation and in every other respect;</td>
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<td>(c) the lease for any term of years of such parcels of land in the Park as he deems advisable in the public interest, for the construction of buildings for ordinary habitation and purposes of trade and industry, and for the accommodation of persons resorting to the Park and for the sale of lands laid out in town lots and shown on the plan of the town plot, Rocky Mountains Park of Canada, in the province of Alberta, signed by George A. Stewart, D.L.S., and dated the second day of July, one thousand eight hundred and eighty-eight, and on the plan of the town plot of Canmore, signed by A. J. Brabazon, D.L.S., without date;</td>
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<tr>
<td>(d) the working of mines and the development of mining interests within the limits of the Park, and the issuing of licenses or permits of occupation for the said purposes; but no lease, license or permit shall be made, granted, or issued which will in any way impair the usefulness of the Park for the purposes of public enjoyment and recreation;</td>
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<td>(e) trade and traffic of every description;</td>
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<td>(f) the preservation and protection of game and fish, of wild birds generally, and of cattle allowed to pasture in the Park;</td>
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<td>(g) the issuing of licenses or permits for the pasturage of cattle, and the management of hay lands;</td>
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<td>(h) the removal and exclusion of trespassers; and,</td>
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<td>(i) generally, all purposes necessary to carry this Act into effect according to the true intent and meaning thereof.</td>
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<td>2. The Governor in Council may, by the said regulations, impose penalties for any violation thereof, not exceeding in any case the sum of fifty dollars with costs, or, in default of payment, imprisonment for not more than three months. 50-51 V., c. 32, s. 4; 6 E. VII., c. 44, s. 1.</td>
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<tr>
<td><strong>5.</strong> Every regulation made as aforesaid shall be published for four consecutive weeks in the Canada Gazette and in any other manner provided thereby by the Governor in Council.</td>
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<tr>
<td>2. Every such regulation, after publication as aforesaid, shall, subject to the provisions of this section, have the like force and effect as if herein enacted.</td>
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*R.S., 1906.*
3. Every such regulation shall be laid before Parliament within fifteen days after the commencement of the then next session of Parliament, and shall remain in force until the day immediately succeeding the day of prorogation of such next session, and no longer, unless during such session of Parliament such regulation is approved by resolution of both Houses of Parliament. 6 E. VII., c. 44, s. 2.

GENERAL PROVISIONS.

6. Nothing in this Act contained shall affect the obligations of the Government, if any, arising out of the conditions of the acquisition of the Northwest Territories. 50-51 V., c. 32, s. 6.

7. Except as in this Act provided, no person shall locate, settle upon, use or occupy any portion of the Park. 50-51 V., c. 32, s. 3.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 61.

An Act respecting Irrigation.

SHORT TITLE.

1. This Act may be cited as the Irrigation Act. 61 V., Short title. c. 35, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions. (a) 'Minister' means the Minister of the Interior; 'Minister.' (b) 'Department' means the Department of the Interior 'Department.' (c) 'commissioner' means the officer appointed by the Governor in Council for the execution within any province of the duties by this Act imposed upon the commissioner; 'Commissioner.' (d) 'chief engineer' means the officer appointed by the Governor in Council for the execution within any province of the duties by this Act imposed upon the chief engineer; 'Chief engineer.' (e) 'Dominion land surveyor' means a surveyor duly authorized, under the provisions of the Dominion Lands Act, to survey Dominion lands; 'Dominion land surveyor.' (f) 'company' means any incorporated company, the object and powers of which extend to or include the construction or operation of irrigation or other works under this Act, or the carrying on thereunder of the business of the supply or sale of water for irrigation or other purposes, and includes any person who has been authorized or has applied for authority to construct or operate such works or carry on such business, or who has obtained a license under this Act, and also includes any irrigation district incorporated under an ordinance of the Northwest Territories, whether passed before or after the first day of September, one thousand nine hundred and five, or under an Act of the legislature of the province of Saskatchewan or of the province of Alberta; 'Company.' (g) 'works' means and includes any dykes, dams, weirs, flood-gates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps, and any contrivance 'Works.' R.S., 1906.
trivance for carrying or conducting water or other works which are authorized to be constructed under the provisions of this Act;

(h) ‘duty of water’ means the area of land that a unit of water will irrigate, which unit is the discharge of one cubic foot of water per second;

(i) ‘applicant’ means a company which has applied or is about to apply for a license;

(j) ‘licensee’ means any company which has been granted a license under this Act;

(k) ‘domestic purposes’ means household and sanitary purposes, and all purposes connected with the watering of stock and the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes. 61 V., c. 35, ss. 2 and 8; 4-5 E. VII., c. 26, s. 1.

3. The discharge of one cubic foot of water per second shall be the unit of measurement of flowing water.

2. The cubic foot or acre foot, shall be the unit of measurement and quantity, and the acre foot is equivalent to forty-three thousand five hundred and sixty cubic feet. 61 V., c. 35, s. 38.

Application of Act.

4. This Act shall apply to the provinces of Saskatchewan and Alberta and to the Northwest Territories, except the provisional districts of Mackenzie, Franklin and Ungava. 61 V., c. 35, s. 3.

Water Rights.

5. All companies formed to promote irrigation prior to the thirteenth day of June, one thousand eight hundred and ninety-eight, shall, except as to their powers to issue bonds, debentures or other securities, be subject to the provisions of this Act. 61 V., c. 35, s. 53.

6. The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established.

2. No person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh, or other body of water, otherwise than under the provisions of this Act except in the exercise of a legal right existing at the time of such diversion or use. 61 V., c. 35, s. 4.

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7. Except in pursuance of some agreement or undertaking existing on the thirteenth day of June, one thousand eight hundred and ninety-eight, no grant shall be made by the Crown of lands or of any estate therein, in such terms as to vest in the grantee any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, stream or other body of water, or in or with respect to the water contained or flowing therein, or the land forming the bed or shore thereof. 61 V., c. 35, s. 5.

8. Unless acquired by a grant made in pursuance of some agreement or undertaking existing on the thirteenth day of June, one thousand eight hundred and ninety-eight, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh, or other body of water shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act. 61 V., c. 35, s. 6.

9. Every person or company who immediately prior to the thirteenth day of June, one thousand eight hundred and ninety-eight,—

(a) held water rights of a class similar to those which may be acquired under this Act; or,

(b) with or without authority, had constructed or was then operating works for the utilization of water,

may, if he had, prior to the first day of July, one thousand eight hundred and ninety-eight, obtained a license under this Act, exercise such rights and carry on such works under the provisions of this Act. 61 V., c. 35, s. 7.

10. Any water the property in which is vested in the Crown Application may be acquired, for domestic, irrigation or other purposes, upon application therefor as hereinafter provided.

2. All applications shall be made in accordance with the How made provisions of this Act.

3. Such applications shall have precedence according to the Precedence, respective dates of their filing with the commissioner. 61 V., c. 35, s. 8.

11. No application for any purpose shall be granted where Riparians the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes. 61 V., c. 35, s. 9.

MODE OF ACQUISITION.

Construction, how authorized.

12. An applicant contemplating or projecting any works License for under this Act, may, upon submitting a general description of preliminary work, 1133 such
such works and upon payment of a fee of three dollars, obtain from the chief engineer a license to do the necessary preliminary work in connection with the location of such works.

2. The applicant after he obtains such license, may, with such assistants as are necessary, enter into and upon any public or private lands to take levels, make surveys, and do other necessary work in connection with such location: Provided that he shall do no unnecessary damage. 61 V., c. 35, s. 10.

13. Every applicant under this Act shall file with the commissioner a memorial, in duplicate, on forms provided by the commissioner, in which the applicant shall set forth,—

(a) his name, residence and occupation;
(b) his financial standing;
(c) the source from which water is to be diverted and the point of diversion;
(d) the probable quantity of water to be used;
(e) the size and character of the works to be constructed;
(f) the area and location of the land to be irrigated;
(g) the value of such land in its present state, including improvements;
(h) the probable number of consumers; and,
(i) the rate, if any, to be charged for water sold. 61 V., c. 35, s. 11.

14. If the applicant is an incorporated company, the memorial shall, in addition to the other requirements of this Act, set forth,—

(a) the names of the directors and officers and their places of residence;
(b) the date of incorporation;
(c) the amount of the subscribed and the paid-up capital and the proposed method of raising further funds, if needed; and,
(d) the purposes for which the company is incorporated. 61 V., c. 35, s. 11.

15. Every such applicant shall also file with the commissioner,—

(a) an application on forms provided by the commissioner, for the right to construct any canal, ditch, reservoir, or other works referred to in the memorial, across any road allowance or surveyed public highway, which may be affected by such works;
(b) a plan, in duplicate, on tracing linen, showing in detail all headworks, dams, flumes, bridges, culverts, or other structures to be erected in connection with the proposed undertaking.

2. The applicant shall also file with the commissioner a general plan, in duplicate, on tracing linen, drawn to a scale of not less than one inch to a mile, showing,—

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(a) the source of supply;
(b) the position of the point of in-take;
(c) the location of the main canals or ditches;
(d) the tract of land to be irrigated;
(e) the name of the owner of each parcel of land crossed by the canal or ditch, or by any reservoir or other works connected therewith, or to be irrigated therefrom, and,
(f) the position and area of all ponds, reservoirs and basins intended to be constructed for the storage of water. 61 V., c. 35, s. 11.

16. In the case of all ditches or canals carrying more than twenty-five cubic feet of water per second, the applicant shall, in addition to the aforesaid information, furnish in duplicate,—

(a) a longitudinal profile of the ditch, showing the bottom Profile.

profile and the proposed service water line, with a horizontal scale not less than one inch to four hundred feet, and a vertical scale not less than one inch to twenty feet;

(b) a plan drawn on a horizontal and vertical scale of one inch to twenty feet, showing, when any portion of the water is to be conveyed in fill, cross-sections at a sufficient Plan of number of points to fully illustrate all the different forms ditches.

which the ditch when constructed will take, particularly on side-hills or elsewhere and showing, when water is to be conveyed in cut, cross-sections at the points where the shortest horizontal distance from either side of the bottom of the ditch to the surface of the ground is less than double the bottom width of the ditch;

(c) plans of any dams, cribs, embankments or other works by which it is proposed to create or which may have the Plan of effect of creating a pond, reservoir or basin of water, or works in connection with reservoirs.

by which it is proposed to obstruct or which may have the effect of obstructing any river, stream, lake, or other source of water supply, which plans shall be prepared on a longitudinal scale of not less than one inch to one hundred feet, and for cross-sections on a scale of not less than one inch to twenty feet, and shall show in detail on a scale of not less than one inch to four feet, the timber, brush, stone, brick or other material intended to be used and how it is intended to be placed in such works; and,

(d) cross-section maps or plans, the horizontal scale of Cross-section maps.

which shall not be less than one inch to one hundred feet and the vertical scale of which shall not be less than one inch to twenty feet.

2. Such cross-section maps or plans shall show,—

(a) the surface of the ground under such pond, reservoir or basin of water, and the surface of the water proposed to be held therein;

(b) a sufficient number of lines of levels, so that the contents of the pond, reservoir or basin of water may be accurately determined.

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3. If the maps or plans show the levels by contour lines they shall be on a scale sufficiently large that the contour lines shall show a vertical distance between them not exceeding one foot.

4. The maps and plans shall also contain sufficient information to show clearly the property likely to be affected by the creation of such ponds, reservoirs or basins of water, and the manner in which affected, and shall show in detail, on a scale of not less than one inch to four feet, the proposed manner of controlling and drawing off the water from any such pond, reservoir or basin. 61 V., c. 35, s. 12.

17. Such memorials and plans when so filed as above prescribed, or a true copy thereof, shall be open for examination by the public at all times in the Department and at the office of the commissioner. 61 V., c. 35, s. 13.

18. In any case in which he thinks proper, the Minister may direct that a copy of the memorial and plans shall be filed in such other place or with such other official or person as he names for that purpose.

2. Such copy also shall be open to public inspection. 61 V., c. 35, s. 14.

19. Public notice of the filing of the memorial and plans shall forthwith be given by the applicant in some newspaper published in the neighbourhood, to be named by the commissioner, not less than once a week for a period of thirty days, within which time all protests against granting the rights applied for shall be forwarded to the Minister, and such notice shall contain a statement of the nature of the rights applied for, and the general character and location of the proposed works. 61 V., c. 35, s. 15.

20. The memorial and plans filed with the commissioner, as herein provided, shall be examined by the chief engineer, and after they have been approved by him one copy shall be forwarded for record purposes in the Department.

2. Upon receipt of such memorial and plans, properly approved, together with a certificate that the proper notice of the filing of such memorial and plans has been published, and that permission has been granted by the commissioner to construct the works across road allowances or surveyed public roads affected thereby, and after considering all protests filed, the Minister may authorize the construction of the proposed works, with such changes and variations as he deems necessary, fixing in such authorization a term within which the construction of the works is to be completed. 61 V., c. 35, ss. 15 and 16.

21. Any changes and variations ordered by the Minister regarding the plans of the proposed works must be filed by the applicant.

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applicant in the office of the commissioner, and shall form a Minister to portion of the record open for public inspection. 61 V., c. 35, be filed.

22. No material deviation from the plans filed shall be Deviation made without permission, and any question arising as to from plans. whether any deviation is material or otherwise shall be decided by the chief engineer or such other officer as the Minister designates. 61 V., c. 35, s. 16.

23. In the case of applications for water for domestic or irrigation purposes, the Minister may, if he sees fit, waive the necessity for filing the plans required by this Act, and may require the applicants to file a memorial only.

2. The Minister may order that such memorial shall contain all the information necessary to a full and complete understand- ing of the rights applied for. 61 V., c. 35, s. 17.

Construction of Works.

24. The applicant, immediately after the receipt of the authorization, may proceed with the construction of the works authorized. 61 V., c. 35, s. 19.

25. Any applicant constructing works under the provisions of this Act shall, during such construction, keep open for safe and convenient travel all public highways theretofore publicly travelled as such, where they are crossed by such works, and shall, before water is diverted into, conveyed or stored by any such works extending into or crossing any such highway, con- struct, to the satisfaction of the Minister, a substantial bridge, Bridges. not less than fourteen feet in breadth, with proper and suffi- cient approaches thereto, over such works.

2. Every such bridge and the approaches thereto shall be Maintain- ance. always thereafter maintained by such person or company. 61 V., c. 35, s. 37.

26. The construction of any work authorized under this Act shall be commenced not later than two months after the date of the authorization, unless such two months expire between the first day of November and the first day of May following, in which case the time of commencement shall not be later than the first day of May following, and shall proceed continuously until sufficiently completed to supply water to all persons applying therefor within the area described in the authorization, provided there is sufficient water available for that purpose; and the Minister, or such officer as he designates, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour.

2. Should any unforeseen disaster intervene to prevent the construction or completion of the works within the time limited, Extension of time in case of disaster.

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or, if for any other reason the Minister deems it expedient, he may authorize an extension of time for the commencement or completion of the works. 61 V., c. 35, s. 20.

27. Any works authorized under this Act shall, if the Minister so determines, be constructed subject to inspection during construction by the chief engineer or any other officer to be named by the Minister.

2. The cost of such inspection or such portion thereof as the Minister decides, shall be borne by the licensee constructing such works. 61 V., c. 35, s. 18.

**Expropriation.**

28. The applicant, after the receipt of the authorization, may proceed with the construction of the works authorized, and for the purposes of such construction shall have the powers conferred by the Railway Act upon railway companies so far as the same are applicable to the undertaking of the applicant and are not inconsistent with the provisions of this Act or with the authority given to the applicant, the provisions conferring such powers being taken for this purpose to refer to any work of the applicant where in the said Act they refer to the railway. 61 V., c. 35, s. 19.

29. Lands required for the works of any applicant, as shown by the maps and plans filed, in whomsoever they are vested, whether in the Crown or in any other applicant or licensee, or in any railway company, or in any other person whomsoever, or any interest in or right or privilege with regard to such land which is so required, may be taken and acquired by such first mentioned licensee; and to this end all the provisions of the Railway Act which and so far as they are applicable to such taking and acquisition, shall apply as if they were included in this Act, the Minister and the Department being substituted for the Minister of Railways and Canals and the Department of Railways and Canals, respectively, wherever in the provisions of the said Act the latter Minister and Department are referred to; Provided that the Minister may impose such terms and conditions as he thinks proper in the public interest in connection with the acquisition under this section of any lands which are vested in any other applicant or licensee, or in any railway company, or of any interest in such lands or any right or privilege affecting such lands.

2. All the provisions of the Railway Act which are applicable shall in like manner apply to fixing the amount of and the payment of compensation for damages to lands arising out of the construction or maintenance of the works of the applicant or out of the exercise of any of the powers granted to him under this Act. 61 V., c. 35, s. 21.
30. The applicant may, for the purposes of his undertaking, construct or acquire electric telegraph and telephone lines or any other contrivances for the transmission of messages through or along wires, rods, tubes or other appliances, and may acquire any land necessary for the construction and operation of such lines or contrivances, and the lands necessary to be taken and acquired for this purpose may be acquired under the provisions of the last preceding section. 61 V., c. 35, s. 50.

31. All maps, plans and books of reference showing any lands other than Crown lands necessary to be acquired under the provisions of this Act, by any applicant for right of way or for any purpose in connection with the construction and maintenance of the works, must be signed and certified correct by a duly qualified Dominion land surveyor.

2. Such maps, plans and books of reference shall be prepared in duplicate, and one copy shall be filed in the office of the commissioner and the other registered by the applicant in the land titles office for the registration district within which the lands affected by such surveys are situated. 61 V., c. 35, s. 22.

32. The Minister, or such officer as he designates, shall, in case of dispute, be the sole arbiter as to the area of land which may be taken by the applicant without the consent of the owner for any purpose in the construction or maintenance of the works. 61 V., c. 35, s. 23.

Licenses and Licensees.

33. Upon the expiration of the time mentioned in the authorization for the construction of any works, or at any time before such date, if the construction is sooner completed, an inspection shall be made by the chief engineer or such other officer as the Minister appoints.

2. If the chief engineer upon such inspection is satisfied that the works have been completed in accordance with the application, that the right of way for the works has been obtained, that agreements have been entered into for the supply of water for the irrigation of lands which are not the property of the applicant, and that the works as constructed are capable of carrying and utilizing a stated quantity of water, he shall issue and forward to the Department a certificate setting forth the facts.

3. Upon receipt of such certificate the Minister shall issue a license to the applicant for the quantity of water to which he is entitled, and such license shall be recorded in the office of the commissioner. 61 V., c. 35, s. 24.

34. Licensees shall have priority among themselves according to the number of their licenses, so that each licensee shall be entitled to receive the whole of the supply to which his license entitles him.
Irrigation.

license entitles him, before any licensee whose license is of a higher number has any claim to a supply.

2. If a complaint is made to the Minister, or to an officer authorized by him to receive such complaints, that any licensee is receiving water from a source of supply to which another licensee is entitled by virtue of priority of right, and that the licensee having such priority of right is not receiving the supply to which he is entitled, some officer to be named by the Minister, or the officer to whom complaint is so made, as the case may be, shall inquire into the circumstances of the case, and, if he finds that there is ground for the complaint, shall cause the head-gates of the ditch or other works of the licensee who is receiving an undue supply of water to be closed, so that the supply to which the other licensee is entitled shall pass and flow to his works. 61 V., c. 35, s. 25.

35. When any works for carrying water are not of sufficient capacity to carry the quantity of water acquired by their owner, his exclusive right shall be limited to the quantity which such works are capable of carrying.

2. In case of dispute as to such quantity, the Minister may order an inspection of the works.

3. The report and finding of the inspecting officer as to the capacity thereof shall, for the purpose of this section, be final and conclusive. 61 V., c. 35, s. 26.

36. No licensee undertaking to sell water conveyed by his works shall, subsequent to the first four years after the construction of such works as are necessary to convey the water to the user, discriminate between the users of such water regarding the price thereof.

2. If from any cause the whole amount of water agreed to be supplied by a licensee is not available, the licensee shall furnish to each user so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished. 61 V., c. 35, s. 35.

37. The Minister may grant to any licensee the right, during periods of flood or high water, or during those portions of the year when water is not required for irrigation purposes, to store for such purposes any water which is not required or not being used therefor.

2. Should there be any works for the carriage of water which are not being utilized to their full capacity by their owner, and which can with advantage be utilized to carry the whole or any portion of the water to be stored any portion of the distance it is required to be so carried or conducted, without interfering with the use made of the said works by their owner, then the said works shall be placed at the disposal of the licensee desiring to so use them.
3. If the parties cannot agree upon the amount of compensation for such service, the Minister may fix the rate to be paid therefor. 61 V., c. 35, s. 36.

38. Any licensee shall dispose of any surplus water flowing in his works which is not being utilized for the purposes authorized, to any person applying therefor for irrigation purposes, and tendering payment for one month in advance at the regular prices.

2. The delivery of such surplus water need not be made until the persons so applying pay or tender an amount equal to the cost and expenses of the works required to convey the surplus water to them, or until they shall themselves construct such works.

3. When the necessary works have been so constructed the applicant shall be entitled to the use of so much of the surplus water as such works have the capacity to carry.

4. Nothing in this section shall be construed to give to any person acquiring the right to use surplus water any right to the said surplus water when it is needed by the licensee for the purposes authorized, or to waste or sell or dispose thereof after being used by him, or shall prevent the original owners from retaking, selling or disposing thereof in the usual or customary manner after it has been so used as aforesaid. 61 V., c. 35, s. 34.

COMPLAINTS AND INSPECTION.

39. When a complaint, under oath of the complainant and of at least one witness, is made to the Minister or the commissioner by a customer of water who has paid his rates, that a licensee who has engaged or is under obligation to supply him with water is failing to do so, or is failing to keep his works in proper condition, the Minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint, and, if he considers the complaint established, may order and direct that the licensee shall take forthwith such action as he considers necessary in order, as far as possible, to remove the cause of complaint.

2. If the licensee fails to obey such order, the Minister shall forthwith issue a certificate to that effect, reciting all the facts.

3. In the province of Saskatchewan or Alberta the judge of the Supreme Court of the Northwest Territories for the judicial district in which such works lie, pending the abolition of that court by the legislature of the province, and thereafter any judge of such superior court as in respect of civil jurisdiction is established by the legislature of the province in lieu thereof, and in the Northwest Territories a stipendiary magistrate having jurisdiction in the district or place where such works lie, having jurisdiction in the district or place where such works lie, 1141 upon R.S., 1906.
upon the production of such certificate, shall hear and determine the matter in a summary manner, and shall order the licensee to proceed with all dispatch to take such measures as the judge or magistrate considers necessary in the premises.

4. The refusal or neglect to obey any order made by the judge or magistrate under this section may be treated and punished as contempt of court, and such other proceedings may be had and taken thereon as in the case of non-compliance with any other mandatory order of the said court or a judge thereof. 61 V., c. 35, s. 40.

40. In case of dispute as to the quantity of water diverted, the Minister may order an inspection of the works of the licensee by an officer named by him for that purpose; and for all purposes of this Act, the report and finding of such officer as to the quantity diverted shall be final and conclusive. 61 V., c. 35, s. 32.

41. Should any person residing on or owning land in the neighbourhood of any works, either completed or in course of construction, apply to the Minister in writing for an inspection of such works, the Minister may order an inspection thereof.

2. The Minister may require the person so applying to make a deposit of such sum of money as the Minister thinks necessary to pay the expenses of an inspection, and in case the application appears to him not to have been justified, may cause the whole or part of the expenses to be paid out of such deposit.

3. In case the application appears to the Minister to have been justified, he may order the applicant for a license or the licensee to pay the whole or any part of the expenses of the inspection, and such payment may be enforced as a debt due to the Crown.

4. Upon any inspection under the provisions of this section the Minister may order such applicant or licensee to make any addition or alteration which he considers necessary for their security to or in any works of the applicant or licensee, and if the applicant or licensee fails to obey such order, the Minister shall forthwith issue a certificate to that effect, reciting all the facts, and, in the province of Saskatchewan or Alberta, the judge of the Supreme Court of the Northwest Territories for the judicial district in which such works lie pending the abolition of that court by the legislature of the province, and thereafter any judge of such superior court as in respect of civil jurisdiction is established by the legislature of the province in lieu thereof, and, in the Northwest Territories, a stipendiary magistrate having jurisdiction in the district or place where such works lie, upon the production of such certificate, shall hear and determine the matter in a summary manner and shall order the applicant or licensee to proceed with all dispatch to take
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take such measures as the judge or magistrate considers necessary in the premises; and the refusal or neglect to obey any order made by the judge or magistrate under this section may be treated and punished as contempt of court, and such other proceedings may be had and taken thereon as in the case of non-compliance with any other mandatory order of the said court or a judge thereof.

5. This section shall not apply to cases where the Minister waives the filing of plans. 61 V., c. 35, s. 18.

42. Every applicant or licensee and the officers and directors of the applicant or licensee, if an incorporated company, shall afford to any inspecting officer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting officer all plans, specifications, drawings and documents relating to the construction, repair or state of repair of the works or any portion thereof.

2. The production of instructions in writing signed by the Minister or his deputy or the secretary of the Department shall be sufficient evidence of the authority of such inspecting officer. 61 V., c. 35, s. 28.

AMALGAMATION OF COMPANIES.

43. The Governor in Council may authorize two or more companies whose works are contiguous, no one of which is an irrigation district, incorporated under an ordinance of the Northwest Territories, to unite and form one company with a view to providing increased water supply and extending their works, when he is satisfied that,—

(a) the holders of more than fifty per centum of the capital stock of each company are in favour of the union;

(b) the users dependent upon the water supply will not be injured; and,

(c) the companies to be united have the necessary financial means for carrying out the proposed undertaking.

2. In such case the same particulars shall be furnished to the Governor in Council as are required to be furnished upon an application for authorization to construct works under this Act.

3. Public notice of the authorization of the united companies shall be given in the manner prescribed by this Act respecting the publication of a notice of filing of memorials and plans. 61 V., c. 35, ss. 41 and 54.

EXPROPRIATION, CANCELLATION AND FORFEITURE BY GOVERNMENT.

44. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over and operate or otherwise dispose of the works of any licensee authorized

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authorized under this Act: Provided that no person who is then using the waters of the said works shall be deprived of the quantity of water to which he is entitled, and that the Governor in Council shall have due regard to the claims to consider of any persons who have prepared or have in course of preparation any land to be supplied with water by the works taken over.

2. Compensation shall be paid for such works at such value as shall be ascertained by reference to the Exchequer Court, or by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the licensee, and the third by the two so appointed, or, in case these cannot agree as to the third arbitrator, by the Exchequer Court.

3. In estimating such value the Court or the arbitrators may take into account the expenditure of the licensee and interest on such expenditure, and the value of his property, works and business. 61 V., c. 35, s. 46.

45. When the land to be irrigated by the water granted to a licensee is land for which letters patent from the Crown have not been issued, being held by the licensee under a homestead or other conditional entry or a lease in accordance with the provisions of the Dominion Lands Act, or under an agreement to purchase such land, the license for such water shall be cancelled upon receipt by the Minister of a certificate of the cancellation of such homestead or other conditional entry, lease or agreement: Provided that the water right necessary for the irrigation of such land may be reserved for such time as the Minister determines, and may be disposed of, together with all works connected therewith, to the next occupant or purchaser of such land, upon such terms and conditions as the Minister determines.

2. The new license issued for such water shall have the same number and hold the same priority of right as the original or cancelled license. 61 V., c. 35, s. 27.

46. When any licensee abandons or ceases to use or wastes any water to which his license entitles him and any charge of such abandonment or ceasing to use or wasting water is made to the Minister, such charge may be inquired into by him or by any person or officer appointed by him for that purpose.

2. The Minister, if he deems just and proper may, by order, declare a forfeiture of the license and the license so ordered or declared to be forfeited shall be cancelled and shall cease and determine. 61 V., c. 35, s. 33.

47. Unless he had been duly licensed under the Northwest Irrigation Act of 1894, or unless he obtained a license under the provisions of the Northwest Irrigation Act, 1898, the interest of any person in water rights of a class similar to those which might

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might be acquired under the said last mentioned Act, held immediately prior to the thirteenth day of June, one thousand eight hundred and ninety-eight, or in works constructed and in operation for the utilization of water immediately prior to that date, shall without any demand or proceeding be absolutely forfeited to the Crown and shall be disposed of or dealt with as the Governor in Council sees fit. 61 V., c. 35, s. 7.

48. Upon the expiration of the time limited under the provisions of this Act or under an extension granted by the Minister for the completion of any authorized work, the rights granted to the person or company shall cease and determine, except in so far as they are necessary for effectually operating the works then completed, and any works at the date of such forfeiture constructed or acquired, may be taken over and operated or disposed of by the Minister in the manner and upon the terms hereinbefore provided. 61 V., c. 35, s. 7.

Forfeiture of rights if works are not completed within time limited.

49. The by-laws and regulations of companies operating under this Act shall be subject to revision and approval by the Minister and shall not contain anything contrary to the true intent and meaning of this Act.

2. No tariff of charges for water furnished by any licensee shall come into operation until it has been approved by the Minister. 61 V., c. 35, s. 47.

50. Any company authorized under this Act and which is not an irrigation district incorporated under an ordinance of the Northwest Territories, may issue bonds, debentures or other securities to the amount of its subscribed capital, or double the amount of its paid-up capital, whichever is the smaller amount. 61 V., c. 35, ss. 48 and 54.

51. Any company authorized under this Act and which is not an irrigation district incorporated under an ordinance of the Northwest Territories, may acquire land by purchase or lease for improvement by irrigation.

2. The company shall dispose of such land within fifteen years after acquiring the same, except such lands as are actually under cultivation or are being used for farming, gardening, stock-raising, dairying, horticulture, tree-planting and forestry: Provided that the lands so excepted do not comprise more than ten per centum of the total area of land brought under irrigation by the company.

3. Any of such lands not so disposed of shall revert to the Crown. 61 V., c. 35, ss. 49 and 54.

Company may acquire lands for improvement by irrigation. Disposal of lands within 15 years.

52. Otherwise to revert.

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52. Every company obtaining a license under this Act shall, on or before the thirty-first day of January in each year, make a return to the Minister, attested by the oath of its president and secretary, for the year ending the thirty-first day of December preceding, showing,—

(a) the amount expended on construction;
(b) the amount expended on repairs;
(c) the amount received from shareholders;
(d) the amount of bonds issued;
(e) the amount received for water supplied for irrigation;
(f) the amount received from other sources;
(g) the amount of dividend declared and paid;
(h) the amount of capital stock authorized;
(i) the amount of capital stock subscribed;
(j) the amount of capital stock paid up to date;
(k) the amount of bonded indebtedness;
(l) the amount bonds sold for;
(m) the rate of interest bonds bear;
(n) the amount of indebtedness other than bonds, and the rate of interest such indebtedness is bearing;
(o) the cost of management;
(p) the works, and their extent and character;
(q) the number of miles of canals, ditches, etc.;
(r) the number of users;
(s) the number of acres actually under irrigation;
(t) the number of acres of irrigable land in the system;
(u) the names of officers and employees;
(v) the proposed extensions during ensuing years and the acreage to be covered thereby; and,
(w) such other data as the Governor in Council sees fit to order.

2. Such annual return shall have attached thereto a copy of the by-laws of the company, showing all amendments thereto during the year covered by the said return.

3. The returns required by this section may be waived by the Minister in the case of a private person supplying water solely to himself. 61 V., c. 35, s. 39.

NEW PROVINCES.

53. The Governor in Council may, by order, make provision for the administration of this Act, within the provinces of Saskatchewan and Alberta and any province established in any portion of the Northwest Territories, and for the appointment of such officers and persons, and the designation of such places for the filing or deposit of applications, memorial, maps, plans, books of reference and other documents and things, and for the recording of licenses, and for the designation of such other places, as are deemed necessary for the purposes of such administration.

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2. Any such order shall be published in the Canada Gazette. Publication. 4-5 E. VII., c. 26, s. 1.

POWERS OF MINISTER.

54. The Minister may,—

(a) define the manner in which the measure of water shall be arrived at;
(b) define the duty of water according to locality and soil;
(c) define the portion of the year during which water shall be supplied for irrigation;
(d) fix the fees or charges to be paid for licenses issued under this Act, which fees or charges may be varied according to the capital employed or volume of water diverted;
(e) regulate the extent of diversion from rivers, streams, lakes or other waters;
(f) regulate the passage of logs, timber and other products of the forest through or over any dams or other works erected in rivers, streams, lakes and other waters under the authority of this Act;
(g) regulate from time to time the water rates which may be charged by licensees, and the publication of tariffs of rates;
(h) prescribe forms to be used in proceedings under this Act;
(i) impose penalties for violations of any regulation made under the authority of this Act, which penalties shall in no case exceed a fine of two hundred dollars or three months' imprisonment, or both;
(j) regulate the manner in which water is to be supplied to persons entitled thereto, whether continuously or at stated intervals, or under both systems;
(k) authorize some person or officer, whose decision shall be final and without appeal, to decide in cases of dispute as to what constitutes surplus water as mentioned in this Act;
(l) make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise and for which no provision is made in this Act;
(m) make any regulations which are considered necessary to give the provisions of this Act full effect;
(n) from time to time authorize the establishing in rivers, streams, lakes, and other waters, water gauges for computing the approximate volume and discharge of waters, the placing of high water marks on rivers and streams, lakes and other waters when in flood, the taking of steps for securing analysis of the water of rivers, streams, lakes and other waters and the adopting of such other measures and proceedings for promoting the beneficial use of water, and R.S., 1906.
and for controlling and regulating the diversion and the application thereof as he finds necessary and expedient and as are consistent with the provisions of this Act;

(o) take such steps as he deems necessary at any time to secure a complete or partial survey of the sources of the water supply for irrigation and other purposes, with an estimate of the extent and location of irrigable lands, and of the site or sites suitable for ponds, basins and reservoirs for water storage, and reserve lands forming such sites from general sale and settlement and dispose thereof by sale or lease to be utilized for purposes within the purview of this Act;

(p) take such steps as he thinks necessary to protect the sources of water supply and to prevent any act likely to diminish or injure such supply. 61 V., c. 35, ss. 44, 45 and 51.

55. The Minister or any one specially authorized by him may, when he deems it necessary for the satisfactory carrying out of the provisions of this Act or the regulations to be framed under it, summon before him any person by subpoena, examine such person under oath, and compel the production of papers and writings.

2. Upon neglect to obey such summons or refusal to give evidence, or to produce the papers or writings demanded of him, the Minister or the person authorized may, by warrant under his hand, order the person in default to be imprisoned in the nearest common gaol as for contempt of court, for a period not exceeding fourteen days. 61 V., c. 35, s. 42.

56. All affidavits, oaths, solemn declarations or affirmations required to be taken under this Act or any regulations made thereunder, may be taken before the chief engineer, or any person specially authorized by the Minister to take them, or any other person authorized to take affidavits in the province of Saskatchewan or Alberta or the Northwest Territories.

2. The Minister may require any statement called for under this Act, or under any such regulation, to be verified by oath, affidavit, affirmation or declaration. 61 V., c. 35, s. 43.

57. All regulations made and forms prescribed by the Minister under this Act shall be published in the Canada Gazette and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. 61 V., c. 35, s. 52.

Penalties.

58. Every person who wilfully obstructs an inspecting officer in the execution of his duty shall be liable, on summary conviction, to a penalty not exceeding twenty dollars, or to imprisonment.
imprisonment for a term not exceeding two months, with or without hard labour, or to both. 61 V., c. 35, s. 29.

59. Every person who interrupts, molests or hinders in his work any engineer or Dominion land surveyor engaged in making surveys or levels, or in other operations in connection with any work authorized under this Act, is guilty of an offence, and liable, on summary conviction, to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, or to both. 61 V., c. 35, s. 29.

60. Every person who, wilfully without authority takes or diverts any water from any river, stream, lake or other waters or from any works authorized under this Act, and every licensee or other person who takes or diverts therefrom any greater quantity of water than he is entitled to, is guilty of an offence, and liable, upon conviction, either summary or upon indictment, to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both. 61 V., c. 35, ss. 31 and 32.

61. Every licensee under obligation to sell water conveyed by his works who, after the expiration of four years from the time of completion of the works so as to convey the water to the user, discriminates between the users of such water regarding the price thereof, or who in case of a deficiency in the whole amount agreed to be supplied, discriminates between the users of the water regarding the proportionate quantity to be furnished to each user shall be guilty of an offence against this Act and liable, upon summary conviction, to a fine not exceeding one thousand dollars for each and every such offence, or to imprisonment for a period not exceeding two months, or to both. 61 V., c. 35, s. 35.

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CHAPTER 62.
An Act respecting the Northwest Territories.

SHORT TITLE.

1. This Act may be cited as the Northwest Territories Act. Short title.
R.S., c. 50, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'Territories' means the Northwest Territories which comprise the Territories formerly known as Rupert’s Land and the Northwestern Territory, except such portions thereof as form the provinces of Manitoba, Saskatchewan and Alberta and the Yukon Territory, together with all British territories and possessions in North America and all islands adjacent thereto, not included within any province, except the colony of Newfoundland and its dependencies;
   (b) 'Commissioner' means the Commissioner of the Northwest Territories;
   (c) 'Council' means the Council appointed to aid the Commissioner in the administration of the Territories;
   (d) 'Commissioner in Council' means the Commissioner of the Territories, by and with the advice and consent of the Council;
   (e) 'Minister' means the Minister of the Interior;
   (f) 'stipendiary' means a stipendiary magistrate appointed under the provisions of this Act;
   (g) 'intoxicating liquor' means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;
   (h) 'intoxicant' includes opium or any preparation thereof and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid;
   (i) 'improved arm' means and includes all arms except smooth bore shot-guns;
   (j) 'ammunition' means fixed ammunition or ball cartridge;
   (k) 'ordinance of the Territories' means an ordinance passed by the Lieutenant Governor in Council or the Legislative Assembly.

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Appoint-
ment.

3. The Governor in Council may appoint for the Territories a chief executive officer to be styled and known as the Commissioner of the Northwest Territories. 4-5 E. VII., c. 27, s. 4.

Powers of
Commissioner.

4. The executive powers vested by the Northwest Territories Act and amendments thereto in the Lieutenant Governor of the Northwest Territories or in the Lieutenant Governor of the Northwest Territories in Council on the thirty-first day of August, in the year one thousand nine hundred and five, shall be exercised by the Commissioner; and the Commissioner shall administer the government of the Territories under instructions from time to time given him by the Governor in Council or the Minister. 4-5 E. VII., c. 27, s. 4.

Seat of Government.

5. The seat of government of the Territories shall be fixed and may, from time to time, be changed by the Governor in Council. R.S., c. 50, s. 9.

Council.

6. The Governor in Council may from time to time constitute and appoint such and so many persons, not exceeding four in number, as are deemed desirable, to be a Council to aid the Commissioner in the administration of the Territories; and a majority of the Council, including the Commissioner, shall form a quorum. 4-5 E. VII., c. 27, s. 5.

Legislative powers of Commissioner in Council.

7. The Commissioner in Council shall have the same power to make ordinances for the government of the Territories, as were on the thirty-first day of August, in the year one thousand nine hundred and five, vested in the Legislative Assembly of the Northwest Territories in relation to such subjects then within the legislative authority of the said Assembly as are from time to time designated by the Governor in Council. 4-5 E. VII., c. 27, s. 6.

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8.
3. In particular, but not so as to restrict the generality of the provision of the last preceding section, the Commissioner in Council shall have power, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territories, to make ordinances for the government of the Territories in relation to such of the classes of subjects next hereinafter mentioned as are from time to time designated by the Governor in Council, that is to say:—

(a) Direct taxation within the Territories in order to raise a revenue for territorial or municipal or local purposes;

(b) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues;

(c) The establishment, maintenance and management of Prisons in and for the Territories, the expense thereof being payable out of territorial revenues;

(d) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands;

(e) The closing up or varying the direction of any road Roads, allowance, or of any trail which has been transferred to the Territories, and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail;

(f) Shop, saloon, tavern, auctioneer and other licenses, in order to raise a revenue for territorial or municipal purposes;

(g) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies;

(h) The solemnization of marriage in the Territories;

(i) Property and civil rights in the Territories;

(j) The administration of justice in the Territories, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, and procedure in such courts, but not including the appointment of any judicial officers or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters;

(k) The mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and all matters relating to the same;

(l) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;

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(m) The conferring on territorial courts of jurisdiction in matters of alimony;
(n) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;
(o) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Commissioner in Council is authorized to expend;
(p) Generally, all matters of a merely local or private nature in the Territories.

2. Subject as aforesaid, the Commissioner in Council shall have such of the powers of repealing, re-enacting or substituting provisions which the Legislative Assembly of the Northwest Territories, on the thirty-first day of August, in the year one thousand nine hundred and five, had with respect to corresponding provisions of the Northwest Territories Act and amendments as are from time to time designated by the Governor in Council. 54-55 V., c. 22, ss. 6 and 19; 57-58 V., c. 17, s. 20; 58-59 V., c. 31, ss. 1 and 2; 60-61 V., c. 28, ss. 6 and 7; 2 E. VII., c. 24, s. 1; 3 E. VII., c. 40, s. 3; 4-5 E. VII., c. 27, s. 6.

9. Nothing in the last preceding section contained shall be construed to give to the Commissioner in Council greater powers with respect to any class of subjects so designated by the Governor in Council than are given to provincial legislatures under the provisions of section ninety-two of The British North America Act, 1867, with respect to the similar subjects therein mentioned. 54-55 V., c. 22, s. 6; 4-5 E. VII., c. 27, s. 6.

10. The Commissioner in Council, if authorized to make ordinances respecting education, shall pass all necessary ordinances in respect thereto; but in the laws or ordinances relating to education it shall always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. R.S., c. 50, s. 14; 61 V., c. 5, s. 1; 4-5 E. VII., c. 27, s. 6.

11. A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within ten days after the passing thereof and shall be laid before both R.S., 1906.
both Houses of Parliament as soon as conveniently may be thereafter; and any such ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage. 4-5 E. VII., c. 27, s. 7.

Laws applicable to Territories.

12. Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter, as regards the Territories, repealed, altered, varied, modified, or affected by any Act of the Parliament of the United Kingdom or of the Parliament of Canada, applicable to the Territories, or by any ordinance of the Territories. R.S., c. 50, s. 11; 60-61 V., c. 28, s. 4.

13. All laws and ordinances in force in the Territories, and not inconsistent with this Act, or repealed by the operation of the Act passed in the third year of His Majesty's reign, chapter sixty-one, and intituled An Act respecting the Revised Statutes of Canada, shall remain in force until it is otherwise provided or ordered by the Parliament of Canada, or by the Governor in Council or the Commissioner in Council. R.S., c. 50, s. 12; 60-61 V., c. 28, s. 5; 4-5 E. VII., c. 27, s. 6.

14. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territories, shall, subject to the provisions of this Act, apply to and be in force in the Territories. R.S., c. 50, s. 112.

15. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts, not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation. R.S., c. 50, s. 112.

16. Whenever in any Act of the Parliament of Canada, or in any ordinance of the Territories, any officer is designated for performing any duty therein mentioned, and there is no such officer in the Territories, the Commissioner may order by what other person or officer such duty shall be performed, and any thing done by such person or officer under such order shall be valid and lawful in the premises; or if it is in any such Act or ordinance ordered that any document or thing be transmitted 73½ 1155 to R.S., 1906.
to any officer, court, territorial division or place, and there is then in the Territories no such officer, court, territorial division or place, the Commissioner may order to what officer, court, territorial division or place such transmission shall be made, or may dispense with the transmission thereof. 4-5 E. VII., c. 27, s. 13.

Wills.

Who may make.

17. Every person of the full age of twenty-one years may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. R.S., c. 50, ss. 26 and 27.

Execution.

18. No will shall be valid unless it is in writing and signed at the foot or end thereof, by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, who shall attest and subscribe the will in the presence of the testator.

Attestation.

2. No form of attestation shall be necessary and no other publication than as aforesaid shall be required. R.S., c. 50, ss. 28 and 29.

Incompetence of witness not to invalidate.

19. If any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. R.S., c. 50, s. 30.

Executor may be witness.

20. No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. R.S., c. 50, s. 31.

Devise or bequest to attesting witness void.

21. If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. R.S., c. 50, s. 32.

Revocation.

22. No will or codicil, or any part thereof, shall be revoked otherwise than by,—

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(a) marriage; or,
(b) another will or codicil executed in manner hereinbefore required; or,
(c) some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed; or,
(d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same. R.S., c. 50, s. 33.

23. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. R.S., c. 50, s. 34.

24. If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless the contrary intention appears by the will. R.S., c. 50, s. 35.

25. A holograph will written and signed by the testator Holograph himself though not witnessed shall be valid. 4-5 E. VII., c. 27, will. s. 11.

Married Women.

26. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived from any occupation or trade which she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a feme-sole.

2. No order for protection shall be necessary in respect of any such earnings or acquisitions.

3. The possession, whether actual or constructive, of the husband of any personal property of any married woman, shall not render the same liable for his debts. R.S., c. 50, s. 36.

27. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance shall be a sufficient discharge to any such bank. R.S., c. 50, s. 37.

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28. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. R.S., c. 50, s. 38.

29. A husband shall not, by reason of any marriage, be liable for the debts of his wife, contracted before marriage, nor for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

2. The wife shall be liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. R.S., c. 50, s. 39.

30. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. R.S., c. 50, s. 40.

31. Any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. R.S., c. 50, s. 40.

Administration of Justice.

32. The Governor in Council may appoint such number of persons as stipendiary magistrates, from time to time, as may be deemed expedient.

2. Every stipendiary magistrate so appointed shall have and may exercise the powers, authorities and functions which were vested in a judge of the said Supreme Court by the Northwest Territories Act and amendments thereto on the thirty-first day of August in the year one thousand nine hundred and five. 4-5 E. VII., c. 27, s. 8.

33. The Governor in Council may vest in any judge of any court of any province the power of hearing and determining, either in the first instance or on appeal, any civil or criminal proceeding arising within the Territories, and, in case of appeal, 1158
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Appeal, may prescribe the procedure in respect thereof.  
E. VII., c. 27, s. 9.

34. Every stipendiary shall, previously to entering upon 
the duties of his office, take an oath in the form following:—

"I,  , do solemnly and sincerely promise and 
swear that I will duly and faithfully, and to the best of my 
skill and knowledge, execute the powers and trusts reposed in 
me as a stipendiary magistrate of the Northwest Territories. 
So help me God."

2. Such oath shall be administered by the Commissioner before commi-
or by a stipendiary.  
R.S., c. 50, s. 47; 4-5 E. VII., c. 27, 
ss. 4 and 8.

Royal Northwest Mounted Police.

35. The Commissioner may, subject to any orders made 
that behalf, from time to time, by the Governor in Council, 
issue orders to the Royal Northwest Mounted Police, in aid 
of the administration of civil and criminal justice, and for 
the general peace, order and good government of the Territories. 
R.S., c. 50, s. 63; 57-58 V., c. 27, s. 32; 4-5 E. VII., c. 27, s. 4.

Administration of Criminal Law.

36. The procedure in criminal cases shall, subject to any 
Act of the Parliament of Canada, conform as nearly as may be 
to the procedure existing in like cases in England on the 
fifteenth day of July, one thousand eight hundred and seventy.

2. No grand jury shall be summoned or sit in the Territories.  
R.S., c. 50, s. 65.

37. Every stipendiary shall have and may exercise the 
powers of a justice of the peace, or of any two justices of the 
peace under any laws or ordinances in force in the Territories. 
R.S., c. 50, s. 66; 4-5 E. VII., c. 27, s. 8.

38. Every stipendiary may in a summary way, and with-
out the intervention of a jury, hear, try and determine any 
charge against any person of having committed in the Terri-
tories, the offence of,—

(a) theft or attempt to steal, or obtaining money or property.  
Theft, etc. 
by false pretenses, or, unlawfully receiving stolen pro-
erty, in any case in which the value of the whole property 
 alleged to have been stolen, obtained or received, does not, 
in the opinion of such stipendiary, exceed two hundred 
dollars; or,

(b) unlawfully wounding or inflicting any grievous bodily Wounding.  
harm upon any other person, either with or without a 
weapon or instrument; or.

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(c)  
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(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or,

(d) escaping from lawful custody or committing prison breach, or assisting, resisting or wilfully obstructing any judge or any public officer or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. R.S., c. 50, s. 66; 60-61 V., c. 28, s. 14; 4-5 E. VII., c. 27, s. 8.

39. When any person is charged with a criminal offence not within the last preceding section, and which is not otherwise by any law made summarily triable without the consent of the accused, the charge shall be heard, tried, and determined by a stipendiary with the intervention of a jury: Provided that in any case the accused may, with his own consent, be tried by a stipendiary in a summary way and without the intervention of a jury. 54-55 V., c. 22, s. 9; 4-5 E. VII., c. 27, s. 8.

40. In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. 54-55 V., c. 22, s. 9; 4-5 E. VII., c. 27, s. 8.

41. Whenever, upon a trial of an indictable offence in a summary way before a stipendiary under the preceding sections, the stipendiary is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the stipendiary shall have the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which, under the preceding sections, the accused could not, without his own consent, have been tried in a summary way.

2. The person so convicted shall be liable to the punishment by the Criminal Code or otherwise by law prescribed for the offence of which he is so found guilty. 54-55 V., c. 22, s. 10; 4-5 E. VII., c. 27, s. 8.

42. The stipendiary shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. R.S., c. 50, s. 69; 4-5 E. VII., c. 27, s. 8.

43. When any person is convicted of a capital offence and is sentenced to death, the stipendiary shall forward to the Minister
ister of Justice full notes of the evidence, with his report upon
the case; and the execution shall be stayed until such report is
received and the pleasure of the Governor General thereon is
communicated to the Commissioner. 4-5 E. VII., c. 27, s. 8.

44. Persons required as jurors for a trial shall be sum-
moned by a stipendiary from among such male persons as he
thinks suitable in that behalf; and the jury required on such
trial shall be called from among the persons so summoned as
such jurors, and shall be sworn by the stipendiary who presides
at the trial. R.S., c. 50, s. 71; 4-5 E. VII., c. 27, s. 8.

45. Any one arraigned for treason or an offence punishable
with death, or an offence for which he may be sentenced to im-
prisonment for more than five years, may challenge peremp-
torily, and without cause, any number of jurors not exceeding
six; and every peremptory challenge beyond that number shall
be void.
1. The Crown may peremptorily challenge any number of
jurors not exceeding four.
2. The Crown may peremptorily challenge any number of
jurors not exceeding four.
3. Challenges for cause shall be the same as are provided for
under the Criminal Code. R.S., c. 50, s. 72; 57-58 V., c. 17,
s. 9.

46. If, by reason of challenges or otherwise, the number of
jurors summoned for the trial is exhausted, the stipendiary
shall direct some constable or other person to summon by word
of mouth from among the bystanders or from the neighbour-
hood, such number of persons as are necessary to make up a
jury, who shall be subject to challenge as if summoned by the
Tales. judge in the first instance; and the like proceedings shall be
repeated, if necessary, until a jury is obtained competent to try
the case. R.S., c. 50, s. 73; 4-5 E. VII., c. 27, s. 8.

47. Any person so summoned to serve as a juror who makes
default or refuses to serve as such juror, without lawful excuse
to the satisfaction of the stipendiary, may be fined by him in a
sum not exceeding ten dollars, and committed to prison until
such fine is paid. R.S., c. 50, s. 73; 4-5 E. VII., c. 27, s. 8.

48. Any person duly summoned, whether on behalf of the
prisoner or against him, to attend and give evidence on any such
trial, shall be bound to attend on the day appointed for the
same, and shall remain in attendance throughout the whole
trial; and, if he fails so to attend, he shall be deemed guilty of
contempt of court and may be proceeded against therefor. R.S.,
c. 50, s. 74.

49. Upon proof to the satisfaction of the stipendiary of the
summoning of any witness who fails to attend, and upon such
stipendiary

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stipendiary being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned and to answer for his contempt.

2. The stipendiary may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. R.S., c. 50, s. 75; 4-5 E. VII., c. 27, s. 8.

50. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such time as he directs. R.S., c. 50, s. 70; 4-5 E. VII., c. 27, s. 4.

51. The Governor in Council may, from time to time, by proclamation, declare that the twelve sections last preceding, or any of them, shall be repealed from and after the date named in such proclamation. R.S., c. 50, s. 77; 57-58 V., c. 17, s. 8.

52. The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 54-55 V., c. 22, s. 11.

53. Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of Part XV. of the Criminal Code shall, immediately after the conclusion of such investigation, transmit to the nearest stipendiary, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge.

2. Whenever any person charged with a criminal offence is committed to gaol for trial, the person in charge of such gaol shall, within twenty-four hours, notify the nearest stipendiary, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible, the stipendiary shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. 54-55 V., c. 22, s. 12; 4-5 E. VII., c. 27, s. 8.

54. If imprisonment for any term not less than two years is awarded in any case, the convict may, on the warrant of the stipendiary, be ordered to be imprisoned in any gaol or penitentiary.

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penitentiary in the Territories, or to be conveyed to the penitentiary in the province of Manitoba; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or retake him in case of an escape.

2. The warden of the penitentiary in Manitoba may detain and deal with any such convict or accused person in the said province, as if such penitentiary was within the Territories, or as if such convict or accused person had been ordered to be conveyed to such penitentiary by some competent court or authority in the said province. R.S., c. 50, s. 78; 4-5 E. VII., c. 27, s. 8.

55. If it is impossible or inconvenient, by reason of the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any stipendiary or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal by-law, to be placed and kept in the custody of the Royal Northwest Mounted Police, with or without hard labour.

2. Any police guard house or guard room in the Territories shall be a penitentiary, gaol or place of confinement for all purposes except the confinement of any person sentenced to imprisonment for breach of a municipal by-law.

3. If any municipality makes arrangements with the Commissioner of the Royal Northwest Mounted Police for the maintenance of persons convicted of a breach of any by-law of such municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders. 54-55 V., c. 22, s. 13; 4-5 E. VII., c. 27, s. 8.

56. The Governor in Council may, from time to time, direct that any building, or any part thereof, or any inclosure, in any part of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 54-55 V., c. 22, s. 14.

57. The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure shall cease to be a gaol or lock-up. 54-55 V., c. 22, s. 14.

58. The Governor in Council may make rules and regulations for the management, discipline and policy of such gaols or R.S., 1906.
or lock-ups, and for fixing and prescribing the duties and conduct of the gaolers and every other officer or servant employed therein, and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein.

2. All gaolers, officers, prisoners and other persons shall be bound to obey such rules and regulations. 54-55 V., c. 22, s. 14.

59. The Governor in Council may from time to time prescribe the terms and conditions upon which persons convicted or accused of any offence under any ordinance of the Territories, or any municipal by-law or regulation, or sentenced to confinement under any such ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of the three last preceding sections; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. 54-55 V., c. 22, s. 14.

Coroners and Inquests.

60. The Indian Commissioner for the Territories, the stipendiaries, the commissioner and assistant commissioner of the Royal Northwest Mounted Police, and such other persons as the Commissioner, from time to time; appoints, shall be coroners in and for the Territories. R.S., c. 50, s. 82; 4-5 E. VII., c. 27, ss. 4 and 8.

61. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. R.S., c. 50, s. 83.

62. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body. R.S., c. 50, s. 84.

63. It shall not be necessary in any case that a coroner's jury shall exceed six persons, but, subject to the provisions of the next following section, in every case of an inquest six jurors must agree in order to render the verdict valid. R.S., c. 50, s. 85.

64. Where in the opinion of a coroner it is impracticable to obtain six jurors, he may hold an inquest with a jury of a less number.
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number or without a jury, and in such case the inquisition shall state that the inquest has been so held, with the reasons therefor; and the verdict of the jury, if less than six in number, shall be unanimous; and if there is no jury the coroner may find such verdict as a jury might have found. 4-5 E. VII., c. 27, s. 10.

65. Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are enjoyed by justices of the peace. R.S., c. 50, s. 86.

**Fees in Criminal Cases and Inquests.**

66. The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed, from time to times by the Governor in Council, and paid in such manner as he directs. R.S., c. 50, s. 87.

**Lunatics.**

67. Whenever, under any law or ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Commissioner is known, or until such person is discharged by law, the Commissioner may cause such person to be removed to and confined in any asylum or place of confinement, from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Commissioner is known, or until such person is discharged by law. R.S., c. 50, s. 103; 4-5 E. VII., c. 27, s. 4.

68. The Lieutenant-Governor of the province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, in the year one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum. R.S., c. 50, s. 103; 4-5 E. VII., c. 27, s. 4.

69. If any insane person confined in such asylum or place of confinement under this Part escapes therefrom, any of the officers or servants thereof, or any other person or persons, at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. R.S., c. 50, s. 104.

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70. R.S., 1906.
70. The Minister may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seems reasonable as to the compensation to be made by Canada to that province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in any temporary asylum.

2. Any such person lawfully detained in any such asylum at the time of the coming into force of this Act may be detained in such asylum by the superintendent thereof until otherwise discharged by law. R.S., c. 50, ss. 103 and 105; 4-5 E. VII., c. 27, s. 4.

Road Allowances.

71. All road allowances in townships now or hereafter surveyed and subdivided in the Territories, and all road allowances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Commissioner, for the public use of the Territories, subject to any ordinance made or to be made with respect thereto. 60-61 V., c. 28, s. 18; 4-5 E. VII., c. 27, s. 4.

72. On the Minister receiving notice from the Commissioner of any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Commissioner in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion Lands. 60-61 V., c. 28, s. 19; 4-5 E. VII., c. 27, s. 4.

73. Upon approval of the returns of such survey by the Surveyor General, one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office, if there be any such office, for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories, subject to any rights which may have been acquired under letters-patent issued previous to such transfer. 60-61 V., c. 28, s. 19.

74. The width of such road or trail shall be one chain or sixty-six feet; and, in making the survey, the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction. 60-61 V., c. 28, s. 19.

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75. The Commissioner may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails as in the preceding sections provided.

2. Such roads or trails shall be laid out one chain or sixty-six feet in width.

3. In making the survey the manual of instructions aforesaid shall be followed, and one copy of the returns of such survey shall be filed in the Land Titles Office for the district within which such road or trail is situated, if there be any such office, and one copy in the office of the Commissioner. 60-61 V., c. 28, s. 21; 4-5 E. VII. c. 27, s. 4.

76. The effect of the filing of the returns of such survey shall be to vest the lands shown on such returns as a road or trail in His Majesty for the public use of the Territories as a highway, without prejudice, however, to the legal rights of the owner to compensation therefor. 2 E. VII., c. 24, s. 2.

Enforcement of Territorial Ordinances.

77. Unless otherwise therein specially provided, proceedings for enforcing any territorial ordinance by the imposition of punishment by fine, penalty or imprisonment may be brought summarily before a justice of the peace under the provisions of Part XV. of the Criminal Code. 57-58 V., c. 17, s. 19.

PART II.

ADMINISTRATION OF CIVIL JUSTICE.

78. Every stipendiary shall have jurisdiction, power and authority to hold courts, whether established by ordinance of the Territories or not, at such times and places as he thinks proper, and at such courts, as sole judge, to hear all claims, disputes and demands whatsoever, except as herein otherwise provided, which are brought before him, and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts.

2. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the action arises out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered, exceed one thousand dollars, or if the action be for the recovery of real property, and either party signify his desire to have the issue of fact therein tried by a judge with a jury, or the judge so direct, the same jury shall.

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shall be tried by a jury. R.S., c. 50, s. 88; 60-61 V., c. 28, s. 15; 60-61 V., c. 32, s. 1; 4-5 E. VII., c. 27, ss. 6 and 8.

Disputed accounts.

79. In cases of disputed accounts, the stipendiary may, in place of a trial by jury, direct the evidence to be taken by the clerk of any court, or by any other competent person; which clerk or other person shall be sworn to take the evidence truly, and to reduce it to writing. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

Judgment in such cases.

80. The stipendiary may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

Judgment, orders, etc., generally.

81. In all cases a stipendiary may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

No jurisdiction in cases of gambling debts.

82. No court, judge or stipendiary in the Territories shall have jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. R.S., c. 50 s. 88. O.C., 1 August, 1894, 58-59 V., App. Iviii; 4-5 E. VII., c. 27, s. 8.

Judgment, how given.

83. Every judgment of a stipendiary shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the stipendiary is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. R.S., c. 50, s. 89; 4-5 E. VII., c. 27, s. 8.

Execution.

84. The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any ordinance of the Territories; or, if no such ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the stipendiary who pronounced the same directs. R.S., c. 50, s. 90; 60-61 V., c. 28, s. 16; 4-5 E. VII., c. 27, ss. 6 and 8.

Repeal by Governor in Council of this Part.

85. Notwithstanding any power conferred upon the Commissioner in Council to repeal the provisions of this Part the Governor in Council may, from time to time, by proclamation repeal such provisions or any of them, from and after the day to be named in such proclamation. 57-58 V., c. 17, s. 10; 3 E. VII., c. 40, s. 3.

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PART III.

INTOXICANTS.

86. No intoxicating liquor or intoxicant shall be manufac-
tured, compounded or made in the Territories, except by special
permission of the Governor in Council; nor shall any intoxicat-
ing liquor or intoxicant be imported or brought into the
Territories from any province of Canada, or elsewhere, or be
sold, exchanged, traded or bartered, or had in possession there-
in, except by special permission in writing of the Commissioner.
R.S., c. 50, s. 92; 4-5 E. VII., c. 27, s. 4.

87. Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special
permission in writing of the Commissioner, shall be subject
to the Customs and excise laws of Canada. R.S., c. 50, s. 92;
4-5 E. VII., c. 27, s. 4.

88. The Commissioner shall make an annual return, up to the thirty-first day of December in each year, of the num-
ber of such permissions so given by him, and the quantity and
nature of the intoxicating liquors and intoxicants in each case,
to the Minister, who shall lay the same before Parliament.
R.S., c. 50, s. 93; 4-5 E. VII., c. 27, s. 4.

89. If any such intoxicating liquor or intoxicant is manu-
factured or made in the Territories, or is imported or brought into the Territories, or sold, exchanged, traded or bartered in
violation of the provisions of this Part, such liquor or intoxicat-
ment may be seized by any officer of the Customs or excise, or
by any constable or other duly qualified person, wheresoever
found, and shall be forfeited. R.S., c. 50, s. 94.

90. Any stipendiary or justice of the peace on complaint of receipt
made before him, may, on evidence that the provisions of this
Part have been violated in respect to any intoxicating liquor
or intoxicant,—

(a) declare the same to be forfeited and if it has been seized,
order and cause it to be forthwith destroyed; or,
(b) if such liquor or intoxicant has not been seized, issue
a warrant authorizing search therefor, as in the case of
stolen goods, and, if found, cause the same to be forth-
with destroyed.

2. The person in whose possession any such intoxicating liquor or intoxicant is found shall incur a penalty not exceeding
two hundred dollars and not less than fifty dollars.

3. A moiety of such penalty shall belong to the person lay-
ing such information. R.S., c. 50, s. 94; 4-5 E. VII., c. 27,
s. 8.

91. R.S., 1906.
91. The still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has, in violation of the provisions of this Part, been manufactured, imported or made, sold, exchanged, traded or bartered, including the vessel in which the original supply or any portion thereof was contained or supplied as aforesaid, and the remainder, if any, of the contents thereof, if any such still, machinery, keg, barrel, case, box, package, receptacle or vessel can be identified, may be seized by any officer of the Customs or excise or by any constable or other duly qualified person, wheresoever found within the Territories. R.S., c. 50, s. 94.

92. Any stipendiary or justice of the peace may, on complaint before him, and on evidence that the provisions of this Part have been violated in respect of any such still, machinery, vessel or receptacle, declare the same forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, with costs.

2. A moiety of such penalty shall belong to the person laying the information. R.S., c. 50, s. 94; 54-55 V., c. 22, s. 15; 4-5 E. VII., c. 27, s. 8.

93. Every vehicle and every ship, vessel or boat, on which any such intoxicating liquor or intoxicant is imported or conveyed into, or through, or over any portion of the Territories, contrary to the provisions of this Part, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, shall be forfeited to His Majesty, and may be seized and dealt with accordingly. 51 V., c. 19, s. 18; 4-5 E. VII., c. 27, s. 12.

94. Every person who manufactures, makes, compounds, imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant, except by special permission as aforesaid, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is or has been, in violation of this Part, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

2. A moiety of such penalty shall belong to the person laying the information. 54-55 V., c. 22, s. 16.

95. Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall, for each offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

2. A moiety of such penalty shall belong to the person laying the information. R.S., c. 50, s. 96.

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96. Every article, chattel, commodity or thing, in the pur-
chase, acquisition, exchange, trade or barter of which the con-
sideration, either wholly or in part, is any intoxicating liquor changed, etc. or intoxicant, shall be forfeited to His Majesty, and shall be seized, as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant. R.S., c. 50, s. 97.

97. Every person who refuses or neglects to aid any con-
stable, sub-constable, or other duly authorized person in the execution of any act or duty required under any of the preceding provisions of this Part, or who knowingly refuses to give information, or gives false information in respect to any such matter, shall incur a penalty not exceeding two hundred dollars. Penalty. and not less than fifty dollars.

2. A moiety of such penalty shall belong to the person laying Application. the information. R.S., c. 50, s. 98.

98. Every penalty incurred under any of the provisions of this Part shall be recoverable, with costs, on summary convic-
tion, on evidence before any stipendiary or justice of the peace, who shall, on payment of such penalty and costs, pay to the person laying the information his share thereof. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

99. In case of non-payment of the penalty and costs imme-
diately after conviction, the convicting stipendiary or justice of the peace may, in his discretion, levy the same by distress and sale, or may commit the person convicted to any common gaol or lock-up for a term not exceeding six months, with or without hard labour, unless the said penalty and costs are sooner paid. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

100. Upon conviction for a subsequent offence, the offender shall be liable, on summary conviction, to a penalty not exceed-
ing four hundred dollars and not less than two hundred dollars, and, in the discretion of the convicting stipendiary or justice of the peace, to imprisonment with or without hard labour in any common gaol or lock-up for a further term not exceeding six months. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

101. No seizure, prosecution, conviction or commitment under this Part shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Part. R.S., c. 50, s. 100.

PART IV.

SALE OF ARMS AND AMMUNITION.

102. This Part shall come into force from and after a day to be named therefor by proclamation of the Governor in Coun-
el; This Part in force only R.S., 1906.

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upon proclamation.

May be declared no longer in force.

Judicial notice.

Not to apply to officers of His Majesty's forces.

Possession, sale, etc., of arms, etc., without permission.

Sale to unauthorized person.

Penalty.

Search for and seizure of arms and ammunition.

103. The provisions of this Part respecting the possession of arms and ammunition shall not apply to any officer or man of His Majesty's forces, of the permanent force of Canada, of the Militia force, or of the Royal Northwest Mounted Police force. R.S., c. 50, s. 101.

Offences and Penalties.

104. Every person who, in the Territories,—

(a) without the permission in writing, the burden of proof of which shall be on him, of the Commissioner or of a commissioner appointed by him to give such permission, has in his possession or sells, gives, exchanges, trades or barters to or with any person, any improved arm or ammunition; or,

(b) having such permission, sells, gives, exchanges, trades or barters any such arm or ammunition to or with any person not lawfully authorized to possess the same; shall, on summary conviction before a stipendiary or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both. R.S., c. 50, s. 101; 4-5 E. VII., c. 27, ss. 4 and 8.

105. All arms and ammunition which are in the possession of any person, or which are sold, given, exchanged, traded or bartered to or with any person in violation of the last preceding section, shall be forfeited to his Majesty and may be seized by any constable or other peace officer; and any stipendiary or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods. R.S., c. 50, s. 101; 4-5 E. VII., c. 27, s. 8.

Regulations.

106. The Governor in Council may make regulations respecting,—

(a) the granting of permission to sell, exchange, trade, barter, give or possess arms and ammunition;

(b) the fees to be taken in respect thereof;

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(c) the returns to be made respecting permissions granted;
and,
(d) the disposition to be made of forfeited arms and ammu-
nition. R.S., c. 50, s. 101.

SCHEDULE.

WARRANT TO RETAKE ESCAPED PATIENT.

Manitoba Lunatic Asylum (or as the case may be).

To and all or any of the peace officers, in the county (or as the case may be) of

Whereas, on the last day of past, being within one month from the date hereof, A.B., an insane person confined in the Manitoba Lunatic Asylum (or as the case may be), of which I, am superintendent (or warden), did escape from the said asylum (or as the case may be):

These are therefore to authorize and command you, or any of you, the said peace officers in His Majesty's name, at any time within one month from the date of the said escape, to retake the said A.B., and safely convey him to this asylum (or as the case may be) and deliver him into my charge.

Given under my hand and seal this day of , in the year , in the county aforesaid.

(Signature) [L.S.]

Superintendent.

R.S., c. 50, sch.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 63.

An Act to provide for the Government of the Yukon Territory.

SHORT TITLE.

1. This Act may be cited as the Yukon Act. 61 V., c. 6, s. 1. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Territory' means the Yukon Territory;
   (b) 'Commissioner' means the Commissioner of the Yukon Territory;
   (c) 'Council' means the council elected and appointed to aid the Commissioner in the administration of the Yukon Territory;
   (d) 'Court' means the Territorial Court for the Yukon Territory;
   (e) 'intoxicating liquor' means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;
   (f) 'intoxicant' includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid. 61 V., c. 6, ss. 3 and 10; 62-63 V., c. 11, ss. 1 and 5; 1 E. VII., c. 41, s. 13.

TERRITORY.

3. The territory described in the schedule to this Act shall continue to be a separate territory under the name of the Yukon Territory. 1 E. VII., c. 41, s. 13.

COMMISSIONER.

4. The Governor in Council may, by instrument under the Great Seal, appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. 61 V., c. 6, s. 3.
5. The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior. 61 V., c. 6, s. 4.

6. In case of the death of the Commissioner, the senior member of the Council shall act as Commissioner until a successor is appointed. 61 V., c. 6, s. 21.

COUNCIL.

7. There shall continue to be a Council constituted as heretofore, to aid the Commissioner in the administration of the Territory, consisting of not more than eleven members, five of them elected as provided by this Act and ordinances made thereunder, and the remainder appointed by warrant of the Governor General under his Privy Seal.

2. Any person shall be eligible for election as a representative member of the Council who is qualified to vote at any election of a representative member.

3. The members of the Council so elected shall hold office for two years from the date of the return of their election.

4. A majority of the members of the Council including the Commissioner shall form a quorum. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1.

8. The members of the Council shall, before entering upon the duties of their office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1.

9. The natural-born and naturalized male British subjects in the Territory who have attained the full age of twenty-one years and continually resided there for a period of not less than twelve months shall be qualified to vote at an election of representative members. 2 E. VII., c. 34, s. 1.

COMMISSIONER IN COUNCIL.

10. The Commissioner in Council by ordinance,—

(a) shall make all necessary provisions for the election of representative members of the Council;

(b) may provide for the division of the Territory into electoral districts for the purposes of the election of the representative members of the Council;

(c) may prescribe residence in a district prior to the date of an election therein of a representative member as a qualification necessary to entitle any person to vote in such district at such election: Provided that no term of residence...
enee less than three months or more than twelve months shall be so prescribed.

2. Each of such electoral districts shall be represented in the Council by one or more of such members. 62-63 V., c. 11, s. 1; 4 E. VII., c. 42, s. 1.

11. The Commissioner in Council may make ordinances,—

(a) imposing taxes for any purpose within his jurisdiction;
(b) respecting the summoning of juries and the enforcement of the attendance of jurors for the trial of civil and criminal cases and respecting the payment of the costs and expenses in connection therewith;
(c) for the control and regulation of the sale of and traffic in intoxicating liquor in the Territory, subject to the provisions of any ordinance of the Governor in Council and notwithstanding anything to the contrary in any Act of Parliament;
(d) for the preservation of game in the Territory. 62-63 V., Game. c. 11, s. 2; 63-64 V., c. 34, s. 1; 2 E. VII., c. 34, s. 2; 3 E. VII., c. 73, s. 1.

12. The Commissioner in Council may also, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territory, and of any ordinances of the Governor in Council, make ordinances for the government of the Territory in relation to the classes of subjects next hereinafter mentioned, that is to say:

(a) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues;
(b) The establishment, maintenance and management of prisons in and for the Territory, the expense thereof being payable out of territorial revenues;
(c) Municipal institutions in the Territory;
(d) Shop, saloon, tavern, auctioneer and other licenses in order to raise a revenue for territorial or municipal purposes;
(e) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies;
(f) The solemnization of marriage in the Territory;
(g) Property and civil rights in the Territory;
(h) The administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, including procedure therein, but not including the appointment of judicial officers, or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters;

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Sheriffs and clerks of court. (i) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;

Alimony. (j) The conferring on territorial courts of jurisdiction in matters of alimony;

Enforcing of ordinances. (k) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;

Expenditure of territorial funds. (l) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council or of any committee thereof;

Local and private. (m) Generally, all matters of a merely local or private nature in the Territory.

2. The Commissioner in Council shall continue to have all the power and authority to make ordinances which he had at the time of the coming into force of this Act, and any power to repeal, re-enact or substitute provisions which, upon the coming into force of this Act, the Commissioner in Council had with respect to the provisions of the Northwest Territories Act, The Revised Statutes of Canada, chapter fifty, and the Acts in amendment thereof as applying to the Territory, is hereby preserved and shall continue with respect to the corresponding provisions of this Act, if any. 2 E. VII., c. 34, s. 2.

13. Nothing in the last preceding section contained shall be construed to give to the Commissioner in Council any greater powers with respect to the subjects therein mentioned than are given to provincial legislatures under the provisions of section ninety-two of The British North America Act, 1867, with respect to the similar subjects therein mentioned. 2 E: VII., c. 34, s. 2.

Education. 14. The Commissioner in Council shall pass all necessary ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territory or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. 2 E. VII., c. 34, s. 2.

15. A copy of every ordinance made by the Commissioner in Council shall be despatched by mail to the Secretary of State of Canada within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

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2. Any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. 

ORDINANCES BY GOVERNOR IN COUNCIL.

16. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good government of the Territory, and of His Majesty's subjects and others therein: Provided that no such ordinance shall,—

(a) for the enforcement of any ordinance, impose any penalty exceeding five hundred dollars;

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence;

(c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of Customs or any excise.

2. Without limiting the generality of the powers so conferred, the Governor in Council may make ordinances,—

(a) imposing a tax or royalty, not exceeding five per centum thereof, upon gold or silver the output of mines in the Territory, to be levied from and after the date of the ordinance imposing it;

(b) prescribing and regulating the place and manner of collection of such tax or royalty, and the methods of securing and enforcing the payment thereof;

(c) providing for the confiscation and forfeiture of gold and silver upon which such tax or royalty has not been duly paid, as well as for the confiscation and forfeiture of any vessel, vehicle, cart or other receptacle containing it, or used or intended to be used for the transportation thereof;

(d) giving to any officer of the Crown, in respect of searches, examinations, and other proceedings for the enforcement of the provisions of any such ordinance, all such powers, rights, privileges, and protection as officers of Customs have under the provisions of the Customs Act;

3. No tax shall be imposed by ordinance except as in this Act provided. 2 E. VII., c. 34, s. 3.

17. Every ordinance made under the authority of the last preceding section shall remain in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such ordinance is approved by resolution of both Houses of Parliament. 2 E. VII., c. 34, s. 3.

18. Every ordinance made by the Governor in Council under the provisions of this Act shall have force and effect only after it has been published for four successive weeks in the Canada Gazette.
2. All such ordinances shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. 2 E. VII., c. 34, s. 3.

**Laws Applicable to Territory.**

19. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight, shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. 61 V., c. 6, s. 9.

20. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territory, shall, subject to the provisions of this Act, apply to and be in force in the Territory. 61 V., c. 6, s. 9.

21. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any such Act not then in force in the Territory, shall be in force in the Territory generally, or in any part or parts thereof mentioned in such proclamation. 61 V., c. 6, s. 9.

**Wills.**

22. Every person of the full age of twenty-one years may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. 61 V., c. 6, s. 9.

23. No will shall be valid unless it is in writing and signed at the foot or end thereof, by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, who shall attest and subscribe the will in the presence of the testator.

24. No form of attestation shall be necessary and no other publication than as aforesaid shall be required. 61 V., c. 6, s. 9.
24. If any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. 61 V., c. 6, s. 9.

25. No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. 61 V., c. 6, s. 9.

26. If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. 61 V., c. 6, s. 9.

27. No will or codicil, or any part thereof, shall be revoked otherwise than by,—
   (a) marriage; or,
   (b) another will or codicil executed in manner hereinbefore required; or,
   (c) some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed; or,
   (d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same. 61 V., c. 6, s. 9.

28. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. 61 V., c. 6, s. 9.

29. If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. 61 V., c. 6, s. 9.

Married Women.

30. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived therefrom, shall be the property of her own and shall not be subject to any division or allotment by will. 61 V., c. 6, s. 9.

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derived from any occupation or trade which she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband’s consent, as fully as if she were a \textit{feme-sole}.

2. No order for protection shall be necessary in respect of any such earnings or acquisitions.

3. The possession, whether actual or constructive, of the husband of any personal property of any married woman, shall not render the same liable for his debts. 61 V., c. 6, s. 9.

31. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance shall be a sufficient discharge to any such bank. 61 V., c. 6, s. 9.

32. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. 61 V., c. 6, s. 9.

33. A husband shall not, by reason of any marriage, be liable for the debts of his wife, contracted before marriage, nor for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

2. The wife shall be liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. 61 V., c. 6, s. 9.

34. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomssoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. 61 V., c. 6, s. 9.

35. Any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. 61 V., c. 6, s. 9.
TERRITORIAL COURT.

36. There shall continue to be a superior court of record in and for the Territory, called the Territorial Court, consisting of one or more judges appointed by the Governor in Council by letters patent under the Great Seal. 61 V., c. 6, s. 10.

37. Any person may be appointed a judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the Northwest Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the Northwest Territories. 61 V., c. 6, s. 10.

38. A judge of the court shall not hold any other office of emolument under the Government of Canada, or of any province of Canada or of the Territory: Provided that a judge of the court shall be eligible for appointment as a member of the Council of the Territory. 61 V., c. 6, s. 10.

39. The law governing the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, mutatis mutandis, as the law governing the rights, privileges, power, authority and jurisdiction of the Supreme Court of the Northwest Territories and of the judges of that court, except as the same are expressly varied by this Act. 62-63 V., c. 11, s. 6.

40. Each judge of the court shall reside at such place in the Territory as the Governor in Council, in the commission to such judge, or by order in council, directs. 62-63 V., c. 11, s. 6.

41. The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada. 62-63 V., c. 11, s. 6.

42. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

'1. I, , do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Territorial Court. So help me God.'

2. Such oath shall be administered by the Commissioner or by a judge of the court. 62-63 V., c. 11, s. 6.

43. The Governor in Council may appoint such officers of the court and such other officers for the due administration of justice in the Territory, as are deemed necessary, and may define and specify the duties of such officers, and fix the fees or emoluments of such officers, and of witnesses and other persons attending

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attending or performing duties in relation to the administration of criminal justice, and provide the manner in which such fees and emoluments shall be paid. 61 V., c. 6, ss. 13 and 20.

Powers of court. 44. The court shall, within the Territory, and for the administration of the laws for the time being in force within the Territory, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed in England by any superior court of common law, or by the Court of Chancery, or by the Court of Probate. 62-63 V., c. 11, s. 6.

Jurisdiction. 45. The court shall have jurisdiction in all and all manner of actions, causes and suits as well criminal as civil, real, personal, and mixed, and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, and shall hear and determine all issues of law, and shall also hear, and with or without a jury, as provided by law, determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof, in as full and as ample a manner as might at the said date be done in England in the Court of Queen’s Bench, or the Court of Common Bench, or the Court of Chancery, or the Court of Probate, or in matters regarding the public revenue, including the condemnation of contraband or smuggled goods, in the Court of Exchequer. 62-63 V., c. 11, s. 6.

Sittings in banc. 46. The Territorial Court shall sit in banc at such times and places as the Commissioner appoints; and the sittings thereof may be adjourned from time to time as may be necessary. 2 E. VII., c. 35, s. 5

Jurisdiction. 47. At such sittings the court may hear and dispose of motions for new trials, appeals and motions in the nature of appeals, and any other business or matter within the jurisdiction of the court. 2 E. VII., c. 35, s. 6.

Quorum. 48. Two judges shall constitute a quorum of the court in banc: Provided that, where there are only two judges sitting upon an appeal, the trial judge or the judge from whose decision the appeal is taken shall not be one of them. 3 E. VII., c. 74, s. 1.

Sittings of the court. 49. Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council R.S., 1906.
or the Commissioner appoints, and such sittings shall be public.
2 E. VII., c. 34, s. 4.

59. The Governor in Council may, at any time, by pro-
clamation divide the Territory into judicial districts, and give
to each such district an appropriate name, and, in like manner,
from time to time, alter the limits and extent of such districts.
62-63 V., c. 11, s. 6.

51. Every judge of the court shall have jurisdiction through-
out the Territory, but shall usually exercise the same within
the judicial district, if any, to which he is assigned by the
Governor in Council, and in all causes, matters and proceedings,
other than such as are usually cognizable by a court sitting in
banc, and not by a single judge thereof, shall have and exercise
all the powers, authorities and jurisdiction of the court.
62-63 V., c. 11, s. 6.

52. Subject to any statute prohibiting or restricting proceed-
ings by way of certiorari, a single judge shall, in addition to
his other powers, have all the powers of the court as to proceed-
ings by way of certiorari over the proceedings, orders, convic-
tions, and adjudications had, taken and made by justices of
the peace, and, in addition thereto, shall have the power of
revising, amending, modifying or otherwise dealing with the
same; and writs of certiorari may, upon the order of a judge,
be issued by the clerk of the court mentioned in such order
returnable as therein directed. 62-63 V., c. 11, s. 6.

53. Whenever, under any Act in force in the Territory,
be done, by a judge of a court, such power or authority shall,
in the Territory, be exercised or such thing shall be done by a
judge of the Territorial Court, unless some other provision is
made in that behalf by such Act. 62-63 V., c. 11, s. 6.

54. Subject to the provisions of any Act or ordinance relat-
ing to the Territorial Court, the judges of the said court may
make general rules and orders prescribing and regulating the
procedure and practice of the court in civil matters. 2 E. VII.,
c. 35, s. 7.

SPECIAL PROVISIONS AS TO JURISDICTION IN CIVIL MATTERS.

55. Every judge of the court shall have jurisdiction, power
and authority to hold courts, whether established by ordinance
or not, at such times and places as he thinks proper, and at
such courts, as sole judge, to hear all claims, disputes and de-
mands whatsoever, except as herein provided, which are brought
before him, and to determine any questions arising thereout, as
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well

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well of fact as of law, in a summary manner; and such courts shall be open public courts.

2. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the case arise out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered exceed one thousand dollars, or if the action be for the recovery of real property, and if either party signify his desire to have the issues of fact therein tried by a judge with a jury, or the judge so direct, the same shall be tried by a jury. 62-63 V., c. 11, s. 6.

56. In cases of disputed accounts, the judge may, in place of a trial by jury, direct the evidence to be taken by any clerk of the court, or by any other competent person; which clerk or other person shall be sworn to take the same truly, and to reduce it to writing. 62-63 V., c. 11, s. 6.

57. The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. 62-63 V., c. 11, s. 6.

58. In all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. 62-63 V., c. 11, s. 6.

59. No court or judge in the Territory shall have jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. 62-63 V., c. 11, s. 6.

60. Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the judge is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. 62-63 V., c. 11, s. 6.

61. The proceedings to carry into effect any judgment, order or decree of the court whether interlocutory or final, shall be as prescribed by ordinance of the commissioner in council; or, if no such ordinance is in force when the judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. 62-63 V., c. 11, s. 6.
62. The Governor in Council may, from time to time, by proclamation repeal the provisions of the seven sections next preceding, or any of them, from and after a day to be named in such proclamation. 62-63 V., c. 11, s. 6.

ADMINISTRATION OF CRIMINAL LAW.

63. The procedure in criminal cases in the Territorial Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight.

2. No grand jury shall be summoned or sit in the Territory. No grand jury.

64. Every judge of the court shall have and may exercise the powers of a justice of the peace, or of any two justices of the peace, under any laws or ordinances in force in the Territory. 61 V., c. 6, s. 15.

65. Every such judge may in a summary way, and without the intervention of a jury, hear, try and determine any charge against any person of having committed in the Yukon Territory the offence of,—

(a) theft or attempt to steal, or obtaining money or property by false pretenses, or unlawfully receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, obtained or received, does not, in the opinion of such judge, exceed two hundred dollars; or,

(b) unlawfully wounding or inflicting any grievous bodily harm upon any other person, either with or without a weapon or instrument; or,

(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or,

(d) escaping from lawful custody or committing prison escape, breach, or assaulting, resisting or wilfully obstructing any judge or any public officer engaged in the execution of his duty, or any person acting in aid of such officer. 61 V., c. 6, s. 15.

66. When any person is charged with a criminal offence not within the next preceding section, and which is not otherwise triable without the consent of the accused, the charge shall be heard, tried, and determined by the judge with the intervention of a jury: Provided that in any case the accused may, with his own consent, be tried by a judge in a summary way and without the intervention of a jury. 61 V., c. 6, s. 15.

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Jury of six.  

67. In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. 61 V., c. 6, s. 15.

68. Whenever upon a trial before a judge in a summary way such judge is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that, upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which under the preceding sections, the accused could not, without his own consent, have been tried in a summary way.

2. The person so convicted shall be liable to the punishment by the Criminal Code or otherwise by law prescribed for the offence of which he is so found guilty. 61 V., c. 6, s. 15.

Conduct of trial.  

69. The judge shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. 61 V., c. 6, s. 15.

Capital offences.  

70. When any person is convicted of a capital offence and is sentenced to death, the judge shall forward to the Minister of Justice full notes of the evidence, with his report upon the case; and the execution shall be postponed, from time to time, by the judge, if found necessary, until such report is received and the pleasure of the Governor General thereon is communicated to the Commissioner. 61 V., c. 6, s. 15.

Summoning of jurors.  

71. Subject to the provisions of any ordinance of the Commissioner in Council, persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the judge who presides at the trial. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

Peremptory challenge by accused.  

72. Any person arraigned for treason or an offence punishable with death, or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily and without cause any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void.

2. The Crown may peremptorily challenge any number of jurors not exceeding four.
3. Challenges for cause shall be the same as are provided for in the Criminal Code. 61 V., c. 6, s. 15.

73. Subject to the provisions of any ordinance of the Commissioner in Council, if by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon by word of mouth from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, who shall be subject to challenge as if summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

74. Subject to the provisions of any ordinance of the Commissioner in Council, any person so summoned to serve as a juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

75. Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and, if he fails to attend, he shall be deemed guilty of contempt of court and may be proceeded against therefor. 61 V., c. 6, s. 15.

76. Upon proof to the satisfaction of the judge of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt. 61 V., c. 6, s. 15.

77. The judge may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. 61 V., c. 6, s. 15.

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78. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such times as he directs. 61 V., c. 6, s. 9.

79. The Governor in Council may at any time by proclamation declare that the thirteen sections last preceding shall be repealed from and after the date named in such proclamation. 61 V., c. 6, s. 9.

80. No person shall be summoned or sworn as a jurymen on any trial in the Territorial Court, unless he is a British subject. 61 V., c. 6, s. 17.

81. The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 61 V., c. 6, s. 15.

82. Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of Part XV. of the Criminal Code shall, immediately after the conclusion of such investigation, transmit to the clerk of the court, or the clerk of the court for the judicial district in which the charge was made, all informations, examinations, depositions, recognizances, inquiries and papers connected with such charge, and such clerk shall notify the senior judge of the court or the judge for the district of such investigation and the result thereof. 61 V., c. 6, s. 15.

83. Whenever any person charged is committed to gaol for trial, the sheriff or other person in charge of such gaol shall, within twenty-four hours, notify a judge of the court, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon, with as little delay as possible, one of the judges of the court shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. 61 V., c. 6, s. 15.

84. The Governor in Council may, from time to time, direct that any building, or any part thereof, or any enclosure, in any part of the Territory, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 61 V., c. 6, s. 9.

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85. The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure, shall cease to be a gaol or lock-up. 61 V., c. 6, s. 9.

86. The Governor in Council may, from time to time, prescribe the terms and conditions upon which persons convicted or accused of any offence under any ordinance in force in the Territory, or any municipal by-law or regulation, or sentenced to confinement under any such ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of the two next preceding sections; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. 61 V., c. 6, s. 9.

87. Every lock-up, guard-room, guard-house or place of confinement provided by or for or under the direction of the Royal Northwest Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the Territory, shall be a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory, and the Commissioner shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned. 61 V., c. 6, s. 18.

88. The Governor in Council may make rules and regulations respecting the management, discipline and policy of every penitentiary, gaol or place of confinement used as such in the Territory. 61 V., c. 6, s. 18.

POLICE MAGISTRATES AND THEIR SPECIAL JURISDICTION.

89. The Governor in Council may appoint police magistrates for Dawson and Whitehorse in the Territory, who shall reside at those places, respectively, and shall ordinarily exercise their functions there, but who shall have jurisdiction respectively in such portions of the Territory as are defined in their commissions. 1 E. VII., c. 41, s. 1.

90. Such police magistrates shall hold office during pleasure Tenure of and shall be debarred from practising professionally while holding office. 1 E. VII., c. 41, s. 2.

91. The annual salary of each of such police magistrates Salaries. shall be four thousand dollars, and such salaries may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.
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2. Such magistrates may be paid in addition to the said salaries such living allowances as may be fixed by the Governor in Council. 1 E. VII., c. 41, s. 3; 2 E. VII., c. 36, s. 1.

92. No person shall be appointed a police magistrate hereunder unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years. 1 E. VII., c. 41, s. 4.

93. Each of the police magistrates so appointed shall ex officio, within the territorial limits of his jurisdiction, be a justice of the peace and have and exercise the authority and jurisdiction of two or more justices of the peace sitting or acting together. 1 E. VII., c. 41, s. 5.

94. Each such police magistrate shall also, within such limits, be a magistrate for the purpose of Part XVI of the Criminal Code, and shall have and exercise all the jurisdiction of such a magistrate, including that vested in police magistrates of cities and incorporated towns by the said Part; and his jurisdiction under the said Part shall be absolute without the consent of the person charged, except in cases where such jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns, or where the accused is charged with theft or with obtaining property by false pretenses, or with unlawfully receiving stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, in which cases, unless the accused consents to be tried by the police magistrate, or unless he is a person in respect of whom the magistrate has absolute jurisdiction under the said Part, he shall be dealt with as in ordinary cases of indictable offences. 1 E. VII., c. 41, s. 5.

95. The Governor in Council may, subject to the limitations hereinafter mentioned, if he thinks proper, vest any police magistrate so appointed with civil jurisdiction,—

(a) in cases of claims and demands of debt, or account, or breach of contract or covenant, or money demand, whether payable in money or otherwise, where the amount does not exceed five hundred dollars;

(b) in other personal actions where the amount claimed does not exceed three hundred dollars, or, if the parties consent in writing, does not exceed five hundred dollars.

(c) in all cases of claims for the recovery of a debt or money demand where the amount or balance of the claim does not exceed one thousand dollars exclusive of interest as hereinafter mentioned, and such amount or balance is ascertained by the signature of the defendant or of the person whom as executor or administrator the defendant represents, notwithstanding that the claim with the interest accrued
accrued or accumulated since such ascertainment exceeds
the sum of one thousand dollars. 1 E. VII., c. 41, s. 6.

96. Such police magistrates, if given civil jurisdiction, shall
also have jurisdiction in cases of replevin where the value of
the goods or other property or effects distrained, taken or de-
tained, does not exceed three hundred dollars. 1 E. VII., c. 41,
s. 7.

97. Such police magistrates shall not have jurisdiction, in
respect of actions,—
(a) for gambling debts;
(b) for spirituous or malt liquors drunk in a hotel, tavern,
or house of public entertainment;
(c) on notes of hand given wholly or partly in consideration
of a gambling debt or for such liquors;
(d) for the recovery of land or in which the right or title to
any corporeal or incorporeal hereditament, or to any toll,
custom or franchise, comes in question;
(e) in which the validity of any devise, bequest or limitation
under a will or settlement is disputed;
(f) for malicious prosecution, libel, slander, criminal con-
versation, seduction, or breach of promise of marriage;
(g) against a justice of the peace for anything done by him
in the execution of his office, if he objects to such jurisdic-
tion. 1 E. VII., c. 41, s. 8.

98. Each of the judges of the Territorial Court shall have,
and may exercise in any part of the Territory, the criminal
jurisdiction vested by this Act in police magistrates, and, in the
exercise of such jurisdiction, shall have all the powers of a
police magistrate. 2 E. VII., c. 35, s. 1.

99. The Governor in Council may, from time to time, assign
one of the judges of the said court the duty of ordinarily
exercising such jurisdiction. 2 E. VII., c. 35, s. 2.

100. There shall be an appeal to the Territorial Court from
the final judgment of a police magistrate in any civil case where
the amount in dispute, exclusive of costs, exceeds one hundred
dollars.

2. The appeal in such case shall be heard upon the evidence
taken before the police magistrate, and the judgment of the
Territorial Court shall be final. 1 E. VII., c. 41, s. 9.

101. The Commissioner in Council shall have full power,
from time to time, to make ordinances,—
(a) prescribing and regulating the procedure and practice
to be observed in connection with the exercise of the civil
jurisdiction of police magistrates under this Act; or,

(b) R.S., 1906.
(b) empowering the judges of the Territorial Court to make general rules and orders prescribing and regulating such procedure and practice. 1 E. VII., c. 41, s. 10.

APPEAL IN CRIMINAL CASES.

102. For the purpose of Part XIX. of the Criminal Code the court of appeal from the verdict or judgment of the Territorial Court or a judge thereof shall be the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

103. For the purpose of Part XIX. of the Criminal Code the court of appeal from the judgment of a police magistrate in a case where his jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns shall be the Territorial Court in banc.

2. The judgment of the Territorial Court upon any such appeal from a police magistrate shall be final and conclusive if the judges of the Court are unanimous therein, otherwise there shall be an appeal therefrom to the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

104. In the Territory the appeal from a summary conviction or order under Part XV. of the Criminal Code shall be to a judge of the Territorial Court sitting without a jury at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held. 1 E. VII., c. 41, s. 11.

JUSTICES OF THE PEACE.

105. While in the Territory, the Commissioner, each member of the Council, every judge of the court, and every commissioned officer of the Royal Northwest Mounted Police, shall ex officio have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the Territory, and the Governor in Council may, by commission, appoint such other persons justices of the peace or police commissioners, having each the power of two justices of the peace within the Territory, as may be deemed desirable. 61 V., c. 6, s. 16.

CORONERS.

106. All persons possessing the powers of two justices of the peace in the Territory shall also be coroners in and for the Territory. 61 V., c. 6, s. 19.

107. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless
unless it has been made to appear to such coroner that there
is reason to believe that the deceased died from violence or
unfair means, or by culpable or negligent conduct either of
himself or of others, under such circumstances as require in-
vestigation, and not through mere accident or mischance. 61 V.,
c. 6, s. 9.

108. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall imme-
diately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the
body. 61 V., c. 6, s. 9.

109. It shall not be necessary in any case that a coroner’s jury shall exceed six persons, but in every case of an inquest six
jurors must agree in order to render the verdict valid. 61 V.,
c. 6, s. 9.

110. Coroners shall have the same power to summon wit-
tnesses and to punish them for disobeying a summons to appear,
or for refusing to be sworn or to give evidence as are possessed etc.
by justices of the peace. 61 V., c. 6, s. 9.

111. The fees of coroners, jurors and witnesses attending
inquests may be fixed, from time to time, by the Governor in
council, and paid in such manner as he directs. 61 V., c. 6,
s. 20.

ENFORCEMENT OF TERRITORIAL ORDINANCES.

112. Unless otherwise therein specially provided, proceed-
ings for the imposition of punishment by fine, penalty or im-
prisonment for enforcing any ordinance in force in the Territ-
ory may be brought summarily before a justice of the peace
under the provisions of Part XV. of the Criminal Code. 61 V.,
c. 6, s. 9.

PROHIBITION OF INTOXICANTS.

113. No intoxicating liquor or intoxicants shall be manu-
factured, compounded, or made in the Territory; and no intoxi-
cating liquor or intoxicants shall be imported or brought into
the Territory from any province or territory in Canada or else-
where, except by permission of the Governor in Council.
62-63 V., c. 11, s. 3.

114. All intoxicating liquors or intoxicants imported or brought from any place out of Canada, into the Territory,
shall be subject to the Customs and excise laws of Canada.
62-63 V., c. 11, s. 4.

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The Yukon Territory shall be bounded as follows:—On the south, by the province of British Columbia and the United States Territory of Alaska; on the west, by the said United States Territory of Alaska; on the north, by that part of the Arctic Ocean called Beaufort Sea; and on the east, by a line beginning at the point of intersection of the left bank of the Liard River, by the northern boundary of the province of British Columbia in approximate longitude $124^\circ 16'$ west of Greenwich; thence northwesterly along the line of the watershed separating the streams flowing into the Liard River below the point of beginning, or into the Mackenzie River, from those flowing into the Liard River above the point of beginning, or into the Yukon River, to the line of watershed of the basin of Peel River; thence northerly along the line of watershed between the Peel and Mackenzie Rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon Rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall Pass between Rat and Bell rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort Sea as far as the aforesaid due north line from McDougall Pass. 1 E. VII., c. 41, seh.

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CHAPTER 64.

An Act respecting Placer Mining in the Yukon Territory.

SHORT TITLE.

1. This Act may be cited as the Yukon Placer Mining Act. Short title. 6 E. VII., c. 39, s. 1.

INTERPRETATION.

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

(a) 'claim' means any parcel of land located or granted for placer mining, and 'mining property' includes besides 'Mining claims, any ditches or water rights used for mining property,' thereon, and all other things belonging thereto or used in the working thereof for mining purposes;

(b) 'Commissioner,' 'Council' and 'Commissioner in Council,' respectively, have the same meaning as they have in the Yukon Act;

(c) 'creek' means and includes all natural watercourses, 'Creek,' whether usually containing water or not;

(d) 'ditch' includes a flume, pipe, race or other artificial 'Ditch,' means for conducting water by its own weight, to be used for mining purposes;

(e) 'gold commissioner,' 'mining recorder' and 'mining inspector' mean, each of them, the officer so named, appointed under this Act and acting within the limits of his jurisdiction;

(f) 'legal post' means a stake standing not less than four 'Legal post,' feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;

(g) 'mine' means any natural stratum or bed of earth, soil, 'Mine,' gravel or cement, mined for gold or other precious minerals or stones;

(h) 'mining' or 'placer mining' includes every mode and method of working whatsoever whereby earth, soil, gravel or cement may be removed, washed, shifted or refined or otherwise dealt with, for the purpose of obtaining gold or such R.S., 1906.
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such other minerals or stones, but does not include the working of rock in situ;

(i) ‘person’ includes a female as well as a male person;

(j) ‘Territory’ means the Yukon Territory.

2. Nothing herein contained shall be construed to limit the right of the Commissioner, from time to time, to lay out public roads across, through, along or under any ditch, water privilege or claim, without compensation.

3. Notwithstanding anything in this Act contained, its provisions shall not apply to any lands demised or leased for hydraulic mining purposes by any lease granted before the first day of August, one thousand nine hundred and six, which has been heretofore or which may be hereafter cancelled by direction of the Minister of the Interior or under an order of the Governor in Council, until such lands have been brought under such provisions by order of the Governor in Council. 6 E. VII., c. 39, ss. 2, 90 and 93.

MINING OFFICIALS.

3. The Governor in Council may appoint gold commissioners, mining recorders and mining inspectors, and deputies thereto, for carrying out the provisions of this Act. 6 E. VII., c. 39, s. 71.

4. The Commissioner in Council may, by proclamation published in the Yukon official gazette, divide the territory into districts to be known as mining districts, and may, as occasion requires, change the boundaries of such districts. 6 E. VII., c. 39, s. 72.

5. The gold commissioner shall have jurisdiction within such mining districts as the Commissioner directs, and within such districts shall possess also all the powers and authority of a mining recorder or mining inspector. 6 E. VII., c. 39, s. 73.

6. A mining recorder shall be appointed in each mining district, and within such district shall possess also all the powers and authority of a mining inspector. 6 E. VII., c. 39, s. 74.

7. Every mining recorder shall keep the following books, to be used for placer mining entries:

(a) Record of applications;
(b) Record of refused applications;
(c) Record book;
(d) Record of abandonments; and,
(e) Record of documents received;

and shall record all documents relating to mining property which are brought to him for record, and file all documents relating to such claims which are brought to him to be filed. 6 E. VII., c. 39, s. 75.

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8. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made. 6 E. VII., c. 39, s. 76.

9. All books of record and documents filed shall, during office hours, be open to public inspection free of charge. 6 E. VII., c. 39, s. 77.

10. Every copy of, or extract from, any entry in any of the mining recorder's office, certified by the mining recorder to be a true copy or extract, shall be received in any court as evidence of the matters therein contained. 6 E. VII., c. 39, s. 78.

11. Before issuing any grant, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the mining recorder shall collect the fees payable in respect thereof, as set out in schedule D to this Act. 6 E. VII., c. 39, s. 79.

12. The mining recorder shall receive all deposits of money by this Act directed to be made with him. 6 E. VII., c. 39, s. 80.

13. A statement of the grants issued and fees collected shall be rendered by the mining recorder to the gold commissioner at least every month, and such statement shall be accompanied by the amount collected, or, if the money has been deposited to the credit of the Receiver General, by the deposit receipts. 6 E. VII., c. 39, s. 81.

14. A mining inspector shall have jurisdiction within such mining districts as the Commissioner directs. 6 E. VII., c. 39, s. 82.

15. The mining inspector may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employees of such mining works, or any public work or highway, or any mining property, mineral claim, bed-rock drain or bed-rock flume; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction.

2. Any person affected by an order of the mining inspector under this section may, within ten days, appeal therefrom to the gold commissioner. 6 E. VII., c. 39, s. 83.

16. The gold commissioner, mining recorder or mining inspector, or the deputy of any such officer, or any judge of the Territorial Court, or any one deputed by any of them, may enter into or upon and examine any claim or mine. 6 E. VII., c. 39, s. 84.
17. Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, or lands occupied by a building, or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve. 6 E. VII., c. 39, s. 3.

18. No person shall enter for mining purposes, locate, prospect or mine upon lands owned or lawfully occupied by another until he has given adequate security, to the satisfaction of the mining recorder, for any loss or damage which may be thereby caused, and persons so entering, locating, prospecting or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes. 6 E. VII., c. 39, s. 4.

19. The surface rights to any claim shall not be granted to any person other than the owner of the claim until the owner is given an opportunity to acquire the said rights by notice in writing from the Crown timber and land agent, served personally on the said owner or his agent. 6 E. VII., c. 39, s. 5.

SIZE, FORM, ETC., OF CLAIMS.

20. A claim on a creek shall not exceed five hundred feet in length, measured along the base line of the creek, established or to be established by a Government survey, as hereinafter provided.

2. The rear boundaries of the claim shall be parallel to the base line, and shall be defined by measuring one thousand feet on each side of such base line.

3. In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek, but in such case, when the base line is established, the boundaries thereby defined shall be conformed to. 6 E. VII., c. 39, s. 6.

21. Claims situate elsewhere than on a creek shall not exceed five hundred feet in length by one thousand feet. 6 E. VII., c. 39, s. 7.

22. A claim fronting on a creek shall be staked as nearly as possible parallel to the general direction of the valley of the 1200 said
creek, and shall conform to the boundaries which the base line, when established, shall define. 6 E. VII., c. 39, s. 8.

23. Claims shall be measured horizontally irrespective of inequalities on the surface of the ground. 6 E. VII., c. 39, s. 9.

24. The official survey which establishes the base line of a creek shall, at the same time, establish the side lines of claims located on the creek, and shall be a final determination of the location of such base line and side lines. 6 E. VII., c. 39, s. 10.

25. Every claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim.

2. The line between the two posts shall be well cut out so that one post may, if the nature of the surface will permit, be seen from the other.

3. One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim, a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full Christian and surname of the locator.

4. The posts shall be numbered 1 and 2 respectively, and it shall not be lawful to move them except that No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by this Act, but not otherwise.

5. Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate his location, if, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a bona fide attempt to comply with the provisions of this Act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity. 6 E. VII., c. 39, s. 11.

26. Any person or party of persons locating the first claim on any creek, hill, bench, bar or plain, or locating a claim on any creek, hill, bench, bar or plain upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely:

One locator, one claim, fifteen hundred feet in length;
A party of two locators, two claims, each of one thousand feet in length;
A party of more than two locators, two claims, each of one thousand feet in length, and for each member of the party beyond two, a claim of the ordinary size only. 6 E. VII., c. 39, s. 12.

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27. The boundaries of any claim for which a grant has been issued prior to the first day of August, one thousand nine hundred and six, may, by order of the gold commissioner, upon application by the owner thereof, be enlarged to the size of claim allowed by this Act, if such enlargement will not interfere with any mining property owned by any other person. 6 E. VII., c. 39, s. 13.

LOCATING AND RECORDING.

28. The forms of application for grant, of grant, and of renewal of grant of a claim shall be those contained respectively in schedules A, B and C to this Act. 6 E. VII., c. 39, s. 14.

29. An application for a grant of a claim shall be filed with the mining recorder within ten days after the location thereof, if it is located within ten miles of the mining recorder's office.

2. One extra day shall be allowed for every additional ten miles or fraction thereof. 6 E. VII., c. 39, s. 15.

30. No grant shall be issued by a mining recorder for a part of a claim which is already recorded. 6 E. VII., c. 39, s. 16.

31. The location of a claim on Sunday or any public holiday shall not for that reason be invalid. 6 E. VII., c. 39, s. 17.

32. In the event of a claim being more than one hundred miles from a recorder's office, and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint one of their number an emergency recorder, who shall act in that capacity until a mining recorder is appointed. 6 E. VII., c. 39, s. 18.

33. The emergency recorder shall, at the earliest possible date after his appointment, notify the nearest mining recorder thereof, and upon the arrival of the mining recorder, he shall deliver to him his records and the fees received for recording claims.

2. The mining recorder shall then issue to each person whose name appears in the records a grant for his claim, provided an application has been made by him in accordance with the form in schedule A to this Act.

3. The grant shall date from the time the emergency recorder recorded the application. 6 E. VII., c. 39, s. 19.

34. Any person, upon satisfying a mining recorder that he is about to undertake a bona fide prospecting trip, may receive written permission from the mining recorder, allowing him to record a claim within his mining district at any time within a period.

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period not exceeding six months from the date of his staking such claim. 6 E. VII., c. 39, s. 20.

35. No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in this Act: Provided that if any person satisfies the mining recorder that he is about to undertake a bona fide prospecting trip, and files with the mining recorder a power of attorney, from any number of persons, not exceeding two, authorizing him to stake claims for them in consideration of their having enabled him to undertake the trip, he may stake one claim in the name of each such person upon any creek on which he makes a discovery. 6 E. VII., c. 39, s. 21.

36. A person holding a grant of a claim may, at any time, abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder, and thereafter he shall not personally or through any other person relocate the same claim. 6 E. VII., c. 39, s. 22.

37. No person shall receive a grant of more than one claim on each separate creek, hill, bench, bar or plain, except by purchase, unless he has abandoned the claim for which he has received a grant, and such abandonment has been duly recorded.

2. If the owner of a claim, having acquired it by location, sells it, he shall not be permitted to locate again on the same creek, hill, bench, bar or plain until the lapse of one year from the date of his locating the said claim. 6 E. VII., c. 39, s. 23.

38. During the absence of the mining recorder from his office, an application for a claim may be received by any person whom he may appoint to perform his duties in his absence. 6 E. VII., c. 39, s. 24.

SURVEYS.

39. Surveys of claims made under instructions issued by direction of the Commissioner to a duly qualified Dominion land surveyor named by him shall be accepted as defining absolutely the boundaries of the claims surveyed, provided the returns of the survey are approved by the Commissioner or an official appointed by him for that purpose, and notice of such survey has been published in the Yukon official gazette for twelve successive issues thereof, and remains unprotested during that period.

2. The owner of a claim so surveyed shall, prior to the first appearance of the advertisement in the Yukon official gazette, cause to be posted in a conspicuous spot on the claim a notice of his intention to advertise the survey of the claim, and also a plan of the survey of the claim prepared by the surveyor.

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3. If, within the time during which such notice is published, the survey is protested, the protest shall be heard and decided upon by the gold commissioner, and the costs of the hearing shall be in the discretion of the gold commissioner, who may direct that the same or any portion thereof shall be paid by any party to the proceedings.

4. If a decision is rendered varying the boundaries of the claim from those defined by the advertised survey, the owner of the claim may have the claim re-surveyed and fresh returns prepared embodying the changes involved by such decision, and such re-survey being approved by the Commissioner, or the official appointed by him for that purpose, may without advertisement be accepted by the gold commissioner in lieu of the survey that has been protested.

5. The expenses in connection with the survey and advertisement of claims shall be defrayed by the owners of the claims, but no fees will be charged by the Government for filing plans or other documents in connection therewith. 6 E. VII., c. 39, s. 25.

40. The Commissioner, on behalf of the Government of Canada, may authorize the survey of the base line of any creek and the side lines of any claim located on a creek, and such survey shall be made under the instructions of an official appointed by the Commissioner. 6 E. VII., c. 39, s. 26.

TITLE.

41. Any person having duly located a claim may obtain a grant thereof for one or five years by paying to the mining recorder, in advance, the fees prescribed in schedule D to this Act.

2. Such person shall, upon receiving such grant, be entitled to hold the claim for the period mentioned therein, with the absolute right of renewal from year to year thereafter upon payment of the renewal fee prescribed in said schedule, provided such person, during each year of the said period, and during each year for which such renewal is granted, does, or causes to be done, work on the claim to the value of two hundred dollars, in accordance with a schedule to be prepared by the gold commissioner and approved by the Commissioner, and files, within fourteen days after the date of the expiration of the said period or renewal thereof, with the mining recorder or his agent, an affidavit made by him or his agent, stating that such work has been done, and setting out a detailed statement thereof.

3. Any such work done outside of a claim with intent to work the claim shall be deemed, if it has direct relation to the claim, and if it is to the satisfaction of the mining recorder, to be work done on the claim for the purpose of this section. 6 E. VII., c. 39, s. 27.

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42. In the event of the work referred to in the last preceding section not being done as therein provided, the title of the owner to the claim shall thereupon become absolutely forfeited and the claim shall forthwith be open for re-location. 6 E. VII., c. 39, s. 28.

43. If the owner of a claim has done the required work thereon, but has failed to renew his grant thereof, the mining recorder may issue a grant to any person re-locating such claim: Provided that the owner may, within six months after the date at which his grant came due for renewal, apply for the cancellation of any grant so issued, and the latter grant shall be cancelled upon it being proved to the satisfaction of the mining recorder that the required work was done by the said owner, and upon the said owner paying a renewal fee of thirty dollars, if the application is made during the first three months, or a fee of forty-five dollars, if the application is made during the second three months, and also paying the expenses to which the relocator may have been put in locating and applying for the said claim and obtaining a grant thereof. 6 E. VII., c. 39, s. 29.

44. No title shall be contested by any one who does not claim an adverse right except by leave of the Commissioner.

2. In the event of a claim reverting to the Crown as a consequence of litigation undertaken pursuant to such leave, the plaintiff shall have the first right to locate the said claim. 6 E. VII., c. 39, s. 30.

45. If two or more persons own a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon, and in the event of its being proved to the gold commissioner, after hearing all parties interested, that any co-owner has not done so, his interest may become vested, by order of the gold commissioner, in the other co-owner or co-owners in proportion to their former interests. 6 E. VII., c. 39, s. 31.

46. The owner of a claim may sell, mortgage or dispose of it, provided the instrument showing such disposal is deposited in duplicate with the mining recorder.

2. The mining recorder shall, upon such deposit, register the instrument and return to the assignee one of the duplicates with a certificate endorsed thereon that the instrument has been recorded in his office, and retain the other. 6 E. VII., c. 39, s. 32.

47. No agreement affecting the title to any claim, or to any interest therein, shall be enforceable against any person without notice, unless such agreement or some memorandum thereof is in writing and be recorded.
in writing, duly signed, and is recorded in the office of the mining recorder. 6 E. VII., c. 39, s. 33.

48. Every person receiving a grant of a claim, or the permission to record a claim within the period not exceeding six months hereinbefore authorized, may, during the continuance of his grant or permission, fish and shoot for his own use, subject to the provisions of any law for the protection of fish and game, and may also cut timber, not otherwise acquired, for his own use and for any purpose incidental and necessary to the operation of his claim; and shall also have the exclusive right to enter upon his claim for the miner-like working thereof and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, upon which, however, the royalty prescribed by this Act shall be payable:
Provided that the mining recorder may, subject to an appeal to the board of arbitration hereinafter referred to, grant to the holders of other claims such rights of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as to him seem reasonable, and may also grant permits to other claim owners to cut timber thereon for their own use. 6 E. VII., c. 39, s. 34.

49. No rights of any person owning or applying for a claim shall suffer from any acts of omission or commission, or delays, on the part of any official appointed under this Act. 6 E. VII., c. 39, s. 35.

50. Whenever, through the acts or defaults of any person other than the recorded owner of a claim, or his agent by him duly authorized, the evidence of the location or record on the ground or the situation of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the location as far as possible; and the gold commissioner may make all necessary inquiries, directions and references in the premises for the purpose of carrying out the object of such location, and vesting title in such owner. 6 E. VII., c. 39, s. 36.

GROUPING.

51. Upon application being made to him by any person or persons owning adjoining claims, the mining recorder may, with the approval of the Commissioner, grant permission for a term not exceeding ten years to any such person or persons to perform on any one or more of such claims all the work required to entitle him or them to a renewal grant for each claim so held by him or them: Provided that, before any such permission is granted, the government mining engineer shall furnish a report on the application, and, where the application is made by more than
than one person, the applicants shall file with the mining recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

2. If it is shown to the satisfaction of the Commissioner that the interests of the locality in which any claims are situated would be materially benefited thereby, the permission provided for by this section may be granted with regard to such claims, notwithstanding that they are not all contiguous. 6 E. VII., c. 39, s. 37.

52. Grants of claims in respect of which such permission has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day. 6 E. VII., c. 39, s. 38.

WATER RIGHTS.

53. Every person owning a claim shall be entitled to the seepage water on his claim and to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as, in the opinion of the mining inspector, is necessary for the due working thereof; and shall be entitled to drain his own claim free of charge. 6 E. VII., c. 39, s. 39.

54. A mining recorder may, with the approval of the Commissioner, upon application being made as hereinafter mentioned, grant to any person or persons for any mining purpose or any purpose incidental thereto, for any term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use or sell the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground, for the purpose of constructing and repairing ditches and flumes to convey such water. 6 E. VII., c. 39, s. 40.

55. Every applicant for a water grant shall post for twenty days previous to the making of the application a notice in writing of his intention to apply to the mining recorder for such grant,—

(a) at the point of proposed diversion or taking;

(b) on the claim on which such water is intended to be used;

(c) on each claim or person's land to be crossed by the water in course of transit to the place of user; and,

(d) in the office of the mining recorder;

and shall forward a copy of such notice to the gold commissioner.

2. Such notice shall state,—

(a) the name of the applicant;

(b) the name, or, if unnamed, a sufficient description of the stream, lake or other source from which water is intended to be diverted or taken;

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(c) the point of diversion or taking or intended ditch-head, and the point where the water is to be returned to the stream;
(d) the means by which it is intended to divert or take, or to store the water;
(e) the number of inches of water to be applied for;
(f) the purposes for which it is required, stated with reasonable particularity;
(g) the claim upon which the water is to be used, or, if the right to sell water is asked, the locality within which the right is to be exercised; and,
(h) the date of the posting of the notice, and the date on which application will be made to the mining recorder for the granting of the record. 6 E. VII., c. 39, s. 41.

56. On the day mentioned in the notice of application or at a subsequent day and time to be fixed by the mining recorder, as the case may be, application shall be made by or on behalf of the applicant, either by attendance in person or by agent, or in writing, for a grant in accordance with the terms of the notice. 6 E. VII., c. 39, s. 42.

57. The mining recorder shall, at such day and time, proceed to adjudicate upon the application, and may, with the approval of the Commissioner, upon proof to his satisfaction of the publication of notice in manner aforesaid, of the ability of the applicant to construct the necessary works, of the right of the applicant to apply for a record under the foregoing provisions of this Act or any of them, and of the volume of unrecorded water available for diversion having regard to existing rights and records, whether held by land owners or mine owners, and to pending applications (which facts shall be reported upon by the Government mining engineer), issue to the applicant a grant, in the form in schedule E to this Act, of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application. 6 E. VII., c. 39, s. 43.

58. The mining recorder may adjourn such adjudication from time to time as circumstances render expedient, and may take evidence by statutory declaration, and summon and examine witnesses upon oath, and hear all parties whose rights are or may be affected by the application. 6 E. VII., c. 39, s. 44.

59. Every holder of a water grant shall take all reasonable means for utilizing the water granted to him; and if he wilfully wastes any water or takes a quantity of water in excess of his actual requirements, or has worked out or abandoned the claim or claims with respect to which the water grant was issued, the
the mining inspector may, upon notice, cancel or reduce the grant, or impose such conditions as he thinks proper.

2. An appeal may be taken, at any time within ten days from any such action of the mining inspector, to the gold commissioner. 6 E. VII., c. 39, s. 45.

60. Every grant of water on an occupied creek shall be subject to the rights of such claim owners as shall, at the time of such grant, be working on the stream above or below the ditch-head, and of any other persons lawfully using such water for any purpose whatsoever. 6 E. VII., c. 39, s. 45.

61. If, after the grant has been made, any person locates and bona fide works any claim below the ditch-head, on any stream so diverted, he shall be entitled to forty inches of water if two hundred inches are diverted, and sixty inches if three hundred inches are diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested there-in, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as is required; and in computing such damage, the loss sustained by the owners of any claims using water from the ditch, and all other reasonable losses, shall be considered. 6 E. VII., c. 39, s. 47.

62. The holder of a water grant with the privilege of selling water may distribute the water to such persons and on such terms as he deems advisable, within the limits mentioned in his grant: Provided that the price charged for such water shall be subject to the control of the Commissioner, and the water shall be supplied to all claim owners who make application therefor in a fair proportion, and according to priority of application. 6 E. VII., c. 39, s. 48.

63. In measuring water in any ditch or sluice the following rules shall be observed:—

(a) The water taken into a ditch or sluice shall be measured at the ditch or sluice head;

(b) No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it;

(c) One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide with a constant head of seven inches above the upper side of the orifice;

(d) A sluice head shall consist of fifty such inches of water. 6 E. VII., c. 39, s. 49.

64. The owner of any ditch, water privilege or claim shall, at his own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or claim. 6 E. VII., c. 39, s. 50.

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65. The owner of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the mining recorder, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch or water privilege. 6 E. VII., c. 39, s. 51.

66. The owner of any ditch or water privilege shall be liable for, and shall make good in such manner as the mining recorder determines, all damages which may be occasioned by or through any part of the works of the said ditch, water privilege, or right breaking or being imperfect. 6 E. VII., c. 39, s. 52.

67. Every grant of water obtained by the owner of a claim shall be deemed appurtenant to the claim in respect of which record is obtained; and all assignments, transfers or conveyances permitted by law of any claim, whether such assignments, transfers or conveyances were or shall be made before or after the first day of August, one thousand nine hundred and six, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges appurtenant to the claim assigned, transferred or conveyed. 6 E. VII., c. 39, s. 53.

DRAINAGE.

68. The mining recorder may grant permission to run a drain or tunnel for drainage purposes through any occupied or unoccupied lands whether mineral or not, and may give exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing and maintaining drains for the drainage thereof. 6 E. VII., c. 39, s. 54.

69. The grantee shall compensate the owners of lands of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain; and such compensation, if not agreed upon, shall be settled by the board of arbitration hereinafter referred to, and be paid before such drain or tunnel is constructed. 6 E. VII., c. 39, s. 55.

70. Such drain or tunnel, when constructed, shall be deemed to be the property of the person by whom it has been constructed. 6 E. VII., c. 39, s. 56.

71. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll, if any, to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing

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structuring it, be accompanied by a deposit of twenty-five dollars, which shall be refunded if the application is refused, but not otherwise.

2. Ten full days' notice shall be given of any such application Notice. to be made in June, July, August, September or October, and one month's notice of an application to be made in any other month, by affixing the notice to a post placed in some conspicuous part of the ground, and by affixing a copy thereof conspicuously upon the inner walls of the office of the mining recorder.

3. Prior to such application, the ground included therein shall be marked out to the satisfaction of the mining recorder. Ground to

4. Any person may, within the times hereinbefore prescribed for the notice of such application but not afterwards, protest before the gold commissioner against such application being granted. 6 E. VII., c. 39, s. 57.

72. The grant of the right of way to construct drains and tunnels shall be in the form F in the schedule hereto.

2. The grant shall be registered by the grantee in the office of the mining recorder, to whom he shall at the time pay a fee of five dollars; or, if the grant gives power to collect tolls, a fee of forty dollars.

3. An annual rent of ten dollars shall be paid, in advance, Rent. by the grantee for each quarter of a mile of right of way legally held by him, save where the drain is for the purpose of draining only the claim of the person constructing it. 6 E. VII., c. 39, s. 58.

DISPUTES.

73. In case of any dispute as to the locating of a claim the Title according to priority of location, subject, however, to any question as to the validity of the record itself, and subject, further, to the claimant having complied with all the terms and conditions of this Act. 6 E. VII., c. 39, s. 59.

74. In the event of any dispute between owners of claims Board of with respect to the distribution of water, or the boundaries of arbitrators claims, or to dumping or any other matter referred to in the next following section, such dispute may be heard and determined by a board of arbitrators to be appointed as follows:— One arbitrator to be appointed by each of such owners, and in Appointment of arbitrators. the event of the total number of arbitrators so appointed being an even number, then an additional arbitrator to be selected and appointed by all of such arbitrators appointed by the owners.

2. In the event of the arbitrators appointed by the owners being an even number and being unable to agree upon the appointment of an additional arbitrator, the gold commissioner, upon being requested so to do by such arbitrators, or by any of the interested owners. When gold commissioner owners.

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owners, shall appoint the additional arbitrator. 6 E. VII., c. 39, s. 60.

**75.** Except as hereinafter provided, no person mining upon any claim shall cause damage or injury to the holder of any claim other than his own by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or bailed or may flow from his own claim, to flow into or upon such other claim.

1. When owner of claim may deposit leavings, etc., on adjacent claim.

2. If the owner of a claim wishes to deposit the leavings or deads therefrom on an adjacent claim, which is of not less than five years' standing, he may give one month's notice of such desire in writing to the owner of such adjacent claim, and if at the expiration of the month the claim owners have not been able to arrive at an agreement as to the price to be paid for the dumping ground, the owner giving the notice may apply to the gold commissioner or mining recorder to have the value and size of the dumping ground determined by the said board of arbitrators, and the said board shall have power to permit so much of the said adjacent claim to be used for dumping, and at such a price, as it deems just. 6 E. VII., c. 39, s. 61.

**76.** The judgment of the said board shall be in writing and shall be filed in the office of the mining recorder.

1. Any such judgment shall be final as to facts, but may be appealed from to the Territorial Court on any question of law. 6 E. VII., c. 39, s. 62.

**77.** The said board may award such costs of and incidental to the inquiry as it deems just. 6 E. VII., c. 39, s. 63.

**78.** There shall be no appeal in any litigation arising out of the interpretation of this Act beyond the courts of the Territory, except where the matter in controversy exceeds the sum or value of ten thousand dollars, exclusive of costs. 6 E. VII., c. 39, s. 64.

**79.** Affidavits and declarations required by this Act may be made before any gold commissioner, mining recorder, mining inspector, anywhere within the Territory, or by any person duly authorized to administer an oath or declaration. 6 E. VII., c. 39, s. 65.

**80.** Nothing herein shall affect any litigation pending immediately before the first day of August, one thousand nine hundred and six. 6 E. VII., c. 39, s. 66.

**ADMINISTRATION OF ESTATES.**

**81.** If the owner of any claim dies or is adjudged to be insane, the provisions as to abandonment shall not apply, in the one case, either during his last illness or after his decease, or in the
the other case, either after he has been so adjudged, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be abandoned was attributable to his insanity, during such period prior to his having been so adjudged as he shall be shown to have been insane. 6 E. VII., c. 39, s. 67.

82. The Commissioner may either cause the mining property of any such deceased or insane person to be worked in the usual manner, or may authorize the working of such property to be dispensed with for such periods as the necessity of the case may, in his opinion demand; and he may also, if he sees fit, and if there is no other legal representative, cause the public administrator of the Territory to take possession of such property and administer the same subject to the provisions of any ordinance respecting the administration of the estates of deceased or insane persons in the Territory, now or hereafter to be made or passed. 6 E. VII., c. 39, s. 68.

83. All charges and expenses which may be incurred by the Commissioner or the public administrator, or by any person acting under the instructions of either of them, in or about the working of such mining property, or in taking or keeping possession thereof, shall be and remain a first charge against the same, until paid to the Commissioner or public administrator, as the case may be. 6 E. VII., c. 39, s. 69.

84. Any person receiving an assignment of a claim or interest in a claim from the public administrator shall apply for a grant thereof within two months from the date of such assignment. 6 E. VII., c. 39, s. 70.

TAXATION AND FEES.

85. On all gold shipped from the Territory there shall be levied and collected a royalty at the rate of two and one-half per cent of its value, or at such less rate as may be fixed by the Governor in Council.

2. Such royalty shall be paid in currency to the comptroller of the Territory, or to some person authorized by him in that behalf, and the gold for the purpose of estimating such royalty shall be valued at fifteen dollars per ounce. 6 E. VII., c. 39, s. 85.

86. The fees to be charged in connection with the administration of this Act shall be those set out in schedule D to this Act. 6 E. VII., c. 39, s. 86.

87. All fees, fines, royalties or other moneys collected under this Act shall become part of the Consolidated Revenue Fund of Canada. 6 E. VII., c. 39, s. 87.
88. Should it be proved to the satisfaction of the mining recorder that any person has,—

(a) been guilty of misrepresentation in the statement sworn to by him in recording any claim, or in any of the statements required, under this Act, to be made by him under oath; or,

(b) removed, or disturbed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of this Act;

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain a grant or renewal of a grant of a claim for any length of time which he deems advisable.

2. The mining recorder shall, forthwith, upon any such decision by him, notify every other mining recorder of such decision.

3. An appeal shall lie from any such decision of the mining recorder to the gold commissioner. 6 E. VII., c. 39, s. 88.

89. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order of any official, court or board having jurisdiction under this Act in mining disputes shall, on summary conviction before any two justices of the peace or a police magistrate, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labour, for a term not exceeding three months. 6 E. VII., c. 39, s. 89.

90. No person shall be granted or acquire a claim or any right therein, or carry on placer mining in the Territory, except in accordance with the provisions of this Act: Provided that this section shall not affect any rights which,—

(a) have already been acquired under the regulations for the disposal of mining locations in the Territory to be worked by the hydraulic or other mining process, approved by order in council dated the third day of December, one thousand eight hundred and ninety-eight, and amendments thereto; or,

(b) have been or may hereafter be acquired under the regulations governing the issue of leases to dredge for minerals in the beds of rivers in the Territory, approved by order in council dated the eighteenth day of January, one thousand eight hundred and ninety-eight; or,

(c) may have been otherwise lawfully granted before the first day of August, one thousand nine hundred and six. 6 E. VII., c. 39, s. 91.
Yukon Placer Mining. Chap. 64. 19

SCHEDULE A.

APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

No.

I (or, we) hereby apply, under the Yukon Placer Mining Act, for a grant of a claim for placer mining as defined in the said Act, in (here describe locality) and I (or, we) make oath and say:—

1. That to the best of my (or, our) knowledge and belief the land is such as can be located under section 17 of the said Act.

2. That I (or, we) did on the day of 19 , mark out on the ground, in accordance in every particular with the provisions of the said Act, the claim for which I (or, we) make this application, and in so doing I (or, we) did not encroach on any other claim or mining location previously laid out by any other person.

3. That the length of the said claim, as nearly as I (or, we) could measure, is feet, and that the description of this date hereto attached, signed by me (or, us) sets forth in detail, to the best of my (or, our) knowledge and ability, its position.

4. That I (or, we) staked out the claim by planting two legal posts numbered 1 and 2, respectively, and that No. 1 is discovery.

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

Sworn before me at in the Yukon Territory, this day of , 19 .

A commissioner for taking affidavits in the Yukon Territory (or, as the case may be).

6 E. VII., c. 39, sch. A.

SCHEDULE B.

APPLICATION FOR RENEWAL OF GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

No.

I (or, we) of (agent for of , if such be the fact) hereby apply under the Yukon Placer Mining Act for a renewal of a grant to the placer mining claim in the mining district, which said grant is R.S., 1906.
is number , and was issued to  
on the day of , 19 , and I make  
oath and say:—

1. That I am (or, we are) (the agent of , if deponent is an agent of the owner) the owner (or, owners) of placer mining claim in the mining district, and hold (or, that he holds) a grant for the said claim dated the day of , 19 .

2. That work has been done on the said claim to the value of at least two hundred dollars, in accordance with the schedule of representation work prepared by the gold commissioner, and approved by the Commissioner of the Yukon Territory, between the day of , 19 , and the day of , 19 .

The following is a detailed statement of such work:


Sworn before me at in the Yukon Territory, this day of , 19 .

A Commissioner for taking affidavits in the Yukon Territory (or as the case may be).

6 E. VII., c. 39, sch. B.

SCHEDULE C.

GRANT FOR PLACER MINING.

No.  

In consideration of the payment of dollars, being the fee prescribed by schedule D to the Yukon Placer Mining Act, by , of , accompanying his (or, their) application No. dated , 19 , for a mining claim in (here insert description of locality)

The Minister of the Interior hereby grants to the said for a term of year from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, upon which, however, the royalty prescribed by the said Act shall be paid.

The said shall be entitled to the use of so much of the water naturally flowing through or past his

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his (or, their) claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his (or, their) claim, free of charge.

This grant does not convey to the said any right of ownership in the soil covered by the said claim, and the said grant shall lapse and be forfeited unless the provisions of section 41 of the Yukon Placer Mining Act are strictly complied with.

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

6 E. VII., c. 39, sch. C.

SCHEDULE D.

SCALE OF PRICES TO BE CHARGED.

For grant of a claim for one year. . . . . . . . . . . . . . . . $10 00
For grant of a claim for five years. . . . . . . . . . . . . . . . . 70 00
For renewal of grant of a claim. . . . . . . . . . . . . . . . . . 15 00
Recording an abandonment. . . . . . . . . . . . . . . . . . . . . . 2 00
Registration of any document. . . . . . . . . . . . . . . . . . . . . . 2 00
   If it affects more than one claim, for each additional claim. . . . . . . . . . . . . . . . . 1 00
For filing any document. . . . . . . . . . . . . . . . . . . . . . . 1 00
Abstract of title—
   For first entry. . . . . . . . . . . . . . . . . . . . . . . . . . . . . 2 00
   Each additional entry. . . . . . . . . . . . . . . . . . . . . . . . . 0 50
For copy of document—
   Up to 200 words. . . . . . . . . . . . . . . . . . . . . . . . . . . . 2 50
   For each additional 100 words. . . . . . . . . . . . . . . . . . . 0 50
For grant of water—
   Of 50 inches or less. . . . . . . . . . . . . . . . . . . . . . . . . 10 00
   From 50 to 200 inches. . . . . . . . . . . . . . . . . . . . . . . . 25 00
   From 200 to 1,000 inches. . . . . . . . . . . . . . . . . . . . . . 50 00
   For each additional 1,000 inches or fraction thereof. . . . . . . . . . . . . . . . . . . . . . . . 50 00

6 E. VII., c. 39, sch. D.
GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No. Agency, 19

In consideration of the sum of dollars paid on the date application is made for this grant, the Minister of the Interior, in accordance with the Yukon Placer Mining Act, hereby grants for the term of years from the date hereof, the right to divert, take (*sell) and use the water from to the extent of inches, and no more, to be distributed as follows:

and the right of way through and entry upon the following mining grounds:

for the purpose of constructing ditches and flumes to convey such water, provided that at least the sum of dollars shall be expended on the said ditches and flumes within one year from the date hereof, and provided that such ditches and flumes are constructed and in working order within from the date hereof.

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

† Provided also, that this grant is subject to all the provisions of the said Act in that behalf whether the same are expressed herein or not. It is expressly a condition of this grant that the same is issued subject to all rights subsisting at this date to the water in respect to which this grant is issued. Water to be flumed and tailings to be handled to the satisfaction of the mining inspector.

$ Mining Recorder.

* To be inserted in a grant to sell water.
† If the right to sell water is granted, insert the following:—

'Provided also, that the price charged for the water shall be subject to the control of the Commissioner of the Yukon Territory, and the water shall be supplied to all claim owners who apply therefor in a fair proportion and without any discrimination.'

6 E. VII., c. 39, sch. E.
TUNNEL OR DRAIN LICENSE.

No.

To all whom it may concern:

Take notice that

the owner of placer claim

in

Mining District, having given security to the amount of

for any damage he may do, has

this day obtained a license from me to run a tunnel (or, drain)

from

to his said claim.

The said license is granted on these express conditions:—

(Set out conditions, if any.)

Dated at the day of 19.

Mining Recorder.

6 E. VII., c. 39, sch. F.

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

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CHAPTER 65.

An Act respecting the Department of the Geological Survey.

SHORT TITLE.

1. This Act may be cited as the Geological Survey Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Department' means the Department of the Geological Survey hereby constituted;
   (b) 'Minister' means the minister named, as hereinafter provided, to preside over the Department of the Geological Survey;
   (c) 'Director' means the deputy head and director of the Department of the Geological Survey.

CONSTITUTION.

3. There shall be a department of the Civil Service which shall be called the Geological Survey, which shall be presided over by a minister of the Crown to be named from time to time for that purpose by the Governor in Council.

2. The Minister so named shall have the management and control of the Department during the pleasure of the Governor in Council.

4. The duties, objects and purposes of the Department shall be,—
   (a) to make a full and scientific examination and survey of the geological structure, mineralogy, mines and mining resources of Canada and of its fauna and flora;
   (b) to maintain a museum of geological and natural history and to collect, classify and arrange for exhibition in the museum of the Department such specimens as are necessary to afford a complete and exact knowledge of the geology, mineralogy and mining resources of Canada;
   (c) to collect, study and report on the fauna and flora of Canada;
   (d) to carry on chemical and palaeontological investigations, and to make such other researches as will best tend to ensure...
ensure the carrying into effect of the objects and purposes of this Act;

Maps, etc. (c) to prepare and publish such maps, plans, sections, diagrams and drawings as are necessary to illustrate and elucidate the reports of surveys and investigations;

Statistics. (f) to collect and to publish, as soon as may be after the close of the calendar year, full statistics of the mineral production and of the mining and metallurgical industry of Canada;

Water supply. (g) to study the facts relating to water supply, both for irrigation and for domestic purposes, and to collect and preserve all available records of artesian or other wells, and of mines and mining works in Canada. 53 V., c. 11, s. 5.

Deputy head. 5. The Governor in Council may appoint an officer who shall be the deputy head and director of the Department and such other officers, clerks and servants as are required for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

Officers and employees. 2. Such officers, clerks and servants shall be classified under schedule A of the Civil Service Act in so far as applicable; and the number and respective rank of such officers, clerks and servants shall, except as otherwise provided by this Act, be determined by the Governor in Council in accordance with and under the terms of the Civil Service Act. 53 V., c. 11, s. 3.

Technical officers. 6. Such officers of the Department as are continuously engaged in the prosecution of original scientific work or investigation shall be classified as officers who have special, professional or technical qualifications, under schedule A of the Civil Service Act.

Grades determined by Governor in Council. 2. The Governor in Council may cause to be prepared a list of such officers of the Department as are considered to be entitled to be thus classified with any designations that may be deemed expedient to indicate the scientific work in which they may be engaged. 53 V., c. 11, s. 3.

Technical qualifications. 7. No person shall be appointed to the Department as an officer having such special, professional or technical qualifications under schedule A of the Civil Service Act, unless,—

(a) he is a science graduate of either a Canadian, or a foreign university, or of the Mining School of London or the École des Mines of Paris, or of some other recognized science school of standing equal to that of the said universities and schools, or a graduate of the Royal Military College; or,

(b) he has served a probation of not less than five years in the scientific work of the Department.

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2. Any person appointed upon the qualifications mentioned in this section shall be appointed on probation, and he shall not receive a permanent appointment until he has served a probationary term of at least one year, during which probationary period he may be rejected by the head of the Department; but if he is not rejected, and if the Director, at the expiration of the probationary period, signifies to the head of the Department, in writing, that he considers the person so appointed competent for the duties of the Department, the appointment shall thereupon become permanent. 62-63 V., c. 21, s. 1.

TEMPORARY ASSISTANTS.

8. When the services of temporary assistants having special professional or technical qualifications are required in the Department, the Minister may, upon the requisition of the Director, employ such number of temporary assistants as are necessary, having the qualifications requisite for appointment as technical officers of the Department under the last preceding section. 61 V., c. 18, s. 1.

9. Notwithstanding anything contained in the Civil Service Act, it shall not be necessary that any person appointed a temporary assistant under the last preceding section shall have passed any examination under the Civil Service Act.

2. Any such person may be paid at the rate of more than four hundred dollars a year, and out of moneys voted by Parliament for the contingencies of the Department, or any other moneys voted by Parliament and applicable to such payment, although such moneys may not have been specially voted for such purpose. 61 V., c. 18, s. 2.

REPORTS.

10. The Director shall, as soon as may be after the close of each calendar year, make a summary report to the Minister of the proceedings and work of the Department for the year, and shall also furnish final and detailed reports, to be issued from time to time in such manner and form as the Minister directs.

2. The Minister shall cause the said reports to be laid before Parliament, with such remarks, explanations and recommendations as he thinks proper. 53 V., c. 11, s. 6.

GENERAL.

11. The Department shall be furnished with such books, instruments and apparatus as are necessary for scientific reference and for the prosecution of the survey.

2. The Governor in Council may, from time to time, cause the enlargement of the museum, and the distribution of duplicate R.S., 1906.
cquate specimens to scientific, literary and educational institutions in Canada and other countries, and also the distribution or sale of the publications, maps and other documents issued by the Department. 53 V., c. 11, s. 7.

12. The Minister may, for the purpose of obtaining a basis for the representation of the geological features of any part of Canada, cause such measurements and observations and physiographic, exploratory and reconnaissance surveys to be made as may be necessary for or in connection with the preparation of geological maps, sketches, plans, sections or diagrams. 53 V., c. 11, s. 8.

13. Persons employed in one section of the Department may be directed by the Minister to perform any duty in or with respect to any other section. 53 V., c. 11, s. 9.

14. No person employed in or under the Department shall,—

(a) purchase any Dominion or provincial lands except under authority of the Governor in Council;

(b) locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf;

(c) disclose to any person, except his superior officer, any discovery made by him or by any other officer of the Department, or any other information in his possession in relation to matters under the control of the Department or in relation to Dominion or provincial lands, until such discovery or information has been reported to the Minister, and his permission for such disclosure has been obtained;

(d) make investigations or reports relating to the value of the property of individuals, or hold any pecuniary interest, direct or indirect, in any mine, mineral lands, mining works or timber limits in Canada. 53 V., c. 11, s. 10; 55-56 V., c. 16, s. 2.

15. Nothing in this Act shall be construed to invalidate or interfere with the commissions, as assistant directors, herefore issued under orders in council to certain members of the scientific staff. 53 V., c. 11, s. 11.
CHAPTER 66.

An Act respecting the Postal Service.

SHORT TITLE.

1. This Act may be cited as the Post Office Act. R.S., Short title. c. 35, s. 1.

INTERPRETATION.

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

(a) 'letter' includes packets of letters;
(b) 'postage' means the duty or sum chargeable for the conveyance of post letters, packets and other things by post;
(c) 'foreign country' means any country not included in the dominions of His Majesty;
(d) 'foreign postage' means the postage on the conveyance of letters, packets, or other things, within any foreign country or payable to any foreign government;
(e) 'Canada postage' means the postage on the conveyance of letters, packets, and other things by post, within Canada or by Canada mail packet;
(f) 'mail' includes every conveyance by which post letters are carried, whether it is by land or by water;
(g) 'British packet postage' means the postage due on the conveyance of letters by British packet boats between the United Kingdom and British North America; and 'British postage' includes all postage which is not Canadian, colonial or foreign;
(h) 'employed in the Canada Post Office' applies to any person employed in any business of the Post Office of Canada;
(i) 'post letter' means any letter transmitted by the post or 'Post letter' delivered through the post, or deposited in any post office, or in any letter box put up anywhere under the authority of the Postmaster General, whether such letter is addressed to a real or a fictitious person or not, and whether it is intended for transmission by the post or delivery through the post or not; and a letter shall be deemed a post letter from the time of its being so deposited to the time of its being delivered to the person to whom it is addressed, or so long as it remains in the post office or in any such letter box.

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box or is being carried through the post; and a delivery to any person authorized to receive letters for the post shall be deemed a delivery at the post office, and a delivery of any letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive the letter or other mailable matter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed;

(j) 'mailable matter' includes any letter, packet, parcel, newspaper, book or other thing which, by this Act, or by any regulation made in pursuance of it, may be sent by post;

(k) 'post letter bag' includes a mail bag, basket, box, packet, parcel or other envelope or covering in which mailable matter is conveyed, whether it does or does not actually contain mailable matter;

(l) 'post office' means any building, room, post office railway car, street letter box, receiving box or other receptacle or place where post letters or other mailable matter are received or delivered, sorted, made up or despatched;

(m) 'valuable security' includes the whole or any part of any tally, order or other security or document whatsoever entitling or evidencing the title of any person to any deposit in any savings bank or any share or interest in any public stock or fund, whether of Canada, or of the United Kingdom, or of any British colony or possession, or of any foreign country, or in any fund or stock of any body corporate, company or society in Canada or elsewhere; and includes also the whole or any part of any debenture, deed, bond, post office money order, bank note, bill, note, cheque, warrant or order or other security for the payment of money, or for the delivery or transfer of any goods, chattels or valuable thing, whether in Canada or elsewhere. R.S., c. 35, s. 2; 52 V., c. 20, s. 2; 1 E. VII., c. 19, s. 1.

3. Every Act of the Parliament of Canada respecting the collection and management of the revenue, the auditing of the public accounts and the liabilities of public accountants, shall apply to the post office service, and to the officers and persons employed in respect of the same, or in collecting or accounting for postage duties and dues, except in so far as any provision of such Act is not susceptible of such application or is inconsistent with any provision of this Act. R.S., c. 35, s. 3.

4. There shall be at the seat of Government of Canada a department, known as the Post Office Department, for the superintendence and management, under the direction of the Postmaster General, of the postal service of Canada. R.S., c. 35, s. 4.

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5. The Postmaster General shall be appointed by the Governor General, by commission under the Great Seal of Canada, and shall hold office during pleasure. R.S., c. 35, s. 5.

6. The Governor in Council may appoint an officer who shall be called the Deputy Postmaster General, and such other officers and servants as are necessary for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. R.S., c. 35, s. 6.

7. Every officer, clerk or servant employed in or by the Post Office Department, shall be remunerated by a stated salary or pay, to be fixed by the Postmaster General, subject to the provisions of the Civil Service Act and this Act.

2. The scale of payments established by schedule B of the Civil Service Act shall, so far as concerns officers, clerks and employees of the Post Office Department, only apply to the officers, clerks and employees appointed by the Governor in Council to positions in post offices in such cities as are from time to time determined by the Governor in Council to be within the meaning of the said schedule; and in all other cases the salaries and allowances of postmasters shall be determined in accordance with the provisions of this Act. R.S., c. 35, s. 7; 4 E. VII., c. 30, s. 11.

8. No allowance or compensation shall be made to any clerk or other officer in the Post Office Department by reason of the discharge by him of duties of any other clerk or officer in the Department; and no allowance or compensation shall be made for any extra service whatsoever which any such clerk or officer is required to perform. R.S., c. 35, s. 8.

POWERS OF POSTMASTER GENERAL.

9. The Postmaster General may, subject to the provisions of this Act,—

(a) establish and close post offices and post routes;
(b) appoint officers and servants, and remove or suspend any postmaster or other officer or servant of the post office;
(c) enter into and enforce all contracts relating to the conveyance of the mails, or other business of the post office;
(d) make regulations declaring what shall and what shall not be deemed to be mailable matter for the purposes of this Act, and for restricting within reasonable limits the weight and dimensions of letters and packets and other articles sent by post, and for prohibiting and preventing the sending of explosive, dangerous, contraband or improper articles, obscene or immoral publications, prints or photographs, or obscene or immoral post-cards, or letters
or post-cards having printed, stamped or written on the
outside thereof any words tending to injuriously affect
the commercial or social standing of the persons to
whom they are addressed; and for marking on the
covering of letters, circulars or other mail matter suspected
to concern illegal lotteries, so-called gift concerts, or other
illegal enterprises of like character, offering prizes, or con-
cerning schemes devised or intended to deceive or defraud
the public, for the purpose of obtaining money under false
pretenses, whether such letters, circulars or other mail
matter are addressed to or received by mail from places
within or without Canada, a warning that they are sus-
pected to be of a fraudulent character;

(e) establish the rates of postage on all mailable matter, not
being letters, newspapers or other things hereinafter spe-
cially provided for, and prescribe the terms and conditions
on which all mailable matter other than letters shall, in
each case or class of cases, be permitted to pass by post,
and authorize the opening thereof, for the purpose of as-
certaining whether such conditions have been complied
with;

(f) cause to be prepared and distributed postage and regis-
tration stamps necessary for the prepayment of postages
and registration charges, under this Act; also stamped
envelopes for the like purpose, and post-cards and stamped
post bands, or wrappers for newspapers or other mailable
articles not being post letters;

(g) make and give effect to any arrangements which are
necessary to be made with the Government, or with the
postal authorities of the United Kingdom, or of any
British possession, or of any foreign country, with regard
to the collecting and accounting for postage, the transmis-
sion of mails and other matters connected with posts and
postal business, and the remuneration or indemnity to be
paid or received under any such arrangement;

(h) make arrangements for refunding such postage, as is,
from time to time, paid by His Majesty’s military or naval
authorities on official correspondence passing between the
several stations of His Majesty’s military and naval forces
in Canada;

(i) make orders and regulations concerning the money order
system and the issuing and paying of money orders in
Canada, and, when he deems it expedient, arrange for the
exchange of such money orders with the United Kingdom
or any British possession or foreign country on such terms
and conditions as he agrees upon, and as are set forth in
the regulations relating to the same; and all orders and
regulations so made by him shall be binding and conclusive
upon the persons in favour of whom such money orders are
issued, and the payees thereof and all persons interested

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through or claiming under them, and upon all other persons whomsoever;

(j) make and alter rules and orders for the conduct and management of the business and affairs of the Department and for the guidance and government of the postmasters and other officers and servants of the post office in the performance of their duties;

(k) prescribe and enforce such regulations as to letters directed to be registered, as to him seem necessary, in respect to the registration of letters and other matter passing by mail, as well between places in Canada as between Canada and the United Kingdom, or any British possession, or any foreign country, and to the charge to be made for the same, not exceeding five cents per each letter or article;

(l) decide all questions which arise as to what shall be deemed to be a letter or letter packet, newspaper, periodical or other article of mailable matter, admitted to pass by post under this Act, and as to the rate of postage to which it is liable;

(m) sue for and recover all sums of money due for postage or for penalties under this Act, or due by any postmaster or his sureties;

(n) establish and provide street letter boxes or pillar boxes or boxes of any other description, for the receipt of letters, and such other mailable matter as he deems expedient, in the streets of any city or town in Canada, or at any railway stations or other public places where he considers letter boxes necessary;

(o) grant licenses, revocable at pleasure, to agents other than postmasters, for the sale to the public of postage stamps and stamped envelopes, and allow to such agents a commission not exceeding two per centum of the amount of their sales;

(p) with the approval of the Governor in Council, authorize to be imposed pecuniary penalties not exceeding two hundred dollars for any one offence against any such regulation as aforesaid, whether the persons offending are or are not officers of the post office;

(q) make such regulations as he deems necessary for the due and effective working of the post office and postal business and arrangements, and for carrying this Act fully into effect;

(r) make regulations for security being given by any person or body corporate to His Majesty for the due performance of his duties in any matter relative to the Post Office of Canada by any officer, employee, clerk or servant employed by or under the Postmaster General, or by any one employed in the Canada Post Office, or by any one performing, whether with or without authority, any business of the Postmaster General, according to the nature of the case and the circumstances of the offender.
the Post Office of Canada; and also for the establishment and maintenance of a fund derived or to be derived from moneys received from officers, employees, clerks and servants employed by or under the Postmaster General, whereby to make good losses arising from the malfeasance, misfeasance, or failure to duly discharge his duties in any matter relating to the post office of any such officer, employee, clerk or servant, or of any one performing any business of the post office, and for the indemnification of His Majesty and others sustaining such losses, by payments out of the fund; but nothing herein or in any such regulation shall create any liability on the part of His Majesty or the Postmaster General to indemnify any person for any such loss;

(s) make regulations that in the case of mail matter which bears upon the cover thereof the name and address of the sender, and which is mailed unpaid, the postmaster at the office of mailing may notify the sender thereof of such non-payment and allow him to supply the short postage for the purpose of being affixed thereto by the postmaster, and that in the case of imperfectly addressed mail matter which indicates on the cover the sender’s name, the postmaster may afford the sender an opportunity of enabling the postmaster to complete the address;

(t) make regulations establishing a system of special delivery of mailable matter, fixing rates of charges for such special delivery and the method of payment thereof, and providing such other details as may be deemed necessary for the carrying out of such system, including payment of messengers, notwithstanding anything in the Civil Service Act;

(u) fix a late fee or late fees payable on late mailable matter, and make such regulations as he deems necessary with respect to the despatch of late mailable matter;

(v) establish a system providing for indemnity for losses of registered mailable matter, such indemnity in no case to exceed twenty-five dollars for any one registered piece, or the actual value thereof if less than twenty-five dollars, and fix an insurance fee or a scale of insurance fees to be prepaid in respect of such mailable matter, and, from time to time, make such regulations as he deems necessary for carrying out such system;

(w) subject to the approval of the Governor in Council, compromise any action commenced by his authority, or under his control, against any person for recovering any pecuniary penalty incurred under this Act, on such terms and conditions, as he, in his discretion, thinks proper, with full power to him or any of the officers or persons acting under his orders, to accept the penalty so incurred or alleged to be incurred,
incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof.

2. Every such regulation shall have force and effect as if it contained part of the provisions of this Act. R.S., c. 35, ss. 9 and 112; 52 V., c. 20, s. 3; 61 V., c. 20, s. 2; 61 V., c. 21, s. 1; 62-63 V., c. 29, s. 1; 2 E. VII., c. 28, s. 14.

10. Every regulation made by the Postmaster General under the provisions of this Act, other than those made solely for the guidance and direction of the officers or other persons employed in the postal service, which may be communicated by departmental order or otherwise, as the Postmaster General sees fit, shall have effect from and after the day on which the same is published in the Canada Gazette. R.S., c. 35, s. 10.

11. Every bond or security required or authorized by any regulation or by any order of the Postmaster General, in any matter relative to the post office, or to the observance of any provision of this Act or any regulation or order made under it, shall be valid in law, and may be enforced according to its tenor on breach of the condition thereof. R.S., c. 35, s. 11.

CHIEF POST OFFICE SUPERINTENDENT.

12. A chief post office superintendent may be appointed by the Governor in Council, whose duty it shall be from time to time to inspect the city post offices and such other post offices as the Postmaster General from time to time indicates, to examine into their management and efficiency, and to advise and instruct the various staffs with a view to promoting the efficiency of the service.

2. The salary of the Chief Post Office Superintendent on appointment shall be three thousand dollars a year, with an annual increase of one hundred dollars up to a maximum of three thousand five hundred dollars; but no increase shall be granted except on the authority of an order in council, based on the recommendation of the deputy head, concurred in by the head of the department. 2 E. VII., c. 28, ss. 9 and 12; 4 E. VII., c. 30, s. 8.

13. No person shall be eligible for appointment as chief post office superintendent unless he has been a clerk, or officer of higher rank, in a city post office for at least ten years; and the appointment of a clerk or officer as such superintendent shall not, unless and until so determined by the Governor in Council, have the effect of removing him from the position held by him in the service at the time of his appointment as such superintendent: Provided that his total salary shall not exceed three thousand dollars per annum on appointment, nor at any time exceed three thousand five hundred dollars. 2 E. VII., c. 28, s. 10; 4 E. VII., c. 30, s. 9.

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14. The Chief Post Office Superintendent shall have power to inquire into and investigate complaints or suspected cases of misconduct or mismanagement on the part of any person employed in the Canada Post Office or performing duties in or in connection with any post office in Canada, and also into any complaints of the miscarriage or loss of letters or other mailable matter, or the contents thereof, with power to suspend from his duties, during the pleasure of the Postmaster General, any person employed in any post office, pending the investigation of any complaint or suspected case of misconduct or mismanagement, and generally with similar powers to those possessed by post office inspectors or assistant post office inspectors appointed under this Act. R.S., c. 35, s. 12; 4 E. VII., c. 30, s. 1.

POST OFFICE INSPECTORS.

15. The Governor in Council may, from time to time, appoint fit and proper persons to be post office inspectors and assistant post office inspectors, who shall be stationed at such places and exercise their powers and perform their duties and functions within such limits respectively as he, from time to time, prescribes. R.S., c. 35, s. 13.

Their duties. 16. Every post office inspector and assistant post office inspector shall, under such instructions as are, from time to time, given by the Postmaster General,—

(a) superintend the performance of the mail service, taking care that, as far as the state of the roads and other circumstances permit, the stipulations of all contracts for the conveyance of the mail are strictly complied with by the contractors;

(b) instruct new postmasters in their duties;

(c) keep the postmasters to their duty in rendering their accounts and paying over their balances;

(d) inspect every post office, from time to time, to see that it is properly kept, and that the postmasters and their assistants perfectly understand their instructions and perform their duty well in every particular;

(e) inquire into complaints or suspected cases of misconduct or mismanagement in respect of such duty, and also into complaints of the miscarriage or loss of letters or other mail matter; and,

(f) generally do all and whatever he is, from time to time, instructed or required by the Postmaster General to do for the service of the Post Office Department. R.S., c. 35, s. 14.

17. The Chief Post Office Superintendent and every post office inspector and assistant post office inspector may, for the purpose of any inquiry or investigation, apply in term or in vacation, to the Judge of the Exchequer Court of Canada, or the Supreme Court of Canada, for order to compel any person to come before them. R.S., 1906.
to any judge of any superior court in any of the provinces of Canada, or to any judge or stipendiary magistrate in and for territories where there is no superior court, for an order that a subpoena shall issue from such court or magistrate, commanding any person therein named to appear before the Chief Post Office Superintendent, inspector or assistant inspector, as the case may be, at the time and place mentioned in such subpoena, and then and there to testify to all matters within his knowledge relative to such inquiry or investigation, and, if so required, to bring with him and produce any document, paper or thing which he has in his possession relative to such inquiry or investigation; and such subpoena shall issue accordingly upon the order of any such judge or stipendiary magistrate.

2. Any such witness may be summoned from any part of Canada, whether within or without the ordinary jurisdiction of the court, judge or magistrate issuing the subpoena. R.S., c. 35, s. 15; 4 E. VII., c. 30, s. 2.

18. Reasonable travelling expenses shall be paid or tendered to any witness so subpoenaed at the time of such service; and if any person so duly summoned neglects or refuses to appear at the time and place specified in the subpoena served upon him, or refuses to give evidence or to produce the papers demanded of him, the court, or the judge or magistrate who ordered the issue of the subpoena, or any other judge of the same court, may cause the said person to be taken into custody, and to be imprisoned in the common gaol of the locality as for contempt of court for a period not exceeding fourteen days. R.S., c. 35, s. 16.

19. The Chief Post Office Superintendent, and every post office inspector and assistant post office inspector, may examine any person on oath or affirmation on any matter pertinent to any such inquiry or investigation; and such oath or affirmation may be administered by him to any person whom he desires to examine. R.S., c. 35, s. 17; 4 E. VII., c. 30, s. 3.

20. Every post office inspector or assistant post office inspector, may require any postmaster or assistant in any post office, mail contractor or other person in the employment or service of, or undertaking to perform any duty or work for the Post Office Department, to make and sign before him an oath or declaration in the following form, or to a like effect, that is to say:—

I, (insert the name of the person and the capacity in which he is employed in or by the Post Office Department), do solemnly and sincerely promise and swear (or declare), (if the person is one entitled to declare instead of taking an oath in civil cases) that I will faithfully perform all the duties required of me by my employment in the service of the Post Office of Canada, R.S., 1906.
Canada, and will abstain from everything forbidden by the laws for the establishment and government of the Post Office Department of Canada: So help me God.

This oath (or declaration) was sworn (or made) and subscribed before me the day of 

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Signature.

Post Office Inspector, (or as the case may be).

R. S., c. 35, s. 18; 4 E. VII., c. 30, s. 4.

**CITY SUPERINTENDENT.**

21. Whenever a year's revenue of a post office reaches five hundred thousand dollars, the Governor in Council may by promotion appoint to that post office, at a salary of one thousand eight hundred dollars a year, a person to be designated a superintendent, whose duty shall be such as is from time to time determined by the Postmaster General; and no person shall be eligible for such promotion unless he has been a clerk in a city post office for at least five years. 4 E. VII., c. 30, s. 5.

**RAILWAY MAIL SERVICE BRANCH.**

22. The Governor in Council may establish a branch of the Post Office Department to be called the Railway Mail Service Branch, to be composed of a controller, with headquarters at Ottawa, superintendents at points to be determined by the Postmaster General, and such other employees as are from time to time necessary for the proper conduct of the business of the branch. 60-61 V., c. 26, s. 3.

23. The Governor in Council may appoint to such branch an officer to be called the Controller of the Railway Mail Service of Canada together with such superintendents, railway mail clerks, transfer agents and other employees as are deemed necessary; and such Controller, superintendents, railway mail clerks, transfer agents and other employees may be appointed from among persons in the Civil Service, and, in such event, such appointments shall not, within the meaning of the Civil Service Superannuation and Retirement Act or any other Act, be regarded as new appointments, but shall be regarded as mere transfers from one branch of the Civil Service to another. 60-61 V., c. 26, s. 3.

24. No person shall be eligible to be appointed Controller of the railway mail service unless he has been for at least ten years employed in the Canada Post Office. 60-61 V., c. 26, s. 3.

25. New appointments to the said branch shall be made as provided for by the Civil Service Act. 60-61 V., c. 26, s. 3.

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26. The duties of the Controller, under the direction of the head of the Department, shall be,—

(a) to have control over the superintendents, railway mail clerks, transfer agents and other employees in such branch in the discharge of the duties from time to time assigned to them by the Controller, and to deal with all breaches or neglect of duty, with power to suspend such persons for such breaches or neglect of duty or other sufficient cause, during the pleasure of the Postmaster General;

(b) to issue mail schedules and distribution lists;

(c) to deal with all matters pertaining to the internal economy of postal cars;

(d) to deal with all delayed or mis-sent mails or mail matter;

(e) to regulate the receipt and despatch of mails between post offices and railways, and to perform such other duties as are from time to time assigned to him by the head of the Department. 60-61 V., c. 26, s. 3.

27. The salary of the Controller shall be determined by the Governor in Council, and shall not exceed two thousand five hundred dollars per annum. 60-61 V., c. 26, s. 3.

28. The Controller, and those employed in his office at Ottawa, shall form part of the first or inside departmental division of the Civil Service. 60-61 V., c. 26, s. 3.

29. The salary of a superintendent shall on appointment be fifteen hundred dollars, with annual increases of one hundred dollars up to a maximum salary of eighteen hundred dollars. 3 E. VII., c. 49, s. 8.

30. Except for British Columbia, no person shall be eligible to be appointed such superintendent unless he has been at least ten years in the railway mail service and has served as railway mail clerk during at least one-half of the said ten years. 62-63 V., c. 29, s. 3.

31. The scale of salaries of clerks and other employees in the offices of the superintendents shall be the same as for clerks in the city post offices. 60-61 V., c. 26, s. 3.

32. The following provisions of this section, in lieu of any to the contrary, shall apply to all persons appointed as railway mail clerks after the thirteenth day of August, one thousand nine hundred and three:

(a) A railway mail clerk shall be appointed on probation for a period of at least six months, at a salary of four hundred dollars a year, with an additional allowance for mileage; and on the confirmation of his appointment he may be paid at the rate of five hundred dollars a year and mileage, with annual increases of fifty dollars until the maximum R.S., 1906.
maximum of one thousand two hundred dollars is reached; (b) Railway mail clerks shall pass a yearly case examination; and no railway mail clerk shall be entitled to an increase of salary in any year in which he has not passed a satisfactory case examination, and no increase shall be granted except on the report of the deputy head, concurred in by the head of the Department, stating that the clerk is deserving of such increase; (c) The salary of a railway mail clerk may be reduced when the case examinations are not satisfactory; (d) Except train porters, no persons over thirty years of age, other than those who on the thirteenth day of August, one thousand nine hundred and three, were temporarily employed in the post office service, shall be eligible for appointment as railway mail clerks; and no person shall be appointed unless he has passed the second or qualifying examination prescribed by the Civil Service Act, or unless he is a graduate of the Royal Military College or of any university in Canada; (e) Railway mail clerks appointed under this section shall be subject to the provisions of Part II. of the Civil Service Superannuation and Retirement Act; (f) Any person appointed to the permanent staff of the railway mail clerks before the thirteenth day of August, one thousand nine hundred and three, may come under the provisions of this section at the salary he is then receiving, on his advising the Postmaster General in writing that he so desires; but his rights and position under the Civil Service Superannuation and Retirement Act shall not be thereby affected; (g) Any railway mail clerk coming under the provisions of this section in accordance with the last preceding paragraph, shall be eligible for an increase of fifty dollars at the expiration of one year from the date on which he last received an increase; but no increase shall be granted under this paragraph, except in the case of a railway mail clerk over sixty years of age, unless the clerk, within a period of twelve months, passes a satisfactory case examination; (h) Railway mail clerks over sixty years of age shall not be required to pass the case examination; (i) Appointments and increases and reductions of salaries under this section shall be made by the Governor in Council; (j) The mileage allowance under this section shall be the same as that provided for in schedule B to the Civil Service Act; (k) Except as herein otherwise provided, the provisions of the Civil Service Act shall apply to all railway mail clerks employed under this section. 3 E. VIII., c. 49, s. 1.

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33. Increases and reductions in the salaries of the superintendents, railway mail clerks, transfer agents and other employees in the railway mail service branch, may be made by the Governor in Council on the recommendation of the Postmaster General on the report of the Controller; and in the case of railway mail clerks, the report shall be accompanied by a statement of the clerk's last exam examination, general efficiency and length of service. 60-61 V., c. 26, s. 3.

34. The Governor in Council may appoint to the railway mail service of Canada employees to be known as train porters, the Postmaster General to determine from time to time the duties to which they may be assigned; the minimum salary on appointment to be at the rate of four hundred dollars per annum, which may be increased annually by thirty dollars until the maximum salary of seven hundred dollars per annum is reached.

2. Appointees to this class will require to have passed the preliminary Civil Service examination, and no person shall be appointed to the position of train porter who is less than eighteen or more than twenty-four years of age.

3. Any train porter who has had three years' service as such, and who has passed the qualifying Civil Service examination, and also such examination in duties as the Postmaster General prescribes, shall be eligible for appointment, at such salary as he has at the time, to the rank of railway mail clerk. 1 E. VII., c. 19, s. 3.

CLERKS IN POST OFFICES.

35. Clerks or stampers and sorters employed in post offices shall be examined for promotion on the work of the post office at such times and by such persons as are from time to time designated by the Postmaster General. 61 V., c. 20, s. 6; 4 E. VII., c. 30, s. 7.

36. Notwithstanding anything to the contrary in the Civil Service Act, any clerk or stamper and sorter shall be eligible for promotion to any higher class in the outside branch of the Post Office Department without being required to pass any examination except such as may be prescribed under regulations to be passed by the Postmaster General and having reference to the duties to be performed by such clerk. 3 E. VII., c. 49, s. 6; 4 E. VII., c. 30, s. 7.

GRADED EMPLOYEES.

37. This Act, instead of the Civil Service Act, shall apply to every person appointed messenger, porter, packer, letter carrier, mail transfer agent or box collector in either the inside or outside division of the Post Office Department. 2 E. VII., c. 28, s. 1.

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Five grades. 38. The classes of persons mentioned in the last preceding section shall be divided into five grades, to be called grades A, B, C, D and E, respectively. 2 E. VII., c. 28, s. 2.

Salaries. 39. The salaries of those in grade A shall be at the rate of one dollar and twenty-five cents per day; of those in grade B, at the rate of one dollar and fifty cents per day; of those in grade C, at the rate of one dollar and seventy-five cents per day; of those in grade D, at the rate of two dollars per day; and of those in grade E, at the rate of two dollars and twenty-five cents per day. 2 E. VII., c. 28, s. 3.

Probation. 40. Every such appointment shall be subject to probation for a period of three months, or until such earlier time as he is, on the recommendation of the proper officer, confirmed in his appointment.

Grades. 2. The appointee shall, during the period of probation, be classed in grade A; upon the appointment being confirmed, he shall be classed in grade B; after two years' service in grade B, he shall, if duly recommended for promotion, be classed in grade C; after two years' service in grade C, he shall, if duly recommended for promotion, be classed in grade D; and for the performance of work of a specially arduous and responsible nature, or in recognition of special efficiency and good conduct, promotions may from time to time be made from grade D to grade E.

Reductions. 3. In case of inefficient or unsatisfactory service or conduct, reductions in grade may also from time to time be made. 2 E. VII., c. 28, s. 4; 3 E. VII., c. 49, s. 2.

Examinations previous to appointment. 41. Candidates for appointment shall be subject to such previous examinations as are from time to time prescribed by the Governor in Council. 2 E. VII., c. 28, s. 5.

Yearly leave of absence with pay. 42. Every messenger, porter, packer, letter-carrier, mail transfer agent and box collector shall be entitled each year to two weeks' leave of absence with pay; and he may also, on account of satisfactory service, be granted additional leave of absence with pay, for a period not exceeding ten days in each year, or a bonus at the rate of two dollars for each day of such additional leave, and, in that case, he shall have his option between the said additional leave and the said bonus. 2 E. VII., c. 28, s. 7.

Appointees after 15th May, 1902, subject to 43. Any person appointed on or after the fifteenth day of May, one thousand nine hundred and two, to the position of messenger, porter, packer, letter-carrier, mail transfer agent or

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box collector shall be subject to Part II. of the Civil Service Superannuation and Retirement Act. 2 E. VII., c. 28, s. 8. 

44. No person over thirty years of age, other than those temporarily in the post office service on the fifteenth day of May, one thousand nine hundred and two, shall be eligible for appointment as railway mail clerk, or as stamper and sorter. 2 E. VII., c. 28, s. 11.

45. Appointments, promotions, reductions in grade and dismissals of graded employees shall be made by the Governor in Council. 2 E. VII., c. 28, s. 12.

RESTITUTION OF STOLEN PROPERTY.

46. The Postmaster General may pay over or deliver to such person as he considers to be the rightful owner thereof, upon satisfactory evidence of claim, any sum of money or other property stolen from the mails, which is recovered from the thief. R.S., c. 35, s. 19.

RATES OF POSTAGE.

47. On all letters transmitted by post for any distance within Canada, except in cases otherwise specially provided for, there shall be charged and paid one uniform rate of two cents per ounce weight, any fraction of an ounce being chargeable as an ounce, and such postage rate of two cents shall be prepaid by postage stamp or stamps at the time of posting the letter.

2. Letters wholly unpaid shall not be forwarded by post; but letters which are addressed to any place in Canada and on which any postage has been prepaid by stamp shall be forwarded to their destination charged with double the amount of the postage thereon not so prepaid, which amount shall be collected on delivery. 61 V., c. 20, s. 1.

48. On letters not transmitted through the mails, but posted and delivered at the same post office, commonly known as local or drop letters, the rate shall be one cent per ounce weight, which shall, in all cases, be prepaid by postage stamps affixed to such letters; except that in cases where there is a delivery by letter-carriers, the rate shall be two cents per ounce, which shall also be prepaid by postage stamps. 52 V., c. 20, s. 5.

49. Whenever any seaman in His Majesty's navy, or sergeant, corporal, drummer, trumpeter, fife or private soldier in His Majesty's service, is entitled to receive or send letters on the payment of a certain sum and no more, in place of all British Postal Rates, 1239 R.S., 1906.
British postage thereon, the payment of such sum shall likewise free such letters from all Canada postage thereon. R.S., c. 35, s. 22.

50. Whenever a letter or packet, addressed to a commissioned officer of the army or navy, or of any of the departments belonging thereto respectively, at a place where he has been employed on actual service, would be free from British postage on the transmission thereof from such place to any place to which he has removed in the execution of his duty, before the delivery of such letter or packet, the same shall, in like manner, be free from Canada postage; and the Postmaster General may make such regulations, declaratory and otherwise, as are necessary for giving effect to this section. R.S., c. 35, s. 23.

51. Newspapers and periodicals weighing less than one ounce each may be posted singly at a postage rate of half a cent each, which shall, in all cases, be prepaid by postage stamp affixed to each. R.S., c. 35, s. 24.

52. The rate of postage on newspapers and periodical publications printed and published in Canada, and issued less frequently than at intervals of one month from a known office of publication or news agency, and addressed and posted by and from the same to regular subscribers or news agents, and on all specimen newspapers, shall be one cent for each pound weight, or any fraction of a pound weight, which shall be prepaid by postage stamps or otherwise as the Postmaster General, from time to time, directs; and such newspapers and periodicals shall be put up into packages and delivered into the post office, and the postage rate thereon prepaid by the sender thereof, under such regulations as the Postmaster General, from time to time, makes in that behalf. 52 V., c. 20, s. 6.

53. Newspapers and periodicals, printed and published in Canada, mailed by the publisher in the post office at the place where they are published and addressed to regular subscribers or newsdealers in Canada, resident elsewhere than in the place of publication, shall be transmitted by mail to their respective addresses, subject to the provisions of this section, if the newspaper or periodical,—

(a) is known and recognized as a newspaper or periodical in the generally received sense of the word, and consists wholly or in great part of political or other news or of articles relative thereto, or to other current topics, and is published regularly at intervals of not more than one month;

(b) has the full title, place and date of publication, and the distinguishing number of the issue printed at the top of

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the first page, and every subsequent page, and also on any paper, print, lithograph or engraving purporting to be a supplement to such newspaper or periodical and sent with it;

(c) is addressed to a bona fide subscriber, or to a known newsdealer in Canada; and,

(d) is delivered into the post office under such regulations as the Postmaster General, from time to time, makes for that purpose.

2. Newspapers and periodicals required to be transmitted by mail for a distance within twenty miles from the place of publication, or within a circular area having a diameter not exceeding forty miles, and the publication of which is of no greater frequency than once a week, shall be transmitted free of postage within one or other of such areas to be selected by the publisher in accordance with regulations in that behalf established by the Postmaster General.

3. Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than once a week, shall be subject to postage at the rate of one-half of one cent for each pound weight or any fraction of a pound weight, and such postage shall be prepaid by postage stamps or otherwise as the Postmaster General from time to time directs: Provided that in any case where the distance in Canada for which any such newspapers or periodicals are required to be transmitted does not exceed three hundred miles from the place of publication, and such newspapers or periodicals are not to be delivered in Canada under the free letter-carrier delivery system, the said rate of one-half of one cent for each pound or fraction of a pound weight shall be reduced to one-quarter of one cent. 61 V., c. 20, s. 3; 3 E. VII., c. 49, s. 9.

54. For the purpose of determining the weights of such newspapers or periodicals, each newspaper or periodical transmitted separately through the mails shall be held to weigh not less than one-half of one ounce. 61 V., c. 20, s. 3.

55. The Postmaster General may decide whether any publication, for which transmission at the rates mentioned in the last preceding four sections is claimed, is or is not a newspaper or periodical, within the meaning and intent of said sections, and whether the requirements thereof have or have not been complied with in regard to it, and from time to time may make any regulations he deems necessary to give full effect to the provisions of said section, or to permit fraudulent evasions thereof. 61 V., c. 20, s. 3.
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56. No letter or other communication intended to serve the purpose of a letter shall be sent or inclosed in any mailable matter chargeable with less than letter rates, or in any newspaper or periodical; and every newspaper, periodical, package or thing transmitted by post at less than letter rates of postage shall be sent in covers open at the ends or sides or otherwise so put up as to admit of inspection by the officers of the post office to ensure compliance with this provision. R.S., c. 35, s. 28.

57. Notwithstanding anything herein contained, all letters, newspapers and other mailable matter passing by mail between any place in Canada and the United Kingdom, or any British possession, or foreign country, shall be liable to such charges and rates of postage on being posted in Canada, or on delivery therein, and be subject to such regulations and conditions as are agreed upon, under any arrangement made by the Postmaster General, for the transmission, despatch, receipt and delivery of the same, and contained in any regulation made by the Postmaster General in pursuance of such arrangement. R.S., c. 35, s. 29.

PAYMENT OF POSTAGE.

58. British, foreign or colonial postage, as well as the Canada postage on any letter or other mailable matter shall, if not prepaid, in all cases in which prepayment has not been made obligatory, be payable to the Postmaster General by the person to whom the same is addressed, or who may lawfully receive such letter or other mailable matter, which may be detained until the postage is paid; and any refusal or neglect to pay such postage shall be held to be a refusal to receive such letter or mailable matter, which shall be detained and dealt with accordingly; but if the same is delivered, the postage on it shall be charged against and paid by the postmaster delivering it, saving his right to recover it from the person by whom it was due, as money paid for such person. R.S., c. 35, s. 30.

59. If any letter or other mailable matter is refused, or if the person to whom it is addressed cannot be found, any postage due thereon shall be recoverable by the Postmaster General from the sender of such letter or packet. R.S., c. 35, s. 30.

60. The postage marked on any letter or other mailable matter shall be held to be the true postage due thereon; and the person signing or addressing it shall be held to be the sender, until the contrary is shown. R.S., c. 35, s. 30.

61. All postage shall be recoverable with costs by action in any court of competent jurisdiction, or in any way in which Customs duties are recoverable. R.S., c. 35, s. 30.

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62. Whenever letters or other mailable matter are posted for places without the limits of Canada, to which stamps for prepayment are affixed of less value than the true rate of postage to which such letters are liable, or when stamps for prepayment are affixed to letters addressed to any place as aforesaid for which prepayment cannot be taken in Canada, the Postmaster General may forward such letters, charged with postage, as if no stamp had been thereto affixed; and when any letter or other mailable matter is posted in Canada without prepayment, or insufficiently prepaid, in any case in which prepayment is by this Act made obligatory, the Postmaster General may detain the same and cause it to be returned, when practicable, to the sender. R.S., c. 35, s. 31.

63. No postmaster or letter-carrier shall, as respects any letter or other mailable matter delivered by him on which any postage is payable, be bound to give change, but the exact amount of the postage so payable shall be tendered or paid to him in current coin; and in like manner the exact value in current coin of any postage stamps, registration stamps, stamped envelopes, post cards, or post bands or wrappers, when purchased from any postmaster, shall be tendered or paid to him at the time of purchase thereof. R.S., c. 35, s. 32.

SHIP LETTERS.

64. The Postmaster General may make such reasonable compensation as he sees fit to masters of vessels, not being post office packets, for each letter conveyed by such vessels between places beyond sea and Canada; and the Governor in Council may direct that, at any port or class of ports, such vessels shall not be permitted by the officers of Customs to enter or break bulk until all letters on board the same have been delivered at the post office, nor until the master has made declaration, in such form as is prescribed, that he has delivered all such letters accordingly. R.S., c. 35, s. 33.

EXCLUSIVE PRIVILEGE OF THE POSTMASTER GENERAL.

65. Subject to the provisions and regulations aforesaid, and the exceptions hereinafter made, the Postmaster General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within Canada. R.S., c. 35, s. 34.

66. Such exclusive privilege, prohibition and penalty shall not apply to,—

(a) letters sent by a private friend in his way, journey or travel, if such letters are delivered by such friend to the person to whom they are addressed;

(b) Letters by private friends.

Postmaster General only to collect, convey and deliver letters in Canada.

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(b) letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver;
(c) commissions or returns thereof, and affidavits or writs, process or proceedings or returns thereof, issuing out of a court of justice;
(d) letters addressed to a place out of Canada and sent by sea and by a private vessel;
(e) letters lawfully brought into Canada, and immediately posted at the nearest post office;
(f) letters of merchants, owners of vessels of merchandise, or of the cargo or loading therein, sent by such vessel of merchandise, or by any person employed by such owners for the carriage of such letters according to their respective addresses, and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing;
(g) letters concerning goods or merchandise sent by common known carriers to be delivered with the goods to which such letters relate, without hire or reward, profit or advantage for receiving or delivering them. R.S., c. 35, s. 34.

67. Nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of sending or conveying them as aforesaid, or shall oblige any person to send any newspaper, pamphlet or printed book by post. R.S., c. 35, s. 34.

68. Any person may, and every officer or person employed in the post office or in the collection of the revenue of Canada, shall seize any letters conveyed, received, collected, sent or delivered in violation of this Act, and take them to the nearest post office, and give such information to the postmaster as he is able to give and as is necessary for the effectual prosecution of the offender; and the letters shall also be chargeable with letter postage. R.S., c. 35, s. 35.

69. The Postmaster General may, when in his judgment the public interest or convenience requires it, establish one or more branch post offices to facilitate the operation of the post office in any city or place which in his opinion requires any such additional accommodation for the convenience of the inhabitants; and he may prescribe the rules and regulations for the branch post offices established by virtue of this Act; and no additional postage shall be charged for the receipt or delivery of any letter or packet at such branch post offices. R.S., c. 35, s. 36.

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70. The Postmaster General may, whenever the same is proper for the accommodation of the public in any city or town, employ letter-carriers for the delivery of letters received at the post office in such city or town and for the receipt of letters at such places in such city or town as the Postmaster General directs, and for the deposit of the same in the post office; but letters shall not be so delivered whenever the person to whom they are addressed has requested the postmaster, in writing, to retain them in the post office. R.S., c. 35, s. 37.

71. The person to whom any letter is delivered by a carrier from the post office shall pay for the delivery a sum not exceeding two cents for each letter, and for the delivery of each newspaper and pamphlet one cent, all of which receipts, by the carriers in any city or town, shall be accounted for to the Postmaster General. R.S., c. 35, s. 38.

72. Each of such carriers shall give a bond, with sureties approved by the Postmaster General, for the safe custody and delivery of all letters, and for the due account and payment of all moneys received by him. R.S., c. 35, s. 39.

73. The Postmaster General may, with the consent of the Governor in Council, establish in any city, when he deems it expedient, a system of free delivery by letter-carrier of letters brought by mail, and he may direct that, from the time that such system is so established, no charge shall be made for the delivery of such letters by letter-carriers in such city; and such system of free delivery, when established in any city, shall be subject to such regulations as the Postmaster General, from time to time, sees fit to make.

2. In places enjoying the free letter-carrier delivery system, the Postmaster General, in lieu of paying street railway companies for the transportation of letter-carriers, may pay to any carrier, to defray his cost of transportation, a bulk sum not exceeding fifty dollars a year, but this provision shall not apply to places where carriers are entitled to free street railway transportation. R.S., c. 35, s. 40; 4 E. VII., c. 30, s. 10.

PARCEL POST.

74. The Postmaster General may establish and maintain a parcel post within Canada, and may arrange with the Government of the United Kingdom, any British possession, or any foreign country, for the reciprocal receipt, transmission and delivery of parcels; and closed parcels, other than letters, and not containing letters, may be sent by such parcel post, and when so sent shall be liable to such charges for conveyance and to such regulations as the Postmaster General, from time to time, sees fit to make. 52 V., c. 20, s. 9.

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75. All letters and other mailable matter addressed to or sent by the Governor General, or sent to or by any department of the Government at the seat of Government, shall be free of Canada postage under such regulations as are, from time to time, made in that respect by the Governor in Council. R.S., c. 35, s. 42.

76. Letters and other mailable matter addressed to or sent by the Speaker or Clerk of the Senate or of the House of Commons at the seat of Government shall be free of Canada postage, and letters and other mailable matter addressed to or by any member of either House at the seat of Government, during any session of Parliament, or to any of the members at the seat of Government as aforesaid, during the ten days next before the meeting of Parliament, shall be free of Canada postage. R.S., c. 35, s. 42.

77. All books belonging to the library of Parliament may be sent from the same to any member of either House, or from any such member addressed to the librarian, during the recess of Parliament, and free of Canada postage in either case. R.S., c. 35, s. 42.

78. The privilege of free transmission as above given shall apply only to mail matter passing between the seat of Government and places in Canada. R.S., c. 35, s. 42.

79. Members of either the Senate or the House of Commons may, during the recess of Parliament, send by mail, free of Canada postage, all papers printed by order of either House; and members of the legislature of any one of the provinces of Canada may, in like manner, send by mail free of Canada postage, all papers printed by order of such legislature. R.S., c. 35, s. 42.

80. The Postmaster General may prescribe the conditions and circumstances under which letters, accounts and papers, relating solely to the business of the post office, and addressed to or sent by some officer thereof, shall be free from Canada postage. R.S., c. 35, s. 42.

81. Petitions and addresses to the legislatures of any of the provinces of Canada, or to any branch thereof, and also votes and proceedings and other papers printed by order of any such legislatures or any branch thereof, may be sent free of Canada postage under such regulations as the Postmaster General prescribes. R.S., c. 35, s. 42.
82. Books for the use of the blind shall be free of Canada postage under such regulations as the Postmaster General prescribes. 61 V., c. 20, s. 4.

PROPERTY IN POST LETTERS AND OTHER MAILABLE MATTER.

83. From the time any letter, or other mailable matter is deposited in the post office for the purpose of being sent by post, it shall cease to be the property of the sender, and shall be the property of the person to whom it is addressed or the legal representatives of such person; and the Postmaster General shall not be liable to any person for the loss of any letter, or other mailable matter sent by post. R.S., c. 35, s. 43.

84. No letter, or other mailable matter shall, whilst in the post office or in the custody of any person employed in the Canada Post Office, be liable to demand, seizure or detention, under legal process against the sender thereof, or against the person or legal representatives of the person to whom it is addressed. R.S., c. 35, s. 43.

DEAD LETTERS.

85. Except as in this Act otherwise provided, letters or other mailable matter which, from any cause remain undelivered in any post office, or which having been posted, cannot be forwarded by post, shall, under such regulations as the Postmaster General makes, be transmitted by postmasters to the Post Office Department, or to such other places as the Governor in Council directs, as dead letters, there to be opened and returned to the writers or senders, or such dead letters may, in any case or class of cases, be otherwise disposed of as the Postmaster General directs: Provided that, with regard to letters, the only places other than Ottawa to which they may be so transmitted and dealt with as dead letters, subject to such regulations as aforesaid, shall be the cities of Toronto, Kingston, Hamilton, London, Montreal, Halifax, St. John, Winnipeg, Victoria and Vancouver, and the town of Dawson.

2. Any letter or other mailable matter returned as a dead letter to the writer or sender shall be subject to the payment of any postage due thereon with three cents additional to defray the cost of returning it, less, in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such amount of postage as has been prepaid thereon.

3. If any such dead letter, of which the writer or sender cannot be ascertained or found, contains money, the Postmaster General may appropriate it as postal revenue, keeping an account thereof; and the amount shall be paid by the Postmaster General to the rightful claimant as soon as he is found. R.S., c. 35, s. 44; 61 V., c. 20, s. 5; 1 E. VII., c. 19, s. 2.

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LETTERS CONTAINING CONTRABAND GOODS.

86. Every postmaster, clerk or other person employed in the postal service of Canada, shall detain any post letter, parcel, package or other article of mail matter which contains or is suspected to contain any contraband goods, or any goods, article or thing subject to duty on being imported into Canada, or the importation of which into Canada is prohibited, and shall deliver the same to a collector or other proper officer of Customs, who may cause the same to be opened in his presence and for his inspection by the person to whom it is addressed, or some one by him thereto authorized, for the purpose of ascertaining and exacting the proper amount of duty, if any, payable thereon.

2. After payment of duty, if any is found to be payable, the letter, parcel, package or other article of mail matter shall, if the person to whom it is addressed or his authorized agent is present, be handed over to him on his paying the postage, if any, charged thereon, or, if he is not present, it shall be returned to the Post Office and be forwarded to the place to which it is addressed; but if such post letter, parcel, package or other article of mail matter is found to contain contraband goods or any article the importation of which is by law prohibited, the same shall be forfeited and be dealt with as the law directs. 52 V., c. 20, s. 11.

TOLLS AND FERRIES.

87. No mail stage, or other winter or summer vehicle carrying a mail, shall be exempted from tolls or dues on any road or bridge in Canada, unless in the Act or charter authorizing such road or bridge it is specially so provided. R.S., c. 35, s. 46.

88. Every ferryman shall, upon request and without delay, convey over his ferry any courier or other person travelling with the mail, and the carriage and horse or horses employed in carrying the same; and the sum to be paid for such service may be fixed by contract; or if any ferryman demands more than the post office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by arbitrators, each party naming an arbitrator, and the two arbitrators naming a third; and the decision of any two of such arbitrators shall be binding. R.S., c. 35, s. 46.

89. No toll-gate keeper or ferryman shall detain or delay a mail on pretense of demanding toll or ferryage, but the same, if due and not paid, shall be recoverable in the usual course of law from the person liable. R.S., c. 35, s. 46.

UNITED STATES MAILS PASSING THROUGH CANADA.

90. The Postmaster General may, from time to time, with the approval of the Governor in Council, make any arrange-
ment which he deems just and expedient for allowing the mails of the United States to be carried or transported through any portion of Canada from any one point in the territory of the United States to any other point in the same territory, upon obtaining the like privilege for the transportation of the mails of Canada through the United States when required.

2. Whenever the Postmaster General shall have undertaken or agreed to provide for the carriage or transportation of the mails of the United States through any portion of Canada, such mails, when so carried or transported or required by the Postmaster General to be so carried or transported, shall be deemed to be His Majesty's mails for all the purposes of this Act affecting the obligation of steamships or railways upon the request of the Postmaster General to carry His Majesty's mails and persons travelling therewith on postal service. R.S., c. 35, s. 47.

91. Every United States mail so carried or transported as last aforesaid shall, while in Canada, be deemed and taken to be a mail of His Majesty, so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto, or to any part thereof, which would be punishable under the existing laws of Canada, if the same was a Canada mail or part of a Canada mail, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as if the same was a Canada mail or part of a Canada mail; and in any indictment for such act or offence, such mail or part of a mail may be alleged to be, and, on trial of such indictment, shall be held to be, a Canada mail or part of a Canada mail.

2. In an indictment for stealing, secreting or destroying any post letter, post-letter-bag, packet, chattel, money or valuable security sent by post through and by any of the United States mails as aforesaid, the property of such post letter, post-letter-bag, packet, chattel, money or valuable security sent by post as herein mentioned, may be laid in the Postmaster General, and it shall not be necessary to allege in the indictment, or to prove upon the trial or otherwise that the post letter, post-letter-bag, packet, chattel or valuable security was of value. R.S., c. 35, s. 48.

POSTMASTERS.

92. The Governor in Council may appoint all postmasters having permanent salaries in cities and towns; and all other postmasters may be appointed by the Postmaster General. R.S., c. 35, s. 49.

93. The Postmaster General shall, upon the appointment of any postmaster, require and take of such postmaster a bond, with good and approved sureties, in such penalty as he deems sufficient, conditioned for the faithful discharge of all the duties of such postmaster required by law, or which are required by any instruction or regulation or general rule for the government of the post office. R.S., c. 35, s. 49.

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94. When any surety of a postmaster notifies to the Postmaster General his desire to be released from his suretyship, or when the Postmaster General deems it necessary, he may require such postmaster to execute a new bond, with sureties, which bond, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of the postmaster; and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the postmaster done or committed subsequent to the acceptance of the new bond, and the date of the acceptance shall be duly endorsed on such prior bond. R.S., c. 35, s. 49.

95. Payments made by such postmaster subsequent to the acceptance of a new bond, shall be applied first to the discharge of any balance due by him at the time of such acceptance, unless the Postmaster General otherwise directs. R.S., c. 35, s. 49.

96. No suit shall be instituted against any surety of a postmaster after the lapse of two years from the death, resignation or removal from office of such postmaster, or from the date of the acceptance of a new bond from such postmaster. R.S., c. 35, s. 49.

97. The Postmaster General may appoint the periods at which each postmaster or person authorized to receive postage, or any class or number of postmasters or persons respectively, shall render his or their accounts, and the form and manner in which such accounts shall be kept and rendered; and if any postmaster or any such person neglects or refuses to render his accounts, and to pay over to the Postmaster General the balance due by him at the end of any such period, the Postmaster General may cause a suit to be commenced against the person so neglecting or refusing. R.S., c. 35, s. 50.

98. If any postmaster neglects to render his accounts for one month after the time or in the form and manner prescribed by the Postmaster General’s instructions and regulations, he shall forfeit double the value of the postages which have arisen at the same office in any month previous to the institution of proceedings to recover or enforce such forfeiture, which shall be recoverable by the Postmaster General in an action of debt on the bond against the postmaster and his sureties, and for which the sureties shall be liable. R.S., c. 35, s. 51.

99. No postmaster shall, under any pretense whatsoever, have or receive or retain for himself any greater or other allowance or emolument of any kind, in respect of his office, than the amount of his salary and allowances as fixed and authorized by law or by the Postmaster General. R.S., c. 35, s. 52.

100. Postmasters whose salaries are not fixed by law may be paid by a percentage on the amount collected by them, or by such

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such salary and allowances as the Postmaster General, having due regard to the duties and responsibilities assigned in respect to each post office, by regulation determines in each case. R.S., c. 35, s. 53.

MAIL CONTRACTS AND CONTRACTORS.

101. The Postmaster General, before entering into any contract for carrying the mail involving an annual cost of more than two hundred dollars, shall give at least six weeks' previous notice by advertisement in such newspaper or newspapers as he selects in each case, and by public notices put up in the principal post offices concerned in the proposed contract specifying the services to be contracted for, and the day on which tenders for the same will be, by him, received. R.S., c. 35, s. 54.

102. The contracts, in all cases in which there is more than one tender, shall be awarded to the lowest tenderer who offers sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is in the public interest not to accept the lowest tender. R.S., c. 35, s. 54.

103. The Postmaster General shall not be bound to consider the tender of any person who has willfully or negligently failed to execute or perform a prior contract; but, in all cases where he does not give the contract to the lowest tenderer, he shall report his reasons therefor to the Governor General for the information of Parliament. R.S., c. 35, s. 54.

104. When in the opinion of the Postmaster General, the lowest tender received after public advertisement for the performance of a mail contract is excessive, he shall not be compelled to accept the said tender, but may, in his discretion, either re-advertise the said contract for further competition, or offer to the persons from whom tenders have been received, each in his turn, beginning with the lowest, such sum as he deems a reasonable and sufficient price for the said contract, and may enter into a contract with such of the said persons as will accept such offer. R.S., c. 35, s. 55.

105. The Postmaster General may, in his discretion, authorize and allow a postmaster to undertake and perform a contract for the transportation of a mail, subject to the regulations applying to all mail contracts, when, in his opinion, the interests of the public service will be thereby promoted. R.S., c. 35, s. 56.

106. Every tender for carrying the mail shall be accompanied by an undertaking, signed by one or more responsible persons, to the effect that he or they undertake that the tenderer will, if his tender is accepted, enter into an obligation, within such

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such time as is prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed. R.S., c. 35, s. 57.

107. If, after the acceptance of a tender and notification thereof to the tenderer, he fails to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, the Postmaster General shall proceed to contract with some other person for the performance of the said service, and may forthwith cause the difference between the amount tendered and the amount for which he has contracted for the performance of the said service for the whole period thereof, to be charged up against the said tenderer and his surety or sureties; and the same may be immediately recovered in an action of debt, in the name of the Postmaster General, against the tenderer and his sureties, or any of them, and when recovered shall form part of the postal revenue. R.S., c. 35, s. 57.

108. The Postmaster General may, in his discretion, submit contracts for mail transportation, involving an annual expense of less than two hundred dollars, to public competition in the manner and form prescribed for contracts of a greater annual charge, or he may direct an agent to receive tenders for and execute such contracts on his behalf, or he may, in special cases, conclude such contracts by private agreement when he conceives the public interest will be promoted by such a course; but he shall not pay under any such contract made by private agreement a higher rate of annual payment for the services to be performed than is ordinarily paid for services of a like nature under contracts made after public advertisement. R.S., c. 35, s. 58.

109. No contract for carrying the mail shall knowingly be made by the Postmaster General with any person who has entered into any combination, or proposed to enter into any combination, to prevent the making of any tender for a mail contract by any other person, or who has made any agreement, or has given or performed or promised to give or perform any consideration whatever, or to do or not to do anything whatever, in order to induce any other person not to tender for a mail contract. R.S., c. 35, s. 59.

110. The Postmaster General may, with or without previous advertisement, contract with any railway or steamboat company for conveying the mail; but no contract involving the payment of a larger sum than one thousand dollars shall be entered into without the approval of the Governor in Council. R.S., c. 35, s. 60.

111. The Postmaster General shall keep recorded, in a well bound book, a true and faithful abstract of tenders made to him for
for carrying the mail, embracing as well those which are rejected as those which are accepted; the said abstract shall contain a description of each contract advertised for public competition, the dates of the tenders made, the dates at which they were received by the Postmaster General, the names of the persons tendering, the terms on which they propose to carry the mail, the sum for which it is offered to contract, and the length of time the agreement will continue; and the Postmaster General shall also put on file and preserve the originals of the propositions of which abstracts are here directed to be made. R.S., c. 35, s. 61.

112. No contract shall be entered into for a longer term than four years; but the Postmaster General may, in special cases, when in his opinion the service has been satisfactorily performed under an expiring contract, and on conditions advantageous to the public interest, renew the contract with the same contractor for a further term not exceeding four years. R.S., c. 35, s. 61.

113. The Postmaster General may make temporary contracts for such services until a regular letting in the form prescribed can take place. R.S., c. 35, s. 62.

114. No additional compensation shall be made to any mail contractor so as to make the compensation for additional regular service exceed relatively as to such service the exact proportion which the original compensation bears to the original service stipulated to be performed; and no extra allowance shall be made by the Postmaster General to any contractor for an increase of expedition in the transportation of the mail, unless the employment of additional stock or carriers by the contractor is thereby rendered necessary; and in such case the additional compensation on account of such increase of expedition shall never bear a greater proportion to the additional stock or carriers rendered necessary by such increase of expedition than the sum stipulated in the original contract bears to the stock and carriers necessarily employed in the execution of the original contract without such increase of expedition. R.S., c. 35, s. 63.

115. His Majesty's mail and persons travelling therewith on postal service, shall, at all times when thereunto required by the Postmaster General, be carried on any steamship or steamboat navigating the waters of Canada, and on any railway in Canada, and with the whole resources of the railway company if required, on such terms and conditions and under such regulations as are made by the Governor in Council. R.S., c. 35, s. 64; 52 V., c. 20, s. 1. 1253
POSTMASTER GENERAL'S REPORTS.

116. 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, which shall be made up to the end of the fiscal year then last preceding, and which shall contain,—

(a) a statement of the gross receipts and net produce of the postal revenue of Canada for the last preceding fiscal year, exhibiting the amounts paid over to the Minister of Finance on account of the postal revenue, and the balances outstanding at the commencement and termination of the year;

(b) a statement showing the charges and expenditures incurred by the Department within the said year, setting forth in separate amounts the charges for mail transportation during the said year, stating in each case the name of the contractor or person receiving payment, the mail route, the mode and frequency of transportation, and the sums paid for salaries of officers and persons permanently or temporarily employed in the outside establishment of the department, showing in each case the name of the person, the service or duty on which employed, and the amount paid for printing and advertising and for all incidental and miscellaneous items of disbursement, showing the sum paid under each head of expenditure, and the name of the person to whom paid;

(c) a statement of the money order offices in operation at any time within the said year, stating in each case the gross postal revenue, the number and amount of money orders issued and paid, the amount of commission thereon and the compensation, salary and allowances to the postmaster at each office respectively;

(d) a statement of the losses, if any, sustained in collecting the postal revenue during the year to which the report relates, and in conducting the money order system or otherwise;

(e) a statement of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the post, showing the particulars of each case, and stating the result of the proceedings instituted therein by the Department;

(f) a statement of dead letters received during the year, and of their contents, valuable or otherwise, showing how such dead letters have been disposed of. 52 V., c. 20, s. 12.

OFFENCES AND PENALTIES.

117. Every one who unlawfully opens any post letter bag, or unlawfully takes any letter out of such bag, is guilty of an indictable

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indictable offence, and liable to imprisonment for five years. R.S., c. 35, s. 82.

118. Every one who unlawfully issues any money order with fraudulent intent, is guilty of an indictable offence, and liable to imprisonment for a term not less than three years. R.S., c. 35, s. 85.

119. Every one who,—
(a) forges, counterfeits or imitates any postage stamp issued or used under the authority of this Act, or by or under the authority of the Government or proper authority of the United Kingdom, or of any British possession, or of any foreign country; or,
(b) knowingly uses any such forged, counterfeit or imitated stamp; or,
(c) engraves, cuts, sinks, or makes any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof; or,
(d) has possession of any such plate, die or other thing as aforesaid, except by the permission in writing of the Postmaster General, or of some officer or person who, under regulations made in that behalf, may lawfully grant such permission; or,
(e) forges, counterfeits or unlawfully imitates, uses or affixes, to or upon any letter or packet, any stamp, signature, initials, or other mark or sign purporting that such letter or packet ought to pass free of postage, or at a lower rate of postage, or that the postage thereon or any part thereof has been prepaid or ought to be paid by or charged to any person or department; is guilty of an indictable offence, and liable to imprisonment for life, or for a term not less than five years. R.S., c. 35, s. 86.

120. Every one who forges, counterfeits or imitates any post office money order, or advice of such money order, or any signature or writing in or upon any post office money order, or money order advice, 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.

121. Every one who unlawfully opens, or wilfully keeps, secretes, delays or detains, or procures, or suffers to be unlawfully opened, kept, secreted, or detained, any post letter-bag or any post letter, whether the same came into the possession of the offender by finding or otherwise howsoever, or after payment or tender of the postage thereon, if payable to the person having possession of the same, neglects or refuses to deliver up any post letter to the person to whom it is addressed or who is legally entitled to receive the same, is guilty of an indictable offence. R.S., c. 35, s. 89.
Inclosing explosive substance in post matter.

122. Every one who incloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any explosive, dangerous or destructive substance or liquid or any matter or thing likely to injure any letter or other mailable matter or the person of any officer or servant of the post office is guilty of an indictable offence. R.S., c. 35, s. 92.

Inclosing letter in parcel forwarded by parcel post or in other mailable matter.

123. Every one who incloses,—

(a) a letter or letters, or any writing intended to serve the purpose of a letter or post card, in a parcel posted for the parcel post, or in a packet of samples or patterns posted to pass at the rate of postage applicable to samples and patterns; or,

(b) incloses a letter or post card or any writing to serve the purpose of a letter or post card, or any other thing in a newspaper posted to pass as a newspaper at the rate of postage applicable to newspapers, except in the case of the accounts and receipts of newspaper publishers and of the printed circulars inviting subscriptions, and the printed envelopes addressed to such publishers, which will be permitted to pass folded or inclosed within the newspapers sent by them; or,

(c) a letter or any writing intended to serve the purpose of a letter or post card, in any mail matter sent by post not being a letter;

shall incur a penalty not exceeding forty dollars and not less than ten dollars in each case. 57-58 V., c. 54, s. 2; 62-63 V., c. 29, s. 2.

Removing postage stamps or marks with fraudulent intent.

124. Every one who, with fraudulent intent, removes from any letter, newspaper or other mailable matter sent by post, any postage stamp which has been affixed thereon, or wilfully, with intent aforesaid, removes from any postage stamp or post card, post band or wrapper which has been previously used, any mark which has been made thereon at any post office, is guilty of an indictable offence. R.S., c. 35, s. 94.

Abandoning or obstructing mail.

125. Every one who abandons, or obstructs or wilfully delays the passing or progress of any mail, or any car, train, locomotive engine, tender, carriage, vessel, horse or animal employed in conveying any mail on any railway, public highway, river, canal, or water communication, is guilty of an indictable offence. R.S., c. 35, s. 95.

Being drunk on duty as a mail carrier.

126. Every one who, being a mail carrier or person employed to convey any mail, post letter-bag or post letters, is guilty of any act of drunkenness, negligence or misconduct whereby the safety or punctual delivery of such mail, post letter-bag or post letters might be endangered, or contrary to this Act or any regulation made under it, collects, receives or delivers any letter or other mailable matter, or neglects to use due care and diligence to convey any mail, post letter-bag or post letter at

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at a rate of speed appointed therefor by the regulations then in force or the contract under which he acts, is guilty of an indictable offence. R.S., c. 35, s. 97.

127. Every one, who, being a toll-gate-keeper, whether on pretense of the non-payment of any toll or other pretense whatsoever, refuses or neglects forthwith upon demand to allow any mail or any carriage, horse or animal employed in conveying the same, to pass through such toll-gate, is guilty of an indictable offence. R.S., c. 35, s. 98.

128. Every one who, being a ferryman, wilfully detains or delays or refuses to convey over a mail at his ferry, is guilty of an indictable offence. R.S., c. 35, s. 99.

129. Every one who, being a postmaster or other person authorized to issue money orders, issues any money order, unless he has previously received the purchase money or sum payable therefor, is guilty of an indictable offence. R.S., c. 35, s. 100.

130. Every one who, being a postmaster, wilfully destroys, mutilates or obliterates or refuses to produce or to deliver up to any inspector or other proper officer of the Post Office Department on demand, any book containing or which ought to contain the record or account of the money orders issued or paid, or of the registered letters or other business of his office, is guilty of an indictable offence. R.S., c. 35, s. 101.

131. Every one who, being a postmaster or other officer, agent or employee of the Post Office Department, hypothecates, pledges or subjects to any lien any postage stamps, stamped envelopes, post cards, post bands or wrappers entrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or attempts to commit such offence, is guilty of an indictable offence. R.S., c. 35, s. 102.

132. Every one who wilfully violates any regulation lawfully made under this Act is guilty of an indictable offence, if such violation is declared to be an indictable offence by such regulation. R.S., c. 35, s. 104.

133. Every officer of or connected with the post office 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 for safe keeping, 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 R.S., 1906.
to imprisonment for a term not exceeding seven years and not less than three months.

3. The neglect or refusal by any such officer to pay over any public moneys 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 the public moneys as is in the hands of such officer. R.S., c. 35, s. 105.

134. No person other than a postmaster shall exercise the business of selling postage stamps or stamped envelopes to the public, unless duly licensed so to do by the Postmaster General and under such conditions as he prescribes; and every person who violates this provision by selling postage stamps or stamped envelopes to the public without a license from the Postmaster General, shall, on summary conviction, incur a penalty not exceeding forty dollars for each offence. R.S., c. 35, s. 106.

135. Every person who uses or attempts to use in prepayment of postage on any letter or mailable matter posted in Canada, any postage stamp which has been before used for a like purpose, or who uses or attempts to use for the purpose of transmission by or through the post, any post card, or stamped envelope or stamped post band or wrapper, which has been before used for a like purpose, shall incur a penalty not exceeding forty dollars and not less than ten dollars for every such offence; and the letter or other mailable matter on which such stamp has been so improperly used, and the post card, stamped envelope, or stamped post band or wrapper so used more than once may be detained, or in the discretion of the Postmaster General forwarded to its destination charged with double postage. R.S., c. 35, s. 108.

136. Every person who without the authority of the Postmaster General, the proof of which authority shall rest on such person, places or permits or causes to be placed or to remain on his house or premises, the words Post Office, or any other words or mark which imply or give reasonable cause to believe that such house or premises is a post office or a place for the receipt of letters, shall, on summary conviction, incur a penalty not exceeding ten dollars for each offence.

2. Any person who, otherwise than in conformity with this Act, collects, sends, conveys or delivers, or undertakes to collect, send, convey or deliver any letter within Canada, or receives or has in his possession within Canada any letter for the purpose of so conveying or delivering it, shall, for each and every letter so unlawfully collected, sent, conveyed or delivered, or undertaken so to be, or found in his possession, incur a penalty not exceeding twenty dollars. R.S., c. 35, ss. 34 and 109.

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PROCEDURE.

137. Every pecuniary penalty imposed by this Act, or by any regulation of the Postmaster General made under it, shall be recoverable with costs by the Postmaster General, by civil action in any court of competent jurisdiction, and shall belong to His Majesty for the public uses of Canada, saving always the power of the Governor in Council to allow any part or the whole of such penalty to the officer or person by whose information or intervention the same was recovered.

2. If the penalty does not exceed forty dollars, it shall be recoverable on summary conviction before any justice of the peace.

3. If the penalty exceeds forty dollars, the offender may be indicted for violating the provisions of this Act, or the regulations made under it, instead of being sued for such penalty; and if convicted shall be punishable by fine or imprisonment or both, in the discretion of the court. R.S., c. 35, s. 113.

138. In any action or proceeding for the recovery of postage, or of any penalty under this Act, 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 Act shall lie upon the defendant. R.S., c. 35, s. 114.

139. In any action, suit or proceeding against any postmaster or other officer of the Post Office of Canada, or his sureties, for the recovery of any sum of money alleged to be due to the Crown as the balance remaining unpaid of moneys received by such postmaster or officer by virtue of his office, a statement of the account of such postmaster or officer showing such balance, and attested as correct by the certificate and signature of the accountant of the Post Office of Canada, or of the officer then doing the duties of such accountant, shall be evidence that such amount is so due and unpaid as aforesaid; and in every such suit judgment shall be rendered for double the amount appearing by such account to be so due to the Crown by the defendant; but nothing herein contained shall be construed to prevent the provisions of the Consolidated Revenue and Audit Act from applying to such postmaster or officer. R.S., c. 35, s. 115.

140. All suits, proceedings, contracts and official acts brought, had, entered into or done by the Postmaster General, shall be brought, had, entered into or done in and by his name of office, and may be continued, enforced and completed by his successor in office as fully and effectually as by himself; and no appointment or authority of any Postmaster General of Canada, R.S., 1906.
Bond by sureties for post office officials.

Suit upon bond, and application of moneys received.

SECURITY BY OFFICERS.

141. Any bond or instrument of guarantee given and executed to His Majesty, by any person or body corporate, as security for the due performance of the duties of his office, by any officer, employee, clerk or servant employed by or under the Postmaster General, may be expressed to extend to and include as a breach of the conditions thereof, any theft, robbery, loss or destruction by such officer, employee, clerk or servant, or through his malfeasance, misfeasance or neglect of duty, of any money, goods, chattels, valuables or effects, or of any letter or parcel containing the same, which may come into his custody or possession as such officer, employee, clerk or servant, and although the same does not belong to the Crown, and the Postmaster General is not liable for the loss thereof.

2. His Majesty may, upon such bond or instrument of guarantee, proceed for, demand and recover the amount or value of any such money, goods, chattels, valuables or effects not otherwise recovered by or for the persons entitled to the same, to the amount of the penalty stipulated in such bond or instrument; and upon the recovery and receipt of the same the Postmaster General shall apportion and pay the same to such person or amongst such persons as he determines to be the owners of or otherwise entitled to receive any such money, goods, chattels, valuables or effects, or the equivalent or value thereof; but nothing shall create any liability on the part of His Majesty or the Postmaster General, to any person whosoever, to indemnify or hold harmless, pay or reimburse such person for the loss of any such money, goods, chattels, valuables or effects, except as hereinbefore provided. R.S., c. 35, s. 117.

CUSTOMS AND REVENUE.

142. Every officer, clerk and person employed in the postal service of Canada shall be deemed and held to be employed in the prevention of smuggling and for the enforcement of the revenue laws of Canada, and shall be subject to all the requirements and penalties and entitled to the like protection as that provided for under the Consolidated Revenue and Audit Act and the Customs Act.

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2. No such officer, clerk or person shall deliver or permit to be delivered to the person to whom it is addressed any post letter, parcel or package or other article of mail matter which contains or is suspected to contain any dutiable goods, until the duty payable thereon under any Act respecting the Customs has been paid to an officer of Customs, in the manner prescribed by law or by regulations in that behalf. 52 V., c. 20, s. 13.
CHAPTER 67.

An Act respecting the Department of Agriculture.

1. This Act may be cited as the Department of Agriculture Short title. Act.

2. There shall be a department of the Government of Department constituted. Canada called the Department of Agriculture, over which the Minister of Agriculture, for the time being appointed by com- mission under the Great Seal, shall preside.

2. The Minister shall have the management and direction of the Department, and shall hold office during pleasure. R.S., c. 24, s. 1.

3. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Agriculture, and such other officers and clerks as are required for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. R.S., c. 24, s. 2.

4. The duties and powers of the Minister of Agriculture shall extend to the execution of laws enacted by the Parlia- ment of Canada, and of orders of the Governor in Council relating to the subjects enumerated in the next following section, as well as to the direction of all public bodies, officers and ser- vants employed in the execution of such laws and orders. R.S., c. 24, s. 3.

5. The following subjects shall be under the control and direction of the Minister of Agriculture, that is to say:—

(a) Agriculture;
(b) Public Health and Quarantine;
(c) Arts and Manufactures;
(d) The Census, Statistics and the Registration of Statistics;
(e) Patents of Invention;
(f) Copyright;
(g) Industrial Designs and Trade Marks;
(h) Experimental Farm Stations.

2. The Governor in Council may, at any time, assign any Other sub- duty or power to the Minister of Agriculture. R.S., c. 24, jects. ss. 4 and 5; O.C.'s 5th March, 1873 and 14th March, 1892.

6. The Governor in Council may, notwithstanding anything to the contrary in the last preceding section contained, assign any of the duties or powers hereinbefore enumerated to the head of any other department. R.S., c. 24, s. 5; 50-51 V., c. 12, ss. 1 and 2.

7. Whenever, under the provisions of this Act, the management and direction of any one of the subjects hereinbefore mentioned is transferred from the Minister of Agriculture to another minister of the Crown, such minister shall be substituted for and have the powers and perform all the duties of the Minister of Agriculture, as defined and provided by the Statutes of Canada relating to such subject, and the deputy of such other minister shall in like manner be substituted for and have all the powers and perform all the duties of the Deputy of the Minister of Agriculture in relation to such subject. 50-51 V., c. 12, s. 3.

8. The Minister of Agriculture shall make and submit to the Governor General an annual report of the proceedings of his Department, to be laid before both Houses of Parliament within twenty-one days from the commencement of the session. R.S., c. 24, s. 6.
CHAPTER 68.

An Act respecting the Census and Statistics.

SHORT TITLE.

1. This Act may be cited as the Census and Statistics Act. Short title. 4-5 E. VII., c. 5, s. 1.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Agriculture; and,

(b) 'Office' means the Census and Statistics Office. 4-5 E. VII., c. 5, s. 2.

PART I.

ORGANIZATION.

3. There shall be a permanent office under the Minister of Agriculture, to be called the Census and Statistics Office, and the Governor in Council may appoint thereto a chief officer, a secretary, and such other officers, clerks and employees as are necessary for the proper conduct of the office, whose duties under the direction of the Minister shall be to carry out the provisions of this Act, and such other duties as are assigned to them by the Governor in Council. 4-5 E. VII., c. 5, s. 3.

4. The Governor in Council may also appoint such census officers, census commissioners and other employees as are necessary for the taking of each census, with such relative powers and duties and such emoluments as are laid down for each census by order in council. 4-5 E. VII., c. 5, s. 3.

5. There shall be appointed by or under the authority of the Minister, in such manner and subject to such rules in that behalf as are laid down by order in council, one or more enumerators for every census subdistrict, and whenever two or more enumerators are appointed for a subdistrict the powers and duties of such enumerators shall be such as the Minister assigns to each, whether territorially or otherwise; and in remote or sparsely settled parts of the country, the Minister may appoint one enumerator.

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Agents.

6. The Minister may also employ from time to time such agents or persons as are necessary to collect for the Office statistics and information relating to such industries and affairs of the country as he deems useful and in the public interest, and the duties of such agents or persons shall be such as the Minister determines. 4-5 E. VII., c. 5, s. 4.

Temporary clerks.

7. The Minister may also, with the approval of the Governor in Council, appoint temporary clerks or employees for an indefinite period, the term of whose service shall cease and determine upon notice given to them by the Minister. 4-5 E. VII., c. 5, s. 4.

Duties.

8. It shall be the duty of the chief officer and the secretary of the Office, under the direction of the Minister,—
   (a) to organize a clerical working staff for the inside service of the Office;
   (b) to prepare all forms and instructions requisite for the work and business of the Office;
   (c) to prepare one or more tables setting forth the rates of remuneration or allowance per day, by fee or otherwise, for the several commissioners, enumerators, agents and other persons employed in the outside service of the Office in the execution of this Act;
   (d) to make ready the requisite sheets for compiling the returns of enumerators, agents and other persons into statistical tables for publication; and,
   (e) generally to supervise and control all the work of the Office in its inside and outside services. 4-5 E. VII., c. 5, s. 5.

Rules and forms.

9. The Minister shall make and prescribe all rules, regulations, instructions and forms which he deems requisite for the work and business of the Office.

2. Such forms, rules, regulations and instructions, and any such tables of rates of remuneration or allowance, as aforesaid, when assented to by the Governor in Council and published in the Canada Gazette, shall have the force of law. 4-5 E. VII., c. 5, s. 6.

Details and procedure.

10. The details of information, and procedure to be followed for the obtaining thereof, the forms to be used, and the period at which, and the dates with reference to which, the census shall be taken or statistics and information collected, whether generally or for any specified localities requiring to be exceptionally dealt with in any of these respects, shall, subject to the provisions of this Act, be such as the Governor in Council by proclamation directs. 4-5 E. VII., c. 5, s. 7.

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PART II.

CENSUS.

11. A census of Canada shall be taken by the Office, under the direction of the Minister, on a date in the month of June, in the year one thousand nine hundred and eleven, to be fixed by the Governor in Council, and every tenth year thereafter. 4-5 E. VII., c. 5, s. 8.

12. A census of the population and agriculture of the provinces of Manitoba, Saskatchewan and Alberta shall be taken by the Office, under the direction of the Minister, according to special forms and instructions to be approved by the Minister, on a date in the month of June, in the year one thousand nine hundred and sixteen, to be fixed by the Governor in Council, and every tenth year thereafter. 4-5 E. VII., c. 6, s. 1.

13. The Governor in Council, by proclamation, shall divide the country into census districts, and each census district into subdistricts, to correspond respectively, as nearly as may be, with the electoral divisions and subdivisions for the time being, and in territories not so defined or so situated as to admit of adhering to circumscriptions already established, into special divisions and subdivisions for the purpose of the census. 4-5 E. VII., c. 5, s. 9.

14. Each general census, commencing with the year one thousand nine hundred and eleven, shall be so taken as to ascertain with the utmost possible accuracy, for the various territorial divisions of Canada,—

(a) their population and the classification thereof, as regards name, age, sex, colour, social condition, nationality, race, education, religion, occupation and otherwise, together with a record of all persons deceased within the census year;

(b) the houses for habitation, stores, warehouses, factories and other buildings therein, and their classification as occupied or vacant, under construction and otherwise;

(c) the occupied land therein, and its value, and the condition thereof as improved for cultivation, in fallow, in forest, unbroken prairie, marsh or waste land and otherwise;

(d) the products of factories, farms, fisheries, forests and mines therein, and other industries, with the values of all the said products and of the plant and real estate employed in the said industries, within the census year;

(e) the wage-earnings of the people thereof within the census year;

(f) the municipal, educational, charitable, penal and other institutions thereof; and,

(g) the information that may be required in the case of any individual for the purpose of an inquiry into the census. 4-5 E. VII., c. 5, s. 17, R.S., 1906.
(g) whatsoever other matters are specified in the forms and instructions to be issued, as this Act provides. 4-5 E. VII., c. 5, s. 10.

15. The census officers and commissioners shall be entrusted, under direction and instruction of the Minister, with the superintendence of the work assigned to the enumerators, and shall see that all those under their superintendence thoroughly understand the manner in which the duties required of them are to be performed, and use due diligence in the performance thereof. 4-5 E. VII., c. 5, s. 11.

16. Every enumerator, by visiting every house and by careful personal inquiry, shall ascertain, in detail with the utmost possible accuracy, all the statistical information with which he is required to deal, and no other, and shall make an exact record thereof, and attest the same under oath, and shall see that such attested record is duly delivered to the census commissioner under whose superintendence he is placed.

2. The enumerator shall execute this section, in all respects, as required by the forms and instructions issued to him. 4-5 E. VII., c. 5, s. 12.

17. The census commissioner of each district shall examine all such records and satisfy himself how far each enumerator has performed the duties required of him, and shall note all apparent defects and inaccuracies in such records, and require the several enumerators concerned therewith to assist him in respect thereof, and with their assistance shall correct the same so far as is found requisite and possible.

2. Such census commissioner shall note always whether such corrections are concurred in by the enumerators or not, and shall make return, attested under oath, of his doings in the premises, and shall transmit the same, together with all the records in question to the Minister.

3. The census commissioner shall execute this section, in all respects, as required by the forms and instructions issued to him. 4-5 E. VII., c. 5, s. 13.

18. The Minister shall cause all such returns and records to be examined and any defects or inaccuracies discoverable therein to be corrected as far as possible, and shall obtain, so far as possible, by such ways and means as are deemed convenient, any statistical information requisite for the due completion of the census, which cannot be or is not obtained with the required fulness and accuracy by means of such returns and records, and shall cause to be prepared, with all practicable despatch, abstracts and tabular statements showing the results of the census as fully and accurately as possible. 4-5 E. VII., c. 5, s. 14.
PART III.

GENERAL STATISTICS.

19. Subject to the approval of the Governor in Council, and under direction of the Minister, the Office shall collect, abstract and tabulate agricultural, commercial, criminal, educational, manufacturing, vital and other statistics and information from time to time in the intercensal years of each decade, in such ways and manners as are found most practicable.

2. So often as it seems to the Minister that the statistics and information collected and compiled are of sufficient value and authenticity to render their publication advantageous, he shall cause them to be published in such form and mode as the Governor in Council prescribes.

3. The Governor in Council shall not, nor shall the Minister, in the execution of the powers conferred by this section, discriminate between individuals or companies to the prejudice of any such individual or company. 4-5 E. VII., c. 5, s. 15.

20. Whenever in any province or territory any system is established or any plan exists for collecting agricultural, commercial, criminal, educational, manufacturing, vital or other statistics, the Minister may, under authority of the Governor in Council, arrange with the lieutenant governor in council of such province or territory, or with the organization possessed of such system or plan, for the collection and transmission of such information as is required by schedules prepared by the Office under direction of the Minister and approved by the Governor in Council for the procuring of such statistics. 4-5 E. VII., c. 5, s. 16.

21. The Minister may, in collecting statistics in the manner provided by this Part, call upon any and all public officers to furnish to him copies of papers and documents and such information as lie respectively in the power of such officers to furnish with or without compensation for so doing, as is regulated from time to time by the Governor in Council. 4-5 E. VII., c. 5, s. 17.

22. The Minister may direct the Office to abstract and tabulate in a concise form such information on various subjects susceptible of being represented by figures as is contained in departmental or other public reports and documents. 4-5 E. VII., c. 5, s. 18.

23. The Governor in Council may authorize the Minister to cause special statistical investigations, as regards subjects, localities or otherwise, to be made by the Office in the manner and by the means prescribed in such authorization of the Governor in Council. 4-5 E. VII., c. 5, s. 19.

24. The Minister shall cause all statistical information obtained in the Office under the provisions of this Part to be examined, and any omissions, defects or inaccuracies discovered therein shall be supplemented and corrected as far as practicable. 4-5 E. VII., c. 5, s. 20.

PART IV.

CRIMINAL STATISTICS.

25. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal shall, before the end of October in each year, fill up and transmit to the Minister, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Minister relating to the criminal business transacted in such court or tribunal. 4-5 E. VII., c. 5, s. 21.

26. The warden of every penitentiary and reformatory and the sheriff of every county and district shall, before the end of October in each year, fill up and transmit to the Minister, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Minister relating to the prisoners committed to the penitentiary, reformatory or gaol. 4-5 E. VII., c. 5, s. 22.

27. Every person required to transmit any such schedules shall, from day to day, make and keep entries and records of the particulars to be comprised in such schedules. 4-5 E. VII., c. 5, s. 23.

28. Every officer required to transmit to the Minister of Finance true copies of returns made by justices of the peace shall, before the end of October in each year, transmit to the Minister true copies of all such returns for the year ending the thirtieth day of September next preceding. 4-5 E. VII., c. 5, s. 24.

29. The Secretary of State shall, before the end of October in each year, cause to be filled up and transmitted to the Minister such schedules for the year ending the thirtieth day of September next preceding, relative to the cases in which the prerogative of mercy has been exercised, as he from time to time receives from the Minister. 4-5 E. VII., c. 5, s. 25.

30. All schedules transmitted under this Part shall be according to forms from time to time approved by the Governor in Council and published in the Canada Gazette. 4-5 E. VII., c. 5, s. 26.

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31. The statistics collected by the Minister under this Part shall be abstracted, registered and tabulated by the Office under his direction, and the results thereof shall be printed and published in an annual report to Parliament. 4-5 E. VII., c. 5, s. 27.

32. In case the subject of criminal statistics is transferred, by the Governor in Council, from the Minister of Agriculture to any other Minister, the latter shall be substituted for and have all the powers and perform all the duties of the Minister of Agriculture as defined and provided by this Part. 4-5 E. VII., c. 5, s. 28.

33. This Part shall remain in force and effect until it is declared to be no longer in force by a proclamation of the Governor in Council, stating that provision has been made for the collection of criminal statistics in accordance with the requirements of Part III. of this Act; and from and after the issue of such proclamation, this Part shall cease to have force and effect. 4-5 E. VII., c. 5, s. 29.

PART V.

GENERAL.

Appointment, Remuneration and Duties of Officers.

34. Every officer, census commissioner, enumerator, agent and other person employed in the execution of this Act, before entering on his duties, shall take and subscribe an oath binding him to the faithful and exact discharge of such duties and to the secrecy of statistics and information collected for the Office.

2. The oath shall be in such form, taken before such person, and returned and recorded in such manner, as the Governor in Council prescribes. 4-5 E. VII., c. 5, s. 30.

35. The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables, setting forth the rates of remuneration or allowances for the several census commissioners, enumerators, agents and other persons employed in the execution of this Act, which may be a fixed sum, a rate per diem, or a scale of fees, together with allowances for expenses. 4-5 E. VII., c. 5, s. 42.

36. Such remuneration or allowances shall be paid to the several persons entitled thereto, in such manner as the Governor in Council directs, but shall not be payable until the services required of the person receiving it have been faithfully and entirely performed. 4-5 E. VII., c. 5, s. 43.

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37. Such remuneration or allowances, and all expenses incurred in carrying this Act into effect, shall be paid out of such moneys as are provided by Parliament for that purpose. 4-5 E. VII., c. 5, s. 43.

38. Appointments, employments or service under this Act shall not be subject to the statutory requirements affecting the Civil Service. 4-5 E. VII., c. 5, s. 44.

39. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained, or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Minister, access thereto for the obtaining of such information therefrom. 4-5 E. VII., c. 5, s. 33.

40. Whenever the Minister deems it convenient, he may, by special letter of instruction, direct any officer, census commissioner or other person employed in the execution of this Act, to make inquiry under oath, as to any matter connected with the taking of the census, or the collection of statistics or other information, or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner or other person shall then have the same power as is vested in any court of justice, of summoning any person, of enforcing his attendance, and of requiring and compelling him to give evidence on oath, whether orally or in writing, and to produce such documents and things as such officer, census commissioner or other person deems requisite to the full investigation of such matter or matters. 4-5 E. VII., c. 5, s. 38.

41. (a) Any letter purporting to be signed by the Minister, or his deputy, or by any other person thereunto authorized by the Governor in Council, and notifying any appointment or removal of, or setting forth any instructions to any person employed in the execution of this Act; and,

(b) Any letter signed by any officer, census commissioner, or other person thereunto duly authorized, notifying any appointment or removal of, or setting forth any instructions to any person so employed under the superintendence of the signer thereof;

shall be, respectively, \textit{prima facie} evidence of such appointment, removal or instructions, and that such letter was signed and addressed as it purports to be. 4-5 E. VII., c. 5, s. 39.

42. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of the census, or

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the collection of statistics or other information, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing it, and shall be prima facie evidence of all instructions therein set forth. 4-5 E. VII., c. 5, s. 40.

**Offences and Penalties.**

43. Every officer, census commissioner, enumerator, agent wilfully or other person employed in the execution of this Act, who makes wilful default in any matter required of him by this Act or wilfully makes any false declaration touching any such matter, is guilty of an indictable offence. 4-5 E. VII., c. 5, s. 31.

44. Every officer, census commissioner, enumerator, agent unlawfully or other person employed in the execution of this Act, who, in the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not by or under this Act duly authorized to obtain, is guilty of an indictable offence. 4-5 E. VII., c. 5, s. 32.

45. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained, or which would aid in the completion or correction thereof, who wilfully or without lawful excuse refuses or neglects to grant access thereto to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Minister, and every person who wilfully hinders or seeks to prevent or obstruct such access, or otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of this Act, is guilty of an indictable offence. 4-5 E. VII., c. 5, s. 33.

46. Every person who wilfully, or without lawful excuse, refuses or neglects to fill up, to the best of his knowledge and belief, any schedule which he has been required to fill up by any enumerator or other person employed in the execution of this Act, or refuses or neglects to sign and deliver up or otherwise return the same when and as required, or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any wilfully false answer or statement as to any matter specified in such schedule, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars. 4-5 E. VII., c. 5, s. 34.

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47. Every person who, without lawful excuse, refuses or neglects to answer, or who wilfully answers falsely any question requisite for obtaining any information sought in respect of the objects of this Act, or pertinent thereto, which has been asked of him by any enumerator or other person employed in the execution of this Act, shall, for every such refusal or neglect or wilfully false answer, incur a penalty not exceeding fifty dollars and not less than five dollars. 4-5 E. VII., c. 5, s. 35.

48. Every person who otherwise, without lawful excuse, refuses or neglects to furnish information required of him under this Act, or wilfully gives false information or practises any deception thereunder, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars. 4-5 E. VII., c. 5, s. 36.

Notice.

49. The leaving by an enumerator, at any house or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that it be filled up and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the family, shall, as against the occupant, be a sufficient requirement so to fill up and sign the schedule, though the occupant is not named in the notice, or personally served therewith. 4-5 E. VII., c. 5, s. 41.

50. The leaving by an enumerator or agent at the office or other place of business of any person or firm, or of any body corporate or politic, or the delivery by registered letter to any person, firm or body corporate or politic, or his or its agent, of any such schedule, having thereon a notice requiring that it be filled up and signed within a stated delay, shall as against the person, or the firm and the members thereof and each of them, or the body corporate or politic, be a sufficient requirement to fill up and sign the schedule, and if so required in the notice, to mail the schedule within a stated time to the Census and Statistics Office. 4-5 E. VII., c. 5, s. 41.

Recovery of Penalties.

51. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any officer, census commissioner, enumerator or other person employed in the execution of this Act, before any justice of the peace having jurisdiction in the place where the offence has been committed, and may be imposed and recovered as often as an offence is committed until all requirements of this Act have been fully complied with to the satisfaction of the Minister.

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2. A moiety of such penalty shall belong to the Crown for application, the public uses of Canada, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid. 4-5 E. VII., c. 5, s. 37.
CHAPTER 69.

An Act respecting Patents of Invention.

SHORT TITLE.

1. This Act may be cited as the Patent Act. R.S., c. 61, Short title. s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'Minister' means the Minister of Agriculture;
   (b) 'Commissioner' means the Commissioner of Patents, and 'Deputy Commissioner' means the Deputy Commissioner of Patents;
   (c) 'invention' means any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement in any art, machine, manufacture or composition of matter;
   (d) 'legal representatives' includes heirs, executors, administrators and assigns or other legal representatives. R.S., c. 61, s. 2.

PATENT OFFICE AND APPOINTMENT OF OFFICERS.

3. There shall be attached to the Department of Agriculture, as a branch thereof, an office which shall be called the Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents. R.S., c. 61, s. 3.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office. R.S., c. 61, s. 4.

5. The Deputy Minister of Agriculture shall be the Deputy Commissioner, and the Governor in Council may, from time to time, appoint such officers and clerks under the Deputy Commissioner as are necessary for the purposes of this Act, and such officers and clerks shall hold office during pleasure.

2. The Deputy Commissioner may do any act or thing, whether judicial or ministerial, which the Commissioner of Patents R.S., 1906.
Patents is authorized or empowered to do by any provision of this Act; and, in the absence of the Deputy Commissioner, any person performing the duties of the Deputy Minister of Agriculture under the authority of the Civil Service Act may, as acting deputy commissioner, do any such act or thing. 60-61 V., c. 25, s. 1; 3 E. VII., c. 46, s. 1.

6. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., e. 61, s. 6.

APPLICATIONS FOR PATENTS.

7. Any person who has invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement in any art, machine, manufacture or composition of matter, which was not known or used by any other person before his invention thereof, and which has not been in public use or on sale with the consent or allowance of the inventor thereof, for more than one year previously to his application for patent therefor in Canada, may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

2. No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 61, s. 7.

8. Any inventor who elects to obtain a patent for his invention in a foreign country before obtaining a patent for the same invention in Canada, may obtain a patent in Canada, if the patent is applied for within one year from the date of the issue of the first foreign patent for such invention.

2. If within three months after the date of the issue of a foreign patent, the inventor gives notice to the Commissioner of his intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year, shall be entitled to continue the manufacture of the same after the inventor has obtained a patent therefor in Canada, without the consent or allowance of the inventor.

3. No Canadian patent issued previous to the thirteenth day of August, one thousand nine hundred and three, shall be deemed to have expired before the end of the term for which it was granted merely because of the expiry of a foreign patent for the same invention. 55-56 V., c. 24, s. 1; 3 E. VII., c. 46, s. 2.

9. Any person who has invented any improvement on any patented invention, may obtain a patent for such improvement; but

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but he shall not thereby obtain the right of vending or using the original invention, nor shall the patent for the original invention confer the right of vending or using the patented improvement. R.S., c. 61, s. 9.

10. Every inventor shall, before a patent can be obtained, make oath, or, when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct.

2. In the event of the inventor being dead, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is, was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct.

3. Such oath or affirmation may be made before a minister plenipotentiary, chargé d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 61, s. 10; 55-56 V., c. 24, s. 2.

11. The applicant for a patent shall, for the purposes of this Act, elect his domicile at some known and specified place in Canada, and shall mention the same in his petition for a patent. R.S., c. 61, s. 11.

12. The applicant shall, in his petition for a patent, insert the title or name of the invention, and shall, with the petition, send in, a specification in duplicate of the invention and an additional or third copy of the claim or claims. 56 V., c. 34, s. 1.

13. The specification shall correctly and fully describe the mode or modes of operating the invention, as contemplated by the inventor; and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege.

2. Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the inventor, if he is alive, and if not, by the applicant, and by two witnesses to such signature of the inventor or applicant.

3. In the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same.

4. In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate. R.S., 1906.
duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, if he is alive, and, if not, of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification; but the Commissioner may require further drawings or dispense with any of them, as he sees fit.

5. One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

6. The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 61, s. 13.

14. In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

2. If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. 55-56 V., c. 24, s. 3.

15. On each application for a patent, a thorough and reliable examination shall be made by competent examiners to be employed in the Patent Office for that purpose. 55-56 V., c. 24, s. 8.

16. No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof. 55-56 V., c. 24, s. 4.

REFUSAL TO GRANT PATENTS.

17. The Commissioner may object to grant a patent in any of the following cases:—

(a) When he is of opinion that the alleged invention is not patentable in law;

(b) When it appears to him that the invention is already in the possession of the public, with the consent or allowance of the inventor;

(c) When it appears to him that there is no novelty in the invention;

(d) When it appears to him that the invention has been described in a book or other printed publication before the date

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date of the application, or is otherwise in the possession of the public;

(e) When it appears to him that the invention has already been patented in Canada, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor;

(f) When it appears to him that the invention has already been patented in a foreign country, and the year has not expired within which the foreign patentee may apply for a patent in Canada, unless the Commissioner has doubts as to whether the foreign patentee or the applicant is the first inventor. R.S., c. 61, s. 16.

18. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. R.S., c. 61, s. 17.

19. Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner, as aforesaid, may, at any time within six months after notice thereof has been mailed, addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council. R.S., c. 61, s. 18.

CONFLICTING APPLICATIONS.

20. In case of conflicting applications for any patent, the same shall be submitted to the arbitration of three skilled persons, two of whom shall be chosen by the applicants, one by each, and the third of whom shall be chosen by the Commissioner; and the decision or award of such arbitrators, or of any two of them, delivered to the Commissioner in writing, and subscribed by them or any two of them, shall be final, as far as concerns the granting of the patent.

2. If either of the applicants refuses or fails to choose an arbitrator, when required so to do by the Commissioner, and if there are only two such applicants, the patent shall issue to the other applicant.

3. If there are more than two conflicting applications, and if the persons applying do not all unite in appointing three arbitrators, the Commissioner may appoint the three arbitrators for the purposes aforesaid.

4. The arbitrators so named shall subscribe and take before a judge of any court of record in Canada, an oath in the form following, that is to say:

'I, the undersigned (A.B.), being duly appointed an arbitrator under the authority of the Patent Act, do hereby solemnly swear or (affirm, as the case may be), that I will well and truly perform

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perform the duty of such arbitrator on the conflicting applications of (C.D. and E.F.) submitted to me.

5. The arbitrators, or any one of them, when so sworn, may summon before them any applicant or other person, and may require him to give evidence on oath, orally or in writing (or on solemn affirmation, if such applicant or person is entitled to affirm in civil cases), and to produce such documents and things as such arbitrators deem requisite to the full investigation of the matters into which they are appointed to examine, and they shall have the same power to enforce the attendance of such applicants and other persons, and to compel them to give evidence, as is vested in any court of justice in civil cases, in the province in which the arbitration is held.

6. The fees for the services of such arbitrators shall be a matter of agreement between the arbitrators and the applicants, and shall be paid by the applicants who name them, respectively, except those of the arbitrator or arbitrators named by the Commissioner, which shall be paid by the applicants jointly. R.S., c. 61, s. 19.

GRANT AND DURATION OF PATENTS.

21. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall grant to the patentee and his legal representatives, for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction.

2. In cases of joint applications, the patents shall be granted in the names of all the applicants. R.S., c. 61, s. 20.

22. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner or of the Deputy Commissioner, and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent.

2. The Commissioner may require that any patent, before it is signed by the Commissioner or by any other member of the King's Privy Council for Canada, acting for him, and before the seal hereinbefore mentioned is affixed to it, shall be examined by the Minister of Justice; and, if such examination is so required, the Minister of Justice shall, accordingly, examine it, and if he finds it conformable to law, he shall certify accordingly, and such patent may then be signed, and the seal affixed thereto. R.S., c. 61, s. 21; 56 V., c. 34, s. 2.

23. The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years; but, at the time of the application therefor, it shall be at the option

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option of the applicant to pay the full fee required for the term of eighteen years, or the partial fee required for the term of six years, or the partial fee required for the term of twelve years.

2. If a partial fee only is paid, the proportion of the fee shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless before the expiration of the said term the holder of the patent pays the fee required for the further term of six or twelve years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted, which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner or of the Deputy Commissioner.

3. If such second payment, together with the first payment, makes up only the fee required for twelve years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of twelve years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining six years, making up the full term of eighteen years, and obtains a like certificate in respect thereof. 55-56 V., c. 24, s. 5; 56 V., c. 84, s. 3.

RE-ISSUE OF PATENTS.

24. Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention, for any part or for the whole of the then unexpired residue of the term for which the original patent was, or might have been granted.

2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives.

3. Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

4. The Commissioner may entertain separate applications, and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such re-issued patents. R.S., c. 61, s. 23.

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Patentee may disclaim any thing in cluded in patent by mistake.

25. Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has,—

(a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or,

(b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented, of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

2. Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed, in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification.

3. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

4. In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

5. The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 61, s. 24.

ASSIGNMENTS.

26. The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment or bequest, to the legal representatives of the deceased inventor. R.S., c. 61, s. 25.

27. Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented,
patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner, from time to time, prescribed by the Commissioner for such registration; and every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 61, s. 26.

28. In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the other or others, or to any other person, shall be registered in like manner as other assignments. R.S., c. 61, s. 27.

**IMPEACHMENT AND OTHER LEGAL PROCEEDINGS IN RESPECT OF PATENTS.**

29. A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading: Provided that if it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

2. Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto. R.S., c. 61, s. 28.

30. Every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought. R.S., c. 61, s. 29.

31. Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the R.S., 1906.
the infringement is alleged to have taken place, which holds
its sittings nearest to the place of residence or of business of
the defendant; and such court shall decide the case and deter-
mine as to costs. R.S., c. 61, s. 30.

32. In any action for the infringement of a patent, the
court, or any judge thereof, may, on the application of the
plaintiff, or defendant respectively, make such order as the
court or judge sees fit,—

(a) restraining or for an injunction restraining the oppo-
site party from further use, manufacture or sale of the
subject-matter of the patent, and for his punishment in the
event of disobedience of such order; or,
(b) for and respecting inspection or account; and,
(c) generally respecting the proceedings in the action.

2. An appeal shall lie from any such order under the same
circumstances, and to the same court, as from other judgments
or orders of the court in which the order is made. R.S., c. 61,
s. 31.

33. Whenever the plaintiff, in any such action, fails to sus-
tain the same, because his specification and claim embrace more
than that of which he was the first inventor, and it appears that
the defendant used or infringed any part of the invention justly
and truly specified and claimed as new, the court may discrimi-
nate, and the judgment may be rendered accordingly. R.S.,
c. 61, s. 32.

34. The defendant, in any such action, may plead as matter
of defence, any fact or default which, by this Act, or by law,
renders the patent void; and the court shall take cognizance of
such pleading and of the facts connected therewith, and shall
decide the case accordingly. R.S., c. 61, s. 33.

35. Any person who desires to impeach any patent issued
under this Act, may obtain a sealed and certified copy of the
patent and of the petition, affidavit, specification and drawings
thereunto relating, and may have the same filed in the office of
the prothonotary or clerk of any of the divisions of the High
Court of Justice in Ontario, or of the Superior Court of Quebec,
or of the Supreme Court in Nova Scotia, New Brunswick,
British Columbia or Prince Edward Island, respectively, or of
the Court of King's Bench in Manitoba, or of the Supreme
Court of the Northwest Territories in the provinces of Saskat-
chewan and Alberta respectively, pending the disestablishment
of that Court by the legislature of those provinces respectively,
and thereafter of such superior court of justice as, in respect
of civil jurisdiction, is established by the said legislatures
respectively in lieu thereof, or of the Territorial Court in the
Yukon Territory, according to the domicile elected by the
patentee,
patentee, as aforesaid, or in the office of the registrar of the Exchequer Court of Canada, and such courts, respectively, shall adjudicate on the matter and decide as to costs; and if the domicile elected by the patentee is in that part of Canada formerly known as the district of Keewatin, the Court of King's Bench of Manitoba shall have jurisdiction until there is a superior court therein, after which, such superior court shall have jurisdiction.

2. The patent and documents aforesaid shall then be held as of record in such courts respectively, so that a writ of seire facias, under the seal of the court, grounded upon such record, may issue for the repeal of the patent, for cause as aforesaid, if, upon proceedings had upon the writ in accordance with the meaning of this Act, the patent is adjudged to be void. R.S., c. 61, s. 34; 53 V., c. 13, s. 1.

36. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 61, s. 35.

37. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. R.S., c. 61, s. 36.

**CONDITIONS AND EXTENSION.**

38. Every patent shall, unless otherwise ordered by the Commissioner as hereinafter provided, be subject, and expressly to be subject, to the following conditions:

(a) Such patent and all the rights and privileges thereby granted shall cease and determine, and the patent shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, within that period or an authorized extension thereof, commence, and after such commencement, continuously carry on in Canada, the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada;

(b) If, after the expiration of twelve months from the granting of a patent, or an authorized extension of such period, the patentee or patentees, or any of them, or his or their or any of their legal representatives, for the whole or a part of his or their or any of their interest in the patent, import or cause to be imported into Canada, the invention for which

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which the patent is granted, such patent shall be void as to the interest of the person or persons so importing or causing to be imported. 3 E. VII., c. 46, s. 4.

39. Whenever a patentee is unable to commence or carry on the construction or manufacture of his invention within the two years hereinbefore provided, the Commissioner may, at any time not more than three months before the expiration of that term, grant to the patentee or his legal representatives an extension of the term of two years, on his proving to the satisfaction of the Commissioner that his failure to commence or carry on such construction or manufacture is due to reasons beyond his control. 3 E. VII., c. 46, s. 5.

40. The Commissioner may grant to the patentee or his legal representatives, for the whole or any part of the patent, an extension for a further term not exceeding one year, during which he may import or cause to be imported into Canada the invention for which the patent is granted, if he or they show cause, satisfactory to the Commissioner, to warrant the granting of such extension; but no extension shall be granted unless application is made to the Commissioner at some time within three months before the expiry of the twelve months aforesaid. 3 E. VII., c. 46, s. 6.

41. The validity of any extension granted or assumed to be granted before the thirteenth day of August, one thousand nine hundred and three, of the period of two years theretofore limited by statute in that behalf for the commencement of the construction or manufacture of a patented invention, or of the period of twelve months theretofore so limited for the importation of a patented invention, shall not be open to impeachment, nor shall the patent for any invention in respect of which any such extension had been so granted be deemed to have lapsed or expired, because,—

(a) such extension, instead of being granted by the Commissioner, was so granted or assumed to be granted by the Deputy Commissioner, or, as acting deputy commissioner, by a person performing the duties of the Deputy Minister of Agriculture under the provisions of the Civil Service Act in that behalf, instead of by the Commissioner;

or,

(b) in the case of the invention to which such extension relates, there had been granted or assumed to be granted a previous extension, or previous extensions of such period of two years, or such period of twelve months, as the case may be. 3 E. VII., c. 46, s. 9.

42. The validity of any patent granted before the thirteenth day of August, one thousand nine hundred and three, shall
shall not be impeached, nor shall such patent be deemed to have lapsed or expired, by reason of the failure of the patentee to construct or manufacture the patented invention, if the patentee within the period of two years from the date of the patent allowed for such construction or manufacture, or within an authorized extension of that period, became, and at all times thereafter continued to be, ready either to furnish the patented invention himself or to license the right of using it, on reasonable terms, to any person desiring to use it, and if the patentee, or his legal representatives, within six months from the thirteenth day of August, one thousand nine hundred and three, had,—

(a) commenced, and after such commencement continuously carried on in Canada, the construction or manufacture of the patented invention in such manner as to enable any person desiring to use it to obtain it, or cause it to be made for him, at a reasonable price, at some manu-

(b) applied for and thereupon obtained an order of the Commissioner making the patent subject to the condition hereinafter provided for authorizing application for the issue of licenses to make, construct, use and sell the patented invention. 3 E. VII., c. 46, s. 10.

43. In the case of any patent which before the thirteenth day of August, one thousand nine hundred and three, had become void or the validity of which might have been impeached, and which was revived or protected from impeachment by any provision of the Act, passed in the third year of His Majesty's reign, chapter forty-six, intituled An Act to amend the Patent Act, or which, by reason of any such provision, is to be deemed not to have elapsed or expired, any person who had, between the time when such patent became void or the ground for such impeachment arose, and the thirteenth day of August, one thousand nine hundred and three, aforesaid, commenced to manufacture, use or sell in Canada the invention covered by such patent, may continue to manufacture, use or sell it in as full and ample a measure as if such revival or protection from impeachment had not been effected; and, in case any person had, before the thirteenth day of August aforesaid, contracted with the owner of the patent for the right to manufacture, use or sell such invention in Canada, the contract shall be deemed to have remained in full force and effect notwithstanding that the patent had become void as aforesaid, unless the person who had so contracted with such owner can show that in the meantime, by reason or on the faith of such invalidity or lapsing, he has materially altered his position with respect to such invention, and that the revival of such contract would cause him damage. 3 E. VII., c. 46, s. 14.

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44. R.S., 1906.
44. On the application of the applicant for a patent, previous to the issue thereof, or on the application within six months after the issue of a patent of the patentee or his legal representatives, the Commissioner, having regard to the nature of the invention, may order that such patent, instead of being subject to the condition with respect to the construction and manufacture of the patented invention hereinbefore provided, shall be subject to the following conditions, that is to say:—

(a) Any person, at any time while the patent continues in force, may apply to the Commissioner by petition for a license to make, construct, use and sell the patented invention, and the Commissioner shall, subject to general rules which may be made for carrying out this section, hear the person applying and the owner of the patent, and, if he is satisfied that the reasonable requirements of the public in reference to the invention have not been satisfied by reason of the neglect or refusal of the patentee or his legal representatives to make, construct, use or sell the invention, or to grant licenses to others on reasonable terms to make, construct, use or sell the same, may make an order under his hand and the seal of the Patent Office requiring the owner of the patent to grant a license to the person applying therefor, in such form, and upon such terms as to the duration of the license, the amount of the royalties, security for payment, and otherwise, as the Commissioner, having regard to the nature of the invention and the circumstances of the case, deems just;

(b) The Commissioner may, if he thinks fit, and shall on the request of either of the parties to the proceedings, call in the aid of an assessor, specially qualified, and hear the case wholly or partially with his assistance;

(c) The existence of one or more licenses shall not be a bar to an order by the Commissioner for, or to the granting of a license on any application, under this section; and,

(d) The patent and all rights and privileges thereby granted shall cease and determine, and the patent shall be null and void, if the Commissioner makes an order requiring the owner of the patent to grant any license, and the owner of the patent refuses or neglects to comply with such order within three calendar months next after a copy of it is addressed to him or to his duly authorized agent. 3 E. VII., c. 46, s. 7.

45. Any question which arises as to whether a patent, or any interest therein, has or has not become void under any of the provisions of the seven last preceding sections of this Act, may be adjudicated upon by the Exchequer Court of Canada, which court shall have jurisdiction to decide any such questions upon information in the name of the Attorney General of Canada, or at the suit of any person interested; but this

R.S., 1906.
this section shall not be held to take away or affect the jurisdiction which any court other than the Exchequer Court of Canada possesses. 3 E. VII, c. 46, s. 8.

CAVEATS.

46. Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the fee in this Act prescribed, shall cause the said document, which shall be called a caveat, to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal, but the secrecy of the document shall cease when the applicant obtains a patent for his invention.

2. If application is made by any other person for a patent for any invention with which such caveat may, in any respect, interfere, the Commissioner shall forthwith give notice by mail, of such application, to the person who has filed such caveat, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the caveat, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

3. Unless the person filing a caveat makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of giving notice, and the caveat shall then remain as a simple matter of proof as to novelty or priority of invention, if required. R.S., c. 61, s. 38.

PATENT FEES.

47. The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full fee for 18 years</td>
<td>$60.00</td>
</tr>
<tr>
<td>Partial fee for 12 years</td>
<td>40.00</td>
</tr>
<tr>
<td>Partial fee for 6 years</td>
<td>20.00</td>
</tr>
<tr>
<td>Fee for further term of 12 years</td>
<td>40.00</td>
</tr>
<tr>
<td>Fee for further term of 6 years</td>
<td>20.00</td>
</tr>
<tr>
<td>On lodging a caveat</td>
<td>5.00</td>
</tr>
<tr>
<td>On asking to register a judgment pro tango</td>
<td>4.00</td>
</tr>
</tbody>
</table>

R.S., 1906.
On asking to register an assignment, or any other document affecting or relating to a patent $2.00
For each and every patent mentioned in any notice given to the Commissioner by the inventor after the issue of a foreign patent of his intention to apply for a patent in Canada for such invention 2.00
On asking to attach a disclaimer to a patent 2.00
On asking for a copy of patent with specification 4.00
On petition to re-issue a patent after surrender, in addition to the fees on the original patent which shall, notwithstanding such surrender, continue to be payable as aforesaid, for every unexpired year of the duration of the original patent 4.00

On office copies of documents, not above mentioned, the following charges shall be made:
For every single or first folio of one hundred words certified copy $0.25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio 0.10

48. For every copy of drawings, the person applying shall pay such sum as the Commissioner considers a fair remuneration for the time and labour expended thereon by any officer of the Patent Office, or of the Department, or person employed to perform such service. R.S., c. 61, s. 40.

49. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 61, s. 41.

50. All fees received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office. R.S., c. 61, s. 42.

51. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it, except—
 aprovision in the invention is not susceptible of being patented;
or,  

R.S., 1906.
(b) when the petition for a patent is withdrawn.

2. In every such case the Commissioner may return the fee paid less the sum of ten dollars. R.S., c. 61, s. 43.

GENERAL.

52. The Government of Canada may, at any time, use any Government patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the invention. R.S., c. 61, s. 44.

53. No patent shall extend to prevent the use of any invention in any foreign ship or vessel, if such invention is not so used for the manufacture of any goods to be vended within foreign vessels. R.S., c. 61, s. 45.

54. Every person who, before the issuing of a patent, has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same, unless the same was purchased, constructed, acquired or used, with the consent or allowance of the inventor thereof, for a longer period than one year before the application for a patent therefor, thereby making the invention one which has become public and in public use. R.S., c. 61, s. 46.

55. Every patentee under this Act shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of the patent applying to such article, thus,—Patented, 1906, or as the case may be; or when, from the nature of the article, this cannot be done, then by affixing to it, or to every package wherein one or more of such articles is or are inclosed, a label marked with a like notice. R.S., c. 61, s. 54.

56. All specifications, drawings, models, disclaimers, judgments and other papers, except caveats, and except those filed in connection with applications for patents which are still pending, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 61, s. 47; 3 E. VII., c. 46, s. 12.

57. The Commissioner may destroy, sell or otherwise dispose of, in such manner as he deems best in the public interest, all models and inspections by sale or destruction of R.S., 1906.
specimens of composition.

Money arising therefrom.

Clerical errors.

Certified copy of destroyed or lost patent.

Seal of Patent Office to be evidence.

Officers of Patent Office not to deal in patents.

Regulations may be made and forms prescribed.

Annual report for Parliament.

all models and specimens of composition of matter and of ingredients thereof filed in connection with applications for patents of invention after they have served their immediate purpose.

2. All money arising from the sale or disposal of such models or specimens shall be paid into the Consolidated Revenue Fund of Canada. 3 E. VII., c. 46, s. 15.

58. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected under the authority of the Commissioner. R.S., c. 61, s. 48.

59. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents. R.S., c. 61, s. 49; 53 V., c. 13, s. 4.

60. Every court, judge and person whosoever shall take notice of the seal of the Patent Office and shall receive the impressions thereof in evidence, in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. R.S., c. 61, s. 50.

61. No officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent, or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor, or to any acquisition by bequest. R.S., c. 61, s. 51.

62. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in the Canada Gazette; and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office. R.S., c. 61, s. 52.

63. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time, and at least once in each year, publish a list of all patents granted, and may with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest, or essential parts thereof, to be published.
of, to be printed, from time to time, for distribution or sale.  
R.S., c. 61, s. 53.

OFFENCES AND PENALTIES.

**64.** Any patentee under this Act who sells or offers for sale any article patented under this Act not stamped or engraved with the year of the patent, applying to such article, or when from the nature of the article this cannot be done, not having affixed to it or every package wherein one or more of such articles is or are inclosed a label marked with the year of the date of the patent applying to such article in manner and form provided by this Act, shall be liable to a penalty not exceeding one hundred dollars, and, in default of the payment of such penalty, to imprisonment for a term not exceeding two months.  
R.S., c. 61, s. 54.

**65.** Every person who,—

(a) writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee; or,

(b) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words, Patent, Letters Patent, King's or Queen's Patent, Patented, or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark, or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or,

(c) offers for sale as patented any article not patented in Canada, for the purpose of deceiving the public; is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both.  
R.S., c. 61, s. 55.

**66.** Every person who willfully makes or causes to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable offence and shall be liable to be punished by fine and imprisonment accordingly.  
R.S., c. 61, s. 56.

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

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CHAPTER 70.

An Act respecting Copyright.

NOTE.—The original Act is chapter 88 of 38 Vic., although there is another Act passed in the same year also chaptered 88. It was assented to by Her late Majesty under the authority of the Imperial Act 38-39 Vic., cap. 52.

SHORT TITLE.

1. This Act may be cited as the Copyright Act. R.S., c. 62, Short title. s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'Minister' means the Minister of Agriculture;
   (b) 'Department' means the Department of Agriculture;
   (c) 'legal representatives' includes heirs, executors, administrators and assigns, or other legal representatives. R.S., c. 62, s. 2.

PART I.

REGISTERS OF COPYRIGHTS.

3. The Minister shall cause to be kept, at the Department, books to be called the Registers of Copyrights, in which proprietors of literary, scientific and artistic works or compositions, may have the same registered in accordance with the provisions of this Act. R.S., c. 62, s. 3.

SUBJECTS AND CONDITIONS OF COPYRIGHT.

4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an international copyright treaty with the United Kingdom, who is the author of any book, map, chart or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print, cut, or engraving, and the legal representatives of such person or citizen, shall for the term of twenty-eight years, from the time of recording the copyright thereof in the manner herein-after directed, have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary works. R.S., 1906.
literary, scientific or artistic work or composition, in whole or in part, and of allowing translations of such work from one language into other languages to be printed or reprinted and sold. R.S., c. 62, s. 4.

5. In no case shall the said sole and exclusive right and liberty in Canada continue to exist after it has expired elsewhere. R.S., c. 62, s. 5.

6. The condition for obtaining such copyright shall be that the said literary, scientific or artistic works shall be printed and published or reprinted and republished in Canada, or in the case of works of art that they shall be produced or reproduced in Canada, whether they are so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere. R.S., c. 62, s. 5.

7. No literary, scientific or artistic work which is immoral, licentious, irreligious, or treasonable or seditious, shall be the legitimate subject of such registration or copyright. R.S., c. 62, s. 5.

8. Every work of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any Act of the Parliament of Canada, or of the Legislature of the late province of Canada, or of the legislature of any of the provinces forming part of Canada, shall, when printed and published, or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall, except as hereinafter provided, be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there.

2. If any such copyright work is reprinted subsequently to its publication in the United Kingdom, any person who has, previously to the date of entry of such work upon the Registers of Copyright, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall in such case be upon such person. R.S., c. 62, s. 6; 63-64 V., c. 25, s. 1.

9. Any literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be registered under this Act while it is so preliminarily published, if the title of the manuscript and a short analysis of the work are deposited at the Department, and if every separate article so published is preceded by the words, Registered in accordance with the Copyright Act: Provided that the work, when published in book or

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or pamphlet form, shall be subject, also, to the other requirements of this Act. R.S., c. 62, s. 7.

10. If a book is published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the un-named author or on behalf of such first publisher, as the case may be. R.S., c. 62, s. 8.

11. No person shall be entitled to the benefit of this Act unless he has deposited at the Department three copies of the book, map, chart, musical composition, photograph, print, cut, or engraving, and in the case of paintings, drawings, statuary and sculpture, unless he has furnished a written description of such works of art; and the Minister shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by him, or prescribed by the rules and forms made, from time to time, as herein provided. R.S., c. 62, s. 9; 58-59 V., c. 37, s. 1.

12. The Minister shall cause one of such three copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, to be deposited in the Library of the Parliament of Canada and one in the British Museum. R.S., c. 62, s. 10; 58-59 V., c. 37, s. 2.

13. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book unless the same contains very important alterations or additions. R.S., c. 62, s. 11.

14. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured,—

(a) if the work is a book, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or on the page immediately following; or,

(b) if the work is a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof; or,

(c) if the work is a volume of maps, charts, music, engravings or photographs, by causing to be impressed upon the title page or frontispiece thereof;

the words,—Entered according to Act of the Parliament of Form. Canada, in the year . . . . . . . . . . by A.B., at the Department of Agriculture.

2. As regards paintings, drawings, statuary and sculptures, Exception. the signature of the artist shall be deemed a sufficient notice of such proprietorship. R.S., c. 62, s. 12.

15. The author of any literary, scientific or artistic work, Interim or his legal representatives, may, pending the publication or re-publication of such work, or of any subsequent edition thereof, deposit such copies with the Department, and the Minister may cause them to be entered as aforesaid, and from the date of such entry the same shall be deemed to be the copyright of the author. R.S., c. 62, s. 15.

16. The owner or his legal representatives, may, pending the publication of any such work, or any such subsequent edition thereof, deposit with the Department such copies as may be required by him or his legal representatives, and the Minister may cause them to be entered as aforesaid, and from the date of such entry the same shall be deemed to be the copyright of the owner or his legal representatives. R.S., c. 62, s. 16.
Copyright

Assignments and renewals.

17. The right of an author of a literary, scientific or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing, made in duplicate, and which shall be registered at the Department on production of both duplicates and payment of the fee hereinafter mentioned.

2. One of the duplicates shall be retained at the Department, and the other shall be returned, with a certificate of registration, to the person depositing it. R.S., c. 62, s. 15.

18. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of copyright has executed the same for another person, or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is, by the said transaction, virtually transferred to the purchaser, and such purchaser may avail himself of such privilege, unless a reserve of the privilege is specially made by the author or artist in a deed duly executed. R.S., c. 62, s. 16.
19. If, at the expiration of the said term of twenty-eight years, the author, or any of the authors when the work has been originally composed and made by more than one person, is still living, or if such author is dead and has left a widow or a child, or children living, the same sole and exclusive right and liberty shall be continued to such author, or to such authors still living, or, if dead, then to such widow and child or children, as the case may be, for the further term of fourteen years; but in such case, within one year after the expiration of such term of twenty-eight years, the title of the work secured shall be a second time registered, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright. R.S., c. 62, s. 17.

20. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause notice of the registration thereof to be published once in the Canada Gazette. R.S., c. 62, s. 18.

CONFLICTING CLAIMS TO COPYRIGHT.

21. In case of any person making application to register as his own, the copyright of a literary, scientific or artistic work already registered in the name of another person, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the person so applying shall be notified by the Minister that the question is one for the decision of a court of competent jurisdiction, and no further proceedings shall be had or taken by the Minister concerning the application until a judgment is produced maintaining, cancelling or otherwise deciding the matter.

2. Such registration, cancellation or adjustment of the said right shall then be made by the Minister in accordance with such decision.

3. The Exchequer Court of Canada shall be a competent court within the meaning of this Act, and shall have jurisdiction to adjudicate upon any question arising under this section, upon information in the name of the Attorney General of Canada, or at the suit of any person interested. R.S., c. 62, s. 19, 53 V., c. 12, s. 1; 54-55 V., c. 34, s. 1.

UNAUTHORIZED PUBLICATION OF MANUSCRIPT.

22. Every person who, without the consent of the author or lawful proprietor thereof first obtained, prints or publishes or causes to be printed or published, any manuscript not previously printed in Canada or elsewhere, shall be liable to the author or proprietor for all damages occasioned by such publication. R.S., 1906.
lication, and the same shall be recoverable in any court of competent jurisdiction. R.S., c. 62, s. 20.

LICENSES TO RE-PUBLISH.

23. If a work copyrighted in Canada becomes out of print, a complaint may be lodged by any person with the Minister, who, on the fact being ascertained to his satisfaction, shall notify the owner of the copyright of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister may grant a license to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the owner of the copyright. R.S., c. 62, s. 21.

FEES.

24. The following fees shall be paid to the Minister before an application for any of the following purposes is received, that is to say:

- Registering a copyright........................................... $1.00
- Registering an interim copyright................................. 0.50
- Registering a temporary copyright.............................. 0.50
- Registering an assignment........................................ 1.00
- Certified copy of registration.................................. 0.50
- Registering any decision of a court of justice, for every folio......................................................... 0.50

For office copies.

- For office copies of documents not above mentioned, the following charges shall be made:
  - Every single or first folio of one hundred words, certified copy......................................................... $0.50
  - Every such subsequent folio (fractions of or under one-half not being counted, and of one-half or more being counted).......................................................... 0.25

2. The said fees shall be in full of all services performed under this Act by the Minister or by any person employed by him.

3. All fees received under this Act shall be paid over to the Minister of Finance and shall form part of the Consolidated Revenue Fund of Canada.

4. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this Act for such person, and no fee paid shall be returned to the person who paid it. R.S., c. 62, s. 22.

RIGHT TO REPRESENT SCENE OR OBJECT.

25. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that

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that there may be copyright in some other representation of such scene or object. R.S., c. 62, s. 23.

FOREIGN NEWSPAPERS AND MAGAZINES.

26. Newspapers and magazines published in foreign countries, and which contain, together with foreign original matter, portions of British copyright works republished with the consent of the author or his legal representatives, or under the law of the country where such copyright exists, may be imported into Canada. R.S., c. 62, s. 24.

CLERICAL ERRORS NOT TO INVALIDATE.

27. Clerical errors which occur in the framing or copying of any instrument drawn by any officer or employee in or of the Department shall not be construed as invalidating such instrument, but when discovered they may be corrected under the authority of the Minister. R.S., c. 62, s. 25.

IMPORTATION.

28. If a book as to which there is subsisting copyright under this Act has been first lawfully published in any part of His Majesty's dominions, other than Canada, and if it is proved to the satisfaction of the Minister that the owner of the copyright so subsisting and of the copyright acquired by such publication has lawfully granted a license to reproduce in Canada, from movable or other types, or from stereotype plates, or from electroplates, or from lithograph stones, or by any process for facsimile reproduction, an edition or editions of such book designed for sale only in Canada, the Minister may, notwithstanding anything in this Act, by order under his hand, prohibit the importation into Canada, except with the written consent of the licensee, of any copies of such book printed elsewhere: Provided that two such copies may be specially imported for the bona fide use of any public free library or any university or college library, or for the library of any duly incorporated institution or society for the use of the members of such institution or society. 63-64 V., c. 25, s. 1.

29. The Minister may at any time in like manner, by order under his hand, suspend or revoke such prohibition upon importation if it is proved to his satisfaction that,—

(a) the license to reproduce in Canada has terminated or expired; or,
(b) the reasonable demand for the book in Canada is not sufficiently met without importation; or,
(c) the book is not, having regard to the demand therefor in Canada, being suitably printed or published; or,

(d) R.S., 1906.
(d) any other state of things exists on account of which it is not in the public interest to further prohibit importation. 63-64 V., c. 25, s. 2.

30. At any time after the importation of a book has been prohibited, any person resident or being in Canada may apply, either directly or through a book-seller or other agent, to the person so licensed to reproduce such book, for a copy of any edition of such book then on sale and reasonably obtainable in the United Kingdom or any other part of His Majesty's dominions, and it shall thereupon be the duty of the person so licensed, as soon as reasonably may be, to import and sell such copy to the person so applying therefor, at the ordinary selling price of such copy in the United Kingdom, or such other part of His Majesty's dominions, with the duty and reasonable forwarding charges added.

2. The failure or neglect, without lawful excuse, of the person so licensed to supply such copy within a reasonable time shall be a reason for which the Minister may, if he sees fit, suspend or revoke the prohibition upon importation. 63-64 V., c. 25, s. 3.

31. The Minister shall forthwith inform the Department of Customs of any order made by him under this Act. 63-64 V., c. 25, s. 4.

EVIDENCE.

32. All copies or extracts certified from the Department shall be received in evidence without further proof and without production of the originals. R.S., c. 62, s. 26.

33. All documents, executed and accepted by the Minister shall be held valid, so far as relates to official proceedings under this Act. R.S., c. 62, s. 27.

RULES AND REGULATIONS.

34. The Minister may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act. R.S., c. 62, s. 27.

OFFENCES AND PENALTIES.

35. Every person who wilfully makes or causes to be made any false entry in any of the registry books, hereinbefore mentioned, or who wilfully produces or causes to be tendered in evidence,
evidence, any paper which falsely purports to be a copy of an
entry in any of the said books, is guilty of an indictable offence,
and shall be punished accordingly. R.S., c. 62, s. 28.

36. Every person who fraudulently assumes authority to
act as agent of the author, or of his legal representative, for
the registration of a copyright, or of a temporary or of an in-
terim copyright, is guilty of an indictable offence and shall be
punished accordingly. R.S., c. 62, s. 29.

37. Every person who,—
(a) after the interim registration of the title of any book
according to this Act, and within the term herein limited,
or after the copyright is secured and during the term or
terms of its duration, prints, publishes, or reprints or re-
publishes, or imports, or causes to be so printed, published
or imported, any copy or any translation of such book
without having first obtained the right so to do by assign-
ment from the person lawfully entitled to the copyright
thereof; or,
(b) knowing the same to be so printed or imported, pub-
lishes, sells or exposes for sale, or causes to be published,
sold or exposed for sale, any copy of such book without
such consent;
shall forfeit every copy of such book to the person law-
Forfeiture.
fully entitled to the copyright thereof; and shall forfeit and
pay for every such copy which is found in his possession, either
printed or being printed, published, imported or exposed for
sale, contrary to the provisions of this Act, such sum, not ex-
ceeding one dollar, and not less than ten cents, as the court
determines, which forfeiture shall be enforceable or recoverable
Recovery.
in any court of competent jurisdiction.

2. A moiety of such sum shall belong to His Majesty for the Application.
public uses of Canada, and the other moiety shall belong to the
lawful owner of such copyright. R.S., c. 62, s. 30.

38. Every person who, after the registering of any paint-
ing, drawing, statue or other work of art, and within the term
or terms limited by this Act, reproduces in any manner, or
causes to be reproduced, made or sold, in whole or in part, any
copy of any such work of art, without the consent of the pro-
prietor shall forfeit the plate or plates on which such repro-
duction has been made, and every sheet thereof so reproduced,
to the proprietor of the copyright thereof; and shall also forfeit Forfeiture.
for every sheet of such reproduction published or exposed for
sale, contrary to this Act, such sum, not exceeding one dollar
and not less than ten cents, as the court determines, which
forfeiture shall be enforceable or recoverable in any court of
competent jurisdiction.

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2. A moiety of such sum shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. R.S., c. 62, s. 31.

39. Every person who, without the consent of the proprietor of the copyright first obtained,—

(a) after the registering of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, and within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold any such print, cut or engraving, map, chart, musical composition or photograph, or any part thereof, either as a whole or by varying, adding to or diminishing the main design with intent to evade the law; or,

(b) prints or reprints or imports for sale, or causes to be so printed or reprinted or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof; or,

(c) knowing the same to be so reprinted, printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print;

shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor of the copyright thereof; and shall also forfeit, for every sheet of such map, musical composition, print, cut or engraving found in his possession, printed or published or exposed for sale, contrary to this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines, which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction.

2. A moiety of such sum shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. R.S., c. 62, s. 32.

40. Every person who has not lawfully acquired the copyright of a literary, scientific or artistic work, and who inserts in any copy thereof printed, produced, reproduced or imported, or who impresses on any such copy, that the same has been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, shall incur a penalty not exceeding three hundred dollars. R.S., c. 62, s. 33.

41. Every person who causes any work to be registered in the register of interim copyright and fails to print and publish, or reprint and republish the same within the time prescribed, shall

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shall incur a penalty not exceeding one hundred dollars. R.S., Penalty. c. 62, s. 33.

42. Every penalty incurred under either of the last two preceding sections shall be recoverable in any court of competent jurisdiction.

2. A moiety of any such penalty shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the person who sues for the same. R.S., c. 62, s. 33.

43. All books imported in contravention of any order, prohibiting such importation, made under the hand of the Minister, by the authority of this Act, may be seized by any officer of Customs, and shall be forfeited to the Crown and forfeited; and any person importing, or causing or permitting the importation of any book in contravention of such order shall, for each offence, be liable, upon summary conviction, to a penalty not exceeding one hundred dollars. 63-64 V., c. 25, Penalty. s. 5.

44. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arises. R.S., c. 62, s. 34.

PART II.

APPLICATION.

45. This Part shall come into force on a day to be named by proclamation of the Governor General. 52 V., c. 29, s. 7.

46. Nothing in this Part contained shall be deemed to,—

(a) prohibit the importation from the United Kingdom of copies of works of which the copyright is there existing and which are lawfully printed and published there; or,

(b) except as in this Part otherwise expressly provided, apply to any work for which, before the coming into force of this Part, copyright had been obtained in the United Kingdom, or in any country which has an international copyright treaty with the United Kingdom, in which Canada is included.

2. The law in force at the time of the coming into effect of this Part shall be deemed to continue in force as respects such works. 52 V., c. 29, s. 6.

REPEAL.

47. Sections four, five, six and eight of Part I. of this Act are repealed. 52 V., c. 29, ss. 1 and 2.
Subjects and Conditions of Copyright.

48. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an international copyright treaty with the United Kingdom, in which Canada is included, who is the author of any book, map, chart or musical or literary composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall, for the term of twenty-eight years from the time of recording the copyright thereof, have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific, musical or artistic work or composition, in whole or in part, and of allowing translations of such literary work, from one language into other languages, to be printed or reprinted and sold in the manner and on the conditions, and subject to the restrictions hereinafter set forth. 52 V., c. 29, s. 1.

49. The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister, by the author or his legal representative, and further that such work shall be printed and published or produced in Canada, or reprinted and reprinted or reproduced in Canada, within one month after publication or production elsewhere. 52 V., c. 29, s. 1.

50. In no case shall the sole and exclusive right and privilege in Canada continue to exist after it has expired in the country of origin. 52 V., c. 29, s. 1.

Licenses.

51. If any person entitled to copyright of a work under this Act,—
(a) neglects or fails to take advantage of its provisions; or,
(b) having obtained copyright thereunder, at any time after the first publication in Canada of the work for which copyright has been obtained, fails to print and publish the work in Canada in sufficient numbers and in such manner as to meet the demand in Canada for such work; the Minister may grant a license or licenses to any person or persons domiciled in Canada to print and publish or to reproduce such work in Canada, but no such license shall convey any exclusive right to print and publish or reproduce any work.

2. A license shall be granted to any applicant agreeing to pay the author or his legal representatives a royalty of ten per centum R.S., 1906.
centum on the retail price of each copy or reproduction issued of the work which is the subject of the license, and giving security for such payment to the satisfaction of the Minister. 52 V., c. 29, s. 3; 58-59 V., c. 37, s. 3.

52. As to any work for which copyright has been obtained in Canada, the Governor in Council may, upon its being established to his satisfaction that the holder of such copyright is prepared and bona fide intends, during the remaining period of his term of copyright, to print and publish such work in Canada in sufficient numbers and in such manner as to supply the demand for such work in Canada, revoke all licenses for the printing and publication of such work then in force.

2. Such revocation shall not render unlawful the subsequent sale and disposal in Canada of all or any of the copies of such work then printed under the authority of the license so revoked. 58-59 V., c. 37, s. 5.

53. The royalty in this Part provided for shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council; but the Government shall not be liable to account for any such royalty not actually collected. 52 V., c. 29, s. 4.

54. Whenever, under the foregoing provisions of this Part, a license has been issued permitting the printing and publishing or the producing of any work, and evidence has been adduced to the satisfaction of the Governor in Council that such work is in course of being printed and published or produced in such manner as to meet the demand therefor in Canada, the Governor General may, by proclamation published in the Canada Gazette, prohibit the importation, while the author’s copyright or that of his assigns is in force, or would have been in force had copyright for the work been obtained in Canada under the foregoing provisions of this Part, of any copies or reproductions of the work to which such license relates.

2. If, at any time thereafter, it is made to appear to the Governor in Council that such work is not, under such license, printed and published or produced in such manner as to meet such demand, the Governor General may, by proclamation published as aforesaid, revoke such prohibition. 52 V., c. 29, s. 5; 58-59 V., c. 37, s. 4.

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CHAPTER 71.

An Act respecting Trade Marks and Industrial Designs.

SHORT TITLE.

1. This Act may be cited as the Trade Mark and Design Short title. Act. R.S., c. 63, s. 1.

GENERAL INTERPRETATION.

2. In this Act, unless the context otherwise requires, 'Min- 'Minister.' ister' means the Minister of Agriculture.

DIVISION OF ACT.

3. This Act is divided into three parts. Part I. applies only to Trade Marks. Part II. applies only to Industrial Designs, but does not apply to any design the proprietor of which is not a person resident within Canada, nor to any design which is not applied to a subject-matter manufactured in Canada. Part III. is general and applies to both Trade Marks and Industrial Designs. R.S., c. 63, ss. 2, 24 and 36.

PART I.

TRADE MARKS.

Interpretation.

4. In this Part, unless the context otherwise requires,—  Definitions.
(a) 'general trade mark' means a trade mark used in connection with the sale of various articles in which a proprietor deals in his trade, business, occupation or calling generally;
(b) 'specific trade mark' means a trade mark used in connection with the sale of a class merchandise of a particular description. R.S., c. 63, s. 4.

5. All marks, names, labels, brands, packages or other business devices, which are adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, What shall be deemed to be trade marks.
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manufactured, produced, compounded, packed or offered for sale by him, applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purposes of this Act, be considered and known as trade marks. R.S., c. 63, s. 3.

6. Timber or lumber of any kind upon which labour has been expended by any person in his trade, business, occupation or calling, shall, for the purposes of this Act, be deemed a manufacture, product or article. R.S., c. 63, s. 3.

Seal.

7. The Minister may cause a seal to be made for the purposes of this Part, and may cause to be sealed therewith trade marks and other instruments, and copies of such trade marks and other instruments, proceeding from his office in relation to trade marks. R.S., c. 63, s. 7.

Registration.

8. A register shall be kept at the Department of Agriculture for the registration of trade marks. R.S., c. 63, s. 5.

9. Subject to the provisions of this Act, the Minister shall on application duly made in that behalf, register therein the trade mark of any proprietor applying for such registration in manner as provided by this Act in that behalf and by the rules and regulations made thereunder. R.S., c. 63, ss. 5, and 8.

10. Every proprietor of a trade mark who applies for its registration shall state in his application whether the said trade mark is intended to be used as a general trade mark or as a specific trade mark. R.S., c. 63, s. 9.

11. The Minister may refuse to register any trade mark,—
(a) if he is not satisfied that the applicant is undoubtedly entitled to the exclusive use of such trade mark;
(b) if the trade mark proposed for registration is identical with or resembles a trade mark already registered;
(c) if it appears that the trade mark is calculated to deceive or mislead the public;
(d) if the trade mark contains any immorality or scandalous figure;
(e) if the so-called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking.
54-55 V., c. 35, s. 1.
12. The Minister may in any case in the last preceding section mentioned, if he thinks fit, refer the matter to the Exchequer Court of Canada, and, in that event, such court shall have jurisdiction to hear and determine the matter, and to make an order determining whether and subject to what conditions, if any, registration is to be permitted. 54-55 V., c. 35, s. 1.

13. Subject to the foregoing provisions, the proprietor of a trade mark may, on forwarding to the Minister a drawing and description in duplicate of such trade mark, and a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof, together with the fee required by this Act in that behalf, and on otherwise complying with the provisions of this Act in relation to trade marks and with the rules and regulations made thereunder, have such trade mark registered for his own exclusive use.

2. Thereafter such proprietor shall have the exclusive right to use the trade mark to designate articles manufactured or sold by him. R.S., c. 63, ss. 3, 5, 8 and 13.

14. Upon any trade mark being registered under this Act, the Minister shall return to the proprietor registering the same one copy of the drawing and description forwarded to him with a certificate signed by the Minister to the effect that the said trade mark has been duly registered in accordance with the provisions of this Act; and the day, month and year of the entry of the trade mark in the register shall also be set forth in such certificate. R.S., c. 63, s. 13.

Assignment.

15. Every trade mark registered in the office of the Minister shall be assignable in law.

2. On the assignment being produced, and the fee by this Act prescribed therefor being paid, the Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered in the margin of the register of trade marks on the folio where such trade mark is registered. R.S., c. 63, s. 16.

Time Limit.

16. A general trade mark once registered and destined to be the sign in trade of the proprietor thereof shall endure without limitation. R.S., c. 63, s. 14.

17. A specific trade mark, when registered, shall endure for the expiration of twenty-five years, but may be renewed before the expiration of the said term by the proprietor thereof, or by his R.S., 1906.
his legal representative, for another term of twenty-five years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of twenty-five years. R.S., c. 63, s. 14.

Cancellation.

18. Any person who has registered a trade mark may petition for the cancellation of the same, and the Minister may, on receiving such petition, cause the said trade mark to be so cancelled.

2. Such trade mark shall, after such cancellation, be considered as if it had never been registered under the name of the said person. R.S., c. 63, s. 15.

Right of Action.

19. An action or suit may be maintained by any proprietor of a trade mark against any person who uses the registered trade mark of such proprietor, or any fraudulent imitation thereof, or who sells any article bearing such trade mark or any such imitation thereof, or contained in any package of such proprietor or purporting to be his, contrary to the provisions of this Act. R.S., c. 63, s. 18.

20. No person shall institute any proceeding to prevent the infringement of any trade mark, unless such trade mark is registered in pursuance of this Act. R.S., c. 63, s. 19.

Offences and Penalties.

21. Every person other than the proprietor of any trade mark who, with intent to deceive and to induce any person to believe that any article of any description whatsoever was manufactured, produced, compounded, packed or sold by the proprietor of such trade mark,—

(a) marks any such article with any trade mark registered under the provisions of this Act, or with any part of such trade mark, whether by applying such trade mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such trade mark; or,

(b) knowingly sells or offers for sale any such article marked with such trade mark or with any part thereof;

is guilty of an indictable offence and liable for each offence to a fine not exceeding one hundred dollars and not less than twenty dollars.

2. Such fine shall be paid to the proprietor of such trade mark together with the costs incurred in enforcing and recovering the same.

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3. Every complaint under this section shall be made by the proprietor of such trade mark, or by some one acting on his behalf and thereunto duly authorized. R.S., c. 63, s. 17.

Warranty Upon Sale.

22. Upon the sale or in the contract for the sale of any goods to which a trade mark, or mark, or trade description has been applied, the vendor shall, unless the contrary is expressed in some writing, signed by or on behalf of the vendor, and delivered at the time of the sale or contract to and accepted by the vendee, be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of Part VII. of the Criminal Code. 51 V., c. 41, s. 18.

PART II.

INDUSTRIAL DESIGNS.

Registration.

23. The Minister shall cause to be kept a book to be called the Register of Industrial Designs for the registration therein of industrial designs. R.S., c. 63, s. 22.

24. The proprietor applying for the registration of any design shall deposit with the Minister a drawing and description in duplicate of the same, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof. R.S., c. 63, s. 22.

25. On receipt of the fee prescribed by this Act in that behalf, the Minister shall cause any design for which the proprietor has made application for registry to be examined to ascertain whether it resembles any other design already registered. R.S., c. 63, s. 22.

26. The Minister shall register the design if he finds that it is not identical with or does not so closely resemble any other design already registered as to be confounded therewith; and he shall return to the proprietor thereof one copy of the drawing and description with the certificate required by this Part: Provided that he may refuse, subject to appeal to the Governor in Council, to register such designs as do not appear to him to be within the provisions of this Part or any design which is contrary to public morality or order. R.S., c. 63, ss. 22 and 27.

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27. On the copy of the drawing and description returned to the person registering, a certificate shall be given signed by the Minister or the Deputy Minister of Agriculture to the effect that such design has been duly registered in accordance with the provisions of this Act.

2. Such certificate shall show the date of registration including the day, month and year of the entry thereof in the proper register, the name and address of the registered proprietor, the number of such design and the number or letter employed to denote or correspond to the registration.

3. The said certificate, in the absence of proof to the contrary, shall be sufficient evidence of the design, of the originality of the design, of the name of the proprietor, of the person named as proprietor being proprietor, of the commencement and term of registry, and of compliance with the provisions of this Act. R.S., c. 63, ss. 22 and 28.

28. If the author of any design shall, for a good and valuable consideration, have executed the same for some other person, such other person shall alone be entitled to register it. R.S., c. 63, s. 25.

Exclusive Right.

29. An exclusive right for an industrial design may be acquired by registration of the same under this Part: R.S., c. 63, s. 29.

30. Such exclusive right shall be valid for the term of five years, but may be renewed, at or before the expiration of the said term of five years, for a further period of five years or less on payment of the fee in this Act prescribed for extension of time: Provided that the whole duration of the exclusive right shall not exceed ten years in all. R.S., c. 63, s. 29.

31. During the existence of such exclusive right, whether of the entire or partial use of such design, no person shall without the license in writing of the registered proprietor, or, if assigned, of his assignee, apply for the purposes of sale such design or a fraudulent imitation thereof to the ornamenting of any article of manufacture or other article to which an industrial design may be applied or attached, or publish, sell or expose for sale or use, any such article as aforesaid to which such design or fraudulent imitation thereof has been applied. R.S., c. 63, s. 31.

Proprietorship.

32. The author of any design shall be considered the proprietor thereof unless he has executed the design for another person for a good or valuable consideration, in which case such other person shall be considered the proprietor.
2. The right of such other person to the property shall only be co-extensive with the right which he has acquired. R.S., c. 63, s. 25.

Assignments.

33. Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing which shall be recorded in the office of the Minister on payment of the fees prescribed by this Act in that behalf.

2. Every proprietor of a design may grant and convey an exclusive right to make, use and vend and to grant to others the right to make, use and vend such design within and throughout Canada or any part thereof for the unexpired term of its duration or any part thereof.

3. Such exclusive grant and conveyance shall be called a License. R.S., c. 63, s. 30.

Protection of Design.

34. In order that any design may be protected, it shall be registered before publication, and, after registration, the name of the proprietor shall appear upon the article to which his design applies by being marked, if the manufacture is a woven fabric, on one end thereof, together with the letters Rd., and, if the manufacture is of any other substance, with the letters Rd., and the year of registration at the edge or upon any convenient part thereof.

2. The mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label with the proper marks thereon. R.S., c. 63, s. 24.

Right of Action.

35. If any person applies or imitates any design for the purpose of sale, being aware that the proprietor of such design has not given his consent to such application, an action may be maintained by the proprietor of such design, against such person for the damages such proprietor has sustained by reason of such application or imitation. R.S., c. 63, s. 35.

Offences and Penalties.

36. Every person who, in violation of the provisions of this Part, during the existence of the exclusive right acquired for any industrial design by the registration of the same under this Part, whether of the entire or partial use of such design, without the license in writing of the registered proprietor, or, if assigned, of his assignee,—

(a) for the purposes of sale, applies or attaches such design or a fraudulent imitation thereof to the ornamenting of any R.S., 1906.
any article of manufacture or other article to which an industrial design may be applied or attached; or,

(b) publishes, sells or exposes for sale or for use, any article of manufacture or other article to which an industrial design may be applied or attached and to which such design or fraudulent imitation thereof has been applied or attached;

shall forfeit a sum not exceeding one hundred and twenty dollars and not less than twenty dollars to the proprietor of the design so applied.

2. Such sum shall be recoverable with costs on summary conviction under Part XV. of the Criminal Code by the registered proprietor or assignee. R.S., c. 63, s. 31.

37. Every person who,—

(a) places the word Registered or the letters Rd. upon any article for which no design has been registered under this Part or upon any article for the design of which the exclusive right has expired; or,

(b) advertises for sale as a registered article any article for which no design has been registered or for the design of which the exclusive right has expired; or,

(c) unlawfully sells, publishes or exposes for sale any article for which no design has been registered, or for the design of which the exclusive right has expired, and on which the word Registered or the letters Rd. have been placed, knowing the said article to have been fraudulently marked or the exclusive right to such design to have expired;

shall for each offence be liable to a penalty not exceeding thirty dollars and not less than four dollars.

2. Such penalty shall be recoverable on summary conviction under Part XV. of the Criminal Code with costs by any person who sues for the same.

3. A moiety of such penalty shall belong to the prosecutor, and the other moiety to His Majesty for the public uses of Canada. R.S., c. 63, s. 32.

Limitation of Actions.

38. All suits under this Part and all proceedings thereunder for offences, shall be brought within twelve months from the cause of action or commission of the offence and not afterwards. R.S., c. 63, s. 36.

PART III.

GENERAL.

Rules, Regulations and Forms.

39. The Minister may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and
and adopt forms for the purposes of this Act respecting trade marks and industrial designs; and such rules, regulations and forms, if adopted, shall be deemed to be correct for the purposes of this Act.

2. All documents executed according to the said rules, regulations and forms, and accepted by the Minister, shall be deemed to be valid so far as relates to official proceedings under this Act. R.S., c. 63, ss. 6 and 23.

Clerical Errors.

40. Clerical errors which occur in the drawing up or copying of any instrument under this Act respecting trade marks or industrial designs shall not be construed as invalidating the same, but, when discovered, may be corrected under the authority of the Minister. R.S., c. 63, ss. 21 and 38.

Inspection.

41. Any person may be allowed to inspect the register of trade marks or the register of industrial designs.

2. The Minister may cause copies of representations of trade marks or copies of representations of industrial designs to be delivered on the applicant for the same paying the fee or fees prescribed by this Act in that behalf. R.S., c. 63, ss. 20 and 37.

Procedure as to Rectification and Alteration.

42. The Exchequer Court of Canada may, on the information of the Attorney General, or at the suit of any person aggrieved by any omission, without sufficient cause, to make any entry in the register of trade marks or in the register of industrial designs, or by any entry made without sufficient cause in any such register, make such order for making, expunging or varying any entry in any such register as the Court thinks fit; or the Court may refuse the application.

2. In either case, the Court may make such order with respect to the costs of the proceedings as the Court thinks fit.

3. The Court may in any proceedings under this section, decide any question that may be necessary or expedient to decide for the rectification of any such register. 54-55 V., c. 35, s. 1.

43. The registered proprietor of any registered trade mark or industrial design may apply to the Exchequer Court of Canada for leave to add to or alter any such trade mark or industrial design in any particular not being an essential particular, and the Court may refuse or grant leave on such terms as it may think fit.

2. Notice of any intended application to the Court under this section for leave to add to or alter any such trade mark or in-

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Industrial design shall be given to the Minister, and he shall be entitled to be heard on the application. 54-55 V., c. 35, s. 1.

44. A certified copy of any order of the Court for the making, expunging or varying of any entry in the register of trade marks or in the register of industrial designs, or for adding to or altering any registered trade mark or registered industrial design, shall be transmitted to the Minister by the Registrar of the Court, and such register shall thereupon be rectified or altered in conformity with such order, or the purport of the order otherwise duly entered therein, as the case may be. R.S., c. 63, s. 34; 54-55 V., c. 35, s. 1.

Evidence.

45. Every certificate under this Act that any trade mark or industrial design has been duly registered in accordance with the provisions of this Act, which purports to be signed by the Minister or the Deputy Minister of Agriculture shall, without proof of the signature, be received in all courts in Canada as prima facie evidence of the facts therein alleged. R.S., c. 63, ss. 13, 22 and 28.

Fees.

Table of fees. 46. The following shall be the fees in respect to registration under this Act which shall be paid to the Minister in advance, that is to say:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>On every application to register a general trade mark, including certificate</td>
<td>$30.00</td>
</tr>
<tr>
<td>On every application to register a specific trade mark, including certificate</td>
<td>25.00</td>
</tr>
<tr>
<td>On every application for the renewal of the registration of a specific trade mark, including certificate</td>
<td>20.00</td>
</tr>
<tr>
<td>On every application to register a design, including certificate</td>
<td>5.00</td>
</tr>
<tr>
<td>On every application as to a design for an extension of time, for each year of such extension, including certificate</td>
<td>2.00</td>
</tr>
<tr>
<td>For a copy of every certificate of registration separate from the return of the duplicate</td>
<td>1.00</td>
</tr>
<tr>
<td>For the recording of every assignment</td>
<td>2.00</td>
</tr>
<tr>
<td>For copies of documents not above mentioned, for every hundred words or for every fraction thereof</td>
<td>0.50</td>
</tr>
</tbody>
</table>

For each copy of any drawing or emblematic trade mark, and for each copy of any drawn copy of an industrial design,—the reasonable expense of preparing the same. R.S., c. 63, ss. 10 and 26.

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Part III.  

Trade Marks and Designs.  

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47. All fees received by the Minister, under this Act, shall be paid over by him to the Minister of Finance. R.S., c. 63, Finance, ss. 10 and 26.

48. In case any trade mark or industrial design in respect of which application for registry is made under this Act shall not be registered, all fees paid the Minister for registration shall be returned to the applicant or his agent, less, in the case of trade marks, the sum of five dollars, and in the case of industrial designs, the sum of two dollars, which shall be retained as compensation for office expenses. R.S., c. 63, ss. 10 and 26.

Ottawa: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.
CHAPTER 72.
An Act respecting the Marking of Timber.

SHORT TITLE.
1. This Act may be cited as the Timber Marking Act. Short title.

MARKS AND REGISTRATION.
2. Every person engaged in the business of lumbering or the getting out of timber, and of the floating or rafting of the same on the inland waters of Canada, within the provinces of Ontario and Quebec, shall, within one month after he engages therein, select a mark or marks, and cause such mark or marks to be registered in the manner hereinafter provided. R.S., c. 64, s. 1.

3. The Minister of Agriculture shall keep at the Department of Agriculture a book to be called the Timber Mark Register, in which any person engaged in the business of lumbering or getting out timber as aforesaid, may have his timber mark registered upon depositing with the Minister a drawing or impression and description in duplicate of such timber mark, together with a declaration that the same is not and was not in use, to his knowledge, by any person other than himself at the time of his adoption thereof. On certain conditions. The Minister, on receipt of the fee hereinafter provided, shall cause the said timber mark to be examined, to ascertain whether it resembles any other mark already registered; and, if he finds that such mark is not identical with, or does not so closely resemble any other timber mark already registered as to be confounded therewith, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or the Deputy Minister of Agriculture, to the effect that the said mark has been duly registered in accordance with the provisions of this Act; and such certificate shall further set forth the day, month and year of the entry thereof, in the proper register; and every such certificate shall be received in all courts in Canada as evidence of the facts therein alleged, without proof of the signature. R.S., c. 64, s. 2. Certificates shall be evidence.

4. The person who registers such timber mark shall there-
after have the exclusive right to use the same, to designate
the timber got out by him and floated or rafted as aforesaid;
and he shall put the same in a conspicuous place on each log
or piece of timber so floated or rafted. R.S., c. 64, ss. 1 and 3.

5. Any person who has registered a timber mark may
petition for the cancellation of the same, and the Minister
may, on receiving such petition, cause the said mark to be
cancelled; and the same shall, after such cancellation, be con-
sidered as if it had never been registered under the name of
the said person. R.S., c. 64, s. 4.

6. Every timber mark registered at the Department of
Agriculture shall be assignable in law; and, on the produc-
tion of the assignment and the payment of the fee hereinafter
mentioned, the Minister shall cause the name of the assignee,
with the date of the assignment, and such other details as he
sees fit, to be entered on the margin of the register of timber
marks on the folio where such mark is registered. R.S., c. 64,
s. 5.

7. If any person makes application to register, as his own,
any timber mark which is already registered, the Minister
shall give notice of the fact to such person, who may then select
some other mark and forward the same for registration. R.S.,
c. 64, s. 6.

8. No person, other than the person who has registered the
same, shall mark any timber of any description with any mark
registered under the provisions of this Act, or with any part
of such mark. R.S., c. 64, s. 7.

FEES

9. The following fees shall be payable, that is to say:—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>On every application to register a timber mark, including certificate.</td>
<td>$2</td>
</tr>
<tr>
<td>For each certificate of registration not already provided for.</td>
<td>$0.50</td>
</tr>
<tr>
<td>For each copy of any drawing, the reasonable expenses of preparing the same.</td>
<td>$1</td>
</tr>
</tbody>
</table>

2. Such fees shall be paid over by the Minister of Agriculture to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 64, s. 8.

10. The Minister may, from time to time, subject to the approval of the Governor in Council, make rules and regula-

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tions and adopt forms for the purposes of this Act. R.S. c. 64, and adopt forms.

OFFENCES AND PENALTIES.

11. Every person engaged in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada, within the provinces of Ontario and Quebec, who fails, within one month after he engages therein, to select a mark or marks, and cause such mark or marks to be registered in the manner hereinbefore provided, or to put the same in a conspicuous place on each log or piece of timber so floated or rafted, shall incur a penalty of fifty dollars. R.S., Penalty. c. 64, s. 9.

12. Every person, other than the person who has registered the same, who marks any timber of any description with any mark registered under the provisions of this Act, or with any part of such mark, shall, on summary conviction before two justices of the peace, be liable, for each offence, to a penalty not exceeding one hundred dollars and not less than twenty dollars, which amount shall be paid to the proprietor of such mark, together with the costs incurred in enforcing and recovering the same.

2. Every complaint of violation of this section shall be made by the proprietor of such timber mark, or by some one acting on his behalf and thereunto duly authorized. R.S., c. 64, s. 7.

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CHAPTER 73.

An Act respecting Experimental Farm Stations.

SHORT TITLE.

1. This Act may be cited as the Experimental Farm Stations Short title. Act. R.S., c. 57, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'Minister' means the Minister of Agriculture;
   (b) 'farm station' means an experimental farm station established under the provisions of this Act. R.S., c. 57, s. 2.

ESTABLISHMENT.

3. The Governor in Council may establish, first, a farm station for the provinces of Ontario and Quebec jointly; second- Governor in Council may establish farm stations.
   ly, one for the provinces of Nova Scotia, New Brunswick and Prince Edward Island jointly; thirdly, one for the province of Manitoba; fourthly, one for the provinces of Saskatchewan and Alberta and the Northwest Territories jointly; and fifthly, one for the province of British Columbia; and the farm station for the provinces of Ontario and Quebec jointly shall be the principal or central station. R.S., c. 57, s. 3.

4. The Governor in Council may, for the purpose of establishing such farm stations,— Extent of land to be acquired and locality thereof.
   (a) acquire by purchase an extent of land, not exceeding five hundred acres, in the vicinity of the seat of Government, for the central farm station, and an extent of land, not exceeding three hundred acres, in either of the provinces of Nova Scotia, New Brunswick or Prince Edward Island, and a like extent of land in the province of British Columbia, for the farm stations secondly and fifthly mentioned in the next preceding section;
   (b) set apart in Manitoba and in the provinces of Saskatchewan and Alberta and in the Northwest Territories as aforesaid such tracts of unoccupied available public lands, which are the property of Canada, as are necessary for the farm stations thirdly and fourthly mentioned in the last preceding section.
2. The tract of public land so set apart shall not, in each case, exceed one section. R.S., c. 57, s. 4.

5. The Governor in Council may also set apart in the province of Manitoba, and in that portion of the province of British Columbia known as the Railway Belt, a tract or tracts not exceeding in each case ten sections, and in each of the four provisional districts of Assiniboia, Alberta, Saskatchewan and Athabaska, a tract or tracts not exceeding ten sections, for the purpose of tree planting and timber growing. R.S., c. 57, s. 4.

6. For the acquiring of lands for the purposes of this Act, all the powers respecting the acquiring and taking possession of land conferred by the Expropriation Act are hereby conferred upon the Minister; and all the provisions of the said Act respecting the compensation to be awarded for lands acquired thereunder shall apply to lands acquired under the provisions of this Act. R.S., c. 57, s. 4.

7. The said farm stations shall be under the direction and control of the Minister, subject to such regulations as are made by the Governor in Council. 63-64 V., c. 30, s. 1.

OFFICERS AND EMPLOYEES.

8. The Governor in Council may appoint, and fix the remuneration of, a director and such chief officers as are necessary for each farm station. 63-64 V., c. 30, s. 1.

9. The Minister may employ, and fix the remuneration of, such other officers and employees as are necessary for each farm station. 63-64 V., c. 30, s. 1.

10. Such remuneration and all expenses incurred in carrying this Act into effect, shall be paid out of such moneys as are provided by Parliament for that purpose. 63-64 V., c. 30, s. 1.

DUTIES OF OFFICERS.

11. Such officers of each farm station as are charged with the duty by the Minister shall,—

(a) conduct researches and verify experiments designed to test the relative value, for all purposes, of different breeds of stock, and their adaptability to the varying climatic or other conditions which prevail in the several provinces and in the Northwest Territories;

(b) examine into the economic questions involved in the production of butter and cheese;

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(c) test the merits, hardiness and adaptability of new or untried varieties of wheat or other cereals, and of field crops, grasses and forage-plants, fruits, vegetables, plants and trees, and distribute among persons engaged in farming, gardening or fruit growing, upon such conditions as are prescribed by the Minister, samples of the surplus of such products as are considered to be specially worthy of introduction;

(d) analyse fertilizers, whether natural or artificial, and conduct experiments with such fertilizers, in order to test their comparative value as applied to crops of different kinds;

(e) examine into the composition and digestibility of foods for domestic animals;

(f) conduct experiments in the planting of trees for timber and for shelter;

(g) examine into the diseases to which cultivated plants and trees are subject, and also into the ravages of destructive insects, and ascertain and test the most useful preventives and remedies to be used in each case;

(h) investigate the diseases to which domestic animals are subject;

(i) ascertain the vitality and purity of agricultural seeds; and,

(j) conduct any other experiments and researches bearing upon the agricultural industry of Canada, which are approved by the Minister. R.S., c. 57, s. 7.

12. The officer in charge, or such other officer at each farm station as the Minister designates, shall, for the purpose of making the results of the work done thereat immediately useful, prepare and transmit through the director to the Minister, for publication, at least once in every three months, a bulletin or report of progress. R.S., c. 57, s. 8.

13. Such bulletins or reports, and all samples of grain, and of such plants and other products as are designated by the Minister, which are distributed for experiment and trial, may be transmitted in the mails of Canada subject to such regulations as to parcel postage as are prescribed by the Postmaster General. R.S., c. 57, s. 9.

14. The officer in charge of each farm station shall prepare and transmit through the director to the Minister, on or before the thirty-first day of December in each year, a full and detailed report of the work accomplished, and of the revenue and expenditure at such farm station, which report shall be laid before both Houses of Parliament within the first twenty-one days of the next session thereof. R.S., c. 57, s. 10.

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CHAPTER 74.

An Act respecting Quarantine.

SHORT TITLE.

1. This Act may be cited as the Quarantine Act.

INTERPRETATION.

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

(a) 'master' includes every person in command of a vessel;
(b) 'vessel' includes all ships, vessels or craft of any kind carrying passengers;
(c) 'passengers' includes all passengers as well as immigrants usually and commonly known and understood as such, but not troops or military pensioners and their families, who are carried in transports or at the expense of the Government of the United Kingdom;
(d) 'quarantine station' includes Grosse Isle, Lawlor's Island and Partridge Island, or any other place at which quarantine is directed to be performed. R.S., c. 68, s. 1.

REGULATIONS.

3. The Governor in Council may from time to time make such regulations as he thinks proper and best calculated for the preservation of the public health respecting,—

(a) the entry or departure of vessels at the different ports or places in Canada;
(b) the landing of passengers or cargoes from such vessels or the receiving of passengers or cargoes on board of the same;
(c) the ensuring of the due performance of quarantine by and in respect of vessels, passengers, goods or things arriving at or in the neighbourhood of any port or place in Canada;
(d) the thorough cleansing and disinfecting of such vessels, passengers, goods and things;
(e) the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land;
(f) the ensuring of the due performance of quarantine by and in respect of such persons, goods and things at or in the neighbourhood of any place in Canada;
(g) the thorough cleansing and disinfecting of such persons, goods and things;
(h) the enforcing of compliance with all the requirements of this Act; and,
(i) the imposing of penalties, forfeitures and punishments for the breach of any such regulations. R.S., c. 68, s. 2.

4. The Governor in Council may, by such regulations, require the master of every vessel coming up the River St. Lawrence from below the quarantine station at Grosse Isle, or arriving by sea at or in the neighbourhood of any port or place in Canada, except such vessels as are therein designated and referred to as excepted,—
(a) to bring his vessel to anchor, at the anchorage at the proper quarantine station designated in the regulations, and report such vessel in writing to the officer at such station designated for that purpose in such regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo thereof, required by such regulations, or by any officer duly authorized under them to require the same;
(b) to allow the proper officer to visit and inspect such vessel and every part thereof and the passengers and crew and the cargo and other articles on board the same;
(c) to answer truly all questions asked of him touching the same;
(d) to send on shore at such station and at the places there pointed out by the officer thereof authorized by such regulations, any or all of the passengers, crew, cargo or other articles, on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease;
(e) to allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer thinks necessary for the purposes of this Act. R.S., c. 68, s. 4.

5. The Governor in Council may, by such regulations, require the owners or persons in charge of goods or things conveyed by land to any place in Canada to allow the proper officer appointed under such regulations to inspect and examine the same and to answer truly all questions asked of them by such officer concerning the same, and to allow such goods or things to remain so long in the custody of such officer and to be so treated, cleansed and purified, as such officer thinks necessary for the purposes of this Act. R.S., c. 68, s. 4.

6. The Governor in Council may, by such regulations, require all persons arriving by land at any place in Canada to allow themselves to be inspected and examined by the proper officer.
officer appointed under such regulations, and to answer truly all questions asked of them by such officer, and to remain so long at such place and be so treated, cleansed and purified as such officer thinks necessary for the purposes of this Act. R.S., c. 68, s. 4.

7. The Governor in Council may, by such regulations,—

(a) assign to the several officers and persons employed at any quarantine station the powers and duties necessary for carrying the said regulations and this Act into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a justice of the peace or a constable or peace officer for such quarantine station, and for the space around the same described in such regulations; and such officer shall accordingly be such justice of the peace or peace officer, whether he is otherwise qualified or not, for the purpose of carrying out the criminal and other laws of Canada;

(b) prescribe penalties, not exceeding four hundred dollars in any case, for any violation of the same, and provide that the offender shall be imprisoned until such penalty is paid;

(c) direct that no vessel shall be entered or cleared at any Custom house in Canada until all the requirements of such regulations are complied with; and,

(d) direct that any person, vessel or thing, which has passed or departed or been removed from any quarantine station, before all the requirements of such regulations are complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such station, and by force, if necessary. R.S., c. 68, s. 5.

8. Every regulation made under this Act shall have the force of law, and shall be published by proclamation inserted at least twice in the Canada Gazette. R.S., c. 68, ss. 2 and 3.

9. The Governor in Council may appoint one or more medical officers at each of the principal harbours of Canada to board, visit and inspect vessels arriving in such harbour, and to perform such other duties and have such power as the Governor in Council by any regulation directs. R.S., c. 68, s. 6.

10. The Governor in Council may appoint such other officers as he deems necessary for carrying into effect this Act and the regulations made under it, and may assign to them respectively such powers as he thinks requisite. R.S., c. 68, s. 2.
VESSELS NOT BOUND FOR CANADA.

11. When any vessel not originally bound for any port in Canada, arrives at any seaport of Canada with contagious or infectious disease on board, and is allowed to remain in quarantine at or near such port, the master of such vessel shall pay to the collector of the Customs at the port the sum of two dollars, head money, for each person on board the said vessel at the time of her arrival; and the said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port. R.S., c. 68, s. 8.

12. The master of any such vessel shall, before bulk is broken, have the right of putting to sea with such vessel, instead of allowing her to be quarantined, and if this right is exercised, and the vessel has not arrived at her port of destination, the bill of health shall be returned after the inspecting physician has mentioned thereupon the length and circumstances of the detention and the condition of the said vessel on her putting to sea: Provided that before the exercise of such right by the master of such vessel, the inspecting physician shall satisfy himself that the sick of the vessel will be taken care of during the remainder of the voyage; and if any of the sick prefer to remain at such port the said physician shall take care of them. R.S., c. 68, s. 9.

OFFENCES AND PENALTIES.

13. Every penalty imposed under the authority of this Act, shall be a special lien upon the vessel by reason whereof it became payable, and the master whereof becomes liable to such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the justices or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations, except mariners' wages. R.S., c. 68, s. 7.

14. Every one who disobeys any unrevoked regulation made by the Governor in Council respecting quarantine is guilty of an indictable offence and liable to fine or imprisonment or both, in the discretion of the court; and such person may be sued for the penalties prescribed by such regulation. R.S., c. 68, ss. 3 and 11.

15. All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 68, s. 10.

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R.S., 1906.
An Act respecting Infectious or Contagious Diseases affecting Animals.

1. This Act may be cited as the Animal Contagious Diseases Act. 3 E. VII., c. 11, s. 1.

2. In this Act, unless the context otherwise requires,—
   (a) 'the Minister' means the Minister of Agriculture;
   (b) 'foreign animals' means animals not already introduced into Canadian territory, outside of quarantine stations;
   (c) 'contagious' means communicable by close contact or inoculation;
   (d) 'infectious' means communicable in any manner;
   (e) 'infectious or contagious disease' includes, in addition to other diseases generally so designated, glanders, farcy, maladie du coit, pleuro-pneumonia contagiosa, foot and mouth disease, rinderpest, anthrax, Texas fever, hog cholera, swine plague, mange, scab, rabies, tuberculosis, actinomycosis, and variola ovina. 3 E. VII., c. 11, s. 2; 4 E. VII., c. 6, s. 1.

3. Every owner of animals and every breeder of or dealer in animals, and every one bringing animals into Canada, shall, on perceiving the appearance of infectious or contagious disease among the animals owned by him or under his special care, give immediate notice to the Minister and to the nearest veterinary inspector of the Department of Agriculture of the facts discovered by him as aforesaid.

2. Any veterinary surgeon practising in Canada shall, immediately on ascertaining that an animal is labouring under an infectious or contagious disease, give similar notice to the Minister and to the nearest veterinary inspector. 3 E. VII., c. 11, s. 3.

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R.S., 1906.
Penalty for neglect.

4. Every owner of such diseased animals who neglects to comply with the provisions of the last preceding section shall forfeit his claim to compensation for any animals slaughtered in accordance with the provisions of this Act; and no such compensation shall be granted to him. 3 E. VII., c. 11, s. 4.

Slaughtering diseased animals.

5. The Minister may, from time to time, cause to be slaughtered animals suffering from infectious or contagious disease or suspected of being so affected, and animals which are or have been in contact with or close proximity to a diseased animal, or an animal suspected of being affected by infectious or contagious disease. 3 E. VII., c. 11, s. 11.

Compensation to owners.

6. The Governor in Council may order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act; and in all cases the value of the animal for which compensation is ordered, shall be determined by the Minister or by some person appointed by him.

2. Such compensation may be withheld in whole or in part whenever the owner or the person having charge of the animal has, in the opinion of the Minister, been guilty in relation to the animal of an offence against this Act, or whenever the animal being a foreign one was in his judgment diseased at the time of entering Canada. 3 E. VII., c. 11, s. 12.

May be withheld.

7. The compensation, if any, shall be two-thirds of the value of the slaughtered animal before it became affected with infectious or contagious disease, or came in contact with or in dangerous proximity to animals so affected, but shall not exceed in the case of grade animals one hundred and fifty dollars for each horse, sixty dollars for each head of cattle, and fifteen dollars for each pig or sheep, and in the case of pure bred animals three hundred dollars for each horse, one hundred and fifty dollars for each head of cattle and fifty dollars for each pig or sheep: Provided that,—

(a) when it is clearly shown that an animal has been slaughtered on insufficient grounds and that the slaughter was not in accordance with or justifiable under this Act, the owner shall be entitled to compensation at the full value of the animal so slaughtered; and,

(b) if in any case, the sum received by the Government on the sale of a carcass of an animal slaughtered exceeds the amount paid for compensation to the owner of the animal, the excess after deduction of reasonable expenses shall be paid to the owner. 3 E. VII., c. 11, s. 12; 4 E. VII., c. 6, ss. 2 and 3.

Basis of compensation.

Experimental treat.

8. The Minister may, notwithstanding anything in this Act, reserve for experimental treatment any animal ordered to be

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be slaughtered under this Act, and may authorize any of his officers or persons employed by him to make post mortem examinations of animals which have died, or are supposed to have died, from infectious or contagious disease, and to dig up carcases of such animals for the purpose of investigation. 3 E. VII., c. 11, s. 13.

PROHIBITION OF IMPORTATION.

9. The Minister may, from time to time, prohibit the importation or the introduction into Canada, or any part thereof, or into any particular ports thereof, of animals, or of flesh, hides, hoofs, horns or other parts of animals, or of hay, straw; fodder or other articles, either generally or from any places named in the order, for such period as he deems to be necessary for the purpose of preventing the introduction of any contagious or infectious disease among animals into Canada. 3 E. VII., c. 11, s. 14.

OFFICERS AND THEIR DUTIES.

10. The Minister may appoint inspectors and other officers when he deems it necessary, but such appointments shall be confirmed by the Governor in Council within thirty days of the date thereof. 3 E. VII., c. 11, s. 16.

11. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any infectious or contagious disease among animals, shall proceed to the place mentioned with all practicable speed, and execute and discharge their duties pursuant to the regulations made under the authority of this Act and the instructions received by them. 3 E. VII., c. 11, s. 17.

12. Any inspector or other officer appointed as aforesaid may, at any time, for the purpose of carrying into effect any of the provisions of this Act, enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck, horse-box or other vehicle used for the carriage of animals, but shall, if required, state in writing the grounds on which he has so entered. 3 E. VII., c. 11, s. 36.

13. If any animal infected with or labouring under any infectious or contagious disease, or suspected of being so affected is sold, disposed of, or put off, or is exposed or offered for sale in any place, or is brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, any clerk or inspector, or other officer of the fair or market, or any constable or policeman, or any other person authorized by the mayor or reeve, or by any justice, may, either in the act of so disposing of or exposed or offering for sale, or at any subsequent period, give notice of such sale, exposure or offering for sale to the justice of the peace for the place or the person having authority, or the owner of the animal, or any person having interest in the same. 1337

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justice of the peace having jurisdiction in the place, or any person authorized or appointed by the Minister, may seize the animal and report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place; and such mayor, reeve or justice, or person authorized or appointed by the Minister, may, after veterinary examination and verification, cause the animal, together with any pens, hurdles, troughs, litter, hay, straw, or other articles which he judges likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he deems proper, or as is directed, as provided by this Act. 3 E. VII., c. 11, s. 10.

14. Any inspector or constable may, without warrant, apprehend any person found committing an offence against the provisions of this Act with respect to infected places, and shall take any person so apprehended forthwith before a justice of the peace to be examined and dealt with according to law; and a person so apprehended shall not be detained in custody without the order of a justice longer than twenty-four hours; and any inspector or constable may require that any animal or thing moved out of an infected place in violation of the provisions of this Act be forthwith taken back within the limits of that place, and may enforce and execute such requisition at the expense of the owner of such animal or thing. 3 E. VII., c. 11, s. 43.

INFECTED PLACES.

15. Whenever an inspector finds or suspects infectious or contagious disease of animals to exist, he shall forthwith make a declaration thereof under his hand, and shall deliver a copy of such declaration to the occupier of the common, field, stable, cowshed or other premises where the disease is found; and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall be deemed to be an infected place; and the same shall be held to be an infected place until the determination and declaration of the Minister relative thereto in this Act provided for. 3 E. VII., c. 11, s. 18.

16. Whenever an inspector makes such a declaration of the existence or suspected existence of infectious or contagious disease of animals, he shall, with all practicable speed, send a copy thereof to the Minister; and if it appears that infectious or contagious disease exists, the Minister may so determine and declare, and may prescribe the limits of the infected place; but if it appears that it did not exist, the Minister may so determine and declare, and thereupon the place comprised in the inspector’s declaration, or affected thereby, shall cease to be deemed an infected place. 3 E. VII., c. 11, s. 19.

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17. Whenever, under this Act, an inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall apply to and have effect in respect of such lands and buildings as if the same were actually within the limits of the infected place. 3 E. VII., c. 11, s. 20.

18. The area of an infected place may, in all cases of a declaration by the Minister, include any common, field, stable, cowshed or other premises in which infectious or contagious disease has been found to exist, and such an area as to the Minister seems requisite; and the Minister may, from time to time, by order, extend or curtail the limits of an infected place beyond the boundaries of the common, field, stable, cowshed, farm or premises where infectious or contagious disease is declared or found to exist. 3 E. VII., c. 11, s. 21.

19. The area of an infected place may, in any case, be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise. 3 E. VII., c. 11, s. 22.

20. The Minister may, at any time, upon the report of an inspector, by order, declare any place to be free from infectious or contagious disease; and thereupon, and from the time specified in that behalf in the order, the place shall cease to be deemed an infected place. 3 E. VII., c. 11, s. 23.

21. An order of the Minister relative to an infected place shall supersede any order of a local authority inconsistent with it. 3 E. VII., c. 11, s. 24.

22. The provisions of this Act with respect to infected places, shall not restrict the moving of any person, animal or thing by railway or other mode of transport on highways through an infected place, if such person, animal or thing is not detained within the infected place, unless such transport is prohibited. 3 E. VII., c. 11, s. 25.

23. Whenever under this Act a place has been constituted an infected place, no live animal, nor the flesh, head, hide, skin, hair, wool or offal of any animal or any part thereof, nor the carcass nor any remains of any animal, nor any dung of animals, nor any hay, straw, litter or other thing commonly used for and about animals, shall be removed out of the infected place. 1339 R.S., 1906.
place, without a license signed by an inspector appointed as aforesaid, until said place has been released by order of the Minister. 3 E. VII., c. 11, s. 26.

CLEANSING OF VESSELS, VEHICLES AND PREMISES.

24. Every company and every person carrying for hire animals to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor in Council, from time to time, directs, all steamships, steamers, vessels, boats, pens, carriages, trucks, horse-boxes and vehicles used by such company or person for the carrying of animals; and the Governor in Council may cause any such steamship, steamer, vessel, boat, carriage, truck, horse-box or vehicle, to be detained at such place as to him seems meet, until it is so cleansed and disinfected. 3 E. VII., c. 11, s. 27.

Minister may cause the work to be done.

25. If the company or person using such steamship, steamer, vessel, boat, carriage, truck, horse-box or vehicle for the carrying of animals, fails to cause the same to be so cleansed and disinfected within such time after being notified so to do as the Minister directs, the Minister may cause the same to be cleansed and disinfected at the expense of such company or person. 3 E. VII., c. 11, s. 27.

Premises to be in sanitary condition.

26. All yards, stables, sheds or other premises used by railway or steamship companies or other persons for the accommodation of animals shall be maintained in a clean, comfortable and sanitary condition, and shall be subject at all times to inspection by inspectors acting under the authority of the Minister, who, when they deem such action necessary, may order the cleansing and disinfection in a satisfactory manner of the said yards, stables, sheds or other premises. 3 E. VII., c. 11, s. 28.

27. In the event of any railway or steamship company or other person refusing or neglecting to carry out the orders of the inspector in regard to such cleansing or disinfection, or in the event of such company or person neglecting to maintain its yards, stables, sheds or other premises for the use of animals, in a clean, comfortable and sanitary condition, the inspector may condemn the said premises as unfit for use; whereupon the said premises shall not be used for the accommodation of animals until such time as the orders of the inspector in regard thereto have been satisfactorily carried out. 3 E. VII., c. 11, s. 28.

REGULATIONS.

28. The Governor in Council may, from time to time, make such regulations and orders as to him seem necessary for any of the following purposes, that is to say:

(a) 1340

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(a) For subjecting animals to quarantine, or for causing the same to be destroyed upon their arrival in Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that infection or contagion may be conveyed, and generally for regulating the importation or introduction into Canada of animals in such manner as to prevent the introduction of any infectious or contagious disease into Canada;

(b) For the keeping separate, treatment and disposal of, and dealing generally with animals affected with infections or contagious diseases, or suspected of being so affected, or which have been in contact with animals so affected or suspected of being so affected, and for the prevention of the spread of infectious or contagious diseases;

(c) For segregating and confining animals within certain limits, for establishing districts of inspection or of quarantine, and for prohibiting or regulating the removal to or from such parts of or places in Canada, as he designates in such regulations, of animals, or of meats, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection;

(d) For purifying any yard, stable, outhouse or other place, or any wagons, carts, carriages, cars or other vehicles, or any vessels, and for directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of;

(e) For causing notices to be given of the appearance of any disease among animals;

(f) For requiring notice of the appearance of any such disease among animals;

(g) For prohibiting or regulating the holding of markets, fairs, exhibitions or sales of animals;

(h) For declaring any market, railway yard, stock yard, pen, wharf, steamship, steam or other vessel, railway car or other vehicle, on or in which animals are exposed for sale, or are placed for the purpose of transit, to be infected, and for declaring the same to be no longer infected;

(i) For the slaughtering of animals as provided for by this Act;

(j) For requiring proof of the fact that animals imported into or passing through Canada have not, at the time of their embarkation, been brought from any place or locality where any contagious or infectious disease is, at the said time, in existence;

(k) For exempting certain contagious and infectious diseases from the operation of certain specified clauses of this Act, and for dealing with the said diseases as may to him seem necessary and advisable;

(l) R.S., 1906
(1) Generally, any orders which he thinks it expedient to make for the better execution of this Act, or for the purpose of, in any manner, preventing the spreading of and for the extirpation of contagious or infectious disease among animals, whether any such orders are of the same kind as the kinds enumerated in this section or not.

2. The Governor in Council may, from time to time, define the limits of ports and of other circumscriptions for the purposes of this Act. 3 E. VII., c. 11, ss. 15, 29 and 30.

29. The Minister may, from time to time, make such regulations as to him seem necessary for preventing the removal, without a license signed by an inspector or other officer appointed as aforesaid, of live animals, or the hide, skin, hair, offal of any animals or any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter or other thing commonly used for or about animals, out of an infected place. 3 E. VII., c. 11, s. 30.

30. Every regulation made under the provisions of this Act shall have the like force and effect as if it had been embodied in this Act. 3 E. VII., c. 11, s. 31.

Publication and Evidence.

31. Every order in council prohibiting the importation or the introduction of animals into Canada, or establishing quarantines for animals, ordering the slaughtering of animals or declaring any market, railway yard, stock yard, pen, wharf, steamship, steam or other vessel, railway car or other vehicle to be infected, and every order of the Minister declaring any place infected, shall be published twice in the Canada Gazette. 3 E. VII., c. 11, s. 32.

32. An order of the Governor in Council declaring any market, railway yard, stock yard, pen, wharf, steamship, steam or other vessel, railway car or other vehicle to be infected, or of the Minister, declaring a place to be an infected place, or a copy of the declaration of the inspector certified by him, a notice of which has been delivered as required by this Act, shall be prima facie evidence of the existence of disease and other matters to which the order or declaration relates. 3 E. VII., c. 11, s. 33.

33. Any order or regulation made or issued under this Act, or under any order of the Governor in Council, or of the Minister, may be proved by the production of a printed or other copy of such order or regulation, certified by the Minister; and any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date. 3 E. VII., c. 11, s. 34.

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34. The certificate of an inspector or an officer, as aforesaid, to the effect that an animal is affected with an infectious or contagious disease shall, for the purposes of this Act, be prima facie evidence of the matter certified. 3 E. VII., c. 11, s. 35.

OFFENCES AND PENALTIES.

35. Every person who neglects to give notice, as required by this Act, of any facts discovered or perceived by him indicating the appearance or the existence of infectious or contagious disease among animals owned by him or under his special care, or who conceals the existence of infectious or contagious disease among animals, shall incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, ss. 3 and 4.

36. Every person who turns out, keeps or grazes in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, road-side, or other undivided or uninclosed land, any animal, knowing it to be infected with or labouring under any infectious or contagious disease, or to have been exposed to infection or contagion, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 5.

37. Every person who brings or attempts to bring into any market, fair or other place, any animal known by him to be infected with or labouring under any infectious or contagious disease, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 6.

38. Every person who sells or disposes of, or puts off, or offers or exposes for sale, or attempts to dispose of or put off any animal infected with or labouring under any infectious or contagious disease, or the meat, skin, hide, horns, hoofs or other parts of an animal infected with or labouring under any infectious or contagious disease at the time of its death, whether such person is the owner of the animal, or of such meat, skin, hide, horns, hoofs or other parts of such an animal, or not, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 7.

39. Every person who throws or places, or causes or suffers to be thrown or placed, in any river, stream, canal, navigable or other water, or in the sea, within ten miles of the shore, the carcass of an animal which has died of disease, or which has been slaughtered as diseased or as suspected of disease, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 8.

40. Every person who, without lawful authority or excuse, digs up or causes or allows to be dug up the buried carcass of any such animal, shall, on conviction thereof, be liable to a penalty of three hundred dollars. 3 E. VII., c. 11, s. 9.

Inspector's certificate.

Neglect to give notice.

Keeping diseased animals.

Bringing such animals to market.

Selling or putting off such animals.

Throwing carcasses into rivers, etc.

Digging up any such carcass.
of an animal which has died or is suspected of having died from infectious or contagious disease, or which has been slaughtered as diseased or as suspected of disease, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 9.

41. Every person who refuses to admit any inspector or other officer into any place or premises or any steamship, vessel or boat, or any carriage, car, truck, horse-box, or other vehicle used for the carriage of animals, or who obstructs or impedes the execution of any order or regulation made by the Governor in Council or the Minister under this Act, shall, for every such offence incur a penalty not exceeding one hundred dollars; and the inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to law; but no person so apprehended shall be detained in custody, without the order of a justice, longer than twenty-four hours. 3 E. VII., c. 11, s. 37.

42. If any animals are imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any order or regulation made in pursuance of this Act, the animals shall be forfeited and may be forthwith destroyed or disposed of, as the Minister or any person employed by him in that behalf directs; and every person who imports or introduces, or attempts to import or introduce, any animal into Canada, contrary to the provisions of any such order or regulation, shall incur a penalty not exceeding two hundred dollars, for every animal so imported or introduced, or attempted to be imported or introduced by him. 3 E. VII., c. 11, s. 38.

43. Every person who moves, or causes or allows to be moved, any animal, hide, skin, hair, wool, horn, hoof, offal, carcass, meat, dung, hay, straw, litter or other thing in violation of the provisions of this Act with respect to infected places, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 39.

44. Whenever a person having animals in his possession or keeping within a district wherein infectious or contagious disease exists, affixes at the entrance to a building or inclosed place in which such animals are kept, a notice forbidding persons to enter into that building or place without his permission, any person not having a right of entry or way into that building or place who knowingly enters into the same, or any part thereof, in violation of the notice, shall, for every such offence, incur a penalty not exceeding twenty dollars. 3 E. VII., c. 11, s. 40.

45. Every person who fails to comply with the requirements of any order made under the authority of this Act respecting the R.S., 1906.
the cleansing and disinfecting of steamships, vessels, boats, pens, carriages, trucks, horse-boxes or vehicles used by such person for the carriage of animals, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 41.

46. Every person who violates any provision of this Act, or of any regulation made by the Governor in Council or by the Minister, under the authority of this Act, in respect to which no penalty is hereinbefore provided, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 3 E. VII., c. 11, s. 42.

PROCEDURE.

47. Every offence against this Act, or against any order or regulation of the Governor in Council, or of the Minister, and every cause of complaint under this Act, may be prosecuted and tried either in the place in which such offence or cause of complaint was committed or arose, or in any place in which the person charged or complained against happens to be. 3 E. VII., c. 11, s. 44.

48. Every penalty imposed by this Act shall be recoverable, with costs, before any two justices of the peace, or any magistrate having the powers of two justices of the peace, under Part XV. of the Criminal Code. 3 E. VII., c. 11, s. 45.

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CHAPTER 76.

An Act respecting the Department of the Secretary of State.

1. This Act may be cited as the Department of State Act. Short title.

2. There shall be a department of the Government of Canada which shall be called the Department of the Secretary of State of Canada, over which the Secretary of State of Canada for the time being, appointed by the Governor General by commission under the Great Seal, shall preside; and the Secretary of State shall have the management and direction of the Department, and shall hold office during pleasure. R.S., c. 26, s. 1.

3. The Governor in Council may also appoint an officer who shall be called the Under Secretary of State, 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. R.S., c. 26, s. 2.

4. The Secretary of State shall have charge of the State correspondence, shall keep all State records and papers not specially transferred to other departments, and shall perform such other duties as are, from time to time, assigned to him by the Governor in Council. R.S., c. 26, s. 3.

5. The Secretary of State shall be the Registrar General of Canada, and as such shall register all instruments of summons, proclamations, commissions, letters patent, letters patent of land, writs and other instruments and documents issued under the Great Seal, and all bonds, warrants of extradition, warrants for removal of prisoners, leases, releases, deeds of sale, surrenders, and all other instruments requiring registration. R.S., c. 26, s. 4.

6. The Governor in Council may, by commission under the Great Seal, appoint an officer who shall be called the Deputy Registrar General of Canada, and shall hold office during pleasure.

2. The Deputy Registrar may sign and certify the registration of all instruments and documents required to be registered and all such copies of the same, or of any records in the custody of R.S., 1906.
of the Registrar General as are required to be certified or authenticated as being copies of any such instruments, documents or records. R.S., c. 26, s. 4.

7. The Governor in Council may, at any time, assign any of the duties and powers hereby assigned to and vested in the Secretary of State to the head of any other department, and from the period appointed for that purpose by any order in council such duties and powers shall be transferred to and vested in the head of such other department. R.S., c. 26, s. 5.

8. The Secretary of State shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding. R.S., c. 26, s. 6.

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CHAPTER 77.

An Act respecting Naturalization and Aliens.

SHORT TITLE.

1. This Act may be cited as the Naturalization Act. R.S., Short title. c. 113, s. 1.

INTERPRETATION.

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

(a) 'disability' means the disability of being an infant, lunatic, idiot, or married woman;

(b) 'officer in the diplomatic service of His Majesty' means an ambassador, minister, chargé d'affaires, secretary of legation, or any person appointed by such ambassador, minister, chargé d'affaires, or secretary of legation, to execute any duty imposed upon an officer in the diplomatic service of His Majesty by the Naturalization Act, 1870, passed by the Parliament of the United Kingdom;

(c) 'officer in the consular service of His Majesty' means and includes consul-general, consul, vice-consul or consular agent, and any person for the time being discharging the duties of consul-general, consul, vice-consul or consular agent;

(d) 'county' includes a union of counties and a judicial district or other judicial division;

(e) 'alien' includes a statutory alien;

(f) 'statutory alien' means a natural-born British subject who has become an alien under this Act or any Act in that behalf;

(g) 'subject' includes a citizen, when the foreign country referred to is a republic;

(h) 'form' means a form in the schedule to this Act. R.S., c. 113, s. 2.

3. For the purposes of this Act the clerk of the peace of any county in Ontario shall be deemed to be the 'clerk' of the General Sessions of the Peace of that county, and the prothonotary of the Supreme Court of Nova Scotia for any county shall be deemed to be the 'clerk' of that court in relation to matters arising in or dealt with respect to such county. 2 E. VII., c. 23, s. 1; 3 E. VII., c. 38, s. 2.

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Rights of Property of Aliens.

4. Real and personal property of any description may be taken, acquired, held and disposed of by an alien in the same manner, in all respects, as by a natural-born British subject. R.S., c. 113, s. 3.

5. A title to real and personal property of any description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject. R.S., c. 113, s. 3.

6. Nothing in the two last preceding sections shall qualify an alien for any office, or for any municipal, parliamentary, or other franchise, or to be the owner of a British ship; nor shall anything therein entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly conferred upon him. R.S., c. 113, s. 3.

7. The provisions of the three last preceding sections shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediatly or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, one thousand eight hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before the said date. R.S., c. 113, s. 3.

Expatriation.

8. Whenever His Majesty has entered into a convention with any foreign state to the effect that the subjects of that state who are naturalized as British subjects may divest themselves of their status as British subjects, and whenever His Majesty, by order in council, passed under the third section of The Naturalization Act, 1870, enacted by the Parliament of the United Kingdom, has declared that such convention has been entered into by His Majesty, from and after the date of such order in council, any person originally a subject of the state referred to in such order, who has been naturalized as a British subject within Canada, may, within such limit of time as is prescribed in the convention, make a declaration of alienage, and from and after the date of his so making such declaration, such person shall, within Canada, be regarded as an alien, and as a subject of the state to which he originally belonged, as aforesaid. R.S., c. 113, s. 4.

9. Any such declaration of alienage may be made,—
(a) in the United Kingdom, before any justice of the peace;
(b) elsewhere, in His Majesty's dominions, before any judge of any court of civil or criminal jurisdiction, or of any justice

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justice of the peace, or of any other officer for the time being authorized by law in such place to administer an oath for any judicial or other legal purpose; and,

(c) out of His Majesty’s dominions, before any officer in the diplomatic or consular service of His Majesty. R.S., c. 113, s. 5.

10. Any person who, by reason of his having been born within British dominions, is a natural-born subject of His Majesty, but who, at the time of his birth, under the law of any foreign state, was and still is a subject of such state, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and, from and after the making of such declaration of alienage, such person shall, within Canada, cease to be a British subject. R.S., c. 113, s. 6.

11. Any person who is born out of British dominions of a father being a British subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall, within Canada, cease to be a British subject. R.S., c. 113, s. 6.

EFFECT OF NATURALIZATION ABROAD.

12. Any British subject who has, at any time before or at any time after the fourth day of July, one thousand eight hundred and eighty-three, when in a foreign state and not under any disability, voluntarily become naturalized in such state, shall, from and after the time of his so becoming become naturalized in such foreign state, be deemed, within Canada, to have ceased to be a British subject, and shall be regarded as an alien. R.S., c. 113, s. 7.

TAKING OATH.

13. Any alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as may be allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of any of the provinces of Canada, or of two or more of such governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada or to serve under the Government of Canada or the Government of one of the provinces of Canada, or two or more of such governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in form A and apply for a certificate in form B. R.S., c. 113, s. 8.

Where and before whom such oaths may be taken.

14. The following persons shall be competent to administer such oath, namely:

(a) A judge of a court of record in Canada;
(b) A commissioner authorized to administer oaths in any court of record in Canada;
(c) A commissioner authorized by the Governor General to take oaths under this Act;
(d) A justice of the peace of the county or district where the alien resides;
(e) A notary public;
(f) A stipendiary magistrate, or a police magistrate. R.S., c. 113, s. 9.

EVIDENCE OF RESIDENCE OR SERVICE.

15. The alien shall adduce, in support of such application, such evidence of his residence or service, and intention to reside or serve, as the person before whom he takes the oaths aforesaid requires; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in form B. R.S., c. 113, s. 10.

PRESENTATION OF CERTIFICATE AND NOTICE.

16. Such certificate shall be presented,—

(a) in Ontario, to the court of general sessions of the peace of the county in which the alien resides, or to the court of assize and nisi prius during its sittings in such county; 
(b) in Quebec, to any circuit court within the territorial limits of the jurisdiction of which the alien resides;
(c) in Nova Scotia, to the Supreme Court, during its sittings in the county in which the alien resides, or to the county court having jurisdiction in such county;
(d) in New Brunswick, to the Supreme Court, during its sittings in the county in which the alien resides, or to the circuit court, as the case may be, in such county, or to the county court having jurisdiction in such county;
(e) in British Columbia, to the Supreme Court of British Columbia, during its sittings in the electoral district in which the alien resides, or to the court of assize and nisi prius during its sittings in such electoral district, or to the county court of such electoral district;
(f) in Manitoba, to the county court having jurisdiction where the alien resides, or, if there is no county court having jurisdiction there, then to the county court of the county nearest to his residence or the county court the place of holding which is nearest to his residence;
(g) in Prince Edward Island, to the Supreme Court of Judicature, during its sittings in the county within which the alien resides, or to the court of assize and nisi prius during...
during its sittings in such county, or to the county court of such county;

(h) in the province of Saskatchewan or Alberta, to a judge of the Supreme Court of the Northwest Territories sitting in chambers in the judicial district in which the alien resides, pending the abolition of that Court by the legislature of the province, and thereafter to a judge of such superior court as, in respect of the civil jurisdiction of the said Court is established for the province in lieu thereof:

(i) in the Yukon Territory, to the Territorial Court, during its sittings in the circuit within which the alien resides. 3 E. VII., c. 38, s. 1; 4 E. VII., c. 25, s. 1; 4-5 E. VII., c. 3, s. 16; c. 42, s. 16.

17. Except in the provinces of Saskatchewan and Alberta, when it is intended to present a certificate under the last preceding section, on behalf of any alien, notice in writing of such intention stating the name, residence and occupation or addition of such alien shall be given to the clerk of the court at least three weeks before the sittings thereof.

2. The clerk shall post up in a conspicuous place in his office three weeks before such sittings, and keep posted there until such sittings are ended, a list showing the names, residences, and occupations or additions of all aliens as to whom due notice has been received by him of such intention. 3 E. VII., c. 38, s. 2.

18. Except in the provinces of Saskatchewan and Alberta, at any time after the filing of any such notice and previous to the sittings of the court any person objecting to the naturalization of the alien may file in the office of the clerk an opposition in which shall be stated the grounds of his objections. 3 E. VII., c. 38, s. 2.

19. Except in the provinces of Saskatchewan and Alberta, presentation of such certificates shall be made in open court and on the first day of some general sittings of the court, and thereupon the judge shall cause the particulars of all such certificates to be openly announced in court, the name, residence, and occupation or addition of each applicant for naturalization being stated.

2. Where no opposition has been filed to the naturalization of an applicant, and no objection thereto is offered during the sittings, the court on the last day of the sittings shall direct that the certificate of the applicant be filed of record in the court.

3. If such opposition has been filed or objection offered the court shall hear and determine the same in a summary way, and shall make such direction or order in the premises as the justice of the case requires. 3 E. VII., c. 38, s. 2.

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20. In the province of Saskatchewan or Alberta, the procedure with regard to such certificate shall be as follows:—

(a) Before its presentation to the judge, such certificate shall, pending the abolition of the Supreme Court of the Northwest Territories by the legislature of the province, be filed in the office of the clerk of that Court for the judicial district in which the alien resides, unless he resides in a portion of such district assigned to a deputy clerk, in which case it shall be filed in the office of such deputy clerk, and thereafter, in the office of the clerk for such district or, as the case may be, of the deputy clerk, of such superior court as, in respect of the civil jurisdiction of the said Supreme Court, is established for the province in lieu thereof;

(b) A copy of the certificate shall thereupon be posted up in a conspicuous place in the office of the clerk of the court, or of the deputy clerk, as the case may be, and shall remain so posted up for a period of not less than two weeks;

(c) At any time after such copy is first so posted up any one may file with the clerk of the court, or with the deputy clerk, as the case may be, a written notice of objection to the certificate of naturalization being granted, stating the grounds of such objection;

(d) Not later than three weeks after the certificate is so filed, the clerk of the court, or the deputy clerk, as the case may be, shall present to the judge, or transmit to him by registered letter, the certificate and all notices of objection filed with him, if any, with a certificate under his hand and the seal of the court that a copy of the certificate has been duly posted up in his office as above required, and, if no notice of objection has been filed with him, that such is the case;

(e) Within one week following the receipt by the judge of the certificate and such other material, he shall hold a sitting in chambers, at which, if no notice of objection has been filed, and if the certificate appears to be regular and sufficient, he shall direct the issue to the alien of a certificate of naturalization, and, if any notice of objection has been received, or if the certificate is defective or otherwise open to objection, he shall decide such objection in a summary way, and shall make such direction or order as the justice of the case requires;

(f) The judge shall have power to adjourn the hearing of any such case from time to time. 4-5 E. VII., c. 25, s. 1; c. 3, s. 16; c. 42, s. 16.

21. In the Northwest Territories such certificate shall be presented to such authorities or persons as are prescribed by order or regulation of the Governor in Council, and thereupon such authority or person shall take such proceedings with respect to

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to such certificate, and shall cause the same to be filed of record in such way as is prescribed by such order or regulation. R.S., c. 113, s. 12; 3 E. VII., c. 38, s. 3.

22. The alien shall after the filing of such certificate be entitled to a certificate of naturalization in form C authenticated,—

(a) under the seal of the court, if such certificate has been presented to a court; or,

(b) if the certificate has been presented to an authority or person, as prescribed by order or regulation of the Governor in Council, in manner prescribed by such order or regulation. R.S., c. 113, s. 13.

23. The certificate granted to an alien who applies for naturalization on account of service under the Government of Canada or of any province or of any two or more of such Governments shall be filed of record in the office of the Secretary of State of Canada.

2. After such filing, the Governor in Council may authorize the issue of a certificate of naturalization to such alien, in form D. R.S., c. 113, s. 14.

RIGHTS OF ALIENS NATURALIZED.

24. An alien to whom a certificate of naturalization is granted shall, within Canada, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject within Canada, with this qualification that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect. R.S., c. 113, s. 15.

SPECIAL CERTIFICATE.

25. A special certificate of naturalization, in form E, may, in manner aforesaid, be granted to any person with respect to whose nationality, as a British subject, a doubt exists.

2. Such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the rights of such person to be deemed a British subject.

3. The grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. R.S., c. 113, s. 16.

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CERTIFICATE AS TO ALIENS NATURALIZED.

26. An alien naturalized previously to the fourth day of July, one thousand eight hundred and eighty-three, may apply for a certificate of naturalization under this Act.

2. Such certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized. R.S., c. 113, s. 17.

CERTIFICATE OF READMISSION.

27. A statutory alien may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, except that residence in Canada for not less than three months shall be sufficient, apply to the proper court or authority or person in that behalf for a certificate in form F, hereinafter referred to as a ‘certificate of admission to British nationality,’ readmitting him to the status of a British subject within Canada. R.S., c. 113, s. 18; 3 E. VII., c. 38, s. 4.

28. A statutory alien, to whom a certificate of readmission to British nationality within Canada has been granted, shall, from the date of the certificate of readmission, but not in respect of any previous transaction, resume his position as a British subject within Canada, with this qualification, that within the limits of the foreign state of which he became a subject, he shall not be deemed to be a British subject within Canada, unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty or convention to that effect. R.S., c. 113, s. 19.

PROVISIONS IN CASE OF CONVENTION WITH FOREIGN STATE.

29. When any foreign state has, before or after the fourth day of July, one thousand eight hundred and eighty-three, entered into a convention with His Majesty to the effect that the subjects of that state who have been naturalized as British subjects may divest themselves of their status as subjects of such foreign state, and, when such convention, or the laws of such foreign state require a residence in Canada of more than three years or a service under the Government of Canada, or of any of the provinces of Canada, or of two or more of such Governments, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects, an alien being a subject of such foreign state, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service, he has resided

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resided or served the length of time required by such convention or by the laws of the foreign state, instead of taking the oath showing three years' residence or service, take an oath showing residence or service for the length of time required by such convention or by the laws of the foreign state. R.S., c. 113, s. 20.

30. The certificate of naturalization granted to the alien under the last preceding section shall state the period of residence or service sworn to; and such statement shall be sufficient evidence of such residence or service in all courts and places whatsoever. R.S., c. 113, s. 20.

31. An alien who, either before or after the fourth day of July, one thousand eight hundred and eighty-three, has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign state with which a convention to the effect above mentioned has been entered into by His Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign state, may take the oath of residence or service showing residence or service for the length of time required by such convention or by the laws of the foreign state, and apply for a certificate, or a second certificate, as the case may be, of naturalization under this Act. R.S., c. 113, s. 21.

STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

32. A married woman shall, within Canada, be deemed to be a subject of the state of which her husband is, for the time being, a subject. R.S., c. 113, s. 22.

33. A widow who is a natural-born British subject and who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, as such, at any time during widowhood, obtain a certificate of readmission to British nationality, within Canada, as hereinbefore provided. R.S., c. 113, s. 23.

34. If the father, being a British subject, or the mother, being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who, during infancy, has become a resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be subject of the state of which the father or mother has become a subject, and not a British subject. R.S., c. 113, s. 24.

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35. If the father, or the mother being a widow, has obtained a certificate of readmission to British nationality within Canada, every child of such father or mother who, during infancy, has become resident within Canada with such father or mother, shall be deemed to have resumed the position of British subject within Canada, to all intents. R.S., c. 113, s. 25.

36. If the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother who, during infancy, has become resident with such father or mother within Canada, shall, within Canada, be deemed to be a naturalized British subject. R.S., c. 113, s. 26.

37. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to which she became entitled before the fourth day of July, one thousand eight hundred and eighty-three, or affect such estate or interest to her prejudice. R.S., c. 113, s. 27.

REGULATIONS.

38. The Governor in Council may make regulations respecting the following matters:—

(a) The form and registration of declarations of British nationality;

(b) The form and registration of certificates of naturalization in Canada;

(c) The form and registration of certificates of readmission to British nationality within Canada;

(d) The form and registration of declarations of alienage;

(e) The transmission to Canada, for the purpose of registration or safe keeping or of being produced as evidence, of any declarations or certificates made in pursuance or for the purposes of this Act, out of Canada, or of any copies of such declarations or certificates, and of the originals or copies of oaths received under this Act out of Canada; also, of copies of entries of such oaths contained in any register kept out of Canada in pursuance or for the purposes of this Act;

(f) The persons by whom the oaths may be administered under this Act;

(g) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested;

(h) The registration of such oaths;

(i) The persons by whom certified copies of such oaths may be given;

(j) The proof, in any legal proceedings, of such oaths;

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(k) With the consent of the Treasury Board, the imposition and application of fees not fixed by this Act, in respect of any registration, or of the making or granting of any declaration or certificate, and the administration or registration of any oaths authorized by this Act. R.S., c. 113, s. 28.

39. Any regulation made by the Governor in Council under this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act. R.S., c. 113, s. 29.

EVIDENCE.

40. Any declaration authorized to be made under this Act may be proved in any legal proceeding, by the production of the original declaration, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the King's Privy Council for Canada, or by any person authorized by regulation of the Governor in Council to give certified copies of such declaration.

2. The production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned. R.S., c. 113, s. 30.

41. A certificate of naturalization or of readmission to British nationality may be proved in any legal proceeding by the production of any original certificate, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the King's Privy Council for Canada, or by any person authorized by regulation of the Governor in Council to give certified copies of such certificate. R.S., c. 113, s. 31.

42. The statement of the period of residence or service in a certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever. R.S., c. 113, s. 31.

43. Entries in any register authorized to be made in pursuance of this Act may be proved by such copies and certified in such manner as is directed by regulation of the Governor in Council, by the clerk or acting clerk of the King's Privy Council for Canada, or by the Secretary of State.

2. The copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register. R.S., c. 113, s. 32.

44. A copy of any certificate of naturalization may be registered in the land registry office of any county or district or registration division within Canada, and a copy of such registration.
try, certified by the registrar or other proper person in that behalf, shall be sufficient evidence of the naturalization of the person mentioned therein, in all courts and places whatsoever. R.S., c. 113, s. 33.

GENERAL.

45. The Governor in Council may, from time to time, appoint commissioners to take and administer oaths under this Act. R.S., c. 113, s. 34.

46. If any British subject has, in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien. R.S., c. 113, s. 35.

47. The clerk of the court and the persons or authorities by whom the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive, from the person naturalized, the sum of twenty-five cents and no more; and no further or other fee shall be payable for or in respect of such certificate. R.S., c. 113, s. 36.

48. The registrar shall, for recording a certificate of naturalization, be entitled to receive from the person producing the same for registry, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same and no more. R.S., c. 113, s. 36.

49. Every person who, being by birth an alien, had, on or before the fourth day of July, one thousand eight hundred and eighty-three, become entitled to the privileges of British birth within any part of Canada, by virtue of any general or special Act of naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act. R.S., c. 113, s. 37.

50. Nothing in this Act contained shall repeal or in any manner impair or affect,—

(a) the Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled An Act to declare certain persons, therein described, aliens, and to vest their estates in His Majesty; or,

(b) the Act of the Legislature of the late province of Canada, passed in the twenty-fourth year of the reign of Her late Majesty Queen Victoria, chapter forty-four and intituled An Act respecting forfeited estates in Upper Canada; or,

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(c) any proceedings had under the said Acts; or,
(d) the Act of the Legislature of the late province of Canada, 45 Vic., c. 7, passed in the session held in the fourth and fifth years of the reign of Her late Majesty Queen Victoria, chapter seven, intituled An Act to secure to, and confer upon, certain inhabitants of this Province, the civil and political rights of natural-born British subjects; or,
(e) the first, second or third sections of the Act of the said Legislature, passed in the twelfth year of the reign of Her late Majesty Queen Victoria, chapter one hundred and ninety-seven, intituled An Act to repeal a certain Act therein mentioned and to make better provision for the naturalization of Aliens; or,
(f) the naturalization of any person naturalized under the said two last mentioned Acts, or either of them, or any rights acquired by such person or by any other person by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person respectively. R.S., c. 113, ss. 38-39.

51. Every person who, being by birth an alien, did, prior to the first day of January, one thousand eight hundred and sixty-eight, take the oaths of residence and allegiance required by the laws respecting naturalization then in force in that one of the provinces now forming the Dominion of Canada, in which he then resided, shall, within Canada, be entitled to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by this Act; and the certificate of the judge, magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or, he may take and subscribe the oath in form G, before some judge, justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides. R.S., c. 113, s. 40.

52. All aliens who had their settled place of abode,—

(a) in either of the late provinces of Upper Canada, or Lower Canada, or Canada, or in Nova Scotia or New Brunswick, on or before the first day of July, one thousand eight hundred and sixty-seven; or,
(b) in Rupert's Land or the Northwest Territories, on or before the fifteenth day of July, one thousand eight hundred and seventy; or,
(c) in British Columbia, on or before the twentieth day of July, one thousand eight hundred and seventy-one; or,
(d) in Prince Edward Island, on or before the first day of July, one thousand eight hundred and seventy-three;

and who are still residents of Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges

As to those entitled to be naturalized before January, 1868, under the law of any province.

Certain aliens entitled to privileges of British birth.

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privileges of British birth within Canada as if they had been natural-born subjects of His Majesty. R.S., c. 113, s. 41.

53. No such person referred to in the last preceding section, being a male, shall, however, be entitled to the benefit of this Act, unless he takes the oaths of allegiance in form A, and of residence in form H, before some justice of the peace or other person authorized to administer oaths under this Act. R.S., c. 113, s. 41.

54. The oaths taken by any person, under the two last preceding sections shall be filed of record,—

(a) in the province of Ontario, with the clerk of the peace of the county in which such person resides;
(b) in the province of Quebec, with the clerk of the circuit court of the circuit within which such person resides;
(c) in Nova Scotia, with the prothonotary of the Supreme Court;
(d) in New Brunswick, with the clerk of the Supreme Court;
(e) in British Columbia, with the clerk of the Supreme Court;
(f) in Prince Edward Island, with the clerk of the Supreme Court of Judicature;
(g) in Manitoba, with the clerk of the Court of King’s Bench, or with the clerk of the county court of the county in which such person resides;
(h) 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, and 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;
(i) in the Yukon Territory, with the clerk of the Territorial Court;
(j) in the Northwest Territories, with such person or authority as is prescribed by order or regulation of the Governor in Council. R.S., c. 113, s. 42; 4-5 E. VII., c. 3, s. 16; c. 42, s. 16.

55. Upon the oath being so filed, the person taking it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of twenty-five cents, be entitled to a certificate, in form I, from the person with whom the oaths have been filed.

2. The production of such certificate shall be prima facie evidence of the naturalization of such person under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject. R.S., c. 113, s. 42.

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56. No alien shall be naturalized within Canada, except under the provisions of this Act. R.S., c. 113, s. 43.

RETURN TO THE SECRETARY OF STATE.

57. The clerk of every court which is, and the persons or authorities who are, required to grant certificates under this Act shall, on or before the fifteenth days of January and July in each year, make a return of the half years ending respectively with the thirty-first day of December and the thirtieth day of June next preceding the date of such returns, to the Secretary of State of Canada of all persons to whom certificates of naturalization or of readmission to British nationality have been granted by such court, person or authority, as the case may be, or who have taken the oath and been granted the certificates above referred to. 2 E. VII., c. 23, s. 2.

58. Such returns shall set forth with respect to each such person,—

(a) his name, residence and addition, and his former residence and nationality;
(b) the nature of the certificate granted or oath taken;
(c) the date when and the place where the same were granted or taken; and,
(d) any other particulars which the Governor in Council may require. 2 E. VII., c. 23, s. 3.

59. Such return shall be accompanied by certified copies of each certificate granted during the half year. 2 E. VII., c. 23, s. 3.

60. All returns made pursuant to this Act and all copies of certificates received with any such returns shall remain on record in the Department of the Secretary of State. 2 E. VII., c. 23, s. 5.

61. There shall be prepared and kept in the Department of the Secretary of State two alphabetical lists of the persons appearing from such returns, and from the records of the said Department, to have been naturalized or readmitted to British nationality, one of which shall contain the names of persons naturalized or readmitted to British nationality prior to the fifteenth day of May, one thousand nine hundred and two, and the other, those of persons thereafter or who may henceforth be naturalized or readmitted to British nationality. 2 E. VII., c. 23, s. 5.

62. The fees for the preparation and transmission of returns made pursuant to this Act may, from time to time, be fixed by the Governor in Council. 3 E. VII., c. 38, s. 6.

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63. Any person shall be entitled during the usual office hours of the said Department, and upon payment of such fees as may be prescribed by the Governor in Council, to have a search made of such lists, and of the returns and copies of certificates of record under this Act. 2 E. VII., c. 23, s. 6.

64. The Secretary of State, upon request, and upon payment of such fees as are so prescribed, shall issue certificates as to the details shown by such lists or such return with respect to any person whose name appears therein as having been naturalized or readmitted to British nationality, and furnish certified copies of or extracts from any matter of record in the Department under this Act. 2 E. VII., c. 23, s. 6.

**PENALTIES.**

65. Any person who refuses or neglects to make any return required of him by this Act, within the time limited therefor, is guilty of an offence and liable, upon summary conviction, to a penalty of fifty dollars. 2 E. VII., c. 23, s. 7.

66. Every person who wilfully swears falsely, or makes any false affirmation under this Act, shall, on conviction thereof, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of other persons, in respect of any property or estate derived from or held under him, shall not thereby be prejudiced, unless such persons were cognizant of the false swearing or the making of the false affirmation at the time the title by which they claim to hold under him was created. R.S., c. 113, s. 44.

**SCHEDULE.**

A.

**THE NATURALIZATION ACT.**

*Oath of Residence.*

I, A. B., do swear (or, being a person allowed by law to affirm in judicial cases, do affirm) that, in the period of years preceding this date I have resided three (or five, as the case may be) years in the Dominion of Canada with intent to settle therein, without having been, during such three years (or five years)
Naturalization.

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five years, *as the case may be*) a stated resident in any foreign country. So help me God.

Sworn before me at 

on the 

A. B.

day of 

R.S., c. 113, sch.

THE NATURALIZATION ACT.

Oath of Service.

I, A. B., do swear (or, being a person allowed by law to affirm in judicial cases, do affirm), that, in the period of years preceding this date, I have been in the service of the Government of Canada (or of the Government of the province of , in Canada, or, *as the case may be*) for the term of three years, and I intend, when naturalized, to reside in Canada (or to serve under the Government of *as the case may be*).

Sworn before me at 

on the 

A. B.

day of 

R.S., c. 113, sch.

THE NATURALIZATION ACT.

Oath of Allegiance.

I, A. B., formerly of (former place of residence to be stated here), in (country of origin to be stated here), and known there by the name of (name and surname of alien in his country of origin to be stated here), and now residing at (place of residence in Canada and occupation to be stated here), do sincerely promise and swear (or, being a person allowed by law to affirm in judicial cases, do affirm) that I will be faithful and bear true allegiance to His Majesty King Edward VII. (or reigning sovereign for the time being) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada, dependent on and belonging to said Kingdom, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which shall be made against His Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, 

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Majesty, His heirs or successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Him or any of them; and all this I do swear (or affirm) without any equivocation, mental evasion or secret reservation. So help me God.

Sworn before me at this day of 4-5 E. VII., c. 25, s. 2.

The Naturalization Act.

Certificate.

I, C. D., (name and description of the person before whom the oaths have been taken) do certify that A. B., an alien, (describing him as formerly of such a place, in such a foreign country, and now of such a place in Canada, and adding his occupation or addition) on the day of subscribed and took, before me, the oaths (or affirmations) of residence and allegiance (or service and allegiance, as the case may be) authorized by the thirteenth section of the Naturalization Act, and therein swore (or affirmed) to a residence in Canada (or service, etc.), of years; that I have reason to believe, and do believe, that the said A. B., within the period of years preceding the said day, has been a resident within Canada for (three or five, as the case may be) years, (or has been in the service of the Government of Canada for three years, or as the case may be), that the said A. B. is a person of good character, and that there exists, to my knowledge, no reason why the said A. B. should not be granted all the rights and capacities of a natural-born British subject.

Dated at the day of C. D.

If the above certificate is applied for by a person, with respect to whose nationality a doubt exists, and who desires a special certificate of naturalization under section twenty-five, add the following:—

'I further certify that the said A. B. has doubts as to his nationality as a British subject, and desires a special certificate of naturalization under section twenty-five of said Act.'
If the above certificate is applied for by a person previously a natural-born British subject, but who became an alien by naturalization, an appropriate statement to that effect should be inserted in the certificate.

R.S., c. 113, sch.; O.C.'s, Dec. 21, 1903, and Nov. 3, 1905.

C.

THE NATURALIZATION ACT.

Certificate of Naturalization.

Dominion of Canada,
Province of
In the (name of court) Court of
Whereas formerly of
(name of country) now of
in the province of (occupation) has complied with the several requirements of the Naturalization Act, and has duly resided in Canada for the period of years;

And whereas the particulars of the certificate granted to the said under the fifteenth section of the said Act have been duly announced in court, and thereupon by order of the said court, the said certificate has been filed of record in the same pursuant to the said Act: (1)

This is therefore to certify to all whom it may concern, that under and by virtue of the said Act has become naturalized as a British subject, and is, within Canada, entitled to all political and other rights, powers and privileges, and subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification that he shall not, when within the limits of the foreign state of which he was a subject (or citizen) previous to the date hereof, be deemed to be a British subject unless he has ceased to be a subject (or citizen) of that state, in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under the seal of the said court this
day of one thousand nine hundred

A. B.,

Judge, Clerk (or other proper officer of the Court).

This form may be altered so as to apply to the provinces of Saskatchewan and Alberta and the Yukon Territory.

R.S., c. 113, sch.; O.C.'s, 21st Dec., 1903, and 3rd Nov., 1905.

D.

R.S., 1906.
D.

THE NATURALIZATION ACT.

Certificate of Naturalization to a Person after Service under Government.

Whereas A. B., of (describing him, and adding his occupation or addition), has complied with the several requirements of the Naturalization Act, and has been in the service of the Government of Canada (or as the case may be) for a term of not less than three years, and intends, when naturalized, to reside in Canada (or to serve under the Government of, as the case may be); and whereas the certificate granted to the said A. B., under the fifteenth section of the said Act, has been duly filed of record in the office of His Majesty's Secretary of State of Canada, pursuant to the said Act; and whereas the Governor in Council has duly authorized the issue of this certificate of naturalization: This is, therefore, to certify to all whom it may concern that under and by virtue of the said Act, the said A. B. has become naturalized as a British subject and is, within Canada, entitled to all political and other rights, powers and privileges, and subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject (or citizen) previous to the date hereof, be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that state in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under my hand, this day of

Secretary of State of Canada.

E.

THE NATURALIZATION ACT.

Special Certificate of Naturalization to a person with respect to whose Nationality a doubt exists.

Follow Form C down to the sign — then add:

And whereas the said A. B. alleges that he is a person with respect to whose nationality as a British subject a doubt exists, and this certificate is issued for the purpose of quieting such doubts, and the application of the said A. B. therefor and the issuing thereof shall not be deemed to be any admission that the said A. B. was not heretofore a British subject—(then continue the rest of form C to the end).

Form D to be altered in a similar way when necessary.

R.S., c. 113, sch.

F.
Certificate of Readmission to British Nationality.

Dominion of Canada,
Province of

In the (name of court) court of

Whereas formerly of (name of country) now of in the province of (occupation) who alleges that he was a natural-born British subject and that he became an alien by being naturalized as a subject (or citizen) of has complied with the several requirements of the Naturalization Act and has duly resided in Canada for the period of at least three months. And whereas the particulars of the certificate granted to the said under the fifteenth section of the said Act have been duly announced in court; and thereupon by order of the said court, the said certificate has been filed of record in the same pursuant to the said Act: This is therefore to certify to all whom it may concern, that, under and by virtue of the said Act the said from the date of this certificate, but not in respect of any previous transaction, is readmitted to the status of a British subject, and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification that he shall not, when within the limits of the foreign state of which he was a subject (or citizen) previous to the date hereof, be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that state, in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under the seal of the said court this day of one thousand nine hundred and

A. B.,

Judge, Clerk (or other proper officer of the Court.)

R.S., c. 113, sch.; 3 E. VII., c. 38, s. 5; O.C.'s, 21st Dec. and 3rd Nov., 1905.

THE NATURALIZATION ACT.

I, A. B., of , do swear (or affirm) that on or about the day , one thousand eight hundred and , at , in the (county, or as the case

R.S., 1906.
case may be), of in the province of, I did take and subscribe before (a judge, magistrate or other person, naming him) the oaths (or affirmations) of residence and allegiance required by the laws respecting the naturalization of aliens then in force in the said province. So help me God.

Sworn to before me at , on 
the day of , 19
R.S., c. 113, sch.

THE NATURALIZATION ACT.

I, A. B., of , do swear (or affirm) that I had a settled place of abode in Upper Canada (Lower Canada, Nova Scotia or New Brunswick, as the case may be), on the first day of July, A.D. 1867 (or in Rupert’s Land or the Northwest Territories, on the fifteenth day of July, A.D. 1870), (or in British Columbia, on the twentieth day of July, A.D. 1871), (or in Prince Edward Island, on the first day of July, 1873), and I resided therein with intent to settle therein; and I have continuously since resided in the Dominion of Canada. So help me God.

Sworn before me at , on 
the day of 19
R.S., c. 113, schedule.

THE NATURALIZATION ACT.

I hereby certify that A. B., of , has filed with me as clerk of the peace (or as the case may be) the oath (or affirmation) of which the following is a copy:—

(Copy the Oath of Affirmation.)

This certificate is issued pursuant to the fifty-fifth section of the Naturalization Act, and is to certify to all to whom it may concern that

Follow Form C.

R.S., c. 113, schedule.

OTTAWA: Printed by Samuel Edward Dawson, Law Printer to the King’s most Excellent Majesty.

R.S., 1906.
CHAPTER 78.

An Act respecting Oaths of Allegiance.

1. This Act may be cited as the Oaths of Allegiance Act. Short title.

2. Every person in Canada, who, either of his own accord, or in compliance with any lawful requirement made of him, or in obedience to the directions of any Act or law in force in Canada, save and except The British North America Act, 1867, desires to take an oath of allegiance, shall have administered to him and take the oath in the following form, and no other:

'I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty, King Edward VII. (or reigning sovereign for the time being) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, of the British possessions beyond the seas, and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatsoever, which shall be made against His person, crown and dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, His heirs or successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Him or any of them; and all this I do swear without any equivocation, mental evasion or secret reservation. So help me God.' R.S., c. 112, s. 1.

3. It shall not be necessary for any person appointed to any civil office in Canada, or for any mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a barrister, advocate, notary public, attorney, solicitor or proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath aforesaid, and also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling as is required by any law in that behalf. R.S., c. 112, s. 1.

4. The oath of allegiance hereinbefore set forth, together with the oath of office or oath for the due exercise of any profession shall be administered and taken without delay. R.S., 1906.
oath be taken.

An allegiance affirmation may be substituted for an oath.

5. All persons allowed by law in civil cases, in any part of Canada, to affirm instead of making oath, shall be permitted to take an affirmation of allegiance in the like terms, *mutatis mutandis*, as the said oath of allegiance.

2. Such affirmation of allegiance, taken before the proper officer, shall in all cases be accepted from such persons in lieu of such oath, and shall as to such affirmants have the like effect as the said oath of allegiance. R.S., c. 112, s. 3.

6. All justices of the peace and other officers lawfully authorized either by virtue of their office, or special commission from the Crown for that purpose, may in any part of Canada administer the oath of allegiance or receive the affirmation of allegiance. R.S., c. 112, ss. 1 and 3.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 79.
An Act respecting Companies.

SHORT TITLE.

1. This Act may be cited as the Companies Act.

PART I.

JOINT STOCK COMPANIES.

Application of Part.

2. This Part applies to,—
   (a) all companies incorporated under it;  
   (b) all companies incorporated under the Companies Act, chapter one hundred and nineteen of The Revised Statutes of Canada, or to which that Act applied before the fifteenth day of May, one thousand nine hundred and two, excepting loan companies. 2 E. VII., c. 15, s. 2.

Interpretation.

3. In this Part, and in all letters patent and supplementary letters patent issued under it, unless the context otherwise requires,—
   (a) 'the company' or 'a company' means any company to which this Part applies;
   (b) 'the undertaking' means the business of every kind which the company is authorized to carry on;
   (c) 'real estate' or 'land' includes messuages, lands, tenements, and hereditaments of any tenure, and all immovable property of any kind;
   (d) 'shareholder' means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder;
   (e) 'manager' includes the cashier and his secretary;
   (f) 'court' means in Ontario, the High Court of Justice; in Quebec, the Superior Court in and for that province; in Nova Scotia, New Brunswick, British Columbia and Prince Edward Island, the Supreme Court in and for each of those provinces, respectively; in Manitoba, the Court of King's Bench for Manitoba; in the provinces of Saskatchewan R.S., 1906.
Companies.

Saskatchewan and Alberta, a superior court, and in the Yukon Territory, the Territorial Court; and,

 Judge.

(g) 'judge' means in the said respective provinces and Territory a judge of the said courts respectively. 2 E. VII., c. 15, ss. 3, 53 and 79.

Preliminaries.

4. The provisions of this Part relating to matters preliminary to the issue of the letters patent or supplementary letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Part shall be held void or voidable on account of any irregularity in respect of any matter preliminary to the issue of the letters patent or supplementary letters patent. 2 E. VII., c. 15, s. 4.

Formation of New Companies.

5. The Secretary of State may, by letters patent under his seal of office, grant a charter to any number of persons, not less than five, who apply therefor, constituting such persons, and others who have become subscribers to the memorandum of agreement hereinafter mentioned and who thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways or of telegraph or telephone lines, the business of insurance, the business of a loan company and the business of banking and the issue of paper money.

2. Nothing in this Part shall be construed to authorize any company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. 2 E. VII., s. 15, ss. 5 and 24.

6. The Governor in Council may, from time to time, designate the seal of office to be used by the Secretary of State as the seal under which letters patent may be granted under this Act. 2 E. VII., c. 15, s. 5.

Application.

7. The applicants for such letters patent, who must be of the full age of twenty-one years, shall file in the Department of the Secretary of State an application setting forth the following particulars:—

Name.

(a) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable;

Purposes.

(b) The purposes for which its incorporation is sought;

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(c) The place within Canada which is to be its chief place of business;
(d) The proposed amount of its capital stock;
(e) The number of shares and the amount of each share;
(f) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than fifteen and not less than three of their number, who are to be the first or provisional directors of the company;
(g) The amount of stock taken by each applicant, the amount, if any, paid in upon the stock of each applicant, and the manner in which the same has been paid, and is held for the company. 2 E. VII., c. 15, s. 6.

8. The application shall be in accordance with form A in the schedule to this Act and may ask to have embodied in the letters patent then applied for, any provision which could under this Part be contained in any by-law of the Company or of the directors approved by a vote of shareholders, which provision so embodied shall not, unless power is given therefor in the letters patent, be subject to repeal or alteration by any by-law. 2 E. VII., c. 15, s. 7.

9. The application shall be accompanied by a memorandum of agreement in duplicate under seal which shall be in accordance with form B in the schedule to this Act. 2 E. VII., c. 15, s. 7.

10. Before the letters patent are issued the applicants shall establish to the satisfaction of the Secretary of State the sufficiency of their application and memorandum of agreement and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated company or one likely to be confused with any such name; and for that purpose the Secretary of State shall take any requisite evidence in writing by oath or affirmation or by solemn declaration and shall keep of record any such evidence so taken. 2 E. VII., c. 15, s. 7.

11. The letters patent shall recite such of the established averments in the application and memorandum of agreement to be recited, as to the Secretary of State seems expedient. 2 E. VII., c. 15, s. 8.

12. The Secretary of State may give to the company a corporate name, different from that proposed by the applicants, if the proposed name is objectionable. 2 E. VII., c. 15, s. 9.

13. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State by two insertions in the Canada 1875 R.S., 1906.
Canada Gazette, in the form C in the schedule to this Act; and thereupon, from the date of the letters patent, the persons therein named, and such persons as shall have become subscribers to the memorandum of agreement or who thereafter become shareholders in the company, and their successors shall be a body corporate and politic, by the name mentioned in the letters patent.

2. A copy of every such notice shall forthwith be, by the company to which such notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency of the company is established. 2 E. VII., c. 15, s. 10.

As to existing Companies.

14. Any company heretofore incorporated for any purpose or object for which letters patent may be issued under this Part, whether under a special or a general Act, and now being a subsisting and valid corporation, may apply for letters patent to carry on its business under this Part, and the Secretary of State, with the approval of the Governor in Council, may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Part.

2. Upon the issuing of such letters patent all the rights, property and obligations of the former company shall be and become transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company.

3. It shall not be necessary in any such letters patent to set out the names of the shareholders.

4. After the issue of such letters patent the company shall be governed in all respects by the provisions of this Part, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. 2 E. VII., c. 15, s. 11.

15. If a subsisting company applies for the issue of letters patent under this Part, the Secretary of State may, by the letters patent, extend the powers of the company to such other objects for which letters patent may be issued under this Part as the applicant desires, and as the Secretary of State thinks fit to include in the letters patent. 2 E. VII., c. 15, s. 12.

16. The Secretary of State may in any letters patent issued under this Part to any subsisting company name the first directors of the new company, and the letters patent may be issued to the new company by the name of the old company or by another name. 2 E. VII., c. 15, s. 12.
17. Any company incorporated under any general or special Act of any of the provinces of Canada, and any company duly incorporated under the laws of the United Kingdom or of any foreign country for any of the purposes or objects for which letters patent may be issued under this Part, and being at the time of the application a subsisting and valid corporation, may apply for letters patent under this Part, and the Secretary of State, upon receiving satisfactory evidence that the Act of incorporation or charter of the company so applying is valid and subsisting and that no public or private interest will be prejudiced, may issue letters patent incorporating the shareholders of the company so applying as a company under this Part, limiting, if necessary, the powers of the said company to such purposes or objects as might have been granted had the shareholders applied in the first instance to the Secretary of State for letters patent under this Part, and thereupon all the rights, property and obligations of the former company shall be and become transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company.

2. It shall not be necessary in any such letters patent to set out the names of the shareholders.

3. After the issue of such letters patent the company shall be governed in all respects by the provisions of this Part, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. 2 E. VII., c. 15, s. 13.

18. Every company desirous of obtaining letters patent under the last preceding section shall first file in the office of the Secretary of State of Canada a certified copy of the charter or Act incorporating the company, and shall also designate the place in Canada where its principal office will be situated and the name of the agent or manager in Canada authorized to represent the company and to accept process in all suits and proceedings against the company for any liabilities incurred by the company therein. 2 E. VII., c. 15, s. 13.

19. Every such company to which such letters patent have been granted, when so required, shall make a return to the Secretary of State of the names of its shareholders, the amount of its paid-up capital and the value of its real and personal estate held in Canada, and, in default of making the said return within three months, the letters patent may be cancelled. 2 E. VII., c. 15, s. 13.

20. Notice of the issue of such letters patent shall be published in the Canada Gazette. 2 E. VII., c. 15, s. 13.
Companies.

Change of Name.

21. If it is made to appear to the satisfaction of the Secretary of State that the name of a company, given by original or supplementary letters patent issued under this Part, is the same as the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, the Secretary of State may direct the issue of supplementary letters patent, reciting the former letters and changing the name of the company to some other name which shall be set forth in the supplementary letters patent. 2 E. VII., c. 15, s. 14.

22. When a company is desirous of adopting another name, the Secretary of State, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the supplementary letters patent. 2 E. VII., c. 15, s. 15.

23. No alteration of name under the two sections last preceding shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name. 2 E. VII., c. 15, s. 16.

Fees and Forms.

24. The Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on application for any letters patent or supplementary letters patent under this Part, the amount of which may be varied according to the nature of the company, the amount of the capital stock or other particulars as the Governor in Council thinks fit.

2. No steps shall be taken in the Department of the Secretary of State towards the issue of any letters patent or supplementary letters patent under this Part, until after all fees therefor are duly paid. 2 E. VII., c. 15, ss. 13 and 17.

25. The Governor in Council may prescribe the forms of proceedings and registration in respect to letters patent and supplementary letters patent issued under this Part, and in respect to all other matters requisite for carrying out the objects of this Part. 2 E. VII., c. 15, s. 17.

Commencement of Business.

26. The company shall not commence its operations or incur any liability before ten per centum of its authorized capital has been subscribed and paid for. 2 E. VII., c. 15, s. 18.

R.S., 1906.
Forfeiture of Charter.

27. In case of non-user by the company of its charter for three consecutive years or in case the company does not go into actual operation within three years after the charter is granted, such charter shall be and become forfeited. 2 E. VII., c. 15, s. 19.

General Powers and Duties of the Company.

28. All powers given to the company by letters patent or supplementary letters patent shall be exercised subject to the provisions and restrictions contained in this Part. 2 E. VII., c. 15, s. 20.

29. The company may acquire, hold, mortgage, sell and convey any real estate requisite for the carrying on of the undertaking of the company.

2. The company shall in no case make any loan to any shareholder of the company.

3. The company shall forthwith upon incorporation under this Part, become and be vested with all property and rights, real and personal, theretofore held by it or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities, requisite or incidental to the carrying on of its undertaking, as if it was incorporated by a special Act of Parliament, embodying the provisions of this Part and of the letters patent and supplementary letters patent issued to such company. 2 E. VII., c. 15, ss. 21 and 70.

30. The company shall, at all times, have an office in the city or town in which its chief place of business in Canada is situate, which shall be the legal domicile of the company in Canada; and the company may establish such other offices and agencies elsewhere as it deems expedient.

2. Notice of the situation of such principal office and of any change therein shall be published in the Canada Gazette. 2 E. VII., c. 15, s. 22.

31. Every deed which any person, lawfully empowered in that behalf by the company as its attorney, signs on behalf of the company and seals with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company. 2 E. VII., c. 15, s. 23.

32. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as
as such under the by-laws of the company, shall be binding upon the company.

2. In no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order.

3. No person so acting as such agent, officer or servant of the company shall be thereby subjected individually to any liability whatever to any third person. 2 E. VII., c. 15, s. 24.

**Obtaining of further Powers.**

33. The company shall keep its name, with the word *limited* after the name, painted or affixed, in letters easily legible, in a conspicuous position on the outside of every office or place in which the business of the company is carried on, and shall have its name, with the said word after it, engraved in legible characters, on its seal, and shall have its name, with the said word after it in legible characters, mentioned in all notices, advertisements and other official publications of the company and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company. 2 E. VII., c. 15, s. 25.

34. The company may, from time to time, by a resolution passed by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company, at a special general meeting called for the purpose, authorize the directors to apply for supplementary letters patent, extending the powers of the company to such further or other purposes or objects for which a company may be incorporated under this Part, as are defined in such resolution. 2 E. VII., c. 15, s. 26.

35. The directors may, at any time within six months after the passing of any such resolution, make application to the Secretary of State, for the issue of such supplementary letters patent. 2 E. VII., c. 15, s. 27.

36. Before such supplementary letters patent are issued, the applicants shall establish to the satisfaction of the Secretary of State the due passing of the resolution authorizing the application, and for that purpose the Secretary of State shall take any requisite evidence in writing, by oath or affirmation, or by statutory declaration under the Canada Evidence Act, and shall keep of record any such evidence so taken. 2 E. VII., c. 15, s. 28.

R.S., 1906.
37. Upon the due passing of such resolution being so established, the Secretary of State may grant supplementary letters patent extending the powers of the company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State in the Canada Gazette, in the form D in the schedule to this Act.

2. From the date of the supplementary letters patent, the undertaking of the company shall extend to and include the further or other purposes or objects set out in the supplementary letters patent as fully as if such further or other purposes or objects were mentioned in the original letters patent.

3. A copy of every such notice shall forthwith be, by the company to which the notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency is established. 2 E. VII., c. 15, s. 29.

Liability of Shareholders.

38. The shareholders of the company shall not, as such, be responsible for any act, default or liability of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the company, beyond the amount unpaid on their respective shares in the capital stock thereof. 2 E. VII., c. 15, s. 30.

39. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but he shall not be liable to an action therefor by any creditor until an execution at the suit of such creditor against the company has been returned unsatisfied in whole or in part.

2. The amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, from such shareholder.

3. Any amount so recoverable, if paid by the shareholder, shall be considered as paid on his shares. 2 E. VII., c. 15, s. 31.

40. Any shareholder may plead by way of defence in whole or in part to any action by any creditor under the last preceding section any set-off which he can set up against the company, except a claim for unpaid dividends, or a salary or allowance as a president or a director of the company. 2 E. VII., c. 15, s. 31.

41. No person, holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee of or for any person named in the books of the company as being so represented by him, shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be, if so required by the court, paid into a fund in the name of the company for the benefit of the creditors of the company. 1381  

R.S., 1906,
Estate liable. shall be liable in like manner, and to the same extent, as the testator or intestate would be if living, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if competent to act and holding such stock in his own name.

2. No person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered for the purposes of such liability as holding the same and shall be liable as a shareholder accordingly. 2 E. VII., c. 15, s. 32.

42. Every such executor, administrator, curator, guardian or trustee shall represent the stock held by him, at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may represent the same at all such meetings and, notwithstanding such pledge, vote as a shareholder. 2 E. VII., c. 15, s. 33.

Prospectus.

43. Every prospectus of the company, and every notice inviting persons to subscribe for shares in the company, shall specify the date of and names of the parties to any contract entered into by the company or the promoters, directors or trustees thereof before the issue of such prospectus or notice, whether subject to adoption by the directors or the company or otherwise.

2. Every prospectus or notice which does not specify such date and names shall, with respect to any person who takes shares in the company on the faith of such prospectus or notice without notice of such contract, be deemed fraudulent on the part of the officers of the company who knowingly issue such prospectus or notice. 2 E. VII., c. 15, s. 34.

Holding Stock of other Companies.

44. The company shall not under any circumstances use any of its funds in the purchase of stock in any other corporation, unless nor until the directors have been expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the capital stock represented at a general meeting of the company duly called for considering the subject of the by-law: Provided that if the letters patent authorize such purchase it shall not be necessary to pass such by-law. 2 E. VII., c. 15, s. 35.

Capital Stock.

45. The stock of the company shall be personal estate, and shall be transferable, in such manner and subject to all such conditions and restrictions as are prescribed by this Part or by
the letters patent or by the by-laws of the company. 2 E. VII., c. 15, s. 36.

46. In so far as the stock of the company or any increased allotment of amount thereof is not allotted by the letters patent or the supplementary letters patent and when no other definite provision is made by such letters patent or supplementary letters patent such stock shall be allotted at such times and in such manner as the directors by by-law shall prescribe. 2 E. VII., c. 15, s. 37.

47. The directors of the company may make by-laws for preference creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and in any other respect, over ordinary stock as is by such by-laws declared.

2. Such by-laws may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as is considered expedient. 2 E. VII., c. 15, s. 38.

48. No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same and representing two-thirds of the stock of the company, or until the same shall be unanimously sanctioned in writing by the shareholders of the company. 2 E. VII., c. 15, s. 38.

49. Holders of shares of such preference stock shall be shareholders within the meaning of this Part, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Part: Provided that in respect of dividends, and in any other respect declared by by-law as authorized by this Part, they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. 2 E. VII., c. 15, s 38.

50. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share.

2. The receipt of the shareholder in whose name the same stands in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share whether notice of such trust has been given to the company or not.

3. The company shall not be bound to see to the application of the money paid upon such receipt. 2 E. VII., c. 15, s. 39.

R.S., 1906.
Increase or Reduction of Capital, etc.

51. The directors of the company may, at any time, whenever the par value of the existing shares of the company is less than one hundred dollars each, make a by-law consolidating them into shares of a larger par value; but no such consolidated share shall exceed the par value of one hundred dollars.

2. For the purpose of such consolidation, the company shall have the power to purchase fractions of shares, and shall be bound to sell any shares held from such purchases within two years after the purchase.

3. The directors of the company may also, at any time, make a by-law subdividing the existing shares into shares of a smaller amount. 2 E. VII., c. 15, s. 40; 4 E. VII., c. 5, s. 2.

52. The directors of the company may, at any time after ninety per centum of the capital stock of the company has been taken up and fifty per centum thereon paid in, make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

2. No by-law for increasing or reducing the capital stock of the company, or for subdividing the shares, shall have any force or effect whatsoever, until it is approved by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company at a special general meeting of the company duly called for considering the same, and afterwards confirmed by supplementary letters patent. 2 E. VII., c. 15, ss. 41 and 43.

53. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted.

2. In default of the manner of the allotment of the shares of the new stock being prescribed by such by-law, the control of such allotment shall vest absolutely in the directors. 2 E. VII., c. 15, s. 41.

54. The directors of the company may, at any time, make a by-law for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company.

2. Such by-law shall declare the number and value of the shares of the stock as so reduced, and the allotment thereof, or the manner in which the same shall be made.

3. The liability of the shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain the same as if the capital had not been reduced. 2 E. VII., c. 15, s. 42.
55. At any time, not more than six months after the approval of a by-law for increasing or reducing the capital stock of the company, or for subdividing the shares, the directors may apply to the Secretary of State for the issue of supplementary letters patent to confirm the same. 2 E. VII., c. 15, s. 44.

56. The directors shall, with such application, produce a copy of such by-law, under the seal of the company, and signed by the president or vice-president and the secretary, and establish to the satisfaction of the Secretary of State, the due passage and approval of such by-law and the expediency and bona fide character of the increase or reduction of capital or subdivision of shares, as the case may be, thereby provided for.

2. The Secretary of State shall, for that purpose, take any requisite evidence in writing, by oath, or affirmation or by solemn declaration, and shall keep of record any such evidence so taken. 2 E. VII., c. 15, s. 44.

57. Upon the due passage and approval of such by-law being established, the Secretary of State may grant such supplementary letters patent.

2. Notice of the granting of such letters patent shall be forthwith given by the Secretary of State in the Canada Gazette, in the form E in the schedule to this Act.

3. From the date of such supplementary letters patent, the capital stock of the company shall be and remain increased or reduced, or the shares subdivided, as the case may be, to the amount in the manner and subject to the conditions set forth by such by-law.

4. The whole of the stock, as so increased or reduced or with such subdivided shares shall become subject to the provisions of this Part, in like manner, as far as possible, as if every part thereof had been or formed part of the stock of the company originally subscribed. 2 E. VII., c. 15, s. 45.

Calls.

58. Not less than ten per centum upon the allotted shares of stock of the company shall, by means of one or more calls formally made, be called in and made payable within one year from the incorporation of the company.

2. The residue shall be called in and made payable when and as the letters patent, or the provisions of this Part, or the by-laws of the company direct. 2 E. VII., c. 15, s. 46.

59. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed. 2 E. VII., c. 15, s. 47.

60. If a shareholder fails to pay any call due by him, on demand made.

Interest on or before the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per centum 1385

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centum per annum from the day appointed for payment to the
time of actual payment thereof. 2 E. VII., c. 15, s. 47.

61. The directors may, if they think fit, receive from any
shareholder willing to advance the same, beyond the sums then
actually called for, all or any part of the amounts remaining
unpaid on the shares held by such shareholders.

2. Upon the money, so paid in advance, or so much thereof,
as, from time to time, exceeds the amount of the calls then made
upon the shares in respect of which such advance is made, the
company may pay interest at such rate not exceeding eight per
centum per annum, as the shareholder who pays such sum in
advance and the directors agree upon. 2 E. VII., c. 15, s. 48.

62. If after such demand or notice as is prescribed by the
letters patent, or by resolution of the directors, or by the by-laws
of the company, any call made upon any share is not paid within
such time as by such letters patent or by resolution of the
directors or by the by-laws is limited in that behalf, the directors,
in their discretion, by vote to that effect duly recorded in
their minutes, may summarily declare forfeited any shares
whereon such call is not paid.

2. Such shares so declared forfeited shall thereupon become
the property of the company, and may be disposed of as the
company by the by-laws or otherwise prescribes.

3. Notwithstanding such forfeiture, the holder of such shares
at the time of forfeiture shall continue liable to the creditors
of the company at such time for the full amount unpaid on such
shares at the time of forfeiture, less any sums which are subse-
sequently received by the company in respect thereof. 2 E. VII.,
c. 15, s. 49.

63. The directors may, if they see fit, instead of declaring
forfeited any share or shares, enforce payment of all calls, and
interest thereon, by action in any court of competent jurisdic-
tion.

2. In such action it shall not be necessary to set forth the
special matter, but it shall be sufficient to declare that the
defendant is a holder of one share or more, stating the number
of shares, and is indebted in the sum of money to which the
calls in arrear, amount, in respect of one call or more, upon one
share or more, stating the number or calls and the amount of
each call, whereby an action has accrued to the company under
this Part. 2 E. VII., c. 15, s. 50.

Transfer of Shares.

64. Except for the purpose of exhibiting the rights of
parties to any transfer of shares towards each other and of
rendering any transferee jointly and severally liable with the
transferrer to the company and its creditors, no transfer of
shares
shares unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatever until entry of such transfer is duly made in the register of transfers: Provided that, as to the stock of any company listed and dealt with on any recognized stock exchange by means of scrip, commonly in use endorsed in blank and transferable by delivery, such endorsement and delivery shall, excepting for the purpose of voting at meetings of the company, constitute a valid transfer. 2 E. VII., c. 15, s. 51.

65. No transfer of shares whereof the whole amount has not been paid in shall be made without the consent of the directors. 2 E. VII., c. 15, s. 52.

66. No share shall be transferable until all previous calls thereon are fully paid in. 2 E. VII., c. 15, s. 54.

67. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the company. 2 E. VII., c. 15, s. 55.

68. Any transfer of the shares or other interest of a deceased shareholder, made by his personal representative, shall, notwithstanding such personal representative is not himself a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer. 2 E. VII., c. 15, s. 56.

Borrowing Powers.

69. If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting duly called for considering the by-law, the directors may from time to time,—

(a) borrow money upon the credit of the company;
(b) limit or increase the amount to be borrowed;
(c) issue bonds, debentures or other securities of the company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;
(d) hypothecate, mortgage, or pledge the real or personal property of the company, or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the company.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the company. 2 E. VII., c. 15, s. 57; 4 E. VII., c. 5, s. 3.

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Dividends.

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Dividends.

70. No dividend shall be declared which will impair the capital of the company. 2 E. VII., c. 15, s. 58.

Debts deducted from dividends.

71. The directors may deduct from the dividends payable to any shareholder all such sums of money as are due from him to the company, on account of calls or otherwise. 2 E. VII., c. 15, s. 59.

Directors.

Number of board.

72. The affairs of the company shall be managed by a board of not more than fifteen and not less than three directors. 2 E. VII., c. 15, s. 60.

73. The persons named as such, in the letters patent, shall be the directors of the company, until replaced by others duly appointed in their stead. 2 E. VII., c. 15, s. 61.

Failure to elect directors, how remedied.

74. If, at any time, an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any subsequent special general meeting of the company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected. 2 E. VII., c. 15, s. 62.

75. No person shall be elected as a director or appointed as a director to fill any vacancy unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon: 2 E. VII., c. 15, s. 63.

Qualifications of directors elected.

76. The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company, has been published in the Canada Gazette. 2 E. VII., c. 15, s. 64.

By-laws for increase or decrease of number.

77. Directors of the company shall be elected by the shareholders, in general meeting of the company assembled at some place within Canada, at such times, in such manner and for such term, not exceeding two years, as the letters patent, or in default thereof, as the by-laws of the company prescribe. 2 E. VII., c. 15, s. 65.
78. In the absence of other provisions in that behalf, in the letters patent or by-laws of the company,—
(a) the election of directors shall take place yearly, and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election;
(b) every election of directors shall be by ballot;
(c) any vacancy occurring in the board of directors may be filled, for the remainder of the term, by the directors from among the qualified shareholders of the company;
(d) the directors shall, from time to time, elect from among themselves a president and, if they see fit, a vice-president of the company; and may also appoint all other officers thereof. 2 E. VII., c. 15, s. 66.

79. Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any general meeting thereof, from time to time, and at all times, be indemnified and saved harmless out of the funds of the company, from and against all costs, charges and expenses whatsoever which such director sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he sustains or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default. 2 E. VII., c. 15, s. 67.

Powers of Directors.

80. The directors of the company may administer the affairs of the company in all things, and make or cause to be made for the company, any description of contract which the company may, by law, enter into; and may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Part, as to the following matters:—
(a) The regulating of the allotment of stock, the making of calls thereon; the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;
(b) The declaration and payment of dividends;
(c) The amount of the stock qualifications of the directors, and their remuneration, if any;
(d) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;

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Part I.

Meetings.  
(e) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings;

Penalties.  
(f) The imposition and recovery of all penalties and forfeitures not otherwise provided for in this Part;

Generally.  
(g) The conduct, in all other particulars, of the affairs of the company not otherwise provided for in this Part. 2 E. VII., c. 15, s. 68.

Confirmation of by-laws.  
81. The directors may, from time to time, repeal, amend or re-enact such by-laws, but every such by-law, excepting by-laws made respecting agents, officers and servants of the company, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time, cease to have force. 2 E. VII., c. 15, s. 68.

Liability of Directors and Officers.  

82. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or impairs the capital thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all debts thereafter contracted during their continuance in office, respectively: Provided that, if any director present when such dividend is declared does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware of such declaration and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or, if no newspaper is there published, in the newspaper published in the place nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. 2 E. VII., c. 15, s. 69.

83. Whenever any transfer of shares not fully paid in has been made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been: Provided that if any director present when any such transfer is allowed does forthwith, or if any director then absent

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absent does, within twenty-four hours after he becomes aware of such transfer and is able so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest to such place, such director may thereby, and not otherwise, exonerate himself from such liability. 2 E.VII., c. 15, s. 52.

84. If any loan is made by the company to any shareholder in violation of the provisions of this Part, all directors and other officers of the company making the same, or in anywise assenting thereto, shall be jointly and severally liable for the amount of such loan, with interest to the company, and also to the creditors of the company for all debts of the company then existing, or contracted between the time of the making of such loan and that of the repayment thereof. 2 E. VII., c. 15, e. 70.

85. The directors of the company shall be jointly and severally liable to the clerks, labourers, servants and apprentices thereof, for all debts not exceeding six months' wages due for service performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt becomes due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company in respect of such debt is returned unsatisfied in whole or in part.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. 2 E. VII., c. 15, s. 71.

86. Every director of any company who expressly or impliedly authorizes the commencement of operations by the company or the incurring of any liabilities by the company before ten per centum of its authorized capital has been subscribed and paid for, shall be jointly and severally liable with the company for the payment of any such liabilities so incurred. 2 E. VII., c. 15, s. 18.

Meetings.

87. Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition and notice call a special meeting of the company for the transaction of any business specified therein. 2 E. VII., c. 15, s. 72.

88. In the absence of other provisions in that behalf in the letters patent or by-laws of the company,—

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(a)

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Notice. (a) notice of the time and place for holding a general meeting of the company shall be given at least fourteen days previously to the time in such notice specified for such meeting, in some newspaper published in the place where the head office or chief place of business of the company is situate, or if there is no such newspaper, then in the place nearest thereto in which a newspaper is published;

Votes. (b) at all general meetings of the company, every shareholder shall be entitled to give one vote for each share then held by him; and such votes may be given in person or by proxy if such proxy is himself a shareholder: Provided that no shareholder shall be entitled either in person or by proxy, to vote at any meeting unless he has paid all the calls then payable upon all the shares held by him;

Proxies. (c) all questions proposed for the consideration of the shareholders at such meetings shall be determined by the majority of votes, and the chairman presiding at such meetings shall have the casting vote in case of an equality of votes. 2 E. VII., c. 15, s. 73.

Casting vote.

Books of the Company.

89. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded,—

(a) a copy of the letters patent incorporating the company, and of any supplementary letters patent, and of the preliminary memorandum of agreement and of all by-laws of the company;

(b) the names, alphabetically arranged, of all persons who are or have been shareholders;

(c) the address and calling of every such person, while such shareholder, as far as can be ascertained;

(d) the number of shares of stock held by each shareholder;

(e) the amounts paid in and remaining unpaid, respectively, on the stock of each shareholder; and,

(f) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director. 2 E. VII., c. 15, s. 74.

Register of transfers. 90. A book called the register of transfers shall be provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the company. 2 E. VII., c. 15, s. 74.

Books to be open for inspection. 91. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open, at the head office or chief place of business of the company, for the inspection of shareholders and creditors of the company, and their

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their personal representatives, and of any judgment creditor of a shareholder.

2. Every such shareholder, creditor or personal representa-
tive or judgment creditor may make extracts therefrom. 2 E. VII., c. 15, s. 75.

Inspection.

92. Upon the application of shareholders representing not less than one-fourth in value of the issued capital stock of the company a judge in the province or territory in which the chief place of business of the company is situated may, if he deems it necessary, appoint a competent inspector to investigate the affairs and management of the company who shall report to the judge the result of the investigation.

2. The application shall be supported by such evidence as the judge may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same.

3. The judge may make necessary rules as to such investiga-
tion and prescribe the manner in which and the extent to which the investigation shall be conducted, or may, if he deems it necessary, examine the officers or directors of the company under oath as to matters that come in question.

4. The expense of such investigation shall, in the discretion of the judge, be defrayed by the company, or by the applicants, or partly by the company and partly by the applicants as the judge may order, who may, if he thinks fit, require the applicants to give security to cover the probable cost of the investiga-
tion. 2 E. VII., c. 15, s. 79.

93. The company may by resolution passed at the annual meeting, or at a general meeting called for the purpose, appoint an inspector to examine into the affairs of the company, and may in such resolution direct the manner and extent of such investigation and the matters to be investigated.

2. The inspector so appointed shall have the same powers in such manner and to such persons as the company by the resolution directs. 2 E. VII., c. 15, s. 79.

94. It shall be the duty of all officers and servants of the company to produce for the examination of any inspector ap-
pointed by a judge or by the company all books and documents relating to the affairs of the company in their custody or power.

2. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. 2 E. VII., c. 15, s. 79.
95. Any summons, notice, order or other process or document required to be served upon the company, may be served by leaving the same at the office of the company in the city or town in which its chief place of business in Canada is situate, with any adult person in the employ of the company, or by serving the same on the president or secretary of the company, or by leaving the same at the domicile of either of them, with any adult person of his family or in his employ.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises; and such publication shall be deemed to be due service upon the company. 2 E. VII., c. 15, s. 80.

96. Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company. 2 E. VII., c. 15, s. 81.

97. Notices to be served by the company upon the shareholders may be served either personally or by sending them through the post, in registered letters, addressed to the shareholders at their places of abode as they appear on the books of the company. 2 E. VII., c. 15, s. 82.

98. A notice or other document served by post by the company on a shareholder shall be deemed to be served at the time when the registered letter containing it would be delivered in the ordinary course of post. 2 E. VII., c. 15, s. 83.

99. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. 2 E. VII., c. 15, s. 85.

100. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name as incorporated by virtue of letters patent, or of letters patent and supplementary letters patent, as the case may be, under this Part. 2 E. VII., c. 15, s. 86.

101. Whenever the interest in any shares of the capital stock of the company is transmitted by the death of any shareholder or otherwise, or whenever the ownership of any shares or the legal right of possession of the same changes by any lawful means, other than by transfer according to the provisions of this Part, and the directors of the company entertain reasonable doubts as to the legality of any claim to such shares, the company may make and file in the court in the province or territory

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territory in which the head office of the company is situated, 
a declaration and petition in writing, addressed to the justices 
of the court, setting forth the facts and the number of shares 
previously belonging to the person in whose name such shares 

stand in the books of the company, and praying for an order 
or judgment adjudicating and awarding the said shares to the 

person or persons legally entitled to the same. 2 E. VII., c. 15, 
s. 53.

102. Notice of the intention to present such petition shall 
be given to the person claiming such shares, or to the attorney 
of such person duly authorized for the purpose, who shall, upon 
the filing of such petition, establish his right to the shares 
referred to in such petition; and the time to plead and all other 
proceedings in such cases shall be the same as those observed 
in analogous cases before such court. 2 E. VII., c. 15, s. 53.

103. The costs and expenses incurred by the company in 
procuring such order or judgment shall be paid to the company 
by the person or persons to whom such shares are declared law-
fully to belong and such shares shall not be transferred in the 
books of the company until such costs and expenses are paid, 
but this provision shall in no way prejudice the right of the 
person adjudged to be the lawful owner of such shares to re-
course according to the practice of the court for such costs and 
expenses against any person contesting his right to such shares, 
2 E. VII., c. 15, s. 53.

104. The company shall be guided by the order or judgment 
of the court establishing the right to such shares.

2. Such order or judgment shall have the effect of a release 
from every other claim to the said shares or arising in respect 
thereof and shall fully indemnify and save harmless the said 
company from any such claim. 2 E. VII., c. 15, s. 53.

Statements and Returns.

105. The directors of every company shall lay before its 
shareholders annually and at or before each general meeting of 
the company for the election of officers, a full printed statement 
of the affairs and financial position of the company. 2 E. VII., 
c. 15, s. 88.

106. It shall be the duty of the company to make a return 
to the Secretary of State whenever a written request shall be by 

him made therefor, containing the following particulars:—

(a) The amount of the capital of the company, and the num-
ber of shares into which it is divided;
(b) The number of shares taken from the commencement of 
the company up to the date of the return;
(c) The amount of calls made on each share;
(d) The amount of capital and shares, 1395
Number of shares taken. 88½
Calls on each share. R.S., 1906.
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Calls received. Calls unpaid. Shares forfeited. Names and additions and shares of former shareholders.

(d) The total amount of calls received;
(e) The total amount of calls unpaid;
(f) The total amount of shares forfeited;
(g) The names, addresses and occupations of the persons who have ceased to be members within the twelve months next preceding, and the number of shares held by each of them. 2 E. VII., c. 15, s. 89.

Evidence.

107. All books required by this Part to be kept by the company shall in any action, suit or proceeding against the company or against any shareholder be prima facie evidence of all facts purporting to be thereby stated. 2 E. VII., c. 15, s. 78.

108. Proof that any letter properly addressed and registered containing any notice or other document permitted by this Part to be served by post was properly addressed and registered and was put into the post office, and of the time when it was so put in, and of the time requisite for its delivery in the ordinary course of post, shall be sufficient evidence of the fact and time of service. 2 E. VII., c. 15, s. 83.

109. A copy of any by-law of the company under its seal and purporting to be signed by any officer of the company shall be received as against any shareholder of the company as prima facie evidence of such by-law in all courts in Canada. 2 E. VII., c. 15, s. 84.

110. In any action or other legal proceeding, the notice in the Canada Gazette of the issue of letters patent or supplementary letters patent under this Part shall be prima facie proof of all things therein contained, and on production of such letters patent or supplementary letters patent or of any exemplification or copy thereof, the fact of such notice and publication shall be presumed. 2 E. VII., c. 15, s. 86.

111. Except in any proceeding by scire facias or otherwise for the purpose of rescinding or annulling letters patent or supplementary letters patent issued under this Part, such letters patent or supplementary letters patent, or any exemplification or copy thereof, shall be conclusive proof of every matter and thing therein set forth. 2 E. VII., c. 15, s. 86.

112. Proof of any matter which is necessary to be made under this Part may be made by oath or affirmation, or by solemn declaration before any justice of the peace, or any commissioner for taking affidavits, to be used in any of the courts in any of the provinces of Canada, or any notary public, each of whom is hereby authorized and empowered to administer oaths.

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oaths and receive affidavits and declarations for that purpose. 2 e. vii., c. 15, s. 87.

offences and penalties.

113. every company which fails or neglects to cause a copy of the notice of the granting of letters patent to such company inserted by the secretary of state in the canada gazette, or to cause a copy of any notice of any supplementary letters patent extending the powers of the company to any further or other purposes or objects than such as were theretofore conferred upon the company inserted by the secretary of state in the canada gazette, to be, forthwith after such insertion in the canada gazette, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency of the company is established, is guilty of an offence and liable on summary conviction before two justices of the peace to a penalty not exceeding twenty dollars for each day such failure or neglect continues. 2 e. vii., c. 15, ss. 10 and 29.

114. every company which does not keep painted or affixed its name, with the word limited after it, in manner directed by this part shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed, and every director and manager of the company, who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty. 2 e. vii., c. 15, s. 25.

115. every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company, wherein its name with the word limited after it, is not engraved in legible characters; or,—

(a) issues, or authorizes the issue of any notice, advertisement or other official publication of such company; or,

(b) signs or authorizes to be signed on behalf of such company, any bill of exchange, promissory note, endorsement, cheque, order for money or goods; or,

(c) issues or authorizes to be issued any bill of parcels, invoice or receipt of the company; wherein its name, with the said word after it, is not mentioned in legible characters, shall incur a penalty of two hundred dollars, and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company. 2 e. vii., c. 15, s. 25.

116. every company who neglects to keep any book or books required by this part to be kept by the company, shall be guilty of an offence and liable, on summary conviction before
two justices of the peace, to a penalty not exceeding twenty dollars for each day that such neglect continues. 2 E. VII., c. 15, s. 77.

117. Every director, officer or servant of the company, who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by the company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit as required by this Part any entry made therein, or to allow the same, as required by this Part, to be inspected and extracts to be taken therefrom, is guilty of an indictable offence. 2 E. VII., c. 15, s. 76.

118. Every company which for a space of one month neglects or refuses to comply with the written request of the Secretary of State to make the return to him required by this Part shall incur a penalty not exceeding twenty dollars for every day during which such default continues.

2. Every director and manager of the company who knowingly and wilfully authorizes or permits such default shall incur the like penalty. 2 E. VII., c. 15, s. 89.

119. Any officer or agent who on any examination by any inspector appointed by a judge or by the company under this Part, refuses to produce any book or document relating to the affairs of the company or to answer any question relating to the affairs of the company, shall incur a penalty not exceeding twenty dollars in respect of each offence. 2 E. VII., c. 15, s. 79.

PART II.

COMPANIES CLAUSES.

Interpretation.

120. In this Part, and in any Act incorporating a company to which this Part applies and with which this Part is incorporated as hereinafter provided, and also in all Acts amending such Act, unless the context otherwise requires,—

(a) 'Special Act' means any Act incorporating a company to which this Part applies, and with which this Part is so incorporated, and includes all Acts amending such Act;

(b) 'the company' means the company incorporated under the Special Act;

(c) 'the undertaking' means the whole of the works and business of whatsoever kind, which the company is authorized to undertake and carry on;

(d)
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(\(d\)) 'real property' or 'land' includes messuages, lands, tenements and hereditaments of any tenure, and all immovable property of any kind;

(\(e\)) 'shareholder' means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder. R.S., c. 118, s. 2.

Application of Part.

121. This Part shall not apply to companies for the construction or working of railways or for the business of banking and the issue of paper money, or to any penny bank, or to any insurance company.

2. No portion of this Part which is inconsistent with Part III. of this Act, shall apply to any company subject to the provisions of Part III. of this Act, nor shall any portion of this Part which is declared by letters patent incorporating any company under the said Part III. not to apply to such company, apply thereto.

3. Nothing in this Part shall be deemed to authorize the company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. R.S., c. 118, ss. 3 and 35; 62-63 V., c. 41, s. 2; 3 E. VII., c. 47, s. 36.

122. Except as aforesaid, this Part applies to every joint stock company incorporated subsequently to the twenty-second day of June, one thousand eight hundred and sixty-nine, by any Special Act of the Parliament of Canada for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends; and, so far as applicable to the undertaking and not expressly varied or excepted by the Special Act, this Part is incorporated with the Special Act and forms part thereof and shall be construed therewith as forming one Act: Provided that any of the provisions of this Part may be excepted from incorporation with the Special Act; and for that purpose, it shall be sufficient, to provide in the Special Act, that the sections or subsections of this Part which it is proposed so to except, referring to them by the numbers they bear, shall not be incorporated with the Special Act, and the Special Act shall be construed accordingly. R.S., c. 118, ss. 3 and 4.

General Powers.

123. Every company incorporated under any Special Act shall be a body corporate under the name declared in the Special Act, and may acquire, hold, alienate and convey any real property necessary or requisite for the carrying on of the undertaking of such company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect R.S., 1906.
effect the intention and objects of this Part and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. R.S., c. 118, s. 5.

Powers subject to this Part, unless excepted.

124. All powers given by the Special Act to the company shall be exercised, subject to the provisions and restrictions contained in this Part, except such as are by the Special Act expressly excepted from incorporation therewith. R.S., c. 118, s. 6.

Directors—their Duties and Powers.

To manage company.

125. The affairs of the company shall be managed by a board of not more than nine and not less than three directors. R.S., c. 118, s. 7.

Provisional directors.

126. The persons named as such, in the Special Act, shall be the first or provisional directors of the company, and shall remain in office until replaced by directors duly elected in their stead. R.S., c. 118, s. 8.

Qualification of subsequent directors.

127. No person shall be elected as a director unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the company so chosen shall, at all times, be persons resident in Canada, and subjects of His Majesty, by birth or naturalization. R.S., c. 118, s. 9.

Election of directors.

128. The directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such manner, and for such term, not exceeding two years, as the Special Act prescribes, and in default of the Special Act so prescribing, as the by-laws of the company prescribe. R.S., c. 118, s. 10.

Term of office.

129. In the absence of other provisions in that behalf, in the Special Act, or the by-laws of the company,—

(a) the election of directors shall take place yearly, and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election;

(b) election of directors shall be by ballot;

(c) vacancies occurring in the board of directors may be filled for the remainder of the term, by the directors from among the qualified shareholders of the company;

(d) the directors shall, from time to time, elect from among themselves a president of the company, and shall also appoint, and may remove at pleasure, all other officers thereof. R.S., c. 118, s. 11.

General provisions.

139. If at any time, an election of directors is not made or does not take effect at the proper time, the company shall not be
be held to be thereby dissolved; but such election may take place at any general meeting of the company, duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S., c. 118, s. 12.

131. The directors of the company may, in all things, administer the affairs of the company, and may make or cause to be made for the company, any description of contract which the company may, by law, enter into. R.S., c. 118, s. 13.

By-laws.

132. The directors may, from time to time, make by-laws not contrary to law or to the Special Act or to this Part, for,—

(a) the regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

(b) the declaration and payment of dividends;

(c) the number of the directors, their term of service, the amount of their stock qualification and their remuneration, if any;

(d) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;

(e) the time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum at meetings of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings;

(f) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

(g) the conduct, in all other particulars, of the affairs of the company. R.S., c. 118, s. 13.

133. The directors may, from time to time, repeal, amend or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereof shall from the time of such default cease to have force or effect. R.S., c. 118, s. 13.

134. The directors of any company, other than a trust company, may also make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference stock by by-law. R.S., 1906.
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Preference and priority as respects dividends, and in any other respect over ordinary stock, as in the by-law may be declared.

2. Such by-law may provide that the holders of shares of such preference stock shall have the right to select a certain proportion therein stated of the board of directors, or may give such holders such other control over the affairs of the company as is considered expedient. 62-63 V., c. 40, ss. 1 and 2.

135. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same and representing two-thirds of the stock of the company, or unanimously sanctioned in writing by the shareholders of the company: Provided, that if the by-law be sanctioned by not less than three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon. 62-63 V., c. 40, s. 3.

136. Except companies which, under their Act of incorporation or any amendment thereto have power to change their head office or chief place of business, the company may, from time to time, by by-law, change the locality of its head office or principal place of business in Canada to any other place in Canada. 63-64 V., c. 42, s. 1.

137. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, and representing two-thirds of the stock of the company; or until it is unanimously sanctioned in writing by the shareholders of the company: Provided, that if the by-law is sanctioned in writing by not less than three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, on compliance with such terms and conditions, if any, as he directs, approve thereof, and upon such approval the by-law shall be valid.

2. No such by-law shall be acted upon until two months after a copy of the by-law has been published by the company, once in the Canada Gazette and once in a newspaper published in the city, town or village in or nearest to which the head office or principal place of business of the company is then already situate, and in which a newspaper is published. 63-64 V., c. 42, s. 1.

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Chap. 79.

Capital Stock and Calls Thereon.

138. The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company. R.S., c. 118, s. 15.

139. If the Special Act makes no other definite provision, the stock of the company shall be allotted at such times and in such manner as the directors, by by-law or otherwise, prescribe. R.S., c. 118, s. 16.

140. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places and in such payments or instalments as the Special Act or this Part requires or allows.

2. Interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call. R.S., c. 118, s. 17.

141. At least ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; and for every year thereafter, at least a further ten per centum thereof shall, in like manner, be made payable and called in, until the whole has been so called in. R.S., c. 118, s. 18.

142. If, after such demand or notice as by the Special Act or the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Special Act or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made.

2. Such shares shall thereupon become the property of the company, and may be disposed of as the directors by by-law or otherwise prescribe. R.S., c. 118, s. 20.

143. No share shall be transferable, until all previous calls thereon have been fully paid, or until it is declared forfeited for non-payment of a call or calls thereon. R.S., c. 118, s. 21.

Books of the Company.

144. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded,—

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Names of shareholders.
Address and calling.
Number of shares.
Amount paid in.
Transfers of stock.

(a) the names, alphabetically arranged, of all persons who are or have been shareholders;
(b) the address and calling of every such person, while such shareholder;
(c) the number of shares of stock held by each shareholder;
(d) the amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;
(e) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,
(f) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director. R.S., c. 118, s. 23.

145. The directors may allow or refuse to allow the entry in any such book, of any transfer of stock whereof the whole amount has not been paid. R.S., c. 118, s. 24.

146. No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors. R.S., c. 118, s. 25.

147. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative may make extracts therefrom. R.S., c. 118, s. 26.

Offences and Penalties.

148. Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years. R.S., c. 118, s. 28.

149. Every company which neglects to keep open for inspection as required by this Part any book or books required by this Part to be kept by such company shall forfeit its corporate rights. R.S., c. 118, s. 29.

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Shareholders' Liability.

150. Every shareholder shall until the whole amount of his stock has been paid up be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part.

2. The amount due on such execution, not exceeding the amount unpaid by the shareholder on his stock, shall be the amount recoverable with costs from such shareholder. R.S., c. 118, s. 30.

151. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof. R.S., c. 118, s. 31.

152. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate if living, or the minor, ward or interdicted person or the person interested in such trust fund if competent to act and holding such stock in his own name, would be liable.

2. No person holding stock in the company as collateral security shall be personally subject to liability as a shareholder; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. R.S., c. 118, s. 32.

Meetings and Voting.

153. No shareholder who is in arrear in respect of any call shall vote at any meeting of the company. R.S., c. 118, s. 22.

154. In the absence of other provisions in that behalf in the Special Act or the by-laws of the company, notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest there- to. R.S., c. 118, s. 11.

155. In the absence of other provisions, in manner afore- said, every shareholder shall be entitled to as many votes as general meetings of the company as he owns shares in the company, and may vote by proxy. R.S., c. 118, s. 11.

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156. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. R.S., c. 118, s. 33.

157. Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition signed by them call a special general meeting of the company for the transaction of any business specified in such requisition, and in the notice made and given for the purpose of calling such meeting. R.S., c. 118, s. 34.

Preference Stock.

158. Holders of shares of preference stock, under the provisions of this Part, shall be shareholders within the meaning of this Part, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Part: Provided that in respect of dividends and in any other respect declared by by-law creating and issuing any part of the capital stock of the company as preference stock under the provisions of this Part, they shall as against the ordinary shareholders be entitled to the preferences and rights given by by-law of the company in that behalf. 62-63 V., c. 40, s. 4.

159. No provision in this Part as to the creation of preference stock and no by-law authorizing the creation of such stock and nothing done under or in pursuance of any such provision or by-law, shall affect or impair the rights of creditors of any company. 62-63 V., c. 40, s. 5.

Contracts.

160. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company.

2. In no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order.

3. The person so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor. R.S., c. 118, s. 35.

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161. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share.

2. The receipt of the shareholder in whose name any share stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company.

3. The company shall not be bound to see to the application of the money paid upon such receipt. R.S., c. 118, s. 36.

Liability of Directors.

162. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively: Provided that if any director present when such dividend is declared does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. R.S., c. 118, s. 37.

163. Whenever entry is made in the company’s books of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable: Provided that if any director present when such entry is allowed does forthwith, or if any director, then absent, does, within twenty-four hours after he becomes aware of such entry, and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such
such director may thereby, and not otherwise, exonerate himself from such liability. R.S., c. 118, s. 24.

164. If any loan is made by the company to any shareholder in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof. R.S., c. 118, s. 38.

165. The directors of the company shall be jointly and severally liable upon every written contract or undertaking of the company, on the face whereof the word limited or the words limited liability are not distinctly written or printed after the name of the company, where it first occurs in such contract or undertaking. R.S., c. 118, s. 39.

166. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts, not exceeding one year’s wages, due for services performed for the company whilst they are such directors respectively: Provided that no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such labourer, servant or apprentice is returned unsatisfied in whole or in part.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. R.S., c. 118, s. 40.

Use of Funds.

167. No company shall loan any of its funds to any shareholder. R.S., c. 118, s. 38.

168. No company shall use any of its funds in the purchase of stock in any other corporation unless in so far as such purchase is specially authorized by the Special Act and also by the Act creating such other corporation. R.S., c. 118, s. 41.

Procedure.

169. The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction. R.S., c. 118, s. 19.

170. In such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant

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defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Part. R.S., c. 118, s. 19.

171. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper.

3. Such publication shall be deemed to be due service upon the company. R.S., c. 118, s. 42.

172. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. R.S., c. 118, s. 43.

173. The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies. R.S., c. 118, s. 44.

Evidence.

174. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as prima facie evidence of such by-law in all courts in Canada. R.S., c. 118, s. 14.

175. All books required by this Part to be kept by the secretary or by any other officer of the company charged with that duty shall, in any suit or proceeding against the company or against any shareholder, be prima facie evidence of all facts purporting to be therein stated. R.S., c. 118, s. 27.

176. In any action by any company to enforce payment of any call or interest thereon, a certificate under the seal of the company and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that the call or calls have been made to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as prima facie evidence. R.S., c. 118, s. 19.

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PART III.

LOAN COMPANIES.

Interpretation.

177. In this Part, unless the context otherwise requires,—

(a) 'company' means a company incorporated under its provisions;

(b) 'Minister' means the Minister of Finance. 62-63 V., c. 41, s. 1.

Regulations.

178. The Governor, in Council may, from time to time, make regulations with respect to the following matters, viz.:—

(a) The notice to be given of applications under this Part, and the evidence and material to be produced or filed in support thereof;

(b) The form and manner of giving any other notice required by this Part or by regulations made under it;

(c) The forms of petitions, certificates, letters patent and other instruments and documents relating to proceedings under this Part;

(d) The persons before whom any affidavit, affirmation, or declaration required by this Part, or by regulations made under it, may be taken or made;

(e) The departmental or other officers to be charged with the administration of this Part and their respective duties thereunder. 62-63 V., c. 41, s. 3.

Application for Incorporation.

179. Any five or more persons of the full age of twenty-one years may apply to the Governor in Council for letters patent under the Great Seal incorporating them as a loan company under this Part. 62-63 V., c. 41, s. 4.

180. The application shall show,—

(a) the number of the proposed board of directors, and the names of not less than three of the applicants, who are to be the provisional board;

(b) the proposed name of the company;

(c) the place where its head office is to be established;

(d) the amount of the proposed capital stock, the number of shares and the amount of each share; and,

(e) such other information as may be required by regulations made under this Part. 62-63 V., c. 41, s. 5.

181. The application may pray for power to acquire the assets of any existing company, whether incorporated by or under the authority of the Parliament of Canada or otherwise, whose
whose main business is lending money on the security of or purchasing or investing in,—

(a) mortgages or hypotbees upon freehold or leasehold, real estate or other immovables; and,

(b) the debentures, bonds, stocks and other securities, excepting bills of exchange and promissory notes, of any government or of any municipal corporation or school corporation or of any chartered bank or incorporated company if incorporated by Canada or any province of Canada or any former province now forming part of Canada.

2. In such case the applicants shall declare the terms upon which such assets are to be acquired, and shall be required to show to the satisfaction of the Governor in Council that such existing company is in a solvent condition and has power to dispose of its assets in the manner proposed, and has agreed, in a manner binding upon it and subject to the granting of letters patent to the applicants, to such a disposal of them. 62-63 V., c. 41, s. 6; 63-64 V., c. 43, s. 1.

Letters Patent.

182. Upon the terms of this Part and of any regulations made thereunder being complied with, the Governor in Council may grant such application and issue the letters patent, if he considers it consistent with the public interests so to do. 62-63 V., c. 41, s. 7.

183. By virtue of letters patent so issued the persons therein mentioned and such others as may thereafter become shareholders shall become and be a body corporate, with the rights and powers conferred by law upon corporations, and with the rights and powers and subject to the obligations and restrictions hereinafter declared. 62-63 V., c. 41, s. 12.

184. Any provision which might be made by by-law of the company may be embodied in the letters patent, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Governor in Council. 62-63 V., c. 41, s. 8.

Name of Company, etc.

185. The name given to a company may differ in whole or in part from that asked for by the applicants. 62-63 V., c. 41, name. s. 9.

186. The name of the company, the place of its head office, the amount of its capital stock, the number of shares and amount of each share, the number of its directors, and its provisional board shall be as declared in the letters patent, subject to such changes as may be lawfully made. 62-63 V., c. 41, s. 13.

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187. The name so given shall not be that of any known company or partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive or cause confusion: Provided that a subsisting name may be given in whole or part with the consent of the company or person entitled thereto, and that the name of any existing company whose assets are to be acquired may be given to the applicants, if the Governor in Council is satisfied that such company has the best right to that name. 62-63 V., c. 41, s. 10; 63-64 V., c. 43, s. 1.

Matters directory and conclusive.

188. The provisions of this Part relating to matters preliminary to the issue of letters patent or of any certificate, order or other proceeding by or on behalf of the Governor in Council or Treasury Board or of any minister or departmental or other officer under this Part, shall be deemed to be directory only; and such letters patent or other proceeding shall not be void or voidable on account of any omission or irregularity in respect of any matter preliminary thereto. 62-63 V., c. 41, s. 11.

189. As to questions arising under this Part, the decision of the Governor in Council shall be final in respect to,—

(a) the name to be given to a company;
(b) the granting of applications for letters patent confirming agreements for amalgamation of companies and the issuing of such letters patent; and,
(c) the confirmation by certificate of the Minister of by-laws for the conversion of partly paid-up shares of capital stock into fully paid-up shares. 62-63 V., c. 41, s. 11.

Organization of Company.

190. The provisional directors of a company incorporated under this Part may receive subscriptions for stock in the capital of the company, and so soon as a sum not less than one hundred thousand dollars of such capital stock has been subscribed and a sum not less than fifty thousand dollars has been paid thereon and deposited with the Minister, may call a meeting of the subscribers to said stock, to be held in the place of the company’s head office, at which meeting the board of directors of the company shall be elected, who shall hold office until their successors are duly appointed; and upon the election of such board the functions of the provisional directors shall cease.

2. Two weeks’ notice of said meeting shall be given by advertisement in a newspaper published in the place of the head office, and by circular to each subscriber of stock posted by registered letter to his last known address: Provided that if all of the subscribers aforesaid are present in person or represented by proxy, the meeting may be held at any time and at any place without notice. 62-63 V., c. 41, s. 14.
Companies.

Part III.

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191. Where the object of the company is wholly or in part to acquire the assets of an existing company, the consideration for such assets may consist wholly or in part of shares in the capital stock of the company for which incorporation is sought.

2. In such case, the Minister may dispense to such extent as he may think proper with the payment and deposit aforesaid. 62-63 V., c. 41, ss. 6 and 14; 63-64 V., c. 43, s. 1.

Powers and Liabilities of Company.

192. A company incorporated under this Part shall not borrow or lend money or otherwise carry on business until it has obtained from the Minister a certificate permitting it to do so, and no application for such certificate shall be made, and no certificate shall be given, until the board of directors has been elected as required by this Part, nor until it has been shown to the satisfaction of the Minister that the provisions in that behalf of this Part have been complied with.

2. No such certificate shall be given unless application therefor be duly made within two years after the issue of the letters patent, or within such extended period as the Governor in Council may, before the expiration of such two years, allow. 62-63 V., c. 41, s. 15.

193. No such certificate shall be given to a company authorized to receive money on deposit unless nor until at least three hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon and deposited with the Minister: Provided that in the case of a company authorized to acquire the assets of an existing company such payment and deposit may be wholly or in part dispensed with. 62-63 V., c. 41, s. 15; 63-64 V., c. 43, s. 1.

194. Should application for such certificate not be duly made within the time limited, or should such certificate be refused, the company's letters patent shall thereupon cease and become void, except for the purpose of winding up the affairs of the company and returning to the subscribers the amounts paid upon the subscribed stock or so much thereof as they may be entitled to. 62-63 V., c. 41, s. 16.

195. Upon the issue of the certificate or upon refusal to issue it, the Minister shall pay over to the company, without interest, the amount deposited with him pursuant to the foregoing provisions of this Part. 62-63 V., c. 41, s. 17.

196. A company if so authorized may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the existing company or to which it is or may be or become entitled, and no company so authorized shall be vested with any of such assets, R.S., 1906.
assets, credits, effects or property, or exercise any of such rights, unless nor until the same have been actually so acquired. 62-63 V., c. 41, s. 19; 63-64 V., c. 43, s. 2.

197. A company duly authorized under this Part in that behalf, which has acquired the assets of an existing company, shall be and is hereby declared to be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the company whose assets have been so acquired. 62-63 V., c. 41, s. 18; 63-64 V., c. 43, s. 1.

198. A company shall, subject to the terms and exceptions contained in its letters patent, have the power of carrying on in Canada the business of lending money on the security of and of purchasing or investing in,—

(a) mortgages or hypothecs upon freehold or leasehold real estate or other immovables; and,

(b) the debentures, bonds, stocks and other securities, except bills of exchange and promissory notes, of any government, or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada or any province of Canada, or any former province now forming part of Canada. 62-63 V., c. 41, s. 20.

199. Any company may take personal security as collateral for any advance made or to be made or for any debt due such company. 62-63 V., c. 41, s. 20.

Liabilities to the Public.

200. The total amount of the company’s liabilities to the public outstanding, from time to time, shall not exceed four times the amount paid up upon its capital stock: Provided that the amount of cash on hand or deposited in chartered banks and belonging to such company shall be deducted from such total liabilities for the purposes of this section. 62-63 V., c. 41, s. 21.

201. Debenture stock issued by a company shall be included in estimating such liabilities. 62-63 V., c. 41, s. 26.

202. The liabilities of a previously existing company which are assumed by a company shall form part of such total liabilities to the public of such company so assuming the same. 62-63 V., c. 41, s. 24.

Loans and Deposits.

203. No company shall invest in or lend money upon the security of the stocks of any other loan company. 62-63 V., c. 41, s. 20.

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204. The company may, subject to the provisions of any by-law of the company passed under this Part, lend upon its own paid-up permanent stock to an amount not exceeding in the aggregate of all such loans ten per centum of the company's paid-up permanent stock: Provided that no such loan shall exceed eighty per centum of the market price then actually offered for the stock.

2. No company shall, except as in this section provided, make any loan or advance upon the security of any permanent share or shares or permanent stock of the company whether with or without collateral security. 62-63 V., c. 41, s. 20.

205. All loans or advances by a company to its shareholders upon the security of their permanent stock shall be deducted from the amount of paid-up capital upon which the company is authorized to borrow. 62-63 V., c. 41, s. 22.

206. Except as otherwise provided by its letters patent, and subject to the limitations hereinafter specified, a company which is subject to this Part may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed. 62-63 V., c. 41, s. 21.

207. The amount held on deposit shall not at any time exceed the aggregate amount of the actually paid-up and unimpaired capital of the company and of its cash actually on hand or deposited in any chartered bank or banks in Canada and belonging to the company. 62-63 V., c. 41, s. 21.

208. So long as a company is indebted for money received upon deposit, its total assets over and above the value of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall be equal to at least twenty per centum of its indebtedness in respect of such money. 62-63 V., c. 41, s. 25.

Real Estate.

209. No parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation or held by way of security, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security. 62-63 V., c. 41, s. 38.

210. Any such parcel of land, or any interest therein not required for the actual use and occupation of the company or held R.S., 1906.
Extension of time.

Time for enforcement of forfeiture.

Issue of debenture stock.

Status of stock.

Ranks with debenture debt.

Exchange of debentures for debenture stock.

Cancellation of debenture stock.

Debentures and Debenture Stock.

211. No such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of His Majesty to claim such forfeiture. 62-63 V., c. 41, s. 38.

212. The directors of a company may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper.

2. Such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company.

3. Such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the company. 62-63 V., c. 41, s. 26.

213. The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock. 62-63 V., c. 41, s. 29.

214. The company having issued debenture stock may, from time to time, as they think fit, in the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof. 62-63 V., c. 41, s. 30.

Registration.

215. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled.

2. The register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company without the payment of any fee or charge.

3. Such stock shall be transferable in such amounts and in such manner as the directors may determine. 62-63 V., c. 41, s. 27.

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216. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere. 62-63 V., c. 41, s. 28.

Execution of Trusts.

217. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject.

2. The receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust.

3. The company shall not be bound to see to the application of the money paid upon such receipt. 62-63 V., c. 41, s. 32.

By-laws by Company.

218. Any company may pass a by-law prohibiting absolutely the loaning to shareholders upon the security of their stock. 60-61 V., c. 31, s. 1; 62-63 V., c. 41, s. 20.

219. Subject to the limitations in this Part set forth, any company may pass a by-law limiting the aggregate amount which may be loaned on the stock of such company. 60-61 V., c. 31, s. 1; 62-63 V., c. 41, s. 20.

220. It shall not be lawful for any company to repeal either of the by-laws passed as aforesaid until the liabilities of the company are discharged. 60-61 V., c. 31, s. 1; 62-63 V., c. 41, s. 20.

221. When the existence or operation of the company is not by the Act or instrument constituting it limited as to time or place, the company may, in general meeting of the members having due notice in that behalf, pass a by-law authorizing its directors to extend the business of the company beyond Canada, but in compliance with the law of foreign jurisdiction.

2. The directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. 62-63 V., c. 41, s. 23.

222. When, under the provisions of this Part, any company carries on business beyond Canada the company may, in general meeting of the members having due notice in that behalf, pass a by-law authorizing the directors to invest the money of the R.S., 1906.
the company in the erection or purchase of buildings required for the occupation of the company in any place where the company is so carrying on business and within the limit, if any, authorized by the law of the foreign jurisdiction. 62-63 V., c. 41, s. 23.

223. Any company whose main business is lending money on the security of or purchasing or investing in,—
(a) mortgages or hypothecs upon freehold or leasehold, real estate or other immovables; and,
(b) the debentures, bonds, stocks, and other securities, except bills of exchange and promissory notes, of any government, or of any municipal corporation or school corporation, or of any chartered bank or incorporated company if incorporated by Canada or any province of Canada or any former province now forming part of Canada;
may pass a by-law providing, upon such terms as may be thought best, for the conversion into fully paid-up shares, of shares in its capital stock which have been only partly paid-up. 62-63 V., c. 41, s. 40.

224. Such by-law shall not have any force or effect whatever unless nor until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and afterwards confirmed by a certificate of the Minister given under the authority of the Treasury Board. 62-63 V., c. 41, s. 40.

By-laws by Directors.

225. The directors, at any time after ninety per centum of the capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, may by by-law provide for the increase of the capital stock of the company to any amount which they consider requisite. 62-63 V., c. 41, s. 33.

226. The directors at any time may by by-law provide for the decrease of the capital stock of the company to any amount not less than one hundred thousand dollars, which they may consider sufficient.
2. The by-law shall declare the number of the shares of the stock so decreased, and the allotment thereof or the rule or rules by which the same is to be made.
3. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the stock had not been decreased. 62-63 V., c. 41, s. 34.

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227. The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and in any other respect, over ordinary stock as may be declared by the by-law.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such control over the affairs of the company as may be considered expedient.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company: Provided that, if at such meeting the by-law is sanctioned by shareholders holding three-fourths of the issued capital stock of the company and present or represented by proxy at such meeting, the company may petition the Minister for an order approving the said by-law, and the Minister may, with the approval of the Treasury Board, approve thereof, and, from the date of such approval, the by-law shall be valid and may be acted upon. 62-63 V., c. 41, s. 37.

Certificate of Confirmation.

228. No by-law for increasing or decreasing the capital stock of the company shall have any force or effect whatever unless nor until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the same, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and afterwards been confirmed by a certificate of the Minister given under the authority of the Treasury Board. 62-63 V., c. 41, s. 35.

229. Upon an application to the Minister for a certificate confirming such by-law, the company shall satisfy him of the bona fide character of the increase or decrease of capital thereby provided for, and, unless it appears that the granting of such certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may grant the same.

2. The amount of such increase or decrease of capital may with the consent of the company be changed by said certificate, and the increase or decrease made subject to such conditions as the Treasury Board may think proper. 62-63 V., c. 41, s. 36.

230. Upon an application to the Minister for a certificate confirming any by-law of the company for the conversion into fully paid-up shares of partly paid-up shares, unless it appears that R.S., 1906.
that the granting of such certificate would not be in the public interest, the Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate, the said by-law shall come into force and take effect and may be acted on according to its terms. 62-63 V., c. 41, s. 41.

Preference Stock.

231. Holders of shares of preference stock shall be shareholders within the meaning of this Part, and shall in all respects possess the rights and be subject to the liabilities of such shareholders: Provided that in respect of dividends and in any other respect they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by by-law. 62-63 V., c. 41, s. 37.

Amalgamation and Purchase.

232. Any two or more companies which are subject to the provisions of this Part, or which are incorporated by or under the authority of an Act of the Parliament of Canada and whose main business is lending money on the security of or purchasing or investing in,—

(a) mortgages or hypothecs upon freehold or leasehold, real estate or other immovables; and,

(b) the debentures, bonds, stocks, and other securities, except bills of exchange and promissory notes, of any government, or of any municipal corporation or school corporation, or of any chartered bank or incorporated company if incorporated by Canada or any province of Canada or any former province now forming part of Canada;

may, in the manner herein provided, amalgamate the one with the other or others, and may enter into all agreements and do all acts necessary or convenient for the purposes of such amalgamation. 62-63 V., c. 41, s. 39.

233. Any one or more of such companies may alone or together purchase the entire assets of any other or others of such companies which may sell said assets, and the companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purposes of such purchase and sale: Provided that specified assets may be excepted from such purchase and sale. 62-63 V., c. 41, s. 39.

234. The agreement for amalgamation or purchase shall prescribe the terms and conditions of the amalgamation or purchase, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the

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manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the subsequent management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn. 62-63 V., c. 41, s. 39.

235. The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into consideration, and, if at each such meeting the same is accepted and approved by resolution passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreement may be executed under the corporate seals of the companies, and an application may be made to the Governor in Council by the companies for letters patent confirming the same. 62-63 V., c. 41, s. 39.

236. Upon the terms of this Part, and of any regulations made hereunder, being complied with, and, unless it appears that the granting of such application would not be in the public interest, the Governor in Council may grant the same and issue letters patent under the Great Seal confirming said agreement and incorporating the amalgamated companies as a company under this Part. 62-63 V., c. 41, s. 39.

237. On, from and after the date of such letters patent or purchase the said companies shall be amalgamated and shall form one company by the name in said agreement provided, and upon the terms and conditions thereof. 62-63 V., c. 41, s. 39.

238. Subject to the provisions of this Part in respect to actions or proceedings by or against any of the companies so amalgamated, the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to either of the said companies or to which either of the said companies may be or become entitled, not including the assets, if any, excepted under the agreement of purchase and sale, and shall be liable for and subject to, and shall pay, discharge, carry out, and perform, all the debts, liabilities, obligations, contracts and duties of each of said companies. 62-63 V., c. 41, s. 39.

239. Subject to the terms and exceptions contained in the letters patent, confirming the agreement of purchase and sale and incorporating the amalgamated company, the provisions of this Part shall apply to the amalgamated company and to the business carried on by it, and, subject as aforesaid, the borrowing R.S., 1906.
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This Part to prevail.

Assets of amalgamated company.

Vesting conveyances to be executed.

Transmission of shares otherwise than by transfer.

Authentication.

Credit given to declaration before certain officers.

Entry of transferee's name.

Transmitting and lending powers of such company shall be governed by the provisions of this Part, and, subject as aforesaid, any provision in the charter or Act of incorporation, or of any other Act, applicable to any of the amalgamated companies which is inconsistent with the provisions of this Part, shall cease to have effect. 62-63 V., c. 41, s. 39.

240. On, from and after the date of such letters patent, the assets purchased and sold shall, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the company or companies purchasing.

2. The selling company shall, from time to time, subject to the terms of said agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to confirm or evidence the vesting in the purchasing company or companies of the full title and ownership of the assets purchased and sold. 62-63 V., c. 41, s. 39.

Transfers.

241. If the interest of any person in any bond, debenture or obligation of the company which is not payable to bearer, or in the capital stock or debenture stock of the company is transmitted in consequence of the death, or bankruptcy, or insolvency of the holder thereof, or by lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company, or to recognize such transmission in any manner, until a declaration in writing showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue thereof, and also executed by the former shareholder, if living and has capacity to execute the same, has been filed with the manager or secretary of the company and approved by the directors. 62-63 V., c. 41, s. 42.

242. If any such declaration, purporting to be signed and executed, also purports to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British consul, or vice-consul or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit thereto.

2. Unless the directors are not satisfied with the responsibility of the transferee, they shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the company. 62-63 V., c. 41, s. 42.

243. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, 1422 and

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and if the probate of the will or letters of administration or
document testamentary, or other judicial or official instrument
under which the title, whether beneficial or as trustee, or the
administration or control of the personal estate of the deceased
is claimed to vest, purports to be granted by any court or authority
in the Dominion of Canada, or in Great Britain or Ireland,
or any other of His Majesty's dominions, or in any foreign
country, the probate of the said will or the said letters of admin-
istration or the said document testamentary or the said other
judicial or official instrument or an authenticated copy thereof
or official extract therefrom, shall, together with the declaration
referred to in the two last preceding sections be produced and
deposited with the manager, secretary, treasurer, or other officer
named by the directors for the purpose of receiving the same.

2. Such production and deposit shall be sufficient justifica-
tion and authority to the directors for paying the amount or
value of any dividend, coupon, bond, debenture, or obligation
or share, or transferring, or consenting to the transfer of any
bond, debenture or obligation or share, in pursuance of, and in
conformity to such probate, letters of administration or other
such document aforesaid. 62-63 V., c. 41, s. 43.

Agencies.

244. Transfers of debenture stock may be left with such
agent or agents in the United Kingdom of Great Britain and
Ireland, or elsewhere, as the company appoints for that pur-
pose, for transmission to the company's head office for regis-
tration. 62-63 V., c. 41, s. 28.

245. The company may have agencies in any places in
Great Britain or elsewhere for the transfer of debenture or
other stock and for the transaction of any other business of the
company. 62-63 V., c. 41, s. 31.

Application to Court.

246. Whenever the directors entertain reasonable doubts
as to the legality of any claim to or upon such share or shares,
bonds, debentures, obligations, dividends, coupons or the pro-
cesses thereof, it shall be lawful for the directors to file a peti-
tion stating such doubt, and praying for an order or judgment
adjudicating and awarding the said shares, bonds, debentures,
obligations, dividends, coupons, or proceeds to the party or
parties legally entitled to the same.

2. Such court shall have authority to restrain any action or
proceedings against the company, the directors or officers there-
of, for the same subject-matter, pending the determination of
the petition.

3. The company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order

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or
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or judgment against all actions, claims and demands in respect of the matters which have been in question in such petition, and the proceedings thereupon. 62-63 V., c. 41, s. 44.

247. Such petition shall, in the province of Ontario, be filed in the High Court of Justice; in the province of Quebec, in the Superior Court; in the province of Manitoba, in the Court of King’s Bench; in the province of British Columbia, in the Supreme Court; in the province of Nova Scotia, in the Supreme Court; in the province of New Brunswick, in the Supreme Court; in the province of Prince Edward Island, in the Supreme Court; in the province of Saskatchewan or Alberta, in the Supreme Court of the Northwest Territories pending the abolition of that Court by the legislature of the province, and thereafter in such court in either of the said provinces as may in respect of that province be substituted by the legislature thereof for the Supreme Court of the Northwest Territories; in the Northwest Territories, in such court or with such magistrate or other judicial authority as is designated, from time to time, by proclamation of the Governor in Council, published in the Canada Gazette; and in the Yukon Territory, in the Territorial Court. 62-63 V., c. 41, s. 44.

248. If the court, magistrate or other judicial authority in or with which such petition is filed adjudges that such doubts were reasonable, the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds and shall be paid to the company before the directors shall be obliged to transfer, or assent to the transfer of, or pay such shares, bonds, debentures, or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto. 62-63 V., c. 41, s. 44.

Rights of Creditors.

249. No provision in this Part as to the creation of preference stock, and no by-law authorizing the creation of such stock, and nothing done under or in pursuance of any such provision or by-law, and no by-law of the company for the conversion into fully paid-up shares of partly paid-up shares, and no certificate confirming the same, and nothing done under or in pursuance of any such by-law or certificate, shall affect or impair the rights of creditors of the company. 62-63 V., c. 41, ss. 37 and 41.

250. Nothing in any agreement of amalgamation of companies under this Part, and nothing in this Part contained or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, or their respective directors or shareholders, or shall relieve any such company, its directors or shareholders, from the

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the payment or performance of any debt, liability, obligation, contract or duty. 62-63 V., c. 41, s. 39.

251. Any person having any claim, demand, right, cause of action or complaint, against any company so amalgamated with any other company or companies, and any person to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection, recovery and enforcement thereof from and against the amalgamated company as the person has against such company, or companies originally liable. 62-63 V., c. 41, s. 39.

252. No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof. 62-63 V., c. 41, s. 39.

253. Every person having any claim, demand, right, cause of action or complaint against any company whose assets have been acquired under this Part, or to whom such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new company, its directors and shareholders, as such person has against the company whose assets have been so acquired, its directors and shareholders. 62-63 V., c. 41, s. 18; 63-64 V., c. 43, s. 1.

254. Nothing in this Part contained or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any company whose assets have been so acquired, or its directors or shareholders, or shall relieve it, or its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty. 62-63 V., c. 41, s. 19.

Statements.

255. Every company shall transmit, on or before the first day of March in each year, to the Minister in such form and with such details as he from time to time requires and prescribes, a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out,—

(a) the capital stock of the company and the proportion thereof paid up;
(b) the assets and liabilities of the company;
(c) the amount and nature of the investments made by the company, both on its own behalf and on behalf of others.

90 1425

Capital stock.
Assets and liabilities.
Investments and interest.

R.S., 1906.
and the average rate of interest derived therefrom, distinguishing the classes of securities;
(d) the extent and value of the lands held by it; and,
(e) such other details as to the nature and extent of the business of the company as the Minister requires. 62-63 V., c. 41, s. 45.

256. It shall be the duty of the 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 the company not required for its actual use and occupation or held by way of security. 62-63 V., c. 41, s. 38.

257. The company shall not be bound to disclose in any statement transmitted by it to the Minister, the name or private affairs of any person who has dealings with the company. 62-63 V., c. 41, s. 45.

PART IV.

BRITISH LOAN COMPANIES.

Interpretation.

Company. 258. In this Part, unless the context otherwise requires, 'company' means any institution or corporation duly incorporated under the laws of the Parliament of the United Kingdom for the purpose of lending money. R.S., c. 125, s. 1.

License.

259. The Secretary of State may, if he sees fit, issue a license under this Part to any company that applies for such license and complies with the provisions of this Part in that behalf, authorizing it to carry on business in Canada. R.S., c. 125, s. 5.

Evidence of incorporation and authority.

260. Any company so applying, shall furnish the Secretary of State with a certified copy of the charter, Act of incorporation or articles of association of such company as evidence of the due incorporation of the company and with a power of attorney from such company to the person appointed as the principal agent or manager of such company within Canada, expressly authorizing such agent or manager to apply for such license.

Verification of authority.

2. The power of attorney shall be under the seal of the company and shall be signed by the president or managing director and secretary thereof and verified by the oath of an attesting witness. R.S., c. 125, s. 5.
Part IV. Companies. Chap. 79. 55

Preliminaries.

261. Every company which obtains such license shall, before commencing business, file in the office of the Provincial Secretary of each province in which such company proposes to do business, a certified copy of the charter, Act of incorporation or articles of association of such company, and also a power of attorney to the agent or manager of such company in each such province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the oath of the principal agent or manager of such company in Canada, or by the oath of some person cognizant of the facts necessary for its verification. R.S., c. 125, s. 2.

262. Such power of attorney shall expressly authorize such agent or manager, so far as respects business done by him within the province for which he is agent or manager, to accept service of process in all suits and proceedings against such company in such province for any liabilities incurred by such company therein, and shall declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatsoever, and shall waive all claims of error by reason of such service. R.S., c. 125, s. 2.

Powers of Company.

263. Any company which has received a license under this Part and has duly filed as aforesaid such certified copy of charter, Act of incorporation or articles of association and power of attorney may transact any loaning business, of any description whatsoever, within Canada, in its corporate name, except the business of banking, and may take and hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it lends its money, at any rate of interest not exceeding the rate permissible on such securities by the Acts incorporating similar companies in the several provinces of Canada, and whether the said bonds form a charge on real estate within Canada or not. R.S., c. 125, ss. 1 and 2.

264. Such company may take and hold such mortgages in its corporate name, and may sell and transfer the same, and hold and convey the title to real estate acquired as mortgagees or chargees: Provided that such company shall sell or dispose of the real estate so acquired within five years from the time when the mortgage on such real estate becomes due and payable under the terms of the instrument creating such mortgage. R.S., c. 125, s. 1.

Procedure.

265. After such certified copy of charter, Act of incorporation or articles of association, and such power of attorney are filed 90½ 1427 R.S., 1906.
filed as aforesaid, any process in any suit, action or proceeding against such company, for any liability incurred in any province, may be served upon the manager or agent so authorized in the same manner as process is served upon the proper officer of any company incorporated in such province; and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit or action in such province. R.S., c. 125, s. 3.

**Notices.**

266. Every company which obtains such license as aforesaid shall forthwith give due notice thereof in the Canada Gazette, and in at least one newspaper in the county, city or place where the principal manager or agent of such company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month.

2. Like notice shall be given when such company ceases to carry on business within the province, and like publication shall be had of notice that it ceases to so carry on business. R.S., c. 125, s. 4.

**Returns.**

267. Every company authorized under the provisions of this Part to lend and invest money in Canada, shall, by its agent or manager in Canada, make returns to the Minister of Finance of all the business done by it in Canada, at the same time and in the same manner as if such company had been incorporated under the provisions of the third Part of this Act. R.S., c. 125, s. 6.

**License Fee.**

268. The fee to be paid by a company, on the issuing of a license under this Part, shall be twenty dollars. R.S., c. 125, s. 5.

**PART V.**

**BRITISH AND FOREIGN MINING COMPANIES.**

269. Any joint stock company or corporation duly incorporated under the laws of the Parliament of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on mining operations may, on receiving a license from the Secretary of State of Canada, carry on mining operations in the provinces of Saskatchewan and Alberta, the Northwest Territories, and the Yukon Territory, and shall be entitled to the privileges of a free miner, subject to the laws and regulations governing and affecting free miners. 61 V., c. 49, s. 1.

R.S., 1906.
Every company desirous of obtaining such license as aforesaid shall first file in the office of the Secretary of State of Canada a certified copy of the charter or Act incorporating the company; and shall also designate the agent or manager within the Yukon Territory authorized to represent the company and to accept process in all suits and proceedings against the company for any liabilities incurred by the company therein. 61 V., c. 49, s. 2.

Notice of the issue of such license shall be published in the *Canada Gazette*. 61 V., c. 49, s. 4.

The fees payable for the license shall, from time to time, be fixed by the Governor in Council. 61 V., c. 49, s. 5.

Every company to which such license has been granted, when so required, shall make a return to the Secretary of State of all business done by it under such license, and in default of making the said return, the license may be cancelled. 61 V., c. 49, s. 3.

**PART VI.**

**SUPPLEMENT.**

Any loan company subject to the legislative authority of the Parliament of Canada may, if authorized to issue debentures, make its debentures payable to order or to bearer or to registered holder or otherwise as the company deems advisable. 59 V., c. 11, s. 1.

Loan companies formed or incorporated under the provisions of the Companies Act, *The Revised Statutes of Canada*, chapter one hundred and nineteen, before the eleventh day of August, one thousand eight hundred and ninety-nine, remain and continue subject to the said provisions of the said Companies Act as heretofore amended, and Part III. of this Act shall not, as to any such loan company, in any wise affect any of the said provisions. 62-63 V., c. 41, s. 46; 2 E. VII., c. 15, s. 90.

**SCHEDULE.**

**Form A.**

*Application for Incorporation under the Companies Act.*

To the Honourable the Secretary of State of Canada:

The application of respectfully showeth as follows:—.

1429

The R.S., 1906.
The undersigned applicants are desirous of obtaining letters patent under the provisions of the first Part of the Companies Act, constituting your applicants and such others as may become shareholders in the company thereby created a body corporate and politic under the name of limited, or such other name as shall appear to you to be proper in the premises.

The undersigned have satisfied themselves and are assured that the proposed corporate name of the company under which incorporation is sought is not the corporate name of any other known company incorporated or unincorporated or any name liable to be confounded therewith or otherwise on public grounds objectionable.

Your applicants are of the full age of twenty-one years.

The purposes for which incorporation is sought by the applicants are:

The chief place of business of the proposed company within Canada will be at in the county of in the province of

The amount of the capital stock of the company is to be $.

The said stock is to be divided into shares of $ each.

The following are the names in full and the address and calling of each of the applicants with the amount of stock taken by each applicant respectively:

<table>
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<tr>
<th>Applicant</th>
<th>Amount of Stock subscribed</th>
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</table>

The said will be the first or provisional directors of the company.

A stock book has been opened and a memorandum of agreement by the applicants under seal in accordance with the statute has

R.S., 1906.
has been executed in duplicate, one of the duplicates being transmitted herewith.

The undersigned therefore request that a charter may be granted constituting them and such other person as hereafter become shareholders in the company, a body corporate and politic for the purposes above set forth.

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<tr>
<th>Signatures of Witnesses.</th>
<th>Signatures of Applicants.</th>
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Dated at this day of 19.

Note.—If any cash has been paid in on stock or if any property is intended to be accepted on account of stock it should be here stated.

**FORM B.**

(To be executed in duplicate; one duplicate to be transmitted with the application.)

The **Company of (Limited).**

**MEMORANDUM OF AGREEMENT AND STOCK BOOK.**

We the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of the first Part of the Companies Act, under the name of the **Company of (Limited),** or such other name as the Secretary of State may give to the company, with a capital of dollars, divided into shares of dollars each.

And we do hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such company to the said amounts.

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In R.S., 1906.
In witness whereof we have signed.

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<tr>
<th>Name of Subscriber</th>
<th>Seal</th>
<th>Amount of Subscription</th>
<th>Date and Place of Subscription</th>
<th>Residence of Subscriber</th>
<th>Name of Witness</th>
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**FORM C.**

Public notice is hereby given that under the first Part of the Companies Act, letters patent have been issued under the seal of the Secretary of State, bearing date the day of incorporating (here state names, address, and calling of each corporator named in the letters patent) for the purpose of (here state the undertaking of the company, as set forth in the letters patent), by the name of (here state the name of the company as in the letters patent) with a total capital stock of dollars divided into shares of dollars.

Dated at the office of the Secretary of State of Canada, this day of 19.

A. B.,

*Secretary.*

**FORM D.**

Public notice is hereby given that under the first Part of the Companies Act, supplementary letters patent have been issued under the seal of the Secretary of State, bearing date the day of whereby the undertaking of the company has been extended to include (here set out the other purposes or objects mentioned in the supplementary letters patent).

Dated at the office of the Secretary of State of Canada, this day of 19.

A. B.,

*Secretary.*

R.S., 1906.
FORM E.

Public notice is hereby given that under the first Part of the Companies Act, supplementary letters patent have been issued under the seal of the Secretary of State, bearing date the day of __________, whereby the total capital stock of (here state the name of the company) is increased (or reduced, as the case may be) from _______ dollars to _______ dollars.

Dated at the office of the Secretary of State of Canada, this day of __________ 19__.

A. B.,
Secretary.

2 E. VII., c. 15, sch. 1.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.
CHAPTER 80.

An Act respecting the Department of Public Printing and Stationery.

SHORT TITLE.

1. This Act may be cited as the Public Printing and Stationery Act.

INTERPRETATION.

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

(a) 'Minister' means the Secretary of State of Canada, or the member of His Majesty's Privy Council of Canada in charge, for the time being, of the Department hereby constituted;

(b) 'King’s Printer' means the King’s Printer and Controller of Stationery hereinafter mentioned;

(c) 'Department' means the Department of Public Printing and Stationery hereby constituted. R.S., c. 27, s. 1.

3. In all cases in which any duty is by this Act assigned to the clerk of either House of Parliament, the same shall, in respect of all matters within the jurisdiction and under the superintendence of the joint committee of the two Houses on printing or its officers, be performed by the clerk of the committee, or other officer specially designated by the committee. 51 V., c. 17, s. 1.

CONSTITUTION.

4. There shall be a department which shall be called the Department of Public Printing and Stationery, over which the Secretary of State of Canada, or such other member of the King’s Privy Council for Canada as the Governor in Council, from time to time, directs, shall preside.

2. The Secretary of State, or such other member of the said Minister. Privy Council shall have the management and direction of the Department. R.S., c. 27, s. 2.

5. The Department shall be charged exclusively with the following duties in relation to services required for the Senate 1435 and R.S., 1906.
and House of Commons and the several departments of the
Government, namely:

(a) The execution and audit of all printing, stereotyping,
electrotyping, lithography, binding work, or work of the
like nature, and the procuring of the material therefor;

(b) The purchase and distribution of all paper, books and
other articles of stationery of whatsoever kind, except
books which are required for the Library of Parliament,
and printed books required for the use of the chaplains,
libraries or schools in the penitentiaries which may be
procured as heretofore;

(c) The sale of all books or publications issued by order
of either or both Houses of Parliament or by any depart-
ment of the Government;

(d) The audit of all accounts for advertising.

2. The aforesaid services shall be executed by or under the
superintendence of the proper officers respectively of the Depart-
ment. 51 V., c. 17, s. 2.

6. The Governor in Council may, by commission under
the Great Seal, appoint an officer who shall be called the King's
Printer and Controller of Stationery, who shall hold office
during pleasure, and shall be the deputy head of the Depart-
ment, and, wherever, under any Act of the Parliament of
Canada, any power is conferred upon or any duty is assigned to
the King's Printer, such power may be exercised and such duties
shall be performed by the King's Printer appointed under this
Act. 51 V., c. 17, s. 3.

7. No person shall be appointed King's Printer unless he
has been actively engaged for at least ten years in the business
of printing or publishing, or in the superintendence of the
printing and cognate services of the Parliament or Government
of Canada. 51 V., c. 17, s. 3.

8. The King's Printer and Controller of Stationery shall,
under the Minister, have the management and control of the
several services to which this Act relates, and shall have such
powers and shall perform such duties as are conferred upon
and assigned to him by this Act, or by any other Act of the
Parliament of Canada, or by any order in council made there-
under: but all such powers shall be exercised and all such duties
shall be performed subject to the control of the Minister, and
as he directs. 51 V., c. 17, s. 3.

9. The Governor in Council may also appoint a superin-
tendent of printing, a superintendent of stationery and an
accountant, who shall respectively have the rank in the Civil
Service of Canada which is from time to time assigned to them
by the Governor in Council. 51 V., c. 17, s. 3.

10. 

R.S., 1906.
10. No person shall be appointed superintendent of printing unless he has had at least five years' experience in the business or trade of a printer or in the management of a printing house. 51 V., c. 17, s. 3.

11. No person shall be appointed superintendent of stationery unless he has had at least five years' experience in the business of a stationery establishment in Canada, or in the management and superintendence of similar work for the Parliament or Government of Canada. 51 V., c. 17, s. 3.

12. No person shall be appointed accountant unless he has a competent knowledge of book-keeping and accounts, and has had at least five years' experience in the measuring and auditing of printing and binding work, either in a printing or publishing establishment, or in the service of the Parliament or Government of Canada. 51 V., c. 17, s. 3.

13. The Governor in Council may also appoint such officers, other clerks and servants as are necessary for the proper conduct of the business of the Department. 51 V., c. 17, s. 3.

14. The said superintendents, accountant, officers, clerks and servants shall hold office during pleasure. They shall perform such services as are from time to time assigned to them by the Governor in Council or by the Minister. 51 V., c. 17, s. 3.

15. The Superintendent of Printing, the Superintendent of Stationery and the Accountant, being appointed as experts in the work to be performed by them, shall not be subject to the ordinary Civil Service examinations. 51 V., c. 17, s. 3.

PUBLIC PRINTING.

16. A Government establishment shall be organized at Ottawa, and shall be under the management of the Superintendent of Printing, in which establishment all printing, electrotyping, stereotyping, lithographing and binding and other work of like nature required for the service of the Parliament and the several departments of the Government shall be executed. 3 E. VII., c. 50, s. 1.

17. The Superintendent of Printing may, with the approval of the King's Printer, employ such apprentices, journeymen, workmen, skilled hands or others as are necessary to perform the work of the establishment, and may remove the same. The provisions of the Civil Service Act shall not apply to the persons so employed by him. 3 E. VII., c. 50, s. 3.

18. All persons employed under the provisions of the last preceding section shall continue to be paid such rates of wages as they are now respectively receiving, and in accordance with weekly, fortnightly or monthly pay-rolls audited by the Accountant.

2. No increase of any such rate of wages shall be made so as to raise the rate above that which is, at the time of such increase, paid for similar work in the cities of Montreal and Toronto.

3 E. VII., c. 50, s. 4.

19. The Superintendent of Printing shall with the approval of the Minister purchase such material required for printing, electrotyping, stereotyping, lithographing, binding and other work of a like nature, except paper, as is necessary for the service of the Parliament and the several departments of the Government.

2. All such purchases shall be made upon requisitions duly approved by the Minister or as he directs, and payment therefor shall be made after audit by the Accountant. R.S., c. 27, s. 5; 3 E. VII., c. 50, s. 3.

20. Nothing in this Act shall be held to require that the printing for the purposes of the Intercolonial Railway, or the Prince Edward Island Railway, shall be done in the said establishment, in any case where such printing may be more conveniently done elsewhere, at a cost not exceeding customary and fair commercial rates for similar work in like quantities: Provided that all accounts for such printing shall, before being paid, be examined and certified by the King's Printer.

3 E. VII., c. 50, s. 1.

STATIONERY OFFICE.

21. An office shall be established as a branch of the Department which shall be called the Stationery Office, and shall be under the management of the Superintendent of Stationery. R.S., c. 27, s. 6.

22. The Superintendent of Stationery shall, under the direction of the Minister, have charge of the purchase and supply of all printing and other paper and of all other articles of stationery required for the use of members and employees of the two Houses of Parliament and of the several departments of the Government of Canada.

2. The Superintendent of Stationery shall also have charge of the sale of all the official publications of the Parliament and Government of Canada which are issued for sale, as well as of the distribution of all public documents and papers to the officials and other persons who are entitled to receive the same without payment. R.S., c. 27, s. 6.
23. The Superintendent of Stationery shall furnish to such officer as is designated by either House of Parliament, or by any committee or joint committee appointed for the purpose, such number of copies of any document which is printed under the provisions of this Act as such House or committee decides to be necessary for the use of each such House, or for distribution to the members thereof. R.S., c. 27, s. 6.

24. All purchases made by the Superintendent of Stationery as hereinbefore provided shall be so made upon requisition approved by the Minister or the King’s Printer, and, in the case of printing paper for parliamentary printing, the Canada Gazette and departmental reports, in accordance with contracts entered into with the like approval after tenders have been called for. R.S., c. 27, s. 6.

25. All moneys received by the Superintendent of Stationery shall be paid over to the Accountant for the public uses of Canada, and by him deposited from time to time in some chartered bank of Canada to the credit of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 27, s. 6.

26. The Superintendent of Stationery shall supply any articles of stationery to any department of the Government according to such regulations as are approved by the Governor in Council, upon requisition therefor, signed by the deputy head of such department; and to either House of Parliament, according to regulations approved by such House, upon requisition therefor, signed by the clerk of such House of Parliament.

2. The quantity supplied and the value thereof shall be charged against such department or House of Parliament, and an account shall be furnished monthly of the same, respectively, to each deputy head of a department and the clerk of each House of Parliament, accompanied by the several requisitions in respect of the several articles mentioned in the said account, and such deputy head or clerk shall, if the same is found correct, certify to the correctness of such account, and return it to the Superintendent of Stationery. R.S., c. 27, s. 7.

27. The Superintendent of Stationery may, with the approval of the Minister, employ such persons skilled in the stationery business, apprentices, workmen and others as are necessary for the efficient working of the Stationery Office, and may remove the same.

2. The provisions of the Civil Service Act shall not apply to the persons so employed by him. 51 V., c. 17, s. 5.

28. All persons employed under the provisions of the last preceding section shall be paid in accordance with weekly, fortnightly夜间1439 R.S., 1906.
nightly or monthly pay-rolls audited by the Accountant. 51 V., c. 17, s. 5.

29. Nothing in this Act shall be held to require that stationery for the purposes of the Intercolonial Railway, or the Prince Edward Island Railway, shall be obtained in or through the Stationery Office, in any case where such stationery may be more conveniently procured elsewhere, at a cost not exceeding customary and fair commercial rates for similar supplies in like quantities: Provided that all accounts for such stationery shall, before being paid, be examined and certified by the King's Printer. 3 E. VII., c. 50, s. 1.

ACCOUNTANT.

30. The Accountant shall, under direction of the Minister and the King's Printer, audit all accounts for any of the services under the control of the Department, keep the accounts of the Department, receive and deposit all cash paid in, and render statements of accounts to the clerks of the two Houses of Parliament and the deputy heads of the several departments, as and when the same are required by this Act or by regulations made by, or instructions received from, the Minister. R.S., c. 27, s. 8.

REGULATIONS.

31. The Minister may, from time to time, with the approval of the Governor in Council, make such regulations as he thinks fit respecting the discipline of the printing and stationery offices and of the persons employed therein, regulating their hours of attendance and rate of salary or wages, and the times and method of payment thereof, and such regulations shall be enforced by the King's Printer, the Superintendent of Printing and the Superintendent of Stationery; and by such regulations fines may be imposed upon such employees for non-attendance during working hours, or misconduct tending to prevent efficient work, or cause damage to Government property therein. 51 V., c. 17, s. 8.

CANADA GAZETTE, ETC.

32. The King's Printer shall print and publish, or cause to be printed and published, for the Government, under his superintendence, the Statutes of Canada, the official gazette of Canada, which shall be known as the Canada Gazette, and all such official and departmental and other reports, forms, documents, commissions, and other papers, as he is required to print and publish, or cause to be printed and published, by or under the authority of the Governor in Council; and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him. R.S., c. 27, s. 9.

33. All proclamations issued by the Governor General or under the authority of the Governor in Council, and all official documents to be printed, etc. R.S., 1906.
official notices, orders in council, regulations, advertisements printed in and documents relating to the Dominion of Canada, or matters under the control of the Parliament thereof, and requiring publication, shall be published in the *Canada Gazette*, unless some other mode of publication thereof is required by law. R.S., c. 27, s. 10.

34. The Governor in Council may, from time to time, prescribe the form, mode and conditions of publication of the *Canada Gazette*, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of subscription thereto, and the charges to be paid for the publication of notices, advertisements and documents.

2. All sums payable for such last mentioned charges shall be paid in advance to the Accountant and by him accounted for and paid over to the Minister of Finance in such manner as the Governor in Council or the Minister directs, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 27, s. 11.

GENERAL.

35. The deputy head of each department shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount in value, of all articles commonly known as stationery, and of the probable amount in value of printing and binding required for the purposes of each such department for the then ensuing financial year. 51 V., c. 17, s. 6.

36. The clerk of each House of Parliament shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount in value, of all articles commonly known as stationery, and of the printing paper required for the purposes of each House of Parliament respectively for the then ensuing financial year, also an estimate of the probable amount in value of the printing and binding required by each House of Parliament respectively for such financial year. 51 V., c. 17, s. 6.

37. The Minister shall report to the Governor in Council the total probable amount in quantities, qualities and value required for the then ensuing financial year for the stationery, printing and binding for the departments of the Government, and for the two Houses of Parliament as may be required and ordered by either House, and a requisite sum therefor shall be placed in the estimates as a separate item, and an apportionment in respect of each department and each House of Parliament, shall be made by the Governor in Council which may be increased or varied from time to time so that the whole sum...
sum voted by Parliament in any year, together with the value of the stock in hand is not exceeded.

2. The Minister shall further report to the Governor in Council the mode or modes in which he proposes that the said articles shall be procured, and the regulations under which tenders may be asked for the same, and as to the terms of acceptance thereof and the mode of collection and disposal of the waste paper of the several departments and Houses of Parliament. R.S., c. 27, s. 13.

38. Upon the approval by the Governor in Council of such reports, any necessary supplies of stationery to the extent of the appropriation made by Parliament may be procured, and any necessary arrangements for printing and binding may be made in accordance with the provisions of this Act, and all stationery so procured shall be placed in the custody of the Superintendent of Stationery as hereinbefore mentioned. R.S., c. 27, s. 13.

39. The King's Printer shall furnish a statement monthly to the Auditor General, with the accounts and vouchers therefor, of all stationery and articles purchased and supplied to each department and each House of Parliament, and also of all printing and binding executed for each department and for the two Houses of Parliament, during the preceding month, certified as correct by the deputy head of such department, or by the clerk of the proper House of Parliament, in the manner provided with respect to contingencies by the Contingencies Act.

2. The Auditor General shall, annually or more frequently, at his discretion, cause the stock of stationery in store to be checked with the quantities purchased and supplied. 51 V., c. 17, s. 7.

40. The provisions of the Consolidated Revenue and Audit Act shall, so far as applicable, extend to the accounts and charges incurred under this Act. 51 V., c. 17, s. 7.

41. An account shall be laid before Parliament each year, showing the value of the stock of stationery on hand at the beginning of the year, the amount expended during the year for stationery, printing and binding, the amounts charged against each department and each House of Parliament, and the stock on hand at the end of the year. R.S., c. 27, s. 15.

42. The expenses to be incurred under the provisions of this Act shall be paid out of such moneys as are appropriated for the purpose by Parliament, and shall be accounted for in like manner as other moneys expended for the public service: Provided that the Minister of Finance may from time to time authorize the advance to the King's Printer, out of the Consolidated Revenue Fund of Canada, of such sums of money, not exceeding at any time two hundred thousand dollars, as

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as the King's Printer requires to enable him to purchase material for the execution of orders given or requisitions made under the provisions of this Act, and to pay the wages of workmen engaged in the execution of such orders or requisitions, before such orders or requisitions are completed and paid for by the House of Parliament or department of Government giving them. R.S., c. 27, s. 16; 1 E. VII., c. 18, s. 1.

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

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CHAPTER 81.

An Act respecting Indians.

SHORT TITLE.

1. This Act may be cited as the Indian Act. R.S., c. 43, Short title. s. 1.

INTERPRETATION.

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

(a) 'Superintendent General' means the Superintendent General of Indian Affairs, and 'Deputy Superintendent General' means the Deputy Superintendent General of Indian Affairs;

(b) 'agent' or 'Indian agent' means and includes a commissioner, assistant commissioner, superintendent, agent or other officer acting under the instructions of the Superintendent General;

(c) 'person' means an individual other than an Indian; 'Person.'

(d) 'band' means any tribe, band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible; and, when action is being taken by the band as such, means the band in council;

(e) 'irregular band' means any tribe, band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, and who have not had any treaty relations with the Crown;

(f) 'Indian' means

(i) any male person of Indian blood reputed to belong to a particular band,

(ii) any child of such person,

(iii) any woman who is or was lawfully married to such person;

(g) 'non-treaty Indian' means any person of Indian blood who is reputed to belong to an irregular band, or who follows the Indian mode of life, even if such person is only a temporary resident in Canada; 1445

(h) R.S., 1906.
(h) 'enfranchised Indian' means any Indian, his wife or minor unmarried child, who has received letters patent granting to him in fee simple any portion of the reserve which has, upon his application for enfranchisement, been allotted to him, or to his wife and minor children, or any unmarried Indian who has received letters patent for an allotment of the reserve;

(i) 'reserve' means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the Crown, and which remains so set apart and has not been surrendered to the Crown, and includes all the trees, wood, timber, soil, stone, minerals, metals and other valuables thereon or therein;

(j) 'special reserve' means any tract or tracts of land, and everything belonging thereto, set apart for the use or benefit of and held in trust for any band or irregular band of Indians, the title of which is vested in a society, corporation or community legally established, and capable of suing and being sued, or in a person or persons of European descent;

(k) 'Indian lands' means any reserve or portion of a reserve which has been surrendered to the Crown;

(l) 'intoxicants' means all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, and opium, and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drugs, spirits or substances, and whether the same or any of them are liquid or solid;

(m) 'Territories' means the Northwest Territories and the Yukon Territory. R.S., c. 43, s. 2.

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Application.

3. The Governor in Council may, by proclamation, from time to time, exempt from the operation of this Part, or from the operation of any one or more of the sections of this Part, Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands, or any portions of them, in any province or in the Territories, or in any of them; and may again, by proclamation, from time to time, remove such exemption. R.S., c. 43, s. 3.

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Department of Indian Affairs.

4. The Minister of the Interior, or the head of any other department appointed for that purpose by the Governor in Council, shall be the Superintendent General of Indian Affairs, and shall, as such, have the control and management of the lands and property of the Indians in Canada. R.S., c. 43, s. 4.

5. There shall be a department of the Civil Service of Canada which shall be called the Department of Indian Affairs, over which the Superintendent General shall preside. R.S., c. 43, s. 5.

6. The Department of Indian Affairs shall have the management, charge and direction of Indian affairs. R.S., c. 43, s. 6.

7. The Governor in Council may appoint,—

(a) an officer who shall be called the Deputy of the Superintendent General of Indian Affairs, and such other officers, clerks and servants as are requisite for the proper conduct of the business of the Department;

(b) an Indian commissioner and an assistant Indian commissioner for the provinces of Manitoba, Saskatchewan and Alberta, and the Territories, or an Indian commissioner and an assistant Indian commissioner for Manitoba and that portion of Canada formerly known as the district of Keewatin, and an Indian commissioner and an assistant Indian commissioner for the provinces of Saskatchewan and Alberta and the Territories, except that portion formerly known as the district of Keewatin, and for the Yukon Territory;

(c) an Indian superintendent for British Columbia;

(d) a deputy governor. R.S., c. 43, ss. 7 and 8.

8. The Deputy Governor shall have the power, in the absence of or under instructions of the Governor General, to sign letters patent for Indian lands.

2. The signature of the Deputy Governor to such patents shall have the same force and virtue as if such patents were signed by the Governor General. R.S., c. 43, s. 8.

Schools.

9. The Governor in Council may make regulations, either general or affecting the Indians of any province or of any named band, to secure the compulsory attendance of children at school.

2. Such regulations, in addition to any other provisions deemed expedient, may provide for the arrest and conveyance attendance to school, and detention there, of truant children and of child-

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ren who are prevented by their parents or guardians from attending; and such regulations may provide for the punishment, upon summary conviction, by fine or imprisonment, or both, of parents and guardians, or persons having the charge of children, who fail, refuse, or neglect to cause such children to attend school. 57-58 V., c. 32, s. 11.

10. The Governor in Council may establish an industrial school or a boarding school for Indians, or may declare any existing Indian school to be such industrial school or boarding school for the purposes of this and the next following section. 57-58 V., c. 32, s. 11.

11. The Governor in Council may make regulations, which shall have the force of law, for the committal by justices or Indian agents of children of Indian blood under the age of sixteen years, to such industrial school or boarding school, there to be kept, cared for and educated for a period not extending beyond the time at which such children shall reach the age of eighteen years.

2. Such regulations may provide, in such manner as to the Governor in Council seems best, for the application of the annuities and interest moneys of children committed to such industrial school or boarding school, to the maintenance of such schools respectively, or to the maintenance of the children themselves. 57-58 V., c. 32, s. 11.

Membership of Band.

12. Any illegitimate child may, unless he has, with the consent of the band whereof the father or mother of such child is a member, shared in the distribution moneys of such band for a period exceeding two years, be, at any time, excluded from the membership thereof by the Superintendent General. R.S., c. 43, s. 9.

13. Any Indian who has for five years continuously resided in a foreign country without the consent, in writing, of the Superintendent General or his agent, shall cease to be a member of the band of which he was formerly a member; and he shall not again become a member of that band, or of any other band, unless the consent of such band, with the approval of the Superintendent General or his agent, is first obtained. R.S., c. 43, s. 10.

14. Any Indian woman who marries any person other than an Indian, or a non-treaty Indian, shall cease to be an Indian in every respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged, in the annual or semi-annual distribution of their annuities, interest moneys and rents:

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rents: Provided that such income may be commuted to her at any time at ten years' purchase, with the consent of the band.

2. Where a band has become enfranchised, or has otherwise ceased to exist, such commutation may take place upon the approval of the Superintendent General. R.S., c. 43, s. 11; 53 V., c. 29, s. 1.

15. Any Indian woman who marries an Indian of any other band, or a non-treaty Indian, shall cease to be a member of the band to which she formerly belonged, and shall become a member of the band or irregular band of which her husband is a member.

2. If she marries a non-treaty Indian, while becoming a member of the irregular band of which her husband is a member, she shall be entitled to share equally with the members of the band of which she was formerly a member, in the distribution of their moneys; but such income may be commuted to her at any time at ten years' purchase, with the consent of the band. R.S., e. 43, s. 12.

16. No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian.

2. No half-breed head of a family, except the widow of an Indian or a half-breed who has already been admitted into a treaty, shall, unless under very special circumstances, which shall be determined by the Superintendent General or his agent, be accounted an Indian or entitled to be admitted into any Indian treaty.

3. Any half-breed who has been admitted into a treaty shall, on obtaining the consent in writing of the Indian commissioner, or in his absence the assistant Indian commissioner, be allowed to withdraw therefrom on signifying his desire so to do in writing, signed by him in the presence of two witnesses, who shall attest his signature on oath before some person authorized by law to administer such oath.

4. Such withdrawal shall include the minor unmarried children of such half-breed. 51 V., c. 22, s. 1.

17. When, by a majority vote of a band, or the council of a band, an Indian of one band is admitted into membership in another band, and his admission thereinto is assented to by the Superintendent General, such Indian shall cease to have any interest in the lands or moneys of the band of which he was formerly a member, and shall be entitled to share in the lands and moneys of the band to which he is so admitted.

2. The Superintendent General may cause to be deducted from the capital of the band of which such Indian was formerly a member his per capita share of such capital and place the same to the credit of the capital of the band into membership in which he has been admitted in the manner aforesaid. 58-59 V., c. 35, s. 8.

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18. The Superintendent General may, from time to time, upon the report of an officer, or other person specially appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band.

2. The decision of the Superintendent General in any such matter shall be final and conclusive, subject to an appeal to the Governor in Council. 50-51 V., c. 33, s. 1.

19. All reserves for Indians, or for any band of Indians, or held in trust for their benefit, shall be deemed to be reserved and held for the same purposes as they were held heretofore, but shall be subject to the provisions of this Part. R.S., c. 43, s. 14.

20. The Superintendent General may authorize surveys, plans and reports to be made of any reserve for Indians, showing and distinguishing the improved lands, the forests and lands fit for settlement, and such other information as is required; and may authorize the whole or any portion of a reserve to be subdivided into lots. R.S., c. 43, s. 15.

21. No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he has been or is located for the same by the band, or council of the band, with the approval of the Superintendent General; but no Indian shall be dispossessed of any land on which he has improvements, without receiving compensation for such improvements, at a valuation approved by the Superintendent General, from the Indian who obtains the land, or from the funds of the band, as is determined by the Superintendent General: Provided that prior to the location of an Indian under this section, in the province of Manitoba, Saskatchewan or Alberta, or the Territories, the Indian commissioner may issue a certificate of occupancy to any Indian belonging to a band residing upon a reserve in the aforesaid provinces or territories, of so much land, not exceeding in any case one hundred and sixty acres, as the Indian, with the approval of the commissioner, selects.

2. Such certificate may be cancelled at any time by the Indian commissioner, but shall, while it remains in force, entitle the holder thereof, as against all others, to lawful possession of the lands described therein. R.S., c. 43, s. 16; 53 V., c. 29, s. 2.

22. When the Superintendent General approves of any location as aforesaid, he shall issue, in triplicate, a ticket granting a location title to such Indian, one triplicate of which he shall retain in a book to be kept for the purpose; and the other two of which he shall forward to the local agent.

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2. The local agent shall deliver to the Indian in whose favour it is issued one of such duplicates so forwarded, and shall cause the other to be copied into a register of the band, provided for the purpose, and shall file the same. R.S., c. 43, s. 17.

23. The conferring of any such location title shall not have the effect of rendering the land covered thereby subject to seizure under legal process, and such title shall be transferable only to an Indian of the same band, and then only with the consent and approval of the Superintendent General, whose consent and approval shall be given only by the issue of a ticket, in the manner prescribed in the last preceding section. R.S., c. 43, s. 18.

24. Every Indian and every non-treaty Indian, in the province of Manitoba, British Columbia, Saskatchewan or Alberta, or the Territories, who had, previously to the selection of a reserve, possession of and who has made permanent improvements on a plot of land which upon such selection becomes included in, or surrounded by, a reserve, shall have the same privileges, in respect of such plot, as an Indian enjoys who holds under a location title. R.S., c. 43, s. 19.

Descent of Property.

25. Indians may devise or bequeath property of any kind in the same manner as other persons: Provided that no devise or bequest of land in a reserve or of any interest therein unless to the daughter, sister or grand-children of the testator, shall be made to any one not entitled to reside on such reserve, and that no will purporting to dispose of land in a reserve or any interest therein shall be of any force or effect unless or until the will has been approved by the Superintendent General, and that if a will be disapproved by the Superintendent General the Indian making the will shall be deemed to have died intestate; and the Superintendent General may approve of a will generally and disallow any disposition thereby made of land in a reserve or of any interest in such land, in which case the will so approved shall have force and effect except so far as such disallowed disposition is concerned, and the Indian making the will shall be deemed to have died intestate as to the land or interest the disposition of which is so disallowed. 57-58 V., c. 32, s. 1.

26. Upon the death of an Indian intestate his property of all kinds, real and personal, movable and immovable, including any recognized interest he may have in land in a reserve, shall descend as follows:—

(a) one-third of the inheritance shall devolve upon his widow, if she is a woman of good moral character, and the remainder

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Otherwise children inherit the whole.

Representation of de-funct heir.

Inheritance per stirpes.

27. During the minority of the children of an Indian who dies intestate, the administration and charge of the property to which they are entitled as aforesaid shall devolve upon the widow, if any, of the intestate, if she is of good moral character; and, in such case, as each male child attains the age of twenty-one years, and as each female child attains that age, or with the consent of the widow, marries before that age, the share of such child shall, subject to the approval of the Superintendent General, be conveyed or delivered to him or her.

2. The Superintendent General may, at any time, remove the widow from such administration and charge and confer the same upon some other person, and, in like manner, may remove such other person and appoint another, and so, from time to time, as occasion requires.

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3. The Superintendent General may, whenever there are minor children, appoint a fit and proper person to take charge of such children and their property, and may remove such person and appoint another, and so, from time to time, as occasion requires. 57-58 V., c. 32, s. 1.

28. In case any Indian dies intestate without issue, leaving a widow of good moral character, all his property of whatever kind shall devolve upon her, and if he leaves no widow the same shall devolve upon the Indian nearest of kin to the deceased: Provided that any interest which he may have had in land in a reserve shall be vested in His Majesty for the benefit of the band owning such reserve if his nearest of kin is more remote than a brother or sister. 57-58 V., c. 32, s. 1.

29. The property of a married Indian woman who dies intestate shall descend in the same manner and be distributed in the same proportions as that of a male Indian who dies intestate, her widower, if any, taking the share which the widow of such male Indian would take.

2. The other provisions of this Part respecting the descent of property shall in like manner apply to the case of an intestate married woman, the word widower being substituted for the word widow in each case.

3. The property of an unmarried Indian woman who dies intestate shall descend in the same manner as if she had been a male. 57-58 V., c. 32, s. 1.

30. A claimant of land in a reserve or of any interest therein as devisee or legatee or heir of a deceased Indian shall not be held to be lawfully in possession thereof or to be the recognized owner thereof until he shall have obtained a location ticket therefor from the Superintendent General. 57-58 V., c. 32, s. 1.

31. The Superintendent General may decide all questions which arise under this Part, respecting the distribution among those entitled thereto of the property of a deceased Indian, and he shall be the sole and final judge as to who the persons so entitled are.

2. The Superintendent General may do whatsoever in his judgment will best give to each claimant his share according to the true intent and meaning of this Part, and to that end, if he thinks fit, may direct the sale, lease or other disposition of such property or any part thereof, and the distribution or application of the proceeds or income thereof, regard being always had in any such disposition to the restriction upon the disposition of property in a reserve. 57-58 V., c. 32, s. 1.

32. Notwithstanding anything in this Part it shall be lawful for the courts having jurisdiction in that regard in the R.S., 1906.
the case of persons other than Indians, with but not without
the consent of the Superintendent General, to grant probate
of the wills of Indians and letters of administration of the
estate and effects of intestate Indians, in which case such
courts and the executors and administrators obtaining such
probate, or thereby appointed, shall have the like jurisdiction
and powers as in other cases, except that no disposition shall,
without the consent of the Superintendent General, be made
of or dealing had with regard to any right or interest in land
in a reserve or any property for which, under the provisions
of this Part, an Indian is not liable to taxation. 57-58 V.,
e. 32, s. 1.

Trespassing on Reserves.

33. No person, or Indian other than an Indian of the
band, shall without the authority of the Superintendent Gen-
eral, reside or hunt upon, occupy or use any land or marsh,
or reside upon or occupy any road, or allowance for road, run-
ning through any reserve belonging to or occupied by such
band.

2. All deeds, leases, contracts, agreements or instruments
of whatsoever kind made, entered into, or consented to by
any Indian, purporting to permit persons or Indians other
than Indians of the band to reside or hunt upon such reserve,
or to occupy or use any portion thereof, shall be void. 57-58
V., e. 32, s. 2.

34. If any Indian is illegally in possession of any land
on a reserve, or if any person, or Indian other than an Indian
of the band, without the license of the Superintendent Gen-
eral,—

(a) settles, resides or hunts upon, occupies, uses, or causes
or permits any cattle or other animals owned by him,
or in his charge, to trespass on any such land or marsh;
or,
(b) fishes in any marsh, river, stream or creek on or run-
ning through a reserve; or,
(c) settles, resides upon or occupies any road, or allowance
for road, on such reserve;
the Superintendent General or such other officer or person as
he thereunto deputes and authorizes, shall, on complaint made
to him, and on proof of the fact to his satisfaction, issue his
warrant, signed and sealed, directed to any literate person
willing to act in the premises, commanding him forthwith as
the case may be,—

(a) to remove from the said land, marsh or road, or allow-
ance for road, every such person or Indian and his family,
so settled, or who is residing or hunting upon, or occupy-
ing, or is illegally in possession of the same; or,

(b)

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(b) to remove such cattle or other animals from such land or marsh; or,
(c) to cause such person or Indian to cease fishing in any marsh, river, stream or creek, as aforesaid; or,
(d) to notify such person or Indian to cease using, as aforesaid, the said lands, river, streams, creeks or marshes, roads or allowance for roads.

2. The person to whom such warrant is directed, shall execute the same, and, for that purpose, shall have the same powers as in the execution of criminal process.

3. The expenses incurred in any such removal or notification, or causing to cease fishing, shall be borne, as the case may be, by the person removed or notified, or caused to cease fishing, or who owns the cattle or other animals removed, or who has them in charge, and may be recovered from him as the costs in any ordinary action or suit, or if the trespasser is an Indian, such expenses may be deducted from his share of annuity and interest money, if any such are due to him.

4. Any such person or Indian other than an Indian of the band may be required orally or in writing by an Indian agent, a chief of the band occupying the reserve, or a constable, as the case may be,—

(a) to remove with his family, if any, from the land, marsh or road, or allowance for road, upon which he is or has so settled, or is residing or hunting, or which he so occupies; or,
(b) to remove his cattle from such land or marsh; or,
(c) to cease fishing in any such marsh, river, stream or creek as aforesaid; or,
(d) to cease using as aforesaid any such land, river, stream, creek, marsh, road or allowance for road. R.S., c. 43, s. 22; 54-55 V., c. 30, s. 1.

35. If any person or Indian, after he has been removed or notified as aforesaid, or after any cattle or other animals owned by him or in his charge have been removed as aforesaid,—

(a) returns to, settles, resides or hunts upon or occupies or uses as aforesaid any of the said land or marsh; or,
(b) causes or permits any cattle or other animals owned by him or in his charge to return to any of the said land or marsh; or,
(c) returns to any marsh, river, stream or creek or running through a reserve, for the purpose of fishing therein; or,
(d) returns to, settles or resides upon or occupies any of the said roads or allowances for roads;

the Superintendent General, or any officer or person deputed or authorized, as aforesaid, upon view, or upon proof on oath before him, to his satisfaction, that the person or Indian has,—

(a) Removal and punishment of persons returning after having been removed.

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(a) returned to, settled, resided or hunted upon or occupied or used as aforesaid any of the said lands or marshes; or,
(b) caused or permitted any cattle or other animals owned by him, or in his charge, to return to any of the said land or marsh; or,
(c) returned to any marsh, river, stream or creek on or running through a reserve for the purpose of fishing therein; or,
(d) returned to, settled or resided upon or occupied any of the said roads or allowances for roads;

shall direct and send his warrant, signed and sealed, to the sheriff of the proper county or district, or to any literate person therein, commanding him forthwith to arrest such person or Indian, and bring him before any stipendiary magistrate, police magistrate, justice of the peace or Indian agent, who may, on summary conviction, commit him to the common gaol of the said county or district, or if there is no gaol in the said county or district, or if the reserve is not situated within any county or district, then the gaol nearest to the said reserve in the province, there to remain for the time ordered in the warrant of commitment.

2. The length of imprisonment aforesaid shall not exceed thirty days for the first offence, and thirty days additional for each subsequent offence.

3. If the said reserve is not situated within any county or district, such warrant shall be directed and sent to some literate person within such reserve. R.S., c. 43, s. 23.

36. Such sheriff or other person shall accordingly arrest the said person or Indian, and deliver him to the keeper of the proper gaol, who shall receive such person or Indian, and imprison him in the said gaol for the term aforesaid. R.S., c. 43, s. 24.

37. The Superintendent General, or such officer or person aforesaid, shall cause the judgment or order against the offender to be drawn up and filed in his office.

2. Such judgment shall not be appealed from, or removed by certiorari or otherwise, but shall be final. R.S., c. 43, s. 25.

Sale or Barter.

38. The Governor in Council may make regulations for prohibiting or regulating the sale, barter, exchange or gift by any band or irregular band of Indians, or by any Indian of any band or irregular band, in the province of Manitoba, Saskatchewan or Alberta, or the Territories, of any grain or root crops, or other produce grown upon any reserve, and may further provide that such sale, barter, exchange or gift shall be null and void, unless the same are made in accordance with such regulations. R.S., c. 43, s. 30.
39. No person shall buy or otherwise acquire from any band or irregular band of Indians, or from any Indian, any grain, root crops, or other produce from upon any reserve in the province of Manitoba, Saskatchewan or Alberta, or the Territories. R.S., c. 43, s. 30.

40. If any such grain or root crops, or other produce as aforesaid, are unlawfully in the possession of any person with the intent and meaning of this Part, or of any regulations made by the Governor in Council under this Part, any person acting under the authority, either general or special, of the Superintendent General, may, with such assistance in that behalf as he thinks necessary, seize and take possession of the same; and he shall deal therewith as the Superintendent General, or any officer or person thereunto by him authorized, directs. R.S., c. 43, s. 31.

41. The Governor in Council may make regulations for prohibiting the cutting, carrying away or removing from any reserve or special reserve, of any hard or sugar-maple tree or sapling. R.S., c. 43, s. 32.

42. No official or employee connected with the inside or outside service of the Department of Indian Affairs, and no missionary in the employ of any religious denomination, or otherwise employed in mission work among Indians, and no school teacher on an Indian reserve, shall, without the special license in writing of the Superintendent General, trade with any Indian, or sell to him directly or indirectly, any goods or supplies, cattle or other animals.

2. The Superintendent General may at any time revoke the Revocation license so given by him. 53 V., c. 29, s. 10; 57-58 V., c. 32, s. 10.

43. No person shall barter directly or indirectly with any Indian on a reserve in the province of Manitoba, Saskatchewan or Alberta, or the Territories, or sell to any such Indian any goods or supplies, cattle or other animals without the special license in writing of the Superintendent General.

2. The Superintendent General may, at any time, revoke the Revocation license by him given.

3. Upon prosecution of any offender against the provisions of this and the last preceding section, the evidence of the Indian to whom the sale was made, and the production to, or view by, the magistrate or Indian agent of the article or animal sold, shall be sufficient evidence on which to convict. 53 V., c. 29, s. 10.

Roads and Bridges.

44. Indians residing upon any reserve shall be liable, if so directed by the Superintendent General, or any officer or person by R.S., 1906.

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by him thereunto authorized, to perform labour upon the public roads laid out or used in or through, or abutting upon such reserve, which labour shall be performed under the sole control of the Superintendent General, or officer or person aforesaid, who may direct when, where and how and in what manner such labour shall be applied, and to what extent the same shall be imposed upon any Indian who is a resident upon the reserve.

2. The Superintendent General, or person or officer aforesaid shall have the like power to enforce the performance of such labour by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in the province or territory in which such reserve is situated, for the non-performance of statute labour; but the labour to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same province, territory, county or other local division, under the laws requiring and regulating such labour and the performance thereof. 61 V., c. 34, s. 1.

45. Every band of Indians shall cause the roads, bridges, ditches and fences within its reserve to be put and maintained in proper order, in accordance with the instructions received, from time to time, from the Superintendent General, or from the agent of the Superintendent General.

2. Whenever in the opinion of the Superintendent General, such roads, bridges, ditches and fences are not so put or maintained in order, he may cause the work to be performed at the cost of the band, or of the particular Indian in default, as the case may be, either out of its or his annual allowances or otherwise. R.S., c. 43, s. 34.

Lands taken for Public Purposes.

46. No portion of any reserve shall be taken for the purposes of any railway, road or public work without the consent of the Governor in Council, and, if any railway, road, or public work passes through or causes injury to any reserve, or, if any act occasioning damage to any reserve is done under the authority of an Act of Parliament or of the legislature of any province, compensation shall be made therefor to the Indians of the band in the same manner as is provided with respect to the lands or rights of other persons.

2. The Superintendent General shall, in any case in which an arbitration is had, name the arbitrator on behalf of the Indians, and shall act for them in any matter relating to the settlement of such compensation.

3. The amount awarded in any case shall be paid to the Minister of Finance for the use of the band of Indians for whose benefit the reserve is held, and for the benefit of any Indian who has improvements taken or injured. R.S., c. 43, s. 35; 50-51 V., c. 33, s. 5.
Surrender and Forfeiture of Lands in Reserve.

47. If, by the violation of the conditions of any trust respecting any special reserve, or by the breaking up of any society, corporation or community, or, if by the death of any person or persons without a legal succession or trusteeship, in whom the title to a special reserve is held in trust, the said title lapses or becomes void in law, the legal title shall become vested in His Majesty in trust, and the property shall be managed for the band or irregular band previously interested therein as an ordinary reserve.

2. The trustees of any special reserve may, at any time, surrender the same to His Majesty in trust, whereupon the property shall be managed for the band or irregular band previously interested therein as an ordinary reserve. R.S., c. 43, s. 37.

48. Except as in this Part otherwise provided, no reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Part: Provided that the Superintendent General may lease, for the benefit of any Indian, upon his application for that purpose, the land to which he is entitled without such land being released or surrendered, and may, without surrender, dispose to the best advantage, in the interests of the Indians, of wild grass and dead or fallen timber. 61 V., c. 34, s. 2.

49. Except as in this Part otherwise provided, no release or surrender of a reserve, or a portion of a reserve, held for the use of the Indians of any band, or of any individual Indian, shall be valid or binding, unless the release or surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose, according to the rules of the band, and held in the presence of the Superintendent General, or of an officer duly authorized to attend such council, by the Governor in Council or by the Superintendent General.

2. No Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near, and is interested in the reserve in question.

3. The fact that such release or surrender has been assented to by the band at such council or meeting shall be certified on oath by the Superintendent General, or by the officer authorized by him to attend such council or meeting, and by some of the chiefs or principal men present thereat and entitled to vote, before some judge of a superior, county or district court, stipendiary magistrate or justice of the peace, or, in the case of reserves in the province of Manitoba, Saskatchewan or Alberta, or the Territories, before the Indian commissioner, and

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and in the case of reserves in British Columbia, before the visiting Indian Superintendent for British Columbia, or, in either case, before some other person or officer specially thereunto authorized by the Governor in Council.

4. When such assent has been so certified, as aforesaid, such release or surrender shall be submitted to the Governor in Council for acceptance or refusal. R.S., c. 43, s. 39; 61 V., c. 34, s. 3.

50. Nothing in this Part shall confirm any release or surrender which, but for this Part, would have been invalid; and no release or surrender of any reserve, or portion of a reserve, to any person other than His Majesty, shall be valid. R.S., c. 43, s. 40.

51. All Indian lands which are reserves or portions of reserves surrendered, or to be surrendered, to His Majesty, shall be deemed to be held for the same purpose as heretofore; and shall be managed, leased and sold as the Governor in Council directs, subject to the conditions of surrender and the provisions of this Part. R.S., c. 43, s. 41.

Sale and Transfer of Indian Lands.

52. Every certificate of sale or receipt for money received on the sale of Indian lands granted or made by the Superintendent General or any agent of his, so long as the sale to which such certificate or receipt relates is in force and not rescinded, shall entitle the person to whom the same is granted, or his assignee, by instrument registered under this or any former Act providing for registration in such cases, to take possession of and occupy the land therein comprised, subject to the conditions of such sale, and unless the same has been revoked or cancelled, to maintain thereunder actions and suits against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown; but the same shall have no force against a license to cut timber existing at the time of the granting or making thereof.

2. Such certificate or receipt shall be prima facie evidence of possession by such person, or the assignee, under an instrument registered as aforesaid in any such action or suit. R.S., c. 43, s. 42.

53. The Superintendent General shall keep a book for registering, at the option of the persons interested, the particulars of any assignment made, as well by the original purchaser or lessee of Indian lands, or his heirs or legal representatives, as by any subsequent assignee of any such lands, or the heirs or legal representatives of such assignee. R.S., c. 43, s. 43.
54. Upon any such assignment being produced to the Superintendent General, and, except in cases where such assignment is made under a corporate seal, with an affidavit of due execution thereof, and of the place of such execution, and the names, residences and occupations of the witnesses, or, as to lands in the province of Quebec, upon the production of any such assignment executed in notarial form, or of a notarial copy thereof, the Superintendent General shall cause the material parts of the assignment to be registered in the said book, and shall cause to be endorsed on the assignment a certificate of such registration signed by himself or by the Deputy Superintendent General, or any other officer of the Department by him authorized to sign such certificates. 53 V., c. 29, s. 4.

55. Every such assignment so registered shall be valid against any assignment previously executed, which is subse- quently registered or is unregistered.

2. No such registration shall be made until all the conditions of the sale, grant or location are complied with or dispensed with by the Superintendent General.

3. Every assignment registered as aforesaid shall be uncondi- tional in its terms. R.S., c. 43, s. 43.

56. If any subscribing witness to any such assignment is dead, or is absent from Canada, the Superintendent General may register such assignment upon the production of an affidavit proving the death or absence of such witness, and his handwriting, or the handwriting of the person making such assignment. R.S., c. 43, s. 44.

57. No agent for the sale of Indian lands shall, within his division, directly or indirectly, except under an order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and every such purchase or interest shall be void. R.S., c. 43, s. 110.

Tax Sales.

58. Whenever the proper municipal officer having, by the law of the province in which the land affected is situate, author- ity to make or execute deeds or conveyances of lands sold for taxes, makes or executes any deed or conveyance purporting to grant or convey Indian lands which have been sold or located, but not patented, or the interest therein of the locatee or pur- chaser from the Crown, and such deed or conveyance recites or purports to be based upon a sale of such lands or such interest for taxes, the Superintendent General may approve of such deed or conveyance, and act upon and treat it as a valid transfer of all the right and interest of the original locatee or purchaser from the Crown, and of every person claiming under him R.S., 1906.
him in or to such land to the grantee named in such deed or conveyance.

2. When the Superintendent General has signified his approval of such deed or conveyance by endorsement thereon, the grantee shall be substituted in all respects, in relation to the land so conveyed, for the original locatee or purchaser from the Crown, but no such deed or conveyance shall be deemed to confer upon the grantee any greater right or interest in the land than that possessed by the original locatee or purchaser from the Crown. 51 V., c. 22, s. 2.

59. The Superintendent General may cause a patent to be issued to the grantee named in such deed or conveyance on the completion of the original conditions of the location or sale, unless such deed or conveyance is declared invalid by a court of competent jurisdiction in a suit or action instituted by some person interested in such land within two years after the date of the sale for taxes, and unless within such delay notice of such contestation has been given to the Superintendent General. 51 V., c. 22, s. 2.

60. Every such deed or conveyance shall be registered in the office of the Superintendent General within two years from the date of the sale for taxes; and unless the same is so registered, it shall not be deemed to have preserved its priority, as against a purchaser in good faith from the original locatee or purchaser from the Crown, in virtue of an assignment registered prior to the date of the registration of the deed or conveyance based upon a sale for taxes as aforesaid. 51 V., c. 22, s. 2.

Cancellation.

61. If the Superintendent General is satisfied that any purchaser or lessee of any Indian lands, or any person claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of the sale or lease, or if any such sale or lease has been made or issued in error or mistake, he may cancel such sale or lease and resume the land therein mentioned, or dispose of it as if no sale or lease thereof had ever been made. R.S., c. 43, s. 46.

Ejectment.

62. Whenever any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale or lease thereof, as aforesaid, or whenever any person is wrongfully in possession of any Indian lands and refuses to vacate or abandon possession of the same, the Superintendent General may apply to the judge of the county court of the county or district in which the land lies, or to any judge of a superior court, or in the Northwest Territories.

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Order as to writ of possession.

The order shall have the same force as a writ of 

facias possessionem, or writ of possession.

The sheriff, or any bailiff or person to whom it has been entrusted for execution by the Superintendent General, shall execute the same in like manner as he would execute such writ in an action of ejectment or a possessorial action.

The costs of and incident to any proceedings under this section or any part thereof shall be paid by any party to such proceedings or by the Superintendent General, as the judge or magistrate orders. R.S., c. 43, s. 47; 54-55 V., c. 30, s. 3.

Rent.

63. Whenever any rent payable to the Crown on any lease of Indian lands is in arrear, the same may be recovered,—

(a) by warrant of distress issued by the Superintendent General or any agent or officer appointed under this Part and authorized by the Superintendent General to act in such cases, and with like proceedings thereon as in ordinary cases of landlord and tenant directed to any person or persons by him named therein; or

(b) by warrant of distress, and with like proceedings thereon as in case of a distress warrant by a justice of the peace for non-payment of a pecuniary penalty issued by him and directed as aforesaid; or

(c) by action of debt, as in ordinary cases of rent in arrear, brought therefor in the name of the Superintendent General.

2. Demand of rent shall not be necessary in any case. R.S., c. 43, s. 48.

Powers of Superintendent General.

64. When by law or by any deed, lease or agreement relating to Indian lands, any notice is required to be given, or any act to be done by or on behalf of the Crown, such notice may be given and act done by or by the authority of the Superintendent General. R.S., c. 43, s. 49.

65. Whenever it is found that, by reason of false survey or error in the books or plans in the Department of Indian Affairs, or in the late Indian branch of the Department of the Interior, any R.S., 1906.
any grant, sale or appropriation of land is deficient, or whenever any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Superintendent General may order the purchase money of so much land as is deficient with the interest thereon from the time of the application therefor to be paid to the original purchaser in land or money as the Superintendent General directs.

2. If the land has passed from the original purchaser, and the claimant was ignorant of a deficiency at the time of his purchase, the Superintendent General may order payment as aforesaid of the purchase money for so much of the land as is deficient which the claimant has paid.

3. No such claim shall be entertained unless application is made within five years from the date of the patent, and unless the deficiency is equal to one-tenth of the whole quantity described as contained in the particular lot or parcel of land granted. R.S., c. 43, s. 52.

66. The Superintendent General may, from time to time, by public notice, declare that, on and after a day therein named, the laws respecting game in force in the province of Manitoba, Saskatchewan or Alberta, or the Territories, or respecting such game as is specified in such notice, shall apply to Indians within the said province or Territories, as the case may be, or to Indians in such parts thereof as to him seems expedient. 53 V., c. 29, s. 10.

67. The Superintendent General, his deputy, or other person specially authorized by the Governor in Council, shall have power, by subpoena issued by him, to require any person to appear before him, and to bring with him any papers or writings relating to any matter affecting Indians, and to examine such person under oath in respect to any such matter.

2. If any person duly summoned by subpoena as aforesaid neglects or refuses to appear at the time and place specified in the subpoena, or refuses to give evidence or to produce the papers or writings demanded of him, the Superintendent General, his deputy or such other person may, by warrant under his hand and seal, cause such person so refusing or neglecting to be taken into custody and to be imprisoned in the nearest common gaol as for contempt of court, for a period not exceeding fourteen days. 50-51 V., c. 33, s. 2.

68. Every patent for Indian lands shall be prepared in the Department of Indian Affairs, and shall be signed by the Superintendent General or his deputy or by some other person thereunto specially authorized by order of the Governor in Council, and, when so signed, shall be registered by an officer specially appointed for that purpose by the Registrar General, 1464 and

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and then transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned and the Great Seal thereto caused to be affixed: Provided that every such patent for land shall be signed by the Governor or by the Deputy Governor appointed under this Part for that purpose. R.S., c. 43, s. 45.

69. On any application for a patent by the heir, assignee or devisee of the original purchaser from the Crown, the Superintendent General may receive proof, in such manner as he directs and requires, in support of any claim for a patent, when the original purchaser is dead; and upon being satisfied that the claim has been equitably and justly established, may allow the same, and cause a patent to issue accordingly: Provided that nothing in this section shall limit the right of a person claiming a patent to land in the province of Ontario to make application at any time to the Commissioner, under the Act respecting claims to lands in Upper Canada for which no patents have been issued, being chapter eighty of the Consolidated Statutes of Upper Canada. R.S., c. 43, s. 45.

70. Whenever letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer, or wrong description of any material fact therein, or of the land thereby intended to be granted, the Superintendent General, if there is no adverse claim, may direct the defective letters patent to be cancelled, and a minute of such cancellation to be entered in the margin of the registry of the original letters patent, and correct letters patent to be issued in their stead.

2. Such correct letters patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent. R.S., c. 43, s. 50.

71. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Superintendent General may, in cases of sale, cause a repayment of the purchase money, with interest.

2. When the land has passed from the original purchaser, or has been improved before a discovery of the error, the Superintendent General may, in substitution, assign land or grant a certificate entitling the person to purchase Indian lands of such value, and to such extent as he deems just and equitable under the circumstances: Provided that no such claim shall be entertained unless it is preferred within five years from the discovery of the error. R.S., c. 43, s. 51.

72. Whenever patents for Indian lands have issued through fraud or in error or improvidence, the Exchequer Court of Canada may, in certain cases, Compensation in certain cases. void patents. R.S., 1906.
Canada or a superior court in any province may, in respect of lands situate within its jurisdiction, upon information, action, bill or plaint, respecting such lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said courts shall respectively order, decree such patents to be void; and, upon a registry of such decree in the Department of Indian Affairs, such patents shall be void to all intents.

2. The practice in such cases shall be regulated by orders, from time to time, made by the said courts respectively. R.S., c. 43, s. 53; 53 V., c. 29, s. 5.

Timber Lands.

73. The Superintendent General, or any officer or agent authorized by him to that effect, may grant licenses to cut trees on ungranted Indian lands, or on reserves at such rates and subject to such conditions, regulations and restrictions, as are, from time to time, established by the Governor in Council, and such conditions, regulations and restrictions shall be adapted to the locality in which such reserves or lands are situated. R.S., c. 43, s. 54.

74. No license shall be so granted for a longer period than twelve months from the date thereof; and if, in consequence of any incorrectness of survey or other error or cause whatsoever, a license is found to comprise land included in a license of a prior date, or land not being reserve, or ungranted Indian lands, the license granted shall be void in so far as it comprises such land, and the holder or proprietor of the license so rendered void shall have no claim upon the Crown for indemnity or compensation by reason of such avoidance. R.S., c. 43, s. 55.

75. Every license shall describe the lands upon which the trees may be cut, and the kind of trees which may be cut, and shall confer, for the time being, upon the licensee the right to take and keep possession of the land so described, subject to such regulations as are made.

2. Every license shall vest in the holder thereof all rights of property in all trees of the kind specified, cut within the limits of the license during the term thereof, whether such trees are cut by the authority of the holder of such license or by any other person, with or without his consent.

3. Every license shall entitle the holder thereof to seize, in revendication or otherwise, such trees and the logs, timber or other product thereof, if found in the possession of any unauthorized person, and also to institute any action or suit against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment, and to recover damages, if any.
4. All proceedings pending at the expiration of any license may be continued to final termination, as if the license had not expired. 61 V., c. 34, s. 4.

76. Every person who obtains a license shall, at the expiration thereof, make to the officer or agent granting the same, or to the Superintendent General, a return of the number and kinds of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of square or other timber, manufactured and carried away under such license, which return shall be sworn to by the holder of the license or his agent, or by his foreman.

2. Every person who refuses or neglects to make such return, or who evades, or attempts to evade, any regulation made by the Governor in Council in that behalf, shall be held to have cut without authority, and the timber or other product made shall be dealt with accordingly. R.S., c. 43, s. 57.

77. All trees cut, and the logs, timber or other product thereof, shall be liable for the payment of the dues thereon, so long as and wheresoever the same, or any part thereof, are found, whether in the original logs or manufactured into deals, boards or other stuff.

2. All officers or agents entrusted with the collection of such dues may follow and seize and detain the same wherever they are found until the dues are paid or secured. R.S., c. 43, s. 58.

78. No instrument or security taken for dues, either before or after the cutting of the trees, as collateral security, or to facilitate collection, shall in any way affect the lien for such dues, but the lien shall subsist until the said dues are actually discharged. R.S., c. 43, s. 59.

79. If any timber so seized and detained for non-payment of dues remains more than twelve months in the custody of the agent or person appointed to guard the same, without the due and expenses being paid, the Superintendent General may order a sale of the said timber to be made after sufficient notice.

2. The net proceeds of such sale, after deducting the amount of dues, expenses, and costs incurred, shall be handed over to the owner or claimant of such timber, upon his applying therefor and proving his right thereto. R.S., c. 43, s. 60.

80. Any officer or agent acting under the Superintendent General may seize or cause to be seized in His Majesty's name any logs, timber, wood or other products of trees, or any trees themselves, cut without authority on Indian lands or on a reserve, wherever they are found, and place the same under proper custody until a decision can be had in the matter from competent authority. 50-51 V., c. 33, s. 6.

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81. When the logs, timber, wood, or other products of trees, or the trees themselves cut without authority on Indian lands or on a reserve, have been made up or intermingled with other trees, wood, timber, logs, or other products of trees into a crib, dram or raft, or in any other manner, so that it is difficult to distinguish the timber cut on Indian lands or on a reserve without license, from the other timber with which it is made up or intermingled, the whole of the timber so made up or intermingled shall be held to have been cut without authority on Indian lands or on a reserve, and shall be seized and forfeited and sold by the Superintendent General or any officer or agent acting under him, unless evidence satisfactory to him is adduced showing the probable quantity not cut on Indian lands or on a reserve. 50-51 V., c. 33, s. 7.

82. Every officer or person seizing trees, logs, timber or other products of trees in the discharge of his duty under this Part may, in the name of the Crown, call in any assistance necessary for securing and protecting the same. R.S., c. 43, s. 64.

83. Whenever any trees, logs, timber or other product of trees are seized for non-payment of Crown dues, or for any other cause of forfeiture, or whenever any prosecution is brought in respect of any penalty or forfeiture under this Part, and any question arises whether said dues have been paid or whether the trees, logs, timber or other product were cut on lands other than any of the lands aforesaid, the burden of proving payment, or on what land the same were cut, as the case may be, shall lie on the owner or claimant and not on the officer who seizes the same, or the person who brings such prosecution. R.S., c. 43, s. 65.

84. All trees, logs, timber or other product of trees seized under this Part shall be deemed to be condemned unless the person from whom they are seized, or the owner thereof within one month from the day of the seizure, gives notice to the seizing officer, or nearest officer or agent of the Superintendent General that he claims, or intends to claim them, and unless within one month from the day of giving such notice he initiates, in some court of competent jurisdiction, proceedings for the purpose of establishing his claim.

2. In default of such notice and initiation of proceedings, the officer or agent seizing shall report the circumstances to the Superintendent General, who may order the sale by the said officer or agent of such trees, logs, timber or other products. 61 V., c. 34, s. 5.

85. Any judge of any superior, county or district court, or any stipendiary magistrate, police magistrate or Indian agent, may, in a summary way, under the provisions of Part XV. of the Criminal Code, try and determine such seizures; and may, 1468 pending

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pending the trial, order the delivery of the trees, or the logs, timber or other product to the alleged owner, on receiving security by bond, with two good and sufficient sureties, first approved by the said agent, to pay double the value of such trees, logs, timber or other product, in case of their condemnation.

2. Such bond shall be taken in the name of the Superintendent General, for His Majesty, and shall be delivered up to and kept by the Superintendent General.

3. If such seized trees, logs, timber or other product are condemned, the value thereof shall be paid forthwith to the Superintendent General or agent, and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered. R.S., c. 43, s. 67.

86. Every one who avails himself of any false statement or false oath to evade the payment of dues under this Part, shall forfeit the timber in respect of which the dues are attempted to be evaded. R.S., c. 43, s. 68.

Management of Indian Moneys.

87. All moneys or securities of any kind applicable to the support or benefit of Indians, or any band of Indians, and all moneys accrued or hereafter to accrue from the sale of any Indian lands or the proceeds of any timber on any Indian lands or a reserve shall, subject to the provisions of this Part, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with but for the passing of this Part. R.S., c. 43, s. 69.

88. The Governor in Council may reduce the purchase money due or to become due on sales of Indian lands, or reduce or remit the interest on such purchase money, or reduce the rent at which Indian lands have been leased, when he considers the same excessive.

2. A return setting forth all the reductions and remissions made under this section during the fiscal year shall be submitted to both Houses of Parliament within twenty days after the expiration of such year, if Parliament is then sitting, and, if Parliament is not then sitting, within twenty days after the opening of the next ensuing session of Parliament. 58-59 V., c. 35, s. 8.

89. With the exception of such sum not exceeding fifty per centum of the proceeds of any land, and not exceeding ten per centum of the proceeds of any timber or other property, as is agreed at the time of the surrender to be paid to the members of the band interested therein, the Governor in Council may, subject to the provisions of this Part, direct how and in what manner, and by whom, the moneys arising from the disposal of Indian lands, or of property held or to be held in trust for Indians, may be regulated by Governor in Council.
Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians, shall be invested from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given.

2. The Governor in Council may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Part, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they had in lands taken from them, for the construction or repair of roads, bridges, ditches and watercourses on such reserves or lands, for the construction and repair of school buildings and charitable institutions, and by way of contribution to schools attended by such Indians. 6 E. VII., c. 20, s. 1.

90. The Governor in Council may, with the consent of a band, authorize and direct the expenditure of any capital moneys standing at the credit of such band, in the purchase of land as a reserve for the band or as an addition to its reserve, or in the purchase of cattle for the band, or in the construction of permanent improvements upon the reserve of the band, or such works thereon or in connection therewith as, in his opinion, will be of permanent value to the band, or will, when completed, properly represent capital. 57-58 V., c. 32, s. 11.

91. The proceeds arising from the sale or lease of any Indian lands, or from the timber, hay, stone, minerals or other valuables thereon, or on a reserve, shall be paid to the Minister of Finance to the credit of the Indian fund. R.S., c. 43, s. 71.

92. The Superintendent General may,—
(a) stop the payment of the annuity and interest money of as well as deprive of any participation in the real property of the band, any Indian who is proved, to the satisfaction of the Superintendent General, guilty of deserting his family, or of conduct justifying his wife or family in separating from him, or who is separated from his family by imprisonment, and apply the same towards the support of the wife or family of such Indian; or,
(b) stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply the same to the support of such child; or,
(c) stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any woman who deserts her husband or family and lives immorally with another man, and apply the same to the support of the family so deserted; or,
(d)
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(d) whenever sick or disabled, or aged or destitute Indians are not provided for by the band of which they are members, furnish sufficient aid from the funds of the band for the relief of such sick, disabled, aged or destitute Indians. R.S., c. 43, s. 74; 61 V., c. 34, ss. 7 and 8.

Election of Chiefs.

93. Whenever the Governor in Council deems it advisable for the good government of a band, to introduce the elective system of chiefs and councillors or headmen, he may provide that the chief and councillors or headmen of any band shall be elected, as hereinafter provided, at such time and place as the Superintendent General directs; and they shall in such case be elected for a term of three years.

2. The councillors or headmen may be in the proportion of two for every two hundred Indians.

3. No band shall have more than one chief and fifteen councillors or headmen.

4. Any band composed of at least thirty members may have a chief. 61 V., c. 34, s. 9.

94. Life chiefs and councillors or headmen now living may continue to hold rank until death or resignation, or until their removal by the Governor in Council for dishonesty, incontinence, immorality or incompetency.

2. In the event of the Governor in Council providing that the chief and councillors or headmen of a band shall be elected, the life chiefs and councillors or headmen shall not exercise powers as such unless elected under the provision aforesaid. 61 V., c. 34, s. 9.

95. An election may be set aside by the Governor in Council, on a report of the Superintendent General, if it is proved by two witnesses before the Indian agent for the locality, or such other person as is deputed by the Superintendent General to take evidence in the matter, that fraud or gross irregularity was practised at the said election.

2. Every Indian who is proved guilty of such fraud or irregularity, or connivance thereat, may be declared ineligible for re-election for a period not exceeding six years, if the Governor in Council, on the report of the Superintendent General, so directs. 61 V., c. 34, s. 9.

96. Any elected or life chief and any councillor or headman, or any chief or councillor or headman chosen according to the custom of any band, may, on the ground of dishonesty, intemperance, immorality or incompetency, be deposed by the Governor in Council and declared ineligible to hold the office of chief or councillor or headman for a period not exceeding three years. 61 V., c. 34, s. 9.
Regulations to be made by Chiefs.

97. The chief or chiefs of any band in council may, subject to confirmation by the Governor in Council, make rules and regulations as to the religious denomination to which the teacher of the school established on the reserve shall belong.

2. If the majority of the band belongs to any one religious denomination, the teacher of the school established on the reserve shall belong to the same denomination.

3. The Protestant or Catholic minority of any band may, with the approval of and under regulations made by the Governor in Council, have a separate school established on the reserve. R.S., c. 43, s. 76.

Other cases. 98. The chief or chiefs of any band in council may likewise and subject to such confirmation, make rules and regulations as to,—

Health. (a) the care of the public health;

Order. (b) the observance of order and decorum at assemblies of the Indians in general council, or on other occasions;

Intemperance. (c) the repression of intemperance and profligacy;

Trespass. (d) the prevention of trespass by cattle, and the protection of sheep, horses, mules and cattle;

Roads, etc. (e) the construction and maintenance of watercourses, roads, bridges, ditches and fences;

School houses. (f) the construction and repair of school houses, council houses and other Indian public buildings, and the attendance at school of children between the ages of six and fifteen years;

Pounds. (g) the establishment of pounds and the appointment of pound-keepers;

Locating land. (h) the locating of the band in their reserves, and the establishment of a register of such locations;

Weeds. (i) the repression of noxious weeds.

2. The Governor in Council may by the rules and regulations aforesaid provide for the imposition of punishment by fine, penalty or imprisonment, or both for violation of any of such rules or regulations.

3. The fine or penalty shall in no case exceed thirty dollars, and the imprisonment shall in no case exceed thirty days.

4. The proceedings for the imposition of such punishment shall be taken under Part XV. of the Criminal Code. R.S., c. 43, s. 76.

Taxation.

99. No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property, unless he holds, in his individual right, real estate under a lease or in fee simple, or personal property outside of the reserve or special reserve, in which case he shall be liable to be taxed for such real or personal

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personal property at the same rate as other persons in the locality in which it is situate. R.S., c. 43, s. 77.

100. No taxes shall be levied on the real property of any Indian, acquired under the enfranchisement clauses of this Part, until the same has been declared liable to taxation by proclamation of the Governor in Council, published in the Canada Gazette. R.S., c. 43, s. 77.

101. All land vested in the Crown or in any person in trust or for the use of any Indian or non-treaty Indian or any band or irregular band of Indians or non-treaty Indians shall be exempt from taxation, except those lands which, having been surrendered by the bands owning them, though unpatented, have been located by or sold or agreed to be sold to any person; and, except as against the Crown and any Indian located on the land, the same shall be liable to taxation in like manner as other lands in the same locality: Provided that nothing herein contained shall interfere with the right of the Superintendent General to cancel the original sale or location of any land, or shall render such land liable to taxation until it is again sold or located. 51 V., c. 22, s. 3.

Legal Rights of Indians.

102. No person shall take any security or otherwise obtain any lien or charge, whether by mortgage, judgment or otherwise, upon real or personal property of any Indian or non-treaty Indian, except on real or personal property subject to taxation under the last three preceding sections: Provided that any person selling any article to an Indian or non-treaty Indian may take security on such article for any part of the price thereof which is unpaid. R.S., c. 43, s. 78.

103. Indians and non-treaty Indians shall have the right to sue for debts due to them, or in respect of any tort or wrong inflicted upon them, or to compel the performance of obligations contracted with them: Provided that, in any suit or action between Indians, or in any case of assault in which the offender is an Indian, no appeal shall lie from any judgment, order or conviction by any police magistrate, stipendiary magistrate, or two justices of the peace or an Indian agent, when the sum adjudged or the penalty imposed does not exceed ten dollars. R.S., c. 43, s. 79.

104. No pawn taken from any Indian or non-treaty Indian for any intoxicant shall be retained by the person to whom such pawn is delivered; but the thing so pawned may be sued for and shall be recoverable, with costs of suit, in any court of competent jurisdiction by the Indian or non-treaty Indian who pawned the same. R.S., c. 43, s. 80.

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Exemption from seizure.

Traffic in presents and property restricted.

Animals, farming implements, etc., deemed presents.

Sale, etc., null and void.

105. No presents given to Indians or non-treaty Indians, and no property purchased or acquired with or by means of any annuities granted to Indians, or any part thereof, and in the possession of any band of such Indians, or of any Indian of any band or irregular band, shall be liable to be taken, seized or dis- trained for any debt, matter or cause whatsoever.

2. No such presents or property shall, in the province of Manitoba, British Columbia, Saskatchewan or Alberta, or in the Territories be sold, bartered, exchanged, or given by any band or irregular band of Indians, or any Indian of any such band to any person or Indian other than an Indian of such band.

3. Animals given to Indians under treaty stipulations, and the progeny thereof, and farming implements, tools and any other articles given to Indians under treaty stipulations shall be held to be presents within the meaning of this section.

4. Every such sale, barter, exchange or gift shall be null and void unless such sale, barter, exchange or gift is made with the written assent of the Superintendent General or his agent. R.S., c. 43, s. 81; 53 V., c. 29, s. 7.

Present, unlawfully in possession of any person, may be seized.

106. If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians, are or is unlawfully in the possession of any person, within the true intent and meaning of the last preceding section, any person acting under the authority of the Superintendent General may, with such assistance in that behalf as he thinks necessary, seize and take possession of the same, and shall deal therewith as the Superintendent General directs. R.S., c. 43, s. 81.

Enfranchisement.

107. The provisions of this Part respecting enfranchise- ment of Indians shall not apply to any band of Indians in the province of Manitoba, British Columbia, Saskatchewan or Alberta, or the Territories, except in so far as such provisions are, by proclamation of the Governor in Council, from time to time, extended to any band of Indians in any of the said provinces or territories. R.S., c. 43, s. 82.

Proceedings for enfranchisement.

108. Whenever any male Indian or unmarried Indian woman, of the full age of twenty-one years, makes application to the Superintendent General to be enfranchised, the Superin- tendent General shall instruct the agent of the band of which the applicant is a member, to call upon the latter to furnish a certificate, under oath, before a judge of any court of justice, by the priest, clergyman or minister of the religious denomination to which the applicant belongs, or by a stipendiary magistrate or two justices of the peace, to the effect that to the best of the knowledge and belief of the deponent or deponents, the applicant

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applicant for enfranchisement is, and has been for at least five years previously, a person of good moral character, temperate in his or her habits, and of sufficient intelligence to be qualified to hold land in fee simple, and otherwise to exercise all the rights and privileges of an enfranchised person. R.S., c. 43, s. 83.

109. Upon receipt of such a certificate, the agent shall, with the least possible delay, submit the same to a council of the band of which the applicant is a member; and he shall then inform the Indians assembled at such council, that thirty days will be given within which affidavits made before a judge or a stipendiary magistrate will be received, containing reasons, if any there are, of a personal character affecting the applicant, why such enfranchisement should not be granted to the applicant. R.S., c. 43, s. 84.

110. At the expiration of the thirty days aforesaid, the agent shall forward to the Superintendent General all affidavits which have been filed with him in the case, as well as one made by himself before a judge or a stipendiary magistrate, containing his reasons for or against the enfranchisement of the applicant.

2. If the Superintendent General, after examining the evidence, decides in favour of the applicant, he may grant to the applicant a location ticket for the land occupied by him or her as a probationary Indian, or for such proportion thereof as appears to the Superintendent General fair and proper. R.S., c. 43, s. 85.

111. Every Indian who is admitted to the degree of doctor of medicine, or to any other degree, by any university of learning, or who is admitted, in any province of Canada, to practise law, either as an advocate, a barrister, solicitor or attorney, or a notary public, or who enters holy orders, or who is licensed by any denomination of Christians as a minister of the gospel, may, upon petition to the Superintendent General, ipso facto become and be enfranchised under this Part, and he shall then be entitled to all the rights and privileges to which any other member of the band to which he belongs would be entitled if he was enfranchised under the provisions of this Part.

2. The Superintendent General may give him a suitable allotment of land from the lands belonging to the band of which he is a member: Provided that, if he is not the recognized holder of a location on the reserve by ticket or otherwise, he shall first obtain the consent of the band and the approval of the Superintendent General to such allotment. R.S., c. 43, s. 86.

112. After the expiration of three years, or, if the conduct of such Indian has not been satisfactory, after such longer period Patent may issue after probation. R.S., 1906.
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period as the Superintendent General deems necessary, the Governor in Council may, on the report of the Superintendent General, order the issue of letters patent, granting to such Indian the land in fee simple, which has been allotted to him by location ticket.

2. Such letters patent shall contain a provision that such Indian shall not have power to sell, lease or otherwise alienate the land except with the sanction of the Governor in Council.

3. In such cases compliance with the provisions of this Part respecting leases or surrender of lands in a reserve shall not be necessary. R.S., c. 43, s. 87.

113. Every such Indian shall, before the issue of such letters patent, declare to the Superintendent General the name and surname by which he wishes to be enfranchised and thereafter known, and, on his receiving such letters patent, in such name and surname, he shall be held to be enfranchised, and he shall thereafter be known by such name or surname; and, if such Indian is a married man, his wife and minor unmarried children shall also be held to be enfranchised.

2. From the date of such letters patent, the provisions of this Part and of any Act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of His Majesty's other subjects, shall cease to apply to such Indian, or his wife or his minor unmarried children, and he and they shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as regards their right to participate in the annuities and interest moneys, and rents and councils of the band to which they belonged. R.S., c. 43, s. 88.

114. Any children of a probationary Indian, who, having been minors and unmarried when the probationary ticket was granted to such Indian, arrive at the full age of twenty-one years before the letters patent are issued to such Indian, may, at the discretion of the Governor in Council, receive letters patent in their own names, subject to the same restrictions and reservations as are contained in the letters patent issued to their parent, for their respective shares of the land allotted under the said ticket, at the same time that letters patent are granted to their parent. R.S., c. 43, s. 88.

115. If any Indian child who arrives at the full age of twenty-one years, during his or her parent's probationary period, is not qualified for enfranchisement, or if any child of such parent, who was a minor at the commencement of such period, is married during such period, a quantity of land equal to the share of such child shall be deducted, in such manner as the Superintendent General directs, from the allotment made to such Indian.

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such Indian parent on receiving his probationary ticket. R.S., c. 43, s. 88.

116. The children of any widow who becomes either a probationary or enfranchised Indian shall be entitled to the same privileges as those of a male head of a family in like circumstances. R.S., c. 43, s. 90.

117. Whenever any member of a band, for three years immediately succeeding the date on which he was granted letters patent upon his enfranchisement as aforesaid, or for any longer period that the Superintendent General deems necessary, by his exemplary good conduct and management of property proves that he is qualified to receive his share of the moneys of such band, the Governor in Council may, on the report of the Superintendent General to that effect, order that the said Indian be paid his share of the capital funds at the credit of the band, or his share of the principal of the annuities of the band, estimated as yielding five per centum out of such moneys as are provided for the purpose by Parliament.

2. If such Indian is a married man he shall be paid his wife's and minor unmarried children's shares of such funds and principal moneys, and if such Indian is a widow, she shall also be paid her minor unmarried children's shares. 58-59 V., c. 35, s. 4.

118. The unmarried children of such married Indians who, during the probationary period for payment of such moneys become of age, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys, when their parents are paid.

2. If not so qualified, before they receive payment of such moneys, they must themselves pass through the probationary period. 58-59 V., c. 35, s. 4.

119. All such Indians, and their unmarried minor children, who are paid their shares of the principal moneys of their band, as aforesaid, shall thenceforward cease, in every respect, to be Indians of any class within the meaning of this Part, or Indians within the meaning of any other Act or law. 58-59 V., c. 35, s. 4.

120. If any probationary Indian fails in qualifying to become enfranchised, or dies before the expiration of the required probation, his claim, or the claim of his heirs, to the land for which a probationary ticket was granted, or the claim of any unqualified Indian, or of any Indian who marries during his or her parent's probationary period, to the land deducted under the operation of this Part from his or her parent's probationary allotment, shall, in all respects, be the same as that conferred

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Rules for allotting lands to probationary Indians.

Proviso.

Indians not members of the band permitted to reside on reserve.

Effect of enfranchising.

Provision when band decides that all its members may become enfranchised.

Conferred by an ordinary location ticket under this Part. R.S., c. 43, s. 89.

121. In allotting land to probationary Indians, the quantity to be allotted to the head of a family shall be in proportion to the number of such family, compared with the total quantity of land in the reserve, and the whole number of the band: Provided that the Superintendent General may determine what quantity shall be allotted to each member for enfranchisement purposes, and that each female of any age, and each male under fourteen years of age, shall receive at least one-half the quantity allotted to each male of fourteen years of age and over. R.S., c. 43, s. 91.

122. Every Indian who is not a member of the band, and every non-treaty Indian, who, with the consent of the band and the approval of the Superintendent General, has been permitted to reside upon the reserve, or to obtain a location thereon, may, on being assigned a suitable allotment of land by the Superintendent General for enfranchisement, become enfranchised on the same terms and conditions as a member of the band: Provided that such enfranchisement shall not confer upon such Indian any right to participate in the annuities, interest moneys, rents or councils of the band.

2. Such enfranchisement shall confer upon such Indian the same legal rights and privileges, and make such Indian subject to such disabilities and liabilities as affect His Majesty's other subjects. R.S., c. 43, s. 92.

123. If any band, at a council summoned for the purpose according to their rules, and held in the presence of the Superintendent General, or an agent duly authorized by him to attend such council, decides to allow every member of the band who chooses, and who is found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the band, and sets apart for each such member a suitable allotment of land for the purpose, any applicant belonging to such band, or the wife and children of any such applicant, may, after such decision, be dealt with as provided in the foregoing provisions respecting enfranchisement and the payment to enfranchised Indians of their shares of the capital funds at the credit of the band or of the estimated principal of the annuities of the band to which they are entitled. 58-59 V., c. 35, s. 5.

Offences and Penalties.

124. Every person, or Indian other than an Indian of the band, who, without the authority of the Superintendent General, resides or hunts upon, occupies or uses any land or marsh, or who resides upon or occupies any road, or allowance for road,
road, running through any reserve belonging to or occupied by such band shall be liable, upon summary conviction, to imprisonment for a term not exceeding one month or to a penalty not exceeding ten dollars and not less than five dollars, with costs of prosecution, half of which penalty shall belong to the informer. 57-58 V., c. 32, s. 2.

125. Any person or Indian who, being lawfully required by an Indian agent, a chief of the band occupying a reserve, or a constable,—

(a) to remove with his family, if any, from the land, marsh, road, or allowance for road upon which he is or has settled or is residing or hunting, or which he occupies: or,

(b) to remove his cattle from such land or marsh; or,

(c) to cease fishing in any marsh, river, stream or creek on or running through a reserve; or,

(d) to cease using, occupying, settling or residing upon any land, river, stream, creek, marsh, road or allowance for a road in a reserve;

fails to comply with such requirement, shall, upon summary conviction, be liable to a penalty of not less than five dollars and not more than ten dollars for every day during which such failure continues, and, in default of payment, to be imprisoned for a term not exceeding three months. 54-55 V., c. 30, s. 1.

126. Every Indian, not being an Indian of the band, who, in the case where shooting privileges over a reserve or part of a reserve, or fishing privileges in any marsh, pond, river, stream or creek upon or running through a reserve, have, with the consent of the Indians of the band, been leased or granted to any person, and, in such case, every person not, under such lease or grant, entitled so to do, who hunts, shoots, kills or destroys any game animals or birds, or who fishes for, takes, catches or kills any fish to which such exclusive privilege extends, upon the reserve or part of a reserve, or in any marsh, pond, river, stream or creek covered by such lease or grant, shall, in addition to any other penalty or liability thereby incurred, be liable, on summary conviction, for every such offence to a penalty not exceeding ten dollars and not less than five dollars, and, in default of payment, to imprisonment for any term not exceeding one month. 54-55 V., c. 30, s. 4.

127. Every person, or Indian, other than an Indian of the band to which the reserve belongs, who, without the license in writing of the Superintendent General, or of some officer or person deputed by him for that purpose, cuts, carries away or removes from any of the lands, roads or allowances for roads in a reserve, any of the trees, saplings, shrubs, underwood, timber, cordwood or part of a tree, or hay, or removes any

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of the stone, soil, minerals, metals or other valuables from the
said lands, roads or allowances for roads, shall, on summary
conviction thereof before any stipendiary magistrate, police
magistrate or any two justices of the peace or an Indian agent,
incur in each case the costs of prosecution and,—

(a) for every tree he cuts, carries away or removes, a pen-
alty of twenty dollars;

(b) for cutting, carrying away or removing any of the sap-
lings, shrubs, underwood, timber, cordwood or part of a
tree or hay, if under the value of one dollar, a penalty of
four dollars; and, if over the value of one dollar, a penalty
of twenty dollars;

(c) for removing any of the stone, soil, minerals, metals,
or other valuables aforesaid, a penalty of twenty dollars.

2. In default of immediate payment of the said penalties and
costs, such magistrate, justices of the peace, or Indian agent
may issue a warrant directed to any person or persons by him
or them named therein, to levy the amount of the said penalties
and costs by distress and sale of the goods and chattels of the
person or Indian liable to pay the same, or may, without pro-
ceeding by distress and sale, upon non-payment of such penal-
ties and costs, order the person or Indian liable therefor to be
imprisoned in the common gaol of the county or district in
which the said reserve or any part thereof lies for a term not
exceeding thirty days, if the penalty does not exceed twenty
dollars, or for a term not exceeding three months, if the penalty
exceeds twenty dollars.

3. The Superintendent General, or such other officer or per-
son as he shall authorize in that behalf may issue the warrant
on any such conviction; or may, without proceeding by dis-
tress and sale, make such order upon such conviction as such
magistrate, justices of the peace or Indian agent could make;
and similar proceedings may be had upon the warrant so issued
as if it had been issued by the magistrate, justices of the peace
or Indian agent before whom the person was convicted.

4. If upon the return of any warrant for distress and sale,
the amount thereof has not been made, or if any part of it re-
 mains unpaid, such magistrate, or justices of the peace, or
Indian agent, or the Superintendent General, or such other
officer or person as aforesaid, may commit the person in default
to the common gaol, as aforesaid, for a term not exceeding thirty
days, if the sum claimed upon the said warrant does not exceed
twenty dollars, or for a term not exceeding three months if the
sum exceeds twenty dollars.

5. All such penalties shall be paid to the Minister of Finance,
and shall be disposed of for the use and benefit of the band of
Indians for whose benefit the reserve is held, in such manner as
the Governor in Council directs. R.S., c. 43, s. 26; 53 V.,
c. 29, s. 3.

128. Every Indian of the band who, without the license in writing of the Superintendent General, or of some officer or person deputed by him for that purpose,—

(a) cuts, carries away or removes from land in a reserve held by another Indian under a location title or by an Indian otherwise recognized by the Department as the occupant thereof any of the trees, cordwood, or part of a tree, saplings, shrubs, underwood, timber or hay thereon, or removes from such land any of the stone, soil, minerals, metals or other valuables; or,

(b) cuts, carries away or removes from any portion of the reserve of his band, for sale and not for the immediate use of himself and his family any trees, timber, cordwood or part of a tree, saplings, shrubs, underwood or hay thereon, or removes any of the stone, soil, minerals, metals or other valuables therefrom, for sale, as aforesaid; or,

(c) unless with the consent of the band and the approval of the Superintendent General, cuts or uses any pine or large timber for any purpose other than for building on his own location or farm;

shall incur the penalties provided in the last preceding section in respect to Indians of other bands and other persons.

2. The same proceedings may be had for the recovery thereof as are provided for in the said section. 50-51 V., c. 33, s. 4.

129. Every person who buys or otherwise acquires from any Indian or band or irregular band of Indians in the province of Manitoba, Saskatchewan or Alberta, or the Territories, any grain, root crops or other produce contrary to regulations made by the Governor in Council in that behalf, shall, on summary conviction before a stipendiary magistrate, police magistrate or two justices of the peace or an Indian agent, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both. R.S., c. 43, s. 30.

130. Every person who cuts, carries away or removes from any reserve or special reserve, any hard or sugar-maple tree or sapling, or buys or otherwise acquires from any Indian or non-treaty Indian, or other person, any hard or sugar-maple tree or sapling so cut, carried away or removed from any reserve or special reserve in the province of Manitoba, Saskatchewan or Alberta, or the Territories, contrary to regulation made in that behalf by the Governor in Council, shall, on summary conviction before a stipendiary magistrate, police magistrate, or two justices of the peace or an Indian agent, be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both. R.S., c. 43, s. 32.

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Trading without license.

131. Every person being,—
(a) an official or employee connected with the inside or outside service of the Department of Indian Affairs; or,
(b) a missionary in the employ of any religious denomination, or otherwise employed in mission work among Indians; or,
(c) a school teacher on an Indian reserve; and,
(d) in the province of Manitoba, Saskatchewan or Alberta, or the Territories;
who, on a reserve, without the special license in writing of the Superintendent General, trades with any Indian or directly or indirectly sells to him any goods or supplies, cattle or other animals, shall be liable to a fine equal in amount to double the sum received for the goods, supplies, cattle or other animals sold, and, in addition, to the costs of prosecution before a police magistrate, a stipendiary magistrate, a justice of the peace or the Indian agent for the locality where the offence occurs. 53 V., c. 29, s. 10; 57-58 V., c. 32, s. 10.

Cutting trees or assisting in cutting trees on Indian lands.

132. If any person without authority, cuts or employs, or induces any other person to cut, or assists in cutting any trees of any kind on Indian lands or on any reserve, or removes or carries away, or employs, or induces or assists any other person to remove or carry away any trees of any kind so cut from any Indian lands or reserve, he shall not acquire any right to the trees so cut, or any claim to any remuneration for cutting or preparing the same for market, or conveying the same to or towards market.

2. When the trees or logs or timber or any products thereof have been removed, so that the same cannot, in the opinion of the Superintendent General, conveniently be seized, he shall, in addition to the loss of his labour and disbursements, incur a penalty of three dollars for each tree, rafting stuff excepted, which he is proved to have cut or caused to be cut or carried away.

3. Such penalty shall be recoverable with costs at the suit and in the name of the Superintendent General or resident agent in any court having jurisdiction in civil matters to the amount of the penalty.

4. In all such cases, it shall be incumbent on the person charged to prove his authority to cut.

5. The averment of the person seizing or prosecuting that he is duly employed under the authority of this Part shall be sufficient proof thereof, unless the defendant proves the contrary. R.S., c. 43, s. 61.

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given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians or any part thereof, is guilty of an offence, and liable on summary conviction, to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months. R.S., c. 43, s. 81; 53 V., c. 29, s. 6.

134. Every agent for the sale of Indian lands who, within his division, directly or indirectly, except under an order of the Governor in Council, purchases any land which he is appointed to sell, or becomes proprietor of or interested in any such land, during the time of his agency shall forfeit his office and incur a penalty of four hundred dollars for every such offence, recoverable in an action of debt by any person who sues for the same. R.S., c. 43, s. 110.

135. Every one who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another directly or indirectly on any pretense or by any device,—

(a) sells, barters, supplies or gives to any Indian or non-treaty Indian, or to any person male or female who is reputed to belong to a particular band, or who follows the Indian mode of life, or any child of such person any intoxicant, or causes or procures the same to be done or attempts the same or connives thereat; or,

(b) opens or keeps or causes to be opened or kept on any reserve or special reserve a tavern, house or building in which any intoxicant is sold, supplied or given; or,

(c) is found in possession of any intoxicant in the house, tent, wigwam, or place of abode of any Indian or non-treaty Indian or of any person on any reserve or special reserve, or on any other part of any reserve or special reserve; or,

(d) sells, barters, supplies or gives to any person on any reserve or special reserve any intoxicant;

shall, on summary conviction before any judge, police magistrate, stipendiary magistrate, or two justices of the peace or Indian agent, be liable to imprisonment for a term not exceeding six months and not less than one month, with or without hard labour, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or to both penalty and imprisonment in the discretion of the convicting judge, magistrate, justices of the peace or Indian agent.

2. A moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof to His Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members

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members of which the offence was committed. 51 V., c. 22, s. 4; 57-58 V., c. 32, s. 6.

136. The commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian or non-treaty Indian, shall, on summary conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace, or Indian agent, be liable to a penalty not exceeding three hundred dollars and not less than fifty dollars for each such offence, with costs of prosecution, and in default of immediate payment of such penalty and costs, any person so convicted shall be committed to any common gaol, house of correction, lock-up or other place of confinement by the judge, magistrate or two justices of the peace, or Indian agent, before whom the conviction has taken place, for a term not exceeding six months and not less than one month, with or without hard labour, or until such penalty and costs are paid.

2. The penalty shall be applied as provided in the last preceding section. R.S., c. 43, s. 95.

137. Every Indian or non-treaty Indian who makes or manufactures any intoxicant, or who has in his possession, or concealed, or who sells, exchanges with, barters, supplies or gives to any other Indian or non-treaty Indian, any intoxicant, shall, on summary conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace, or Indian agent, be liable to imprisonment for a term not exceeding six months and not less than one month, with or without hard labour, or to a penalty not exceeding one hundred dollars and not less than twenty-five dollars, or to both penalty and imprisonment, in the discretion of the convicting judge, magistrate, or justices of the peace or Indian agent. R.S., c. 43, s. 96.

138. No penalty shall be incurred when the intoxicant is made use of in case of sickness under the sanction of a medical man or under the directions of a minister of religion.

2. The burden of proof that the intoxicant has been so made use of shall be on the accused. R.S., c. 43, s. 98; 53 V., c. 29, s. 8.

139. Any constable or peace officer may arrest without warrant any person or Indian found gambling, or drunk, or with intoxicants in his possession, on any part of a reserve, and may detain him until he can be brought before a justice of the peace, and such person or Indian shall be liable upon summary conviction to imprisonment for a term not exceeding three months or to a penalty not exceeding fifty dollars.

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and not less than ten dollars, with costs of prosecution, half of which pecuniary penalty shall belong to the informer. 57-58 V., c. 32, s. 7.

140. The keg, barrel, case, box, package or receptacle from which any intoxicant has been sold, exchanged, bartered, supplied or given, as well as in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified; and any intoxicant imported, manufactured or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of abode, or on the person of any Indian or non-treaty Indian, or suspected to be upon any reserve or special reserve, may be searched for under a search warrant in that behalf granted by any judge, police magistrate, stipendiary magistrate or justice of the peace, and, if found, seized by any Indian superintendent, agent or bailiff, or other officer connected with the Department of Indian Affairs, or by any constable, wheresoever found on such land or in such place or on the person of such Indian or non-treaty Indian.

2. On complaint before any judge, police magistrate, stipendiary magistrate, justice of the peace or Indian agent, he may, on evidence that this Act has been violated in respect of any such intoxicant or of any such keg, barrel, case, box, package, receptacle or vessel, or contents thereof, declare the same forfeited, and cause the same to be forthwith destroyed.

3. Such judge, magistrate, justice of the peace or Indian agent may condemn the Indian or person in whose possession the same is found to pay a penalty not exceeding one hundred dollars and not less than fifty dollars, and the costs of prosecution; and, in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement, with or without hard labour, for any term not exceeding six months, and not less than two months, unless such penalty and costs are sooner paid.

4. A moiety of such penalty shall belong to the prosecutor, and the other moiety to His Majesty for the purpose hereinbefore mentioned. R.S., c. 43, s. 100.

141. If it is proved before any judge, police magistrate, stipendiary magistrate or two justices of the peace, or Indian agent, that any vessel, boat, canoe or conveyance of any description, upon the sea or sea-coast, or upon any river, lake or stream, is employed in carrying any intoxicant, to be supplied to Indians or non-treaty Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited, as in the last preceding section mentioned, and sold, and the proceeds thereof paid to His Majesty for the purpose hereinbefore mentioned. R.S., c. 43, s. 101.

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Articles exchanged for intoxicants to be forfeited and sold.

142. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which, in violation of this Act, the consideration, either wholly or in part, is an intoxicant, shall be forfeited to His Majesty and may be seized, as is hereinbefore provided in respect to any receptacle of any intoxicant, and may be sold, and the proceeds thereof paid to His Majesty, for the purpose hereinbefore mentioned. R.S., c. 43, s. 102.

Introducing intoxicants at Indian council or meeting.

143. Every person who introduces any intoxicant at any council or meeting of Indians held for the purpose of discussing or assenting to a release or surrender of a reserve or portion thereof or for the purpose of assenting to the issuing of a license, and every agent or officer employed by the Superintendent General, or by the Governor in Council, who introduces, allows or countenances by his presence the use of such intoxicant among such Indians during the week before or at or the week after such council or meeting, shall incur a penalty of two hundred dollars recoverable by action in any court of competent jurisdiction.

2. A moiety of such penalty shall belong to the informer. R.S., c. 43, s. 103.

Penalty.

Indian intoxicated.

144. Every Indian who is found in a state of intoxication shall be liable on summary conviction thereof to imprisonment for any term not exceeding one month, or to a penalty not exceeding thirty dollars and not less than five dollars, or to both penalty and imprisonment, in the discretion of the convicted judge, magistrate, justice of the peace or Indian agent. 50-51 V., c. 33, s. 10.

Arrest without warrant of intoxicated Indian.

145. Any constable or other peace officer may, without warrant, arrest any Indian or non-treaty Indian found in a state of intoxication, and convey him to any common gaol, house of correction, lock-up, or other place of confinement, there to be kept until he is sober; and such Indian or non-treaty Indian shall, when sober, be brought for trial before any judge, police magistrate, stipendiary magistrate, or justice of the peace or Indian agent. 50-51 V., c. 33, s. 10.

Penalty.

Refusal to state where intoxicant was procured.

146. If any Indian or non-treaty Indian who has been so convicted, refuses, upon examination, to state or give information of the person from whom, the place where, and the time when, he procured such intoxicant, and if from any other Indian or non-treaty Indian, then, if within his knowledge, from whom, where and when such intoxicant was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days, or to an additional penalty not exceeding fifteen dollars and not less than three dollars, or to both penalty and imprisonment.

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in the discretion of the convicting judge, magistrate, justice of the peace or Indian agent. R.S., c. 43, s. 105.

147. Every agent who knowingly and falsely informs, or causes to be informed, any person applying to him to purchase any land within his division and agency, that the same has already been purchased, or who refuses to permit the person so applying to purchase the same according to existing regulations, shall be liable therefor to the person so applying, in the sum of five dollars for each acre of land which the person so applying offered to purchase, recoverable by action of debt in any court of competent jurisdiction. R.S., c. 43, s. 109.

148. Every person who, after public notice by the Superintendent General prohibiting the sale, gift, or other disposal to Indians in any part of the province of Manitoba, Saskatchewan or Alberta, or the Territories, of any fixed ammunition or ball cartridge, without the permission in writing of the Superintendent General, sells or gives, or in any other manner conveys to any Indian, in the portion of the said provinces or Territories to which such notice applies, any fixed ammunition or ball cartridge, shall, on summary conviction before any stipendiary or police magistrate or by any two justices of the peace, or by an Indian agent, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, within the limits aforesaid, at the discretion of the court before which the conviction is had. R.S., c. 43, s. 113.

149. Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence and is liable to imprisonment for a term not exceeding six months and not less than two months: Provided that nothing in this section shall be construed to prevent the holding of any agricultural show or exhibition or the giving of prizes for exhibits thereat. 58-59 V., c. 35, s. 6.

150. Every fine, penalty or forfeiture under this Act, except so much thereof as is payable to an informer or person suing therefor, shall belong to His Majesty for the benefit of the band of Indians with respect to which or to one or more members of which the offence was committed, or to which the offender, R.S., 1906.
offender, if an Indian, belongs: Provided that the Governor in Council may from time to time direct that the same be paid to any provincial, municipal or local authority which wholly or in part bears the expense of administering the law under which such fine, penalty or forfeiture is imposed, or that the same be applied in any other manner deemed best adapted to attain the objects of such law or to secure its due administration, and may in case of doubt decide what band is entitled to the benefit of any such fine, penalty or forfeiture. 57-58 V., c. 32, s. 9.

Evidence and Procedure.

151. Upon any inquest, or upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever or by whomsoever committed, any court, judge, police or stipendiary magistrate, recorder, coroner, justice of the peace or Indian agent, may receive the evidence of any Indian or non-treaty Indian, who is destitute of the knowledge of God or of any fixed and clear belief in religion, or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian or non-treaty Indian, as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as is approved by such court, judge, magistrate, recorder, coroner, justice of the peace or Indian agent, as most binding on the conscience of such Indian or non-treaty Indian. R.S., c. 43, s. 120.

152. In the case of any inquest, or upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian or non-treaty Indian, as aforesaid, shall be reduced to writing and signed by the Indian, by mark if necessary, giving the same, and verified by the signature or mark of the person acting as interpreter, if any, and by the signature of the judge, magistrate, recorder, coroner, justice of the peace, Indian agent or person before whom such evidence or information is given. R.S., c. 43, s. 121.

153. The court, judge, magistrate, recorder, coroner, justice of the peace or Indian agent shall, before taking any such evidence, information or examination, caution every such Indian or non-treaty Indian, as aforesaid, that he will be liable to incur punishment if he does not tell the truth, the whole truth and nothing but the truth. R.S., c. 43, s. 122.

154. Every solemn affirmation or declaration, in whatsoever form made or taken, by any Indian or non-treaty Indian, as aforesaid, shall be of the same force and effect as if such Indian or non-treaty Indian had taken an oath in the usual form. R.S., c. 43, s. 124.
155. The written declaration or examination so made, taken and verified, of any such Indian or non-treaty Indian, as afore- said, may be lawfully read and received as evidence upon the trial of any criminal proceeding when under the like circumstances the written affidavit, examination, deposition or confession of any person might be lawfully read and received as evidence.

2. Copies of any records, documents, books or papers belonging to or deposited in the Department, attested under the signature of the Superintendent General or of the Deputy of the Superintendent General, shall be evidence in all cases in which the original records, documents, books or papers would be evidence. R.S., c. 43, ss. 123 and 130.

156. In any order, writ, warrant, summons and proceeding whatsoever made, issued or taken by the Superintendent General, or any officer or person by him deputed as aforesaid, or by any stipendiary magistrate, police magistrate, justice of the peace or Indian agent, it shall not be necessary to insert or express the name of the person or Indian summoned, arrested, distrained upon, imprisoned or otherwise proceeded against therein, except when the name of such person or Indian is truly given to or known by the Superintendent General, or such officer or person, or such stipendiary magistrate, police magistrate, justice of the peace or Indian agent.

2. If the name is not truly given to or known by him, he may name or describe the person or Indian by any part of the name of such person or Indian given to or known by him.

3. If no part of the name is given to or known by him, he may describe the person or Indian proceeded against in any manner by which he may be identified.

4. All such proceedings containing or purporting to give the name or description of any such person or Indian, as aforesaid, shall prima facie be sufficient. R.S., c. 43, s. 28.

157. All sheriffs, gaolers or peace officers, to whom any such process is directed by the Superintendent General, or by any officer or person by him deputed as aforesaid, or by any stipendiary magistrate, police magistrate, justice of the peace or Indian agent, and all other persons to whom such process is directed with their consent, shall obey the same; and all other officers shall, upon reasonable requisition so to do, assist in the execution thereof. R.S., c. 43, s. 29.

158. In all cases of encroachment upon, or of violation of trust respecting any special reserve, proceedings may be taken in the name of His Majesty, in any superior court, notwithstanding the legal title is not vested in His Majesty. R.S., c. 43, s. 36.

His Majes- 

ty's name to be used in 
certain cases.

R.S., 1906.
159. Any judge of a court, judge of sessions of the peace, recorder, police magistrate or stipendiary magistrate, shall have full power to do alone whatever is authorized by this Part to be done by a justice of the peace or by two justices of the peace. R.S., c. 43, s. 115.

160. Any recorder, police magistrate or stipendiary magistrate, appointed for or having jurisdiction to act in any city or town shall, with respect to offences and matters under this Part, have and exercise jurisdiction over the whole county or union of counties or judicial district in which the city or town for which he has been appointed or in which he has jurisdiction is situate. R.S., c. 43, s. 116.

161. Every Indian agent shall for all the purposes of this Act or of any other Act respecting Indians, and with respect to,—

(a) any offence against the provisions of this Act or any other Act respecting Indians; or,

(b) any offence against the provisions of the Criminal Code respecting the inciting of Indians to commit riotous acts; or,

(c) any offence by any Indian or non-treaty Indian against any of the provisions of those parts of the Criminal Code relating to vagrancy and offences against morality;

be ex officio a justice of the peace and have the power and authority of two justices of the peace, anywhere within the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined by the Governor in Council, whether the Indian or non-treaty Indian charged with or in any way concerned in or affected by the offence, matter or thing to be tried, investigated or dealt with, is or is not within his ordinary jurisdiction, charge or supervision as an Indian agent. 58-59 V., c. 35, s. 7.

162. In the provinces of Manitoba, British Columbia, Saskatchewan and Alberta, and in the Territories, every Indian agent shall, for all such purposes and with respect to any such offence, be ex officio a justice of the peace and have the power and authority of two justices of the peace, whether or not the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined as aforesaid, extend to the place where he may have occasion to act as such justice or to exercise such power or authority, and whether the Indians charged with or in any way concerned in or affected by the offence, matter or thing, to be tried, investigated or otherwise dealt with, are or are not within his ordinary jurisdiction, charge or supervision as Indian agent. 58-59 V., c. 35, s. 7.

R.S., 1906.
163. If any Indian is convicted of any crime punishable by imprisonment in a penitentiary or other place of confinement, the costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Superintendent General, and paid out of any annuity or interest coming to such Indian, or to the band, as the case may be. R.S., c. 43, s. 118.

General.

164. No Indian or non-treaty Indian resident in the province of Manitoba, Saskatchewan or Alberta, or the Territories, shall be held capable of having acquired or of acquiring a homestead or pre-emption right under any Act respecting Dominion lands, to a quarter-section, or any parcel of land in any surveyed or unsurveyed lands in the said provinces or territories, or the right to share in the distribution of any lands allotted to half-breeds: Provided that,—

(a) he shall not be disturbed in the occupation of any plot on which he had permanent improvements prior to his becoming a party to any treaty with the Crown;

(b) nothing in this section shall prevent the Superintendent General, if found desirable, from compensating any Indian for his improvements on such a plot of land, without obtaining a formal surrender thereof from the band; and,

(c) nothing in this section shall apply to any person who withdrew from any Indian treaty prior to the first day of October, in the year one thousand eight hundred and seventy-four. R.S., c. 43, s. 126.

165. Where shooting privileges over a reserve or part of a reserve, or fishing privileges thereon have, with the consent of the Indians of the band, been leased or granted to any person, it shall not be lawful for any person, not under such lease or grant entitled so to do, or for any Indian other than an Indian of the band, to hunt, shoot, kill or destroy any game animals or birds, or to fish for, take, catch or kill any fish to which such exclusive privilege extends, upon the reserve or part of a reserve. 54-55 V., c. 30, s. 4.

166. At the election of a chief or chiefs, or at the granting of any ordinary consent required of a band under this Part, those entitled to vote at the council or meeting thereof shall be the male members of the band, of the full age of twenty-one years: and the vote of a majority of such members, at a council or meeting of the band summoned according to its rules, and held in the presence of the Superintendent General, or of an agent acting under his instructions, shall be sufficient to determine such election or grant such consent. R.S., c. 43, s. 127.

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167. If any band has a council of chiefs or councillors, any ordinary consent required of the band may be granted by a vote of a majority of such chiefs or councillors, at a council summoned according to its rules, and held in the presence of the Superintendent General or his agent. R.S., c. 43, s. 128.

168. No one shall introduce any intoxicant at any council or meeting of Indians held for the purpose of discussing or of assenting to a release or surrender of a reserve or portion thereof, or for the purpose of assenting to the issuing of a timber or other license. R.S., c. 43, s. 103.

169. All affidavits required under this Act or intended to be used in reference to any claim, business or transaction in connection with Indian affairs, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits in any court, or the Superintendent General, or the deputy of the Superintendent General, or any inspector of Indian agencies, or any Indian agent, or any surveyor duly licensed and sworn, appointed by the Superintendent General to inquire into, or to take evidence, or report in any matter submitted to or pending before the Superintendent General, or if made out of Canada, before the mayor or chief magistrate of, or the British consul in any city, town or municipality, or before any notary public. R.S., c. 43, s. 129.

170. All regulations made by the Governor in Council under this Part shall be published in the Canada Gazette, and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. R.S., c. 43, s. 151; 57-58 V., c. 32, s. 12.

171. There shall be payable, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, for Indian annuities for Ontario and Quebec, twenty-six thousand six hundred and sixty-four dollars per annum. R.S., c. 4, s. 5.

PART II.

INDIAN ADVANCEMENT.

Interpretation.

172. In this Part, unless the context otherwise requires,—

(a) 'reserve' includes two or more reserves, and 'band' includes two or more bands united for the purposes of this Part by the order in council applying it;

(b)
(b) 'electors' means the male Indians of the full age of 'Electors,' twenty-one years resident on any reserve to which this Part applies. R.S., c. 44, ss. 1 and 5.

*Application of this Part.*

173. This Part may be made applicable, as hereinafter provided, to any band of Indians in any of the provinces, or in the Territories, except in so far as it is herein otherwise provided. R.S., c. 44, s. 2.

174. Whenever any band of Indians is declared by the Governor in Council to be considered fit to have this Part applied to it, this Part shall so apply from the time appointed in such order in council. R.S., c. 44, s. 3.

*Application of Part I.*

175. The provisions of Part I. of this Act shall continue to apply to every band to which this Part is, from time to time, declared to apply, in so far only as they are not inconsistent with this Part: Provided that, if it thereafter appears to the Governor in Council that this Part cannot be worked satisfactorily by any band to which it has been declared to apply, the Governor in Council may by order in council, declare that after a day named in the order in council, this Part shall no longer apply to such band, and such band shall thereafter be subject only to Part I., except that by-laws, rules and regulations theretofore made under this Part, and not ultra vires of the chiefs in council under Part I., shall continue in force until they are repealed by the Governor in Council. R.S., c. 44, s. 2.

*Division of Reserves.*

176. Every reserve to which this Part is to apply may, by the order in council applying it, be divided into sections, the number of which shall not exceed six, and each section shall have therein, as nearly as is found convenient, an equal number of male Indians of the full age of twenty-one years, or, should the majority of the Indians of the reserve so desire, the whole reserve may form one section, the wishes of the Indians in respect thereto being first ascertained in the manner prescribed in Part I. in like matters, and certified to the Superintendent General by the Indian agent.

2. The sections shall be distinguished by numbers from one upwards, and the reserve shall be designated in the order in council as The Indian Reserve, inserting such name as is thought proper, and the sections shall be designated by the numbers assigned to them respectively. R.S., c. 44, s. 4; 53 V., c. 30, s. 1.

1493 Nominations R.S., 1906.
Nominations for Election of Councillors.

177. A meeting of the electors for the purpose of nominating candidates for election as councillors shall be held between the hours of ten o'clock in the forenoon and twelve o'clock at noon, at a place to be appointed by the Indian agent, on a day being one week previous to the day on which the election of councillors is to be held on any reserve as hereinafter provided.

2. Due notice of such meeting shall be given in the manner customary in the band for calling meetings for public purposes. 53 V., c. 30, s. 3.

178. The Indian agent, or in his absence such person as is appointed by the Superintendent General, or failing such appointment, a chairman to be chosen by the meeting, shall preside over such meeting and shall take and keep the minutes thereof. 53 V., c. 30, s. 3.

179. Only Indians nominated at such meeting shall be recognized as, or permitted to become candidates for election as aforesaid; and each nomination to be valid must be made on the motion of an elector of the section of the reserve for the representation whereof the nominee is proposed as a candidate, and the motion must be seconded by another elector of that section. 53 V., c. 30, s. 2.

180. The nominations of the candidates shall, so far as practicable, be made consecutively and previously to any speeches being made by the movers and seconders or by any other persons, but nominations may be made up to the hour of twelve o'clock noon. 53 V., c. 30, s. 3.

181. If only one candidate for any councillorship is proposed, the Indian agent or chairman shall, at twelve o'clock noon, declare such candidate duly elected; and if two or more candidates are proposed for any councillorship, an election shall be held under the provisions of this Part. 53 V., c. 30, s. 3.

Elections.

182. On a day and at a place, and between the hours prescribed in the order in council, the electors shall meet for the purpose of electing the members of the council of the reserve. R.S., c. 44, s. 5.

183. One or more members to represent each section of the reserve, as provided in such order in council, shall be elected by the electors resident in each section, and the Indian or Indians, as the case may be, having the votes of the greatest number of electors for each section, shall be the councillor or councillors, as 1494.
184. The agent for the reserve shall preside at the election, or in his absence some person appointed by him as his deputy, with the consent of the Superintendent General, or some person appointed by the Superintendent General may preside at the said election, and shall take and record the votes of the electors, and may, subject to appeal to the Superintendent General by or on behalf of any Indian or Indians who deems himself or themselves aggrieved by the action of such agent or deputy, or of such agent or person appointed as aforesaid, admit or reject the claim of any Indian to be an elector, and may determine who are the councillors for the several sections, and shall report the same to the Superintendent General.

2. In any case of an equality of votes at any such election the agent or person presiding thereat shall have the casting vote. R.S., c. 44, s. 5.

Meetings of Council.

185. On a day and at a place, and between the hours prescribed by the Superintendent General, if the day fixed for the same is within eight days from the date at which the councillors were elected, the said councillors shall meet and elect one of their number to act as chief councillor, and the councillor so elected shall be the chief councillor. R.S., c. 44, s. 6.

186. The council shall meet for the despatch of business, at such place on the reserve and at such times as the agent for the reserve appoints, but which shall not exceed twelve times or be less than four times in the year for which it is elected, and due notice of the time and place of each meeting shall be given to each councillor by the agent. R.S., c. 44, s. 9.

187. At such meeting of the council the agent for the reserve, or his deputy appointed for the purpose with the consent of the Superintendent General, shall,—

(a) preside, and record the proceedings;
(b) control and regulate all matters of procedure and form and adjourn the meeting to a time named or sine die;
(c) report and certify all by-laws and other acts and proceedings of the council to the Superintendent General;
(d) address the council and explain and advise the members thereof upon their powers and duties.

2. No such agent or deputy shall vote on any question to be not to vote, decided by the council. R.S., c. 44, s. 9.

188. Full faith and credence shall be given in all courts and places whatsoever to any certificate given by such agent of or to R.S., 1906.
or deputy under the provisions of paragraph (c) of the last preceding section. R.S., c. 44, s. 9.

Votes.

189. Each councillor present shall have a vote on every question to be decided by the council, and such question shall be decided by the majority of votes, the chief councillor voting as a councillor and having also a casting vote, in case the votes would otherwise be equal.

2. Four councillors shall be a quorum for the despatch of any business. R.S., c. 44, s. 9.

Term of Office, Vacancies, Etc.

190. The councillors shall remain in office until others are elected in their stead, and an election for that purpose shall be held in like manner, at the same place and between the like hours on the like day, in each succeeding year, if it is not a Sunday or holiday, in which case it shall be held on the next day thereafter which is not a Sunday or a holiday.

2. If there is a failure to elect on the day appointed for the election, the Superintendent General shall appoint another day on which it shall be held. R.S., c. 44, s. 7.

Vacancies; how filled.

191. In the event of a vacancy in the council, by the death or inability to act of any councillor, more than three months before the time for the next election, an election to fill such vacancy shall be held by the agent or his deputy, after such notice to the electors concerned as the Superintendent General directs, at which only the electors of the section represented by the councillor to be replaced shall vote, and to such election the provisions respecting other elections shall apply, so far as they are applicable.

2. If the councillor to be replaced is the chief councillor, then an election of a chief councillor shall be held in the manner already provided, but the day fixed for such election shall be at least one week after the date when the new councillor is elected. R.S., c. 44, s. 8.

192. During the time of any vacancy in the council the remaining councillors shall constitute the council, and they may, in the event of a vacancy in the office, appoint a chief from among themselves for the time being. R.S., c. 44, s. 8.

193. Every member of a council elected under the provisions of this Part, who is proved to be a habitual drunkard or to be living in immorality, or to have accepted a bribe, or to have been guilty of dishonesty or of malfeasance of office of any kind, shall, on proof of the fact to the satisfaction of the Superintendent General, be disqualified from acting as a member of the council, and shall, on being notified, cease forthwith so to act; and the vacancy occasioned thereby shall be
be filled in the manner hereinbefore provided. R.S., c. 44, s. 11.

Powers of Council.

194. The council may, by by-law, rule or regulation, approved and confirmed by the Superintendent General, provide that the religious denomination to which the teacher or teachers of the school or schools established on the reserve shall belong, shall be that of the majority of the Indians resident on the reserve: Provided that the Protestant or Roman Catholic minority on the reserve may also have a separate school or schools, with the approval of and under regulations made by the Governor in Council.

2. The council may also make by-laws, rules and regulations, approved and confirmed by the Superintendent General, regulating all or any of the following subjects and purposes, that is to say:

(a) The care of the public health; Health.
(b) The observance of order and decorum at elections of Order.
councillors, meetings of the council, and assemblies of Indians on other occasions, or generally, on the reserve, by the appointment of constables and erection of lock-up houses, or by the adoption of other legitimate means;
(c) The repression of intemperance and profligacy; Intemperance.
(d) The subdivision of the land in the reserve, and the Subdivision distribution of the same amongst the members of the band; also, the setting apart, for common use, of woodland and land for other purposes;
(e) The protection of and the prevention of trespass by Trespass.
cattle, sheep, horses, mules and other domesticated animals; and the establishment of pounds, the appointment of poundkeepers and the regulation of their duties, fees and charges;
(f) The construction and repairs of school houses, council School houses, etc. houses and other buildings for the use of the Indians on the reserve, and the attendance at school of children between the ages of six and fifteen years;
(g) the construction, maintenance and improvement of Roads, etc. roads and bridges, and the contributions, in money or labour, and other duties of residents on the reserve, in respect thereof; the size and kind of sleighs to be used on the roads in the winter season, and the manner in which the horse or horses or other beasts of burden shall be harnessed to such sleighs; and the appointment of roadmasters and fence-viewers, and their powers and duties;
(h) The construction and maintenance of watercourses, Water- courses, etc. ditches and fences, and the obligations of vicinage, the destruction and repression of noxious weeds and the preservation of the wood on the various holdings, or elsewhere, in the reserve;

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Removal of trespassers.

(i) The removal and punishment of persons trespassing upon the reserve, or frequenting it for improper purposes;

(j) The raising of money for any or all of the purposes for which the council may make by-laws as aforesaid, by assessment and taxation of the lands of Indians enfranchised, or in possession of lands by location ticket in the reserve: Provided that the valuation for assessment shall be made yearly, in such manner and at such times as are appointed by the by-law in that behalf, and be subject to revision and correction by the agent for the reserve, and shall come into force only after it has been submitted to him and corrected, if and as he thinks justice requires, and approved by him, and that the tax shall be imposed for the year in which the by-law is made, and shall not exceed one-half of one per centum on the assessed value of the land on which it is to be paid; and provided also that any Indian deeming himself aggrieved by the decision of the agent, made as hereinbefore provided, may appeal to the Superintendent General, whose decision in the matter shall be final;

Revenue.

(k) The appropriation and payment to the local agent, as treasurer, by the Superintendent General, of so much of the moneys of the band as are required for defraying expenses necessary for carrying out the by-laws made by the council, including those incurred for assistance absolutely necessary for enabling the council or the agent to perform the duties assigned to them;

Assessments.

(l) The imposition of punishment by penalty or by imprisonment, or by both, for any violation of or disobedience to any law, rule or regulation made under this Part, committed by any Indian of the reserve; but such penalty shall, in no case, except for non-payment of taxes, exceed thirty dollars, and the imprisonment shall not exceed thirty days.

Penalties and enforcement thereof.

2. If any tax authorized by any by-law, or any part thereof, is not paid at the time prescribed by the by-law, the amount unpaid, with the addition of one-half of one per centum thereof, may be paid by the Superintendent General to the treasurer out of the share in any money of the band of the Indian in default; and, if such share is insufficient to pay the tax, or any portion thereof so remaining unpaid, the defaulter shall be deemed to have violated the by-law imposing the tax, and shall incur a penalty therefor equal to the amount of the tax or the balance thereof remaining unpaid, as the case may be.

Penalty.

3. The proceedings for the imposition of any punishment authorized by this section, or the by-laws, rules or regulations approved and confirmed thereunder, may be taken before one justice of the peace, under Part XV. of the Criminal Code; and the amount of any such penalty shall be paid over to the treasurer.
treasurer of the band to which the Indian incurring it belongs for the use of such band.

4. The by-laws, rules and regulations by this section authorized to be made shall, when approved and confirmed by the Superintendent General, have the force of law within and with respect to the reserve, and the Indians residing thereon. R.S., c. 44, s. 10; 53 V., c. 30, s. 2.

Evidence.

195. A copy of any by-law, rule or regulation under this Part, approved by the Superintendent General, and purporting to be certified by the agent for the band to which it relates to be a true copy thereof, shall be evidence of such by-law, rule or regulation, and of such approval, without proof of the signature of such agent; and no such by-law, rule or regulation shall be invalidated by any defect of form, if it is substantially consistent with the intent and meaning of this Part. R.S., c. 44, s. 12.

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CHAPTER 82.

An Act respecting the Department of Trade and Commerce.

1. This Act may be cited as the Department of Trade and Commerce Act.

2. There shall be a department of the Government of Canada, which shall be called the Department of Trade and Commerce over which the Minister of Trade and Commerce for the time being, appointed by commission under the Great Seal, shall preside. 50-51 V., c. 10, s. 1.

3. The Minister of Trade and Commerce shall be a member of the King's Privy Council for Canada, shall hold office during pleasure and shall have the management and direction of the Department of Trade and Commerce. 50-51 V., c. 10, s. 1.

4. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Trade and Commerce and such other officers and clerks as are required for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. 50-51 V., c. 10, s. 2.

5. The duties and powers of the Minister of Trade and Commerce shall extend to the execution of laws enacted by the Parliament of Canada, and of orders of the Governor in Council, relating to such matters connected with trade and commerce generally as are not by law assigned to any other department of the Government of Canada, as well as to the direction of all public bodies, officers and servants employed in the execution of such laws and orders. 50-51 V., c. 10, s. 3.

6. The administration and execution of the following Acts shall be under the management and direction of the Minister of Trade and Commerce:

   (a) The Cullers Act;
   (b) The Inspection and Sale Act, with the exception of Parts VIII., IX. and X.; and,
   (c) The Manitoba Grain Act. 1 E. VII., c. 30, ss. 1, 2 and 3; 4 E. VII., c. 15, s. 2; O.C. 26th July, 1901.

7. R.S., 1906.
7. The Governor in Council may, at any time, assign any other duty or power to the Minister of Trade and Commerce, and may also assign any of the duties or powers assigned to or conferred upon the said Minister to the head of any other department of the Government. 50-51 V., c. 10, s. 4.

8. Whenever, under the provisions of this Act, the management and direction of any subject is transferred from any other minister to the Minister of Trade and Commerce, the Minister of Trade and Commerce shall be substituted for and have all the powers and perform all the duties of such other Minister, as defined and provided by the Acts relating to such subject, and the Deputy Minister of Trade and Commerce shall in like manner be substituted for and have all the duties of the deputy of such other minister in relation to such subject. 50-51 V., c. 12, s. 3; 1 E. VII., c. 30, s. 4.

9. The Minister of Trade and Commerce shall make to the Governor General an annual report of the proceedings of the Department which shall be submitted to both Houses within the first twenty-one days of each session of Parliament. 50-51 V., c. 10, s. 5.
CHAPTER 83.

An Act respecting the Grain Trade in the Inspection District of Manitoba.

SHORT TITLE.

1. This Act may be cited as the Manitoba Grain Act. Short title. 63-64 V., c. 39, s. 1.

INTERPRETATION.

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

(a) 'operator' or 'lessee' includes any buyer of grain 'Operator,' having allotted to him any storage or working space, 'Lessee.'

(b) 'applicant,' referring to an applicant for cars, means 'Applicant,' any person who owns grain for shipment in car lots, or who is an operator of any public country elevator, warehouse or flat warehouse;

(c) 'agent' or 'railway agent' includes any railway 'Agent,' station agent;

(d) 'track-buyer' means any person, firm or company who buys grain in car lots on track;

(e) 'Commissioner' means the Warehouse Commissioner 'Commissioner,' for the inspection district of Manitoba;

(f) 'Minister' means the Minister of Trade and Commerce;

(g) 'person' means any person, firm, or corporation;

(h) 'public terminal elevator' includes every elevator located at any point declared by the Minister to be a terminal and doing business for a compensation, in which grain is stored in bulk, or the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot be accurately preserved; and 'terminal elevator.' 'Terminal elevator.' in the provisions of this Act relating to terminal elevators and warehouses, includes a warehouse. 63-64 V., c. 39, s. 14; 3 E. VII., c. 33, s. 2.

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Application of Act.

3. This Act shall apply only to the Inspection District of Manitoba, consisting of the provinces of Manitoba, British Columbia, Saskatchewan and Alberta, the Northwest Territories, and that portion of the province of Ontario lying west of and including the existing district of Port Arthur. 63-64 V., c. 39, s. 2; 4 E. VII., c. 15, s. 6.

Officers.

4. The Governor in Council may appoint an officer, to be known as the Warehouse Commissioner for the inspection district of Manitoba, who shall hold office during pleasure, and be subject to the control and management of the Department of Trade and Commerce.

2. The Commissioner shall, in his oath of office, declare that he is not directly or indirectly pecuniarily interested in the grain trade. 63-64 V., c. 39, s. 3.

5. The Governor in Council may appoint two or more officers, to be known as deputy warehouse commissioners, who shall be under the direction of, and assist in discharging the duties prescribed for the Commissioner.

2. The said deputy commissioners shall, in their oaths of office, declare, respectively, that they are not directly or indirectly pecuniarily interested in the grain trade. 3 E. VII., c. 33, s. 3.

Salaries and security.

6. The salaries of the said Commissioner and deputy warehouse commissioners and the security to be given by them respectively, shall be determined by the Governor in Council. 63-64 V., c. 39, s. 3; 3 E. VII., c. 33, s. 3.

Head office.

7. The head office of the Commissioner shall be in Winnipeg and his duties shall be,—

(a) to require all track buyers and owners and operators of elevators, warehouses and mills, and all grain commission merchants to take out annual licenses;

(b) to fix the amount of bonds to be given by the different owners and operators of elevators, mills and flat warehouses, and by grain commission merchants and track buyers;

(c) to require the persons so licensed to keep books in forms approved of by the Commissioner or by the Governor in Council;

(d) to supervise the handling and storage of grain, in and out of elevators, warehouses and cars;

(e) to enforce rules and regulations made under this Act, and to report to the Minister such changes therein as he deems advisable. 63-64 V., c. 39, s. 4; 3 E. VII., c. 33, s. 4.

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8. The Commissioner shall also receive and investigate all complaints made in writing, under oath,—
   (a) of undue dockage, improper weights or grading;
   (b) of refusal or neglect to furnish cars within a reasonable time;
   (c) of fraud or oppression by any person, firm or corporation, owning or operating any elevator, warehouse, mill or railroad, or by any grain commission merchant, or track buyer.

2. The Commissioner shall also apply such remedy as is provided by statute, and shall institute prosecutions at the Government expense whenever he considers a case proper therefor. 63-64 V., c. 39, s. 4; 3 E. VII., c. 33, s. 4.

9. The Commissioner shall keep on file for public inspection in his office in Winnipeg, publications showing the market price of grain in the markets of Liverpool, London, Glasgow, Winnipeg, Fort William, Toronto, Montreal, New York, Chicago, Minneapolis and Duluth. 63-64 V., c. 39, s. 5.

10. The Governor in Council may appoint a chief weighmaster whose duties and powers shall be defined by order in council, and may also, in any place where there is inspection of grain, appoint a weighmaster and such assistants as are necessary.

2. Such weighmasters and assistants shall give such security and shall receive such compensation as is determined by the Governor in Council. 63-64 V., c. 39, s. 6.

11. The office of chief weighmaster under this Act and that of chief inspector under Part II. of the Inspection and Sale Act may be combined until otherwise ordered by the Governor in Council. 63-64 V., c. 39, s. 7.

12. The weighmasters and assistants shall, at all terminal places under the direction of the Chief Weighmaster, supervise and have exclusive control of the weighing of grain subject to inspection. 63-64 V., c. 39, s. 8.

13. Every weighmaster or assistant shall give upon demand to any person having weighing done by him, a certificate, under his hand and seal, showing,—
   (a) the amount of each weight;
   (b) the number of each car weighed;
   (c) the initial of the car;
   (d) the place where weighed and the date of weighing;
   (e) the contents of the car.

2. Such certificate shall be, in all cases, prima facie evidence of the facts therein contained. 63-64 V., c. 39, s. 9.

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14. Every weighmaster or assistant shall make true weights, and keep a correct record of all weighing done by him at the places for which he is appointed, in which record shall be entered an accurate account of all grain weighed, or the weighing of which was supervised by him, showing,—

(a) the amount of each weight;
(b) the number of each car weighed;
(c) the initial letter of each car;
(d) the place where weighed, the date of weighing and the contents of the car.

2. If the car is leaking or in bad order the record shall state the fact. 63-64 V., c. 39, s. 10; 3 E. VII., c. 33, s. 5.

15. The Chief Weighmaster may adopt rules and regulations for the weighing of grain, subject to the approval of the Minister. 63-64 V., c. 39, s. 12.

16. The fees for the weighing of grain shall be as follows:—

For each carload into or out of elevators, twenty-five cents;
For each cargo, per thousand bushels, from elevators, thirty cents;
And such fees shall be paid by the warehouseman and may be added to the charges for storage.

2. The said fees may be reduced by the Governor in Council. 63-64 V., c. 39, s. 11.

TERMINAL ELEVATORS AND WAREHOUSES.

17. The proprietor, lessee, or manager of any public terminal elevator shall be required, before transacting any business, to procure from the Commissioner a license, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the law.

2. The license shall be issued by the Commissioner upon written application, which shall set forth the location and name of such elevator and the individual name of each person interested as owner or manager thereof, or if the owner or manager of such elevator is a corporation, the name of the corporation and the names of the president, secretary and treasurer of such corporation.

3. Such license shall give authority to carry on and conduct the business of a public terminal elevator in accordance with the law.

4. Such license shall be revocable by the Commissioner upon a summary proceeding before the Commissioner upon complaint of any person, in writing, under oath, setting forth the particular violation of law, and upon satisfactory proof in that behalf to be taken in such manner as is directed by the Commissioner: Provided that such revocation shall not take effect until the Minister has given his sanction thereto.

5. The annual fee for such license shall be two dollars. 63-64 V., c. 39, s. 15.
18. The person receiving a license as herein provided shall file with the Commissioner a bond to His Majesty, with good and sufficient sureties, to be approved by the Commissioner, in the penal sum of not less than ten thousand nor more than fifty thousand dollars, in the discretion of the Commissioner, for each terminal elevator licensed by him, conditioned for the faithful performance of his duties as a public terminal warehouseman and his full and unreserved compliance with all laws in relation thereto: Provided that when any person procures a license for more than one elevator, no more than one bond need be given. 63-64 V., c. 39, s. 16.

19. No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

2. Every public terminal warehouseman shall receive for storage any grain tendered to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

3. The grain shall in all cases be inspected and graded by a duly authorized inspector, and stored with grain of a similar grade.

4. In no case shall grain of different grades be mixed together while in store.

5. Nothing in this section shall be construed to require the receipt of any kind of grain into an elevator in which there is not sufficient room to accommodate or store it properly, or in cases where the elevator is necessarily closed. 63-64 V., c. 39, s. 18.

20. Upon application of the owner or consignee of grain stored in a public terminal elevator, and the surrender of the original railway shipping receipt, properly endorsed, accompanied by evidence that all transportation charges, other than those due, if any, to the owner of such elevator, and all other charges which are a lien upon grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor, subject to his order, which receipt shall state,—

(a) the date of the receipt of the grain in store and also the quantity and inspected grade of the grain;

(b) that the grain mentioned in it has been received into store to be stored with grain of the same grade by inspection;

(c) that the grain is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued, and upon payment of proper charges for storage and transportation, if any due to the owner of the elevator. 63-64 V., c. 39, s. 19.

21. All warehouse receipts for grain issued by the same elevator shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same elevator during any one year, except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date and number as the original, and shall be plainly marked on its face Duplicate.

2. Warehouse receipts shall state,—

(a) for grain received from railway cars, the number of each car and the quantity therein contained;
(b) for grain received from barges or other vessels, the name of each craft; and,
(c) for grain received from team or by other means, the manner of its receipt. 63-64 V., c. 39, s. 19.

22. No terminal warehouse receipt shall be issued for a greater quantity of grain than was contained in the parcel or lot stated to have been received, nor shall any such receipt be issued except upon actual delivery of the grain represented by such receipt into store in the elevator from which the receipt purports to be issued.

2. One receipt only shall be issued for the same lot of grain, except in cases where receipt for a part of a lot is desired, and then the total receipts for a particular lot shall cover that lot and no more. 63-64 V., c. 39, s. 20.

23. Upon the delivery of grain from store in any terminal elevator upon the receipt surrendered, such receipt shall be plainly marked across its face with the word Cancelled, and with the name of the person cancelling it, and shall thereafter be void. 63-64 V., c. 39, s. 20.

24. In cases where a part of the grain represented by the receipt is delivered out of store and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the date of its issue and also the date on which the whole quantity was originally received into store, and shall state on its face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered shall be cancelled in the same manner as if the whole quantity of grain mentioned in such receipt had been delivered. 63-64 V., c. 39, s. 20.

25. In case the warehouseman consents thereto and it is deemed desirable to divide one receipt into two or more, or to consolidate two or more receipts into one, the original receipt shall be cancelled as if the grain had been delivered from store, and each new receipt shall express on its face that it is a part of another receipt or a consolidation of other receipts, as the case may be.
2. No consolidation of receipts of dates differing more than ten days shall be permitted.

3. All new receipts issued for old ones cancelled, as herein provided, shall bear the date of their issue, and shall state the date or respective dates of the receipt or receipts originally issued, as nearly as may be, and the numbers thereof. 63-64 V., c. 39, s. 20.

26. No terminal warehouseman shall insert in any receipt issued by him any language in anywise limiting or modifying his liabilities or responsibility, except as in this Act mentioned, and except in so far as all parties concerned consent thereto. 63-64 V., c. 39, s. 21.

27. Upon the return of any terminal warehouse receipt by the holder thereof, properly endorsed, and the tender of all proper charges upon grain represented thereby, such grain shall be immediately deliverable to the holder of such receipt, and shall be delivered within twenty-four hours after demand has been made, and cars or vessels therefor have been furnished for that purpose, and shall not be subject to any further charges for storage: Provided that if it should happen that, in consequence of the cars or vessels not being furnished till after the expiration of twenty-four hours as aforesaid, a new storage term shall be entered upon, then the charge for storage shall nevertheless be made, but only on a pro rata basis in respect of the time which shall have elapsed after the expiration of the twenty-four hours as aforesaid, and the time when the cars or vessels actually arrive. 63-64 V., c. 39, s. 22.

28. Every warehouseman liable for the delivery of grain, who makes default in delivery, shall be liable to the owner of the warehouse receipt for damages for such default in the sum of one cent per bushel, and in addition thereto one cent per bushel for each and every day of neglect or refusal to deliver as aforesaid: Provided that no warehouseman shall be held to be in default in delivery if the grain is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify. 63-64 V., c. 39, s. 22.

29. Every owner, lessee and manager of every public terminal elevator shall furnish in writing under oath, at such times and in such manner as the Commissioner prescribes, a statement concerning the condition and management of so much of the business of such warehouseman as relates to such elevator. 63-64 V., c. 39, s. 23.

30. The warehouseman of every public terminal elevator, shall, as directed by the Commissioner, render a weekly statement to the Commissioner of the quantity of each kind and grade of grain in store.

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31. Every warehouseman of a public terminal elevator shall be required, during the first week in September of each year, to file with the Commissioner a table or schedule of rates for the storage, cleaning and handling of grain in his terminal elevator during the ensuing year, which rates shall not be increased during the year.

2. Such published rates, or any published reduction of them, shall apply to all grain received into such elevator from any person or source. 63-64 V., c. 39, s. 25.

32. No discrimination as to rates shall be made, either directly or indirectly by any warehouseman of a public terminal elevator for storage, cleaning or handling of grain. 63-64 V., c. 39, s. 25.

33. The charge for storage, cleaning and handling of grain, including the cost of receiving and delivering, shall be subject to such regulations or reduction as the Governor in Council from time to time deems proper. 63-64 V., c. 39, s. 25.

34. A terminal warehouseman shall, unless he gives public notice as hereinafter provided that some portion of the grain in his elevator is out of condition, or becoming so, deliver upon all receipts presented grain of quality equal to that received by him. 63-64 V., c. 39, s. 26.

35. In case a terminal warehouseman considers that any portion of the grain in his elevator is out of condition, or becoming so, he shall immediately consult the resident official grain inspector, or in his absence, his authorized deputy, and if on examination of the grain by such inspector, or deputy, the grain is found to be out of condition, or becoming so, he may order the warehouseman, at the expense of the owner of the grain, to re-elevate the grain to bring it back into condition or prevent its further deterioration. 63-64 V., c. 39, s. 26.

36. If it is found, after such examination has been made, that the grain is out of condition, or its further deterioration cannot, by re-elevation be prevented, written notice of the facts shall immediately be given to the Commissioner, and to the owner, if his address is known, by registered letter, and in a daily newspaper in Winnipeg, and in a daily newspaper in the

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the town or city in which such elevator is situated, if one is there published, and by posting a copy of such notice in such elevator and in the grain exchange at Winnipeg.

2. Such notice shall state,—
   (a) the actual condition of the grain as nearly as can be ascertained;
   (b) the kind and grade of the grain;
   (c) the elevator in which it is stored; and,
   (d) the warehouse receipts, if any, outstanding upon which such grain shall be delivered, giving the numbers, amounts and dates of each and the grain represented thereby, which has not previously been declared or receipted for as out of condition; or, if warehouse receipts have not been issued, then the name of the party for whom such grain was stored, the date when it was received and the quantity of it, and the identification of the grain so discredited, which shall embrace as nearly as may be as great a quantity of grain as is contained in the bin or bins in the elevator in which it is stored.

3. Such grain shall be delivered upon the return and cancelation of the warehouse receipts, or the surrender of the original endorsed shipping receipt, and payment of charges, upon request of the owner thereof. 63-64 V., c. 39, s. 26.

37. Nothing herein contained shall be held to relieve a terminal warehousman from exercising proper care and vigilance in preserving the grain after such publication of its condition, but such grain shall be kept separate, and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such elevator. 63-64 V., c. 39, s. 26.

38. In case the grain so declared out of condition is not removed from store by the owner thereof within one month from the date of the notice of its being out of condition, the warehousman in whose elevator the grain is stored may sell it at public auction, for the account of the owner, upon giving ten days' public notice by advertisement in a newspaper published in the city or town where such elevator is located, and in Winnipeg.

2. If the proceeds of such sale are not sufficient to satisfy all charges accrued against the grain at the time of the sale, then the owner of the grain so disposed of shall be liable to the warehousman for any deficiency. 63-64 V., c. 39, s. 26.

39. The official grain inspector may, if he sees fit, in the interest of the owner and at his expense and risk, order the warehousman to transfer the grain out of condition or becoming so, to an elevator at the same terminal equipped with special machinery for the treatment of unsound grain. 63-64 V., c. 39, s. 26.
40. Nothing in this Act shall be so construed as to permit any warehouseman to deliver any grain, stored in a special bin or by itself, to any one but the owner of the lot, when such storage in a special bin has been agreed upon between the parties. 63-64 V., c. 39, s. 26.

41. All duly authorized inspectors of grain shall, at all times during ordinary business hours, be at full liberty to examine all grain stored in any public terminal elevator.

2. All proper facilities shall be extended to such inspectors by the warehouseman, his agents and servants, for an examination, and all parts of the public terminal elevators shall be open to examination and inspection by any authorized inspector of grain. 63-64 V., c. 39, s. 27.

42. No proprietor, lessee, or manager of any public terminal elevator, shall enter into any contract, agreement, understanding or combination with any railroad company, or other corporation, or with any person by which the grain of any person is to be delivered to any public elevator or warehouse for storage or for any other purpose, contrary to the arrangements made between the shipper and the carrier. 63-64 V., c. 39, s. 28.

43. No public terminal warehouseman shall be held responsible for any loss or damage to grain by fire, or for any damage arising from irresistible force, the act of God or the King's enemies, while the grain is in his custody, provided reasonable care and vigilance is exercised to protect and preserve it.

2. No terminal warehouseman shall be held liable for damage to grain by heating if it is shown that he has exercised proper care in the handling and storing thereof and that the heating was the result of causes beyond his control. 63-64 V., c. 39, s. 26.

44. Any warehouseman guilty of any act of neglect, the effect of which is to depreciate property stored in the elevator under his control, shall be held responsible as at common law, or upon the bond of such warehouseman, and in addition there to the license of such warehouseman may be revoked. 63-64 V., c. 39, s. 26.

45. All elevators and warehouses in which grain is received, stored, shipped or handled, and which are situated on the right of way of any railroad, or on any siding or spur track connected therewith, depot grounds, or any lands acquired or reserved by any railroad company to be used in connection with its line of railway at any station or siding other than at terminal points, are declared to be public elevators or warehouses.
houses, and shall be under the supervision and subject to the inspection of the Commissioner, and shall, for the purposes of the following sections of this Act, be known and designated as public country elevators or country warehouses. 63-64 V., c. 39, s. 29.

46. Any person desirous of erecting a public country elevator shall make application to the railway company for a site; and, in case of dispute, such dispute shall be referred to the Commissioner. 3 E. VII., c. 33, s. 7.

47. Unless the owner or lessee thereof shall have first procured a license therefor from the Commissioner it shall be unlawful to receive, ship, store or handle any grain in any elevator or warehouse.

2. A license shall be issued only upon written application under oath or statutory declaration, specifying,—

(a) the location of the elevator or warehouse;
(b) the name of the person owning and operating the elevator or warehouse; and,
(c) the names of all the members of the firm, or the names of all the officers of the corporation, owning and operating the elevator or warehouse.

3. The license shall expire on the thirty-first day of August in each year, but while in force, shall confer upon the licensee full authority to operate the warehouse or elevator in accordance with law and the rules and regulations made under this Act.

4. Every person receiving a license shall be held to have agreed to the provisions of this Act and to have agreed to comply therewith.

5. The annual fee for such license shall be two dollars, and all moneys received as such fees shall be paid into the Manitoba Grain Inspection Fund. 63-64 V., c. 39, s. 30.

48. If any elevator or warehouse is operated in violation or in disregard of this Act, its license shall, upon due proof thereof, after proper hearing and notice to the licensee, be revoked by the Commissioner, but such revocation shall not take effect until the Minister has given his sanction thereto. 63-64 V., c. 39, s. 30.

49. The person receiving a license as herein provided shall file with the Commissioner a bond to His Majesty, with good and sufficient sureties, to be approved by the Commissioner, in a penal sum, in the discretion of the Commissioner, of not less than five thousand nor more than fifteen thousand dollars, in the case of an elevator, and of not less than five hundred nor more than five thousand dollars, in the case of a flat warehouse, conditioned for the faithful performance of his duties as a public warehouseman and his full and unreserved compliance R.S., 1906.
pliance with all laws in relation thereto: Provided that when any person procures a license for more than one elevator or flat warehouse, security may be given by one or more bonds, in such amount or amounts as the Commissioner may require, subject to the approval of the Minister. 63-64 V., c. 39, s. 31.

50. The Governor in Council may, from time to time, before the first of September in each year, make and promulgate all suitable and necessary rules and regulations for the government and control of public country elevators and warehouses, including flat warehouses, and the receipt, storage, insurance, handling and shipment of grain therein and therefrom, and the maximum rates of charges therefor in cases where handling includes cleaning grain, and also in cases where it does not include such cleaning.

2. Such rules and regulations shall be binding and have the force and effect of law.

3. A printed copy of such rules and regulations and a copy of the provisions of law as to the classification of the various grades of grain, shall at all times be posted up in a conspicuous place in each of such elevators and warehouses for the free inspection of the public. 63-64 V., c. 39, s. 33.

51. The person operating any such country elevator or country warehouse shall,—

(a) receive the first six standard grades of wheat established and described in Part II. of the Inspection and Sale Act;

(b) upon the request of any person delivering grain for storage or shipment, receive such grain, without discrimination as to persons, during reasonable and proper business hours;

(c) insure the grain so received against loss by fire while in his elevator or warehouse; and,

(d) keep a true and correct account in writing, in proper books, of all grain received, stored and shipped at such elevator or warehouse, stating, except as hereinafter provided, the weight, grade and dockage for dirt or other cause, of each lot of grain received in store, for sale, storage or shipment. 63-64 V., c. 39, s. 34; 3 E. VII., c. 33, s. 8.

52. It shall be the duty of the owner, lessee or manager of every elevator equipped with grain cleaners to clean the grain before it is weighed, when so requested to do.

2. Persons interested in the weighing of grain at any country elevator or warehouse, shall have free access to the scales while such grain is being weighed and shall, if the facilities exist, and if they so desire, have ample opportunity after the cleaning is done, of personally ascertaining the net weight of the grain cleaned.
3. The net weight of the grain cleaned shall be specified on the face of the certificate given the seller by the purchaser. 63-64 V., c. 39, ss. 38 and 54.

53. The person operating any country elevator or country warehouse shall, upon request of any person delivering grain for storage or shipment, deliver to such person therefor a warehouse receipt or receipts, dated the day the grain was received and specifying,—

(a) the gross and net weight of such grain;
(b) the dockage for dirt or other cause;
(c) the grade of such grain when graded conformably to the grade fixed by law and in force at terminal points; and,
(d) that the grain mentioned in such receipt has been received into store.

2. Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, either from the elevator or warehouse where it was received for storage, or, if either party so desires, in quantities not less than carload lots, on track at any terminal elevator in the inspection district of Manitoba, on the line of railway upon which the receiving elevator or warehouse is situate, or any line connecting therewith, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned.

3. In the case of a country elevator or warehouse on the line of railway formerly known as the Northern Pacific and Manitoba Railway, or on any line of railway operated therewith, if either party desires such grain to be shipped to a terminal point, it may be delivered on track at the proper terminal elevator, at or adjacent to Duluth.

4. Nothing herein shall prevent the owner of such grain from, at any time before it is so shipped to terminals, requiring it to be shipped to any other terminal than as hereinbefore provided. 63-64 V., c. 39, s. 34.

54. Upon the return or presentation of such receipt properly endorsed by the lawful holder thereof, at the elevator or warehouse where the grain represented therein is made deliverable, and upon the payment or tender of payment of all lawful charges, as herein provided, and upon request for shipment made by the holder of such receipt the grain shall be delivered to such holder into cars as soon as furnished by the railway company.

2. The person operating the elevator or warehouse shall in such case promptly call upon the railway company for cars to be R.S., 1906.
Grain to be shipped within 24 hours after demand.

Forwarding of grain to terminal elevator.
Certificate.

Return of certificate.

Ordering cars to elevator or warehouse.

Time limit for shipment.

Saving.

Liability of warehouse in

be supplied in the order of the dates upon which such receipts are surrendered for shipment.

3. The grain represented by such receipt shall be shipped within twenty-four hours after such demand has been made, and cars or other means of receiving it from the elevator or warehouse have been furnished, and shall not be subject to any further charges for storage after request for delivery has been made and cars are provided by the railway company. 63-64 V., c. 39, s. 34; 3 E. VII., c. 33, s. 10.

55. On the return of the storage receipts, if the shipment or delivery of the grain at a terminal point is requested by the owner thereof, the person receiving the grain shall deliver to the owner a certificate in evidence of his right to such shipment or delivery, stating upon its face,—

(a) the date and place of its issue;
(b) the name of the consignor and consignee;
(c) the place of destination;
(d) the kind of grain and the grade and net quantity, exclusive of dockage, to which the owner is entitled by his original warehouse receipts, and by official inspection and weighing at the designated terminal point.

2. Such certificate shall be returned in exchange for the railway shipping receipt and certificates of weight and grade.

3. The grain represented by such certificate shall be subject only to such storage, transportation or other lawful charges as would accrue upon such grain from the date of the issue of the certificate to the date of actual delivery, within the meaning of this Act, at such terminal point. 63-64 V., c. 39, s. 34.

56. Any person having grain stored or binned in not less than car lots in any public country elevator or warehouse, whether in general or special bin, may order a car or cars to be placed at such elevator or warehouse for the shipment of such stored grain, and may have the said car or cars loaded at such elevator or warehouse after he has surrendered to the operator thereof the storage receipt or receipts therefor, properly endorsed, and has paid, or tendered payment of all lawful charges as hereinbefore provided; and the grain shall not be subject to any further charges for storage after demand for such delivery is made and cars are furnished by the railway company.

2. The grain represented by such receipt shall be shipped within twenty-four hours after such demand has been made and cars have been furnished.

3. This section shall not be deemed to limit or curtail the right of any applicant, whether he has or has not grain stored or binned as above stated. 3 E. VII., c. 33, s. 11.

57. If not delivered upon such demand within twenty-four hours after such car, vessel or other means for receiving the grain

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grain has been furnished, the warehouse in default shall be liable to the owner of such receipt for damages for such default in the sum of one per centum per bushel, and in addition thereto one cent per bushel for each day of such neglect or refusal to deliver: Provided that no warehouseman shall be held to be in default in delivering if the grain is delivered in the order demanded by holders of different receipts or terminal orders, and as rapidly as due diligence, care and prudence will justify. 63-64 V., c. 39, s. 34.

58. The operator of any country elevator or warehouse may at any time forward any grain stored in his elevator to any terminal elevator in the inspection district of Manitoba on the same line of railway, or on railways connecting therewith, and on so doing shall be liable for the delivery thereof to its owner at such terminal elevator in the same manner and to the same extent in all respects as if such grain had been so forwarded at the request of the owner thereof: Provided that in case of a country elevator or warehouse on the line of railway formerly known as the Northern Pacific and Manitoba Railway, or on any line of railway operated therewith, such grain may be delivered on track at the proper terminal elevator at or adjacent to Duluth.

2. Such country elevator or warehouse operator on so forwarding the grain shall, without delay, notify in writing, the owner of the grain of such forwarding. 63-64 V., c. 39, s. 34.

59. The grain when so delivered at terminals shall be subject to freight, weighing and inspection charges and all other charges, if any, lawful at such terminal point.

2. The party delivering shall be liable for the delivery of such grain as will, on weighing at the terminal point, conform to the grade according to Canadian government inspection and as nearly as possible to the weight mentioned in the receipt therefor. 63-64 V., c. 39, s. 34.

60. All warehouse receipts issued for grain received and all certificates shall be consecutively numbered, and no two receipts of the same kind or certificates bearing the same number shall be issued during the same year from the same country elevator or warehouse, except when one is lost or destroyed, in which case the new receipt or certificate, if one is given, shall bear the same date and number as the original and shall be plainly marked on its face Duplicata.

2. Warehouse receipts or certificates shall not be issued except upon grain which has actually been delivered into country elevator or warehouse, nor shall such receipts or certificates be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received.

3. Except as in this Act mentioned, and in so far as all parties concerned consent thereto, no receipt or certificate shall contain

No warehouse receipt except for
No modifying of liability of

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contain language in any wise limiting or modifying the legal liability of the person issuing the same. 63-64 V., c. 39, s. 34.

61. Whenever the person operating a country elevator or warehouse, agrees with the owner of any grain to store it in such a manner as to preserve its identity, it shall be stored in a special bin or bins, and shall be called special binned grain, and in such case only the weights, insurance and preservation of the identity of the grain shall be guaranteed by the said operator, and he shall mark on the storage receipts given therefor the words Special bin, and the number or numbers by which such special bin or bins are known in the elevator or warehouse. 63-64 V., c. 39, s. 34.

62. In the case of the allotting of a special bin or bins by the owner or operator of any elevator or warehouse to any buyer of grain, the said buyer may, by agreement with such owner or operator, dispense with insurance by the owner or operator of the buyer's grain while in such bins. 63-64 V., c. 39, s. 34.

63. Nothing in this Act shall be construed as permitting the owner or operator of any flat warehouse to allot special bins beyond the time allowed by the provisions of this Act, or for purposes other than as stated in the provisions of this Act as to flat warehouses, or shall require the owner of a flat warehouse to insure grain while in his warehouse. 63-64 V., c. 39, s. 34.

64. In case any country warehouseman discovers that any portion of the specially binned grain in his elevator or warehouse is out of condition or becoming so and it is not in his power to preserve it, he shall immediately give written notice thereof by registered letter to the Commissioner and to the person on whose account the grain was received, if the address of such person is known.

2. Such notice shall when possible state,—
(a) the kind and grade of the grain and the bin in which it is stored;
(b) the receipts outstanding upon which the grain is to be delivered, giving the numbers, amounts and dates of each;
(c) the name of the party for whom the grain was stored;
(d) the amount of grain stored and the date of its receipt.

3. He shall also at once post up a copy of such notice in some conspicuous place in his elevator or warehouse.

4. Such grain shall be delivered upon the return and cancellation of the receipts.

5. In case the grain out of condition is not removed from store by the owner thereof within ten days from the date of the notice of its being out of condition, the warehouseman...
where the grain is stored may sell such grain at public auction for the account of the owner after,—

(a) giving ten days' notice by advertisement in a newspaper published in the place where the elevator or warehouse is located, or, if no newspaper is published there, then in the newspaper published nearest to such place;

(b) posting up such notice in a conspicuous place in his elevator or warehouse for the ten days immediately preceding the sale; and,

(c) ten days from the mailing of notice of the time and place of the sale to the owner by registered letter.

6. Any warehouseman guilty of an act of neglect, the effect of which is to depreciate property stored in the elevator or warehouse under his control, shall be held responsible personally as well as upon his bond, and in addition thereto, the license of such elevator or warehouse may be revoked.

7. Nothing herein contained shall be held to relieve the warehouseman from exercising proper care and vigilance in preserving the grain before or after such publication of its condition; but the grain shall be kept separate and apart from all direct contact with other grain and shall not be mixed with other grain while in store in such elevator or warehouse. 63-64 V., c. 39, s. 35; 3 E. VII., c. 38, s. 12.

65. In case there is a disagreement, at the time of delivery, between the purchaser or the person in the immediate charge of and receiving the grain at such country elevator or warehouse, and the person delivering the grain to such elevator or warehouse for storage or shipment, as to the proper dockage for dirt or otherwise on any lot of grain delivered, an average sample of at least three quarts of the grain in dispute may be taken by both of the said parties, or by either one of them if the other declines, and forwarded in a suitable sack, express charges prepaid, properly tied and sealed, to the Chief Inspector of grain.

2. Such sample shall be accompanied by the request, in writing, of either or both of the parties aforesaid, that the said Chief Inspector will examine the sample and report the dockage which the said grain is, in his opinion, entitled to and would receive, if shipped to the terminal points and subjected to official inspection. 63-64 V., c. 39, s. 36.

66. It shall be the duty of the Chief Inspector, as soon as practicable, to examine and inspect such sample of grain and to adjudge the proper dockage to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection. 63-64 V., c. 39, s. 36.

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67. As soon as the Chief Inspector has so examined, inspected and adjudged the dockage he shall make out in writing a statement of his judgment and finding, and shall transmit a copy thereof by mail to each of the parties to the disagreement.

2. He shall preserve the original, together with the sample, on file in his office.

3. The judgment and finding of the Chief Inspector on all or any of the said matters shall be conclusive. 63-64 V., c. 39, s. 36.

68. Whenever complaint is made, in writing under oath, to the Commissioner by any person aggrieved, that the person operating any country elevator or country warehouse under this Act,—

(a) fails to give just and fair weights or grades; or,

(b) is guilty of making unreasonable dockage for dirt or other cause; or,

(c) fails in any manner to operate such elevator or warehouse fairly, justly and properly; or,

(d) is guilty of any discrimination forbidden by this Act; it shall be the duty of the Commissioner to inquire into and investigate such complaint and the charge therein contained.

2. The Commissioner shall, for such purpose, have full authority to examine and inspect all the books, records and papers pertaining to the business of such elevator or warehouse, and all the scales, machinery and fixtures and appliances used therein, and to take evidence of witnesses under oath, and for that purpose to administer the oath. 63-64 V., c. 39, s. 37.

69. In case the Commissioner finds the complaint and charge therein contained, or any part thereof, true, he shall give his decision in writing and shall at once serve a copy of such decision, with a notice to desist and abstain from any error and malpractice found upon the person offending and against whom the complaint was made.

2. If the offender does not forthwith desist and abstain from the error or malpractice so found, and does not give the proper redress and relief to the person injured, the Commissioner shall make a special report of the facts found and ascertained upon the investigation, and send it with a copy of his decision to the Minister, who may institute and carry on in the name of the complainant or on behalf of the Crown, as to him may seem fit, such actions, civil or otherwise, as may be necessary and appropriate to redress the wrongs complained of and to prevent their recurrence. 63-64 V., c. 39, s. 37.

70. Any person operating a country elevator or warehouse under this Act shall at all times, when requested by the Commissioner...
missioner, furnish in writing to the Commissioner a statement, upon the blanks and forms prescribed and furnished by the Commissioner, showing as fully as possible all grain received and stored in, or delivered or shipped from, the elevator or warehouse, during any period required by the Commissioner, and specifying the kind, grade, and amount of all grain received or stored, and of all grain delivered or shipped during such period. 3 E. VII., c. 33; s. 13.

71. The Commissioner may inspect any country elevator or warehouse and the business thereof, and the mode of conducting it.

2. The property, books, records, accounts, papers and proceedings, so far as they relate to the condition, operation or management of any such elevator, warehouse or the business thereof, shall, at all times during business hours, be subject to the examination and inspection of the Commissioner. 63-64 V., c. 39, s. 39.

72. The forms of cash purchase tickets, warehouse storage receipts, storage receipts for special binned grain, and flat warehouse receipts in the schedule to this Act, and no others, shall be used by the owners of country elevators and warehouses.

2. In the case of country elevators or warehouses not equipped with cleaning machinery, the word cleaning may be omitted from the said forms of storage receipt and storage receipt for special binned grain.

3. The Governor in Council may at any time make changes in the said forms or substitute other forms therefor, and may also, in order to meet the case of country elevators or warehouses on lines of railway, the terminals of which are outside of the inspection district of Manitoba, vary the said forms for use in the said elevators or warehouses, so as to allow of shipment to such terminals. 63-64 V., c. 39, s. 40.

73. The Commissioner may, on a written application by any person residing within forty miles of the nearest railway shipping point, give permission to such person to erect at such shipping point, under the provisions of this Act, a flat warehouse, covered with metal, with power to enlarge the same if necessary.

2. In such case the railway company shall be compelled to give a location with siding on its premises in some place of convenient access, to be approved by the Commissioner, at a rental not greater than that charged to standard elevators, upon which location the flat warehouse shall be erected.

3. The owner and operator of such warehouse shall give security, bonds and be licensed in the same manner as elevator owners. 63-64 V., c. 39, s. 41; 3 E. VII., c. 33, s. 14.

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Construction of additional warehouses.

74. If, in the judgment of the Commissioner, more than one of these warehouses are required at a station, one or more additional warehouses may be authorized by him, and the provisions of this Act in that behalf shall apply to the construction of such additional warehouses. 3 E. VII., c. 33, s. 14.

Capacity of warehouse.

75. Every such warehouse shall contain not less than three bins of one thousand bushels capacity each, and each bin shall be numbered by a separate number. 63-64 V., c. 39, s. 41.

Allotment of bins.

76. The owner of every such warehouse shall, on the application of any farmer undertaking to ship a carload of grain, allot such farmer a bin in such warehouse as soon as one is available.

2. Applications for bins shall be made in a form to be approved by the Commissioner, and blank forms for such applications shall be furnished to applicants by the warehouse operator.

3. The allotment of bins to applicants shall be made in the order of applications therefor, and without discrimination of any kind.

4. No farmer shall be allowed to hold more than one bin at any one time to the exclusion of other applicants. 63-64 V., c. 39, s. 41.

Application for cars.

77. The owner or operator of any such warehouse shall at once on every allotment of a bin apply in writing, on a form approved by the Commissioner, but furnished by such warehouse operator, to the proper railway official to furnish a car to the person to whom the bin is allotted, stating in the application the time when the car will be required, which shall be not later than five days from the allotment of the bin. 63-64 V., c. 39, s. 41.

Time allowed for loading.

78. The shipper shall be allowed for filling such bin and loading on car six clear days exclusive of Sundays, and as much time longer as is necessary to obtain a car and load it from such bin: Provided that the time for loading such car shall not exceed twenty-four hours.

2. If a carload of grain is not delivered into such bin and loaded on a car within the time hereinbefore provided, the warehouse operator may at his option either load on car the grain then in the bin and ship it for the owner to terminal elevator subject to freight, inspection and weighing charges at terminal, and all charges of such flat warehouse use, including an additional charge of one-half a cent per bushel for loading, or he may sell the grain on account of the owner thereof, and shall then be liable to account to the owner for the proceeds, after deducting all proper charges. 63-64 V., c. 39, s. 41.

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79. The charges for the use of a bin, and the services of the
warehouse operator in weighing the grain as it is loaded into
and out of the warehouse by the person to whom the bin is
allotted, shall be subject to such regulations or reduction as
the Governor in Council may from time to time deem proper.
63-64 V., c. 39, s. 41.

80. Any person, who under the provisions of this Act has
secured from the railway company a site at any shipping point
on which to erect an elevator or flat warehouse, shall, after such
site has been staked out by the railway company, commence
the erection of the elevator or flat warehouse within sixty
days, and complete it with all reasonable expedition, otherwise
the application therefor may be cancelled by the railway com-
pany. 3 E. VII., c. 33, s. 15.

81. No owner or operator of any such warehouse shall be
allowed to store in or ship through such warehouse grain pur-
chased by or for himself. 63-64 V., c. 39, s. 41.

82. On a written application to the Commissioner by ten
farmers resident within twenty miles of the nearest ship-
ping point, and on the approval of the application, the rail-
way company shall, within the time hereinafter mentioned,
erect and maintain at such point a loading platform as here-
inafter described, suitable for the purpose of loading grain
from vehicles direct into cars.

2. The period in each year within which the Commissioner
may receive such applications shall be between the fifteenth of
April and the fifteenth of October, and the company shall not
be compelled to build any such loading platforms between the
first day of November and the first day of May following.
3 E. VII., c. 33, s. 16.

83. The railway company shall construct such loading plat-
form within thirty days after the application is made to the
company by the Commissioner, unless prevented by strikes or
other unforeseen causes, and shall be liable to a fine of not less
than twenty-five dollars for each day's delay beyond that time.
3 E. VII., c. 33, s. 16.

84. Each loading platform shall be erected within the limit
of the station yard, or upon a siding where there is no station,
at a siding which the railway company shall provide on its
premises in some place convenient of access, to be approved by
the Commissioner, and shall be at least eighteen feet wide and
fifty-four feet long, and of such height as the Commissioner
prescribes; but no loading platform shall be required to be
erected at crossing sidings reserved for crossing purposes only.
3 E. VII., c. 33, s. 16.

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85. All persons desiring to use such loading platform for the shipment of grain shall be entitled to do so free of charge. 3 E. VII., c. 33, s. 16.

86. The Commissioner may at any time between the fifteenth day of April and the fifteenth day of October in any year order the railway company to enlarge any platform at any station or siding under the provisions of this Act, or order the company to erect additional platforms at such station or siding, if, in his judgment, the loading platform or platforms at such station or siding is or are insufficient to accommodate the public, and the railway company shall enlarge such platforms or erect such additional platforms at such station or siding, as directed by the Commissioner, within thirty days after the receipt of an order of the Commissioner therefor. 3 E. VII., c. 33, s. 16.

87. The railway company shall, upon application, furnish cars to applicants for the purpose of being loaded at such loading platforms.

2. When more cars are furnished at any point than can be accommodated at the platform, the surplus cars shall be placed by the railway company at such applicants' disposal at a convenient place or places, on a siding other than at the platform: Provided that shippers, if they so desire, shall at all times have the option of loading on the siding instead of over the platform.

3. At any point where there is no platform, cars shall be furnished to applicants by the railway company at convenient places on a siding, for the purpose of being loaded direct from vehicles. 3 E. VII., c. 33, s. 16.

DISTRIBUTION OF CARS.

88. At each station where there is a railway agent, and where grain is shipped under such agent, an order book for cars shall be kept for each shipping point under such agent, open to the public, in which applicants for cars shall make order. 3 E. VII., c. 33, s. 21.

89. Applicants may make order according to their requirements, and where an applicant requires two or more cars he shall make two or more applications, as the case may be. 3 E. VII., c. 33, s. 21.

90. Each car order shall be signed in the order book by the applicant or his agent duly appointed in writing, and be consecutively numbered in the order book by the railway agent.

2. An agent of the applicant shall be a resident in the vicinity of the shipping point, and, if the car order is signed by
the agent of the applicant, the appointment shall be deposited with the railway agent. 3 E. VII., c. 33, s. 21.

91. Cars so ordered shall be awarded to applicants according to the order in time in which such orders appear in the order book, without discrimination between elevator, flat warehouse, loading platform or otherwise. 3 E. VII., c. 33, s. 21.

92. Each such applicant, or agent on being informed by the railway agent of the allotment to him of a car, in good order and condition, shall at once declare his intention and ability to load the said car within the next ensuing twenty-four hours.

2. In the event of such applicant or agent being unable to so declare his intention and ability to load the car allotted to the applicant, the railway agent shall thereupon cancel the order by writing the word Cancelled in the remarks column of the car order book, and shall award the car to the next applicant entitled to it.

3. If the applicant, after declaring his intention and ability as aforesaid, shall not have commenced loading the car within the period of twenty-four hours from the time of the notice to himself or his agent, as herein directed, the railway agent shall thereupon cancel the order in like manner as aforesaid.

4. No cancellation of a car order shall be lawful unless made in the manner in this section provided. 3 E. VII., c. 33, s. 21.

93. At the time a car is ordered the railway agent shall duly enter in the order book,—

(a) the date and time when the application is made;
(b) the applicant's name;
(c) where the car is to be placed; and,
(d) the number of the application in consecutive order.

2. When the car has been furnished, he shall enter in the order book,—

(a) the date and time when the car was furnished;
(b) the car number; and,
(c) when loaded, the date of such loading and the destination of the car. 3 E. VII., c. 33, s. 21.

94. The railway agent shall post up daily in a conspicuous place a written notice signed by him, giving the date of application and name of each applicant to whom he has on that day awarded cars for the loading of grain, and the car numbers so awarded respectively. 3 E. VII., c. 33, s. 21.

95. The form of car order book authorized by the Commissioner, and no other, shall be used at every railway station in the inspection district of Manitoba, and the use of any other form shall constitute an offence under this Act.

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Company to supply form of car order book to agents.

Spotting and placing of cars by company.

Notice of destination by applicant to railway agent.

When car is considered furnished.

Order of distribution in case of failure to fill car order.

2. The railway company shall supply every agent where grain is to be shipped with the authorized form of car order book. 3 E. VII., c. 33, s. 21.

96. An applicant may order the cars awarded to him to be spotted or placed by the railway company at any elevator, or at any flat warehouse, or at the loading platform, or at any siding, or elsewhere subject to the provisions of this Act; and the railway company shall so spot or place cars as ordered by applicants. 3 E. VII., c. 33, s. 21.

97. Each person to whom a car has been allotted under the foregoing provisions shall, before commencing to load it, notify the railway agent of its proposed destination. 3 E. VII., c. 33, s. 21.

98. A car shall not be considered to be furnished or supplied until it is placed for loading as directed in the application in the car order book. 3 E. VII., c. 33, s. 21.

99. If there is a failure at any shipping point to fill all car orders as aforesaid, the following provisions shall apply to the application for and the distribution of cars:—

(a) Beginning at the top of the list in the order book and proceeding downwards to the last name entered on the list, each applicant shall receive one car as quickly as cars can be supplied;

(b) When an applicant has loaded or cancelled a car allotted to him he may, if he requires another car, become eligible therefor by placing his name, together with the section, township and range in which he resides, or other sufficient designation of his residence at the bottom of the list; and when the second car has been allotted to him and he has loaded or cancelled it, he may again write his name, together with such designation of his residence, at the bottom of the list; and so on, until his requirements have been filled;

(c) No applicant shall have more than one unfilled order on the order book at any one time. 6 E. VII., c. 28, s. 1.

100. Nothing in this Act shall be construed to relieve any railway company from any liability imposed by the Railway Act, or to deprive any person of any right of action against a railway company conferred by that Act. 3 E. VII., c. 33, s. 21.

COMMISSION MERCHANTS.

101. Any person desiring to carry on the business of grain commission merchant in the inspection district of Manitoba shall make application in writing to the Commissioner for a license to sell grain on commission, stating the locality where he

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he intends to carry on such business, and the probable amount of business he will do monthly. 3 E. VII., c. 33, s. 17.

102. On receiving such application the Commissioner shall Bonds. fix the amount of a bond to be given to His Majesty with sufficient surety, for the benefit of persons entrusting such com-
mission merchant with consignments of grain to be sold on commission.

2. There may be an appeal to the Minister from the decision Appeal. of the Commissioner as to the amount of the bond. 63-64 V.,
c. 39, s. 43; 3 E. VII., c. 33, s. 17.

103. If such commission merchant receives grain for sale Condition on commission, the said bond shall be conditioned that he faith-
fully account and report to all persons entrusting him with grain for sale on commission, and pay to such persons the pro-
ceeds of the consignments of grain received by him, less the commission earned on account of the making of such sale, and necessary and actual disbursements.

2. If he does not receive grain for sale on commission the bond shall be conditioned for the faithful performance of his duties as such commission merchant. 63-64 V., c. 39, s. 43.

104. Upon the execution of such bond to the satisfaction License fee. of the Commissioner, and upon payment of the license fee of two dollars, the Commissioner shall issue a license to the applicant to carry on the business of grain commission merchant until the expiration of the current license year: Provided that if the amount of business done exceeds that provided for in the bond, the Commissioner may at any time require such addi-
tional bond as he deems necessary. 3 E. VII., c. 33, s. 17.

105. All statements made under the provisions of this Act shall be for the exclusive information of the Commissioner, and no other person shall be permitted to see or examine the said statements unless they are required for use in court, and in such case the Commissioner shall produce all statements and documents referring to the case. 3 E. VII., c. 33, s. 17.

106. No person shall engage in the business of selling grain License to on commission, or receive or solicit consignments of grain for be a con-
sale on commission, in the inspection district of Manitoba, dition precedent.

without first obtaining such annual license from the Commis-

107. Whenever any grain commission merchant sells all or a portion of any grain consigned to him to be sold on com-
mission, he shall within twenty-four hours after demand there-
for, report to the consignor the quantity of the consignment sold and render a true statement with copies of vouchers for all charges. 1527 R.S., 1906.
charges and expenses paid or incurred, and shall render a true statement, showing,—

(a) what portion of the consignment has been sold;
(b) the price received therefor;
(c) the date when each sale was made. 3 E. VII., c. 33, s. 17.

108. Whenever any consignor who has consigned grain to any commission merchant, after having made demand therefor, as aforesaid, receives no remittance, or report of the sale, or if in any case after report is made the consignor is dissatisfied with the report of sale thereof, he may make a complaint in writing, verified by affidavit or statutory declaration, to the Commissioner, who shall thereupon investigate the sale complained of.

2. The Commissioner may compel the commission merchant to produce his books and records and other memoranda of such sale and give all information in his possession regarding the report or sale so complained of, including the names of persons to whom the grain is sold or disposed of.

3. Immediately after the investigation the Commissioner shall render to the complainant a written report of the investigation, which shall be prima facie evidence of the matter therein contained. 3 E. VII., c. 33, s. 17.

**Track Buyers.**

109. Unless already licensed and bonded sufficiently in the opinion of the Commissioner to carry on the business of a track buyer, no person shall carry on the business of a track buyer without first having obtained a license so to do from the Commissioner, and entered into a bond, with sufficient sureties, for such amount and in such form as is approved by the Commissioner.

2. The annual fee for such license shall be two dollars.

3. This section shall not apply to any person who, at or before the time of the receipt of the grain, pays to the vendor the full purchase price thereof. 3 E. VII., c. 33, s. 21.

110. Every person licensed as a track buyer shall on demand within twenty-four hours after the receipt of the expense bill and certificates of weight and grade, account to and pay over to the vendor the full balance of the purchase money then unpaid, and shall, upon demand, by, or on behalf of the vendor, furnish duplicate certificates of weight and grade, with car number and date and place of shipment. 3 E. VII., c. 33, s. 21.

111. All provisions of this Act relating to commission merchants shall, so far as applicable, apply to licenses issued to track buyers. 3 E. VII., c. 33, s. 21.

R.S., 1906.
GENERAL PROVISIONS.

112. Twenty-four hours shall be allowed for loading a car direct from vehicles or at a flat warehouse, which twenty-four hours shall be reckoned from the time when the car is placed at the shipper's disposal on siding. 63-64 V., c. 39, s. 44.

113. Every operator of an elevator or warehouse shall, at the close of every day that such elevator or warehouse is open for business, furnish to the nearest station agent of the railway, upon the line of which such elevator or warehouse is situate, a statement of the total quantity of grain that day taken into such elevator or warehouse, and of the total quantity of grain in store in such elevator or warehouse at the end of the day. 63-64 V., c. 39, s. 45.

114. Any warehouse or elevator which was on the sixth day of July, one thousand nine hundred, doing business in the storing or shipping of grain at any point on the line of any railway in the inspection district of Manitoba, shall be allowed to continue to do business at that point, and shall not, without the consent of the owner, except for non-compliance with the law, be removed, or refused cars for the shipping of grain, although elevators of greater or other capacity are erected at such point. 63-64 V., c. 39, s. 46.

115. All moneys collected under the provisions of this Act, and all inspection fees upon grain inspection within the inspection district of Manitoba, as provided for in Part II. of the Inspection and Sale Act, shall, notwithstanding anything to the contrary in this Act or in the said Part II., be paid by the Chief Inspector of grain of the said district into the consolidated revenue fund of Canada, and accounts shall be kept by the said Chief Inspector in such manner and in such detail as is from time to time determined by the Minister of Trade and Commerce. 3 E. VII., c. 33, s. 18.

116. Nothing in this Act shall prevent any person from selling or buying grain by sample, regardless of its grades. 63-64 V., c. 39, s. 48.

117. Nothing in this Act shall be construed to require the receipt of any kind of grain into an elevator in which there is not sufficient room to accommodate or store it properly, or if no room in cases where the elevator is necessarily closed. 3 E. VII., c. 33, s. 9.

118. The Chief Inspector and any inspector, deputies or Inspectors to officials serving under him, before opening the doors of any car containing grain upon its arrival at any place designated by law
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law as an inspection point, for the purpose of inspecting such grain, shall,—

(a) ascertain the condition of such car and determine whether any leakages have occurred while the car was in transit; and,

(b) make a record of any leakages found, stating the facts connected therewith.

2. Such inspector, deputy or official shall forthwith report the defective condition of such car to the proper railway official, and to the Commissioner. 63-64 V., c. 39, s. 50; 3 E. VII., c. 33, s. 19.

119. The rules and regulations made under the authority of this Act shall be posted up by the Commissioner in a conspicuous place in every licensed elevator and warehouse. 63-64 V., c. 39, s. 51.

120. Such of the said rules and regulations as refer to dealings between producers, buyers, shippers and elevator or warehouseman, together with such portions of this Act as the Commissioner or the Governor in Council deems proper, shall be printed in reasonably large type by the Commissioner and posted in a conspicuous place in every licensed elevator or warehouse by the owner thereof. 63-64 V., c. 39, s. 52.

121. When testing sieves are used for the purpose of dockage, the wire cloth used in their construction shall have ten meshes to the inch each way and be of number twenty-eight standard gauge hard tinned steel wire, and every such sieve shall be verified by the Commissioner.

2. No damaged or defective sieves shall be used. 63-64 V., c. 39, s. 53.

122. Any person in charge of scales at a terminal or country elevator or warehouse who finds that such scales are defective shall report the fact to the inspector of weights and measures, and to the owner of such elevator or warehouse.

2. No new elevator or warehouse shall be operated until the scales are inspected and approved by the proper weights and measures officials. 63-64 V., c. 39, s. 54.

123. Where in any elevator or warehouse grain is cleaned before being weighed the provisions of this Act requiring statement of gross weights shall not apply to such grain. 63-64 V., c. 39, s. 55.

124. The Commissioner may, within one year from the time of any license being revoked, refuse to renew the license or to grant a new one to the person whose license has been revoked. 63-64 V., c. 39, ss. 17 and 32.
OFFENCES AND PENALTIES.

125. Except as to the delivery of grain previously stored in a terminal elevator, every person who transacts the business of a public terminal warehouseman without first procuring a license as herein provided, or who continues to transact such business after such license has been revoked, shall on conviction upon indictment be liable to a penalty of not less than fifty dollars nor more than two hundred and fifty dollars for each and every day he so transacts or continues to transact such business. 63-64 V., c. 39, s. 17.

126. Every person who, by himself or by his agent or employee, refuses or prevents a weighmaster or any of his assistants from having access to his scales, in the regular performance of his or their duties in supervising the weighing of grain in accordance with this Act, shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars for each offence, and such penalty shall be paid to the weighmaster for the benefit of the Manitoba Grain Inspection Fund. 63-64 V., c. 39, s. 13.

127. Every person who,—
(a) operates a public country elevator or warehouse without first procuring a license as herein provided; or,
(b) after his license in that behalf has been revoked continues to transact any business connected with the operation of a public country elevator, other than the delivery of grain previously to such revocation stored therein;
shall on conviction, upon indictment, be liable to a penalty of not less than ten dollars and not more than fifty dollars for each and every day he so operates such elevator or warehouse or continues to transact such business. 63-64 V., c. 39, s. 32.

128. Every person who uses any form other than those in the schedule to this Act or authorized by the Governor in Council, shall in case any of such forms is applicable, be guilty of an offence under this Act, and shall be liable to a fine or forfeiture of license. 63-64 V., c. 39, s. 40.

129. Every person who wilfully falsifies or misstates the weight of grain as weighed, or who uses concealed or other weights in such a way as to falsify or change the apparent weights of grain being weighed, shall be guilty of an offence punishable with fine, or forfeiture of license, or both. 63-64 V., c. 39, s. 54.

130. Every person offering for sale or storage grain, the different qualities of which have been wilfully manipulated with intent to deceive the person to whom it is so offered for sale, or the person receiving it for warehousing, as to the true quality R.S., 1906.
quality of such grain, shall be guilty of an offence. 63-64 V., c. 39, s. 56.

131. Every person guilty of an infraction of, or failing to comply with the requirements of this Act, for which a penalty is not in this Act provided, or of any rule or regulation made pursuant to this Act, shall, upon summary conviction, in addition to any other punishment prescribed by law, be liable to a penalty of not less than ten dollars, nor more than one thousand dollars, and, in default of payment, to imprisonment for not less than one month nor more than one year. 3 E. VII., c. 33, s. 20.

132. Every corporation guilty of an infraction of, or failing to comply with the provisions of this Act, for which a penalty is not in this Act provided, or of any rule or regulation made pursuant to this Act, shall, upon summary conviction, in addition to any other punishment prescribed by law, be liable to a penalty of not less than ten dollars nor more than one thousand dollars. 3 E. VII., c. 33, s. 20.

133. Every person who, having applied to a railway company for a car, transfers or sells his right to such car shall be guilty of an offence under this Act, punishable, upon summary conviction before a justice of the peace, by a fine of not less than twenty-five dollars and not more than one hundred dollars. 3 E. VII., c. 33, s. 21.

134. Every person who, contrary to the provisions of this Act, obtains the placing of a name on the order book as an applicant for a car, shall be guilty of an offence punishable, upon summary conviction before a justice of the peace, by a fine of not less than twenty-five dollars, and not more than one hundred dollars. 3 E. VII., c. 33, s. 21.

SCHEdULE.

A.

CASH TICKET.

No. Station. (Date)

Purchased from Net bushels pounds

<table>
<thead>
<tr>
<th>grade.</th>
<th>Kind of grain</th>
<th>(net weight in words)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>1532</td>
</tr>
</tbody>
</table>

Price

R.S., 1906.
Price per bushel $  total cash payable $  Total
pounds.  gross weight  bushels
Dockage  "  "
Net weight  "  "

By  Agent.

63-64 V., c. 39, sch.

B.

STORAGE RECEIPT.

No.  Elevator (or warehouse)

Received into store from  bushels  pounds
grade  kind of grain  (weight and grade guaranteed by this warehouse) to be stored and insured against loss by fire under the following conditions:

The charge for receiving, cleaning, insuring against loss by fire, handling, storing fifteen days and shipping grain is cents per bushel.  (It is provided by law that this charge shall not exceed a cent per bushel.)

Each succeeding 30 days or part thereof is

of a cent per bushel including insurance against loss by fire.  (It is provided by law that this charge shall not exceed a cent per bushel.)

Upon the return of this receipt and tender or payment of above named charges accruing up to the time of the return of this receipt, the above quantity, grade and kind of grain will be delivered, within the time prescribed by law, to the person above named or his order, either from this elevator or warehouse, or, if either party desires, in quantities of not less than carload lots at any terminal elevator in the inspection district of Manitoba, on same line of railway or any railway connecting therewith, as soon as the transportation company delivers the grain at the said terminal, and certificates of grade and weight are returned, subject to freight, weighing and inspection charges at such terminal point, the grade and weight of such grain to be delivered to be such as will conform to the grade, and, as nearly as possible, to the weight first above mentioned, on Government inspection and weighing thereof at such terminal point.

Weight gross  Bushels.  Pounds
Dockage  "
Weight net  "

(net weight in words)

By  Agents.

63-64 V., c. 39, sch; 3 E. VII., c. 33, s. 22.  1533

C.  R.S., 1906.
C.

STORAGE RECEIPT FOR SPECIAL BINNED GRAIN.

No.

Elevator (or warehouse)

Man., 190

Received into store from bushels pounds kind of grain Bin No. (weight and identity of grain guaranteed by this warehouse) to be stored and insured against loss by fire under the following conditions:

The charge for receiving, cleaning, insuring against loss by fire, handling, storing 15 days and shipping grain is cents per bushel. (It is provided by law that this charge shall not exceed cents per bushel.)

Each succeeding 30 days or part thereof is of a cent per bushel, including insurance against loss by fire. (It is provided by law that this charge shall not exceed of a cent per bushel.)

Upon return of this receipt and tender or payment of above named charge, accruing up to the time of the return of this receipt the identical grain so received into store will be delivered within the time prescribed by law to the person above named or his order, either from this elevator or warehouse, or, if either party so desires, in quantities of not less than carload lots at any terminal elevator in the inspection district of Manitoba, on same line of railway or any railway connecting therewith, as soon as the transportation company delivers the grain at said terminal, and certificates of grade and weight are returned, subject to freight, weighing and inspection charges at such terminal point. It is guaranteed that the weight of such grain to be delivered will conform as nearly as possible to the weight first above mentioned, on Government weighing thereof at terminal point.

Weight gross bushels pounds.

Dockage net " "

Weight net " "

(net weight in words)

63-64 V., c. 39, sch.; 3 E. VII., c. 33, s. 23.

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D.

FLAT WAREHOUSE RECEIPT.

No.

Flat warehouse.

Man., , 190 .

Received into bin No. of this warehouse from bushels pounds.

kind of grain (weight and identity guaranteed by this warehouse) under the following conditions:

The charge for use of such bin for six days (inclusive of one day for loading on car, but exclusive of Sunday) and for weighing in and out is of a cent per bushel. (The maximum charge allowed by law therefor being of a cent per bushel.) This warehouse does not insure grain.

Upon return of this receipt and payment or tender of above charges, the owner of said grain will be entitled to have it weighed for him while it is being taken out by him for shipping on car.

Such bin is furnished and such grain received on the understanding that the owner will within six days from the time such bin was furnished to him place therein and have ready for shipping and load on car, one carload of such grain: Provided, that if the owner is not furnished with car by the end of the fifth day of such period of six days, such period shall extend to twenty-four hours after car furnished.

If a carload of grain is not delivered in said bin and loaded on car within the time above provided, the grain then in said bin will be loaded on car by this warehouseman at an additional charge of one-half of one cent per bushel and shipped to the terminal elevator for the owner, subject to freight and weighing and inspection charges and all charges of this warehouse, including such additional half cent per bushel for loading on car, or this warehouseman may sell such grain on account of the owner thereof and shall then be liable to account to the owner for the proceeds after deducting all proper charges.

By

- Agent.

63-64 V., c. 39, sch.

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

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R.S., 1906.
CHAPTER 84.

An Act respecting the Culling and Measuring of Lumber in the Provinces of Ontario and Quebec.

SHORT TITLE.

1. This Act may be cited as the Cullers Act. R.S., c. 103, Short title. s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
   (a) 'timber' or 'lumber' includes all articles subject to inspection, culling or counting under this Act;
   (b) 'supervisor' means the supervisor of cullers;
   (c) 'deputy' or 'deputy supervisor' means deputy supervisor of cullers. R.S., c. 103, s. 2.

APPLICATION OF ACT.

3. The provisions of this Act apply only to the provinces of Ontario and Quebec, and do not apply to any place below the eastern end of the island of Orleans. R.S., c. 103, s. 3.

4. Nothing in this Act shall make it compulsory to have any article of lumber measured, culled or assorted, under this Act, except that all square and wamey timber shipped for exportation by sea shall be either measured or culled, at the option of the persons interested, by a licensed culler, under the control and superintendence of the supervisor or deputy. 57-58 V., c. 52, s. 1.

REGULATIONS.

5. The Governor in Council may make regulations from time to time,— Regulations.
   (a) for giving effect to the provisions of this Act;
   (b) for reducing the number of cullers to be employed;
   (c) prescribing the manner of granting licenses to cullers;
   (d) assigning to cullers such fees as he, from time to time, deems proper;
   (e) making, raising or lowering a tariff of fees and charges for culling, measuring, counting off or making out specifications.

R.S., 1906.
Cullers.

fications for timber, deals, staves or other lumber, under this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the supervisor's office, and the payment of salaries to the supervisor and the deputy supervisors, employed under this Act, and so as to give the cullers employed yearly average earnings of seven hundred dollars each;

(f) for changing the classification of the qualities of timber or lumber as set forth in this Act,—such changed classification to have force and effect from and after publication in the Canada Gazette of the order in council making the same;

(g) for granting annuities, not exceeding two hundred dollars in each case, to such of the cullers as are incapable, by reason of age, infirmity or otherwise, of pursuing their business of culling, or whose services are no longer required;

(h) for the payment of such annuities granted, as herein provided, out of such funds as have been collected, or as shall be hereafter collected, over and above the cost of the culling office. R.S., c. 103, s. 32; 52 V., c. 18, s. 3.

6. In the event of there being no such surplus funds out of which the annuities granted, as aforesaid, can be paid, such annuities shall be paid out of the Consolidated Revenue Fund of Canada. R.S., c. 103, s. 33.

SUPERVISOR AND DEPUTY SUPERVISORS.

7. The Governor in Council may appoint a fit person, well skilled and practically acquainted with the lumber trade of the said provinces, to be the supervisor of cullers, who shall supervise and control the culling, measuring and examination of every description of lumber in the manner hereinafter prescribed. R.S., c. 103, s. 4.

8. The supervisor shall himself, with two responsible sureties, enter into a bond to His Majesty, in the sum of four thousand dollars each, for the faithful discharge of his duty; and such bond shall enure to the benefit of all persons damnified by the misfeasance, malfeasance or nonfeasance of the supervisor, and any persons so damnified may recover, from the supervisor and his sureties, upon such bond, the amount in which they have been so damnified. R.S., c. 103, s. 5.

9. The supervisor shall, before entering upon the duties of his office, take and subscribe, before any of His Majesty's justices of the King's Bench or Superior Court in the district of Quebec, an oath in the form following, that is to say:—

R.S., 1906.
'I, A. B., solemnly swear that I will faithfully, truly and impartially, to the best of my skill and understanding, execute the office and perform the duty of supervisor of cullers, according to the true intent and meaning of the Cullers Act; that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office as supervisor, except such as are allowed to me by the said Act; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever; and that I will act without partiality, favour or affection, and to the best of my knowledge. So help me God.' R.S., c. 103, s. 6.

10. In addition to the supervisor of cullers, there shall be such number of deputy supervisors of cullers as the Governor in Council, from time to time, determines. R.S., c. 103, s. 7.

11. Every deputy supervisor shall himself, with two responsible sureties, enter into a bond to His Majesty, in the sum of two thousand dollars each, for the faithful discharge of his duty, and such bond shall enure to the benefit of all persons damned by the misfeasance, malfeasance or nonfeasance of the deputy supervisor; and any of the persons so damned may recover, from the deputy supervisor and his sureties, upon such bond, the amount in which they have been so damned. R.S., c. 103, s. 8.

12. Every deputy supervisor shall, before entering upon the duties of his office, take and subscribe, before a justice of the peace, the oath prescribed for the supervisor, in so far as it is applicable to such deputy. R.S., c. 103, s. 9.

13. In the event of the removal from either of the said provinces, or the declared or known insufficiency or the death of any of the sureties of the supervisor or of any deputy supervisor, such supervisor or deputy, as the case may be, shall immediately procure sufficient sureties, and enter into a new bond, as required by this Act, and in default of his so doing his appointment shall become void. R.S., c. 103, s. 10.

14. The oaths and bonds hereinbefore mentioned shall be filed in the office of the Registrar General of Canada. R.S., c. 103, s. 10.

15. All appointments in the supervisor's office shall be made by the Governor in Council. R.S., c. 103, s. 11.

R.S., 1906.
Constitution of board of examiners.

16. The council of the Quebec Board of Trade, when required by the supervisor so to do, shall elect four merchants, practically acquainted with the lumber trade, and the supervisor shall, by an instrument under his hand and seal, appoint four licensed cullers, and the said four merchants and four cullers shall constitute a board of examiners, of which board the supervisor shall ex officio be a member and chairman; and as often as vacancies occur in the said board, by death, change of residence or otherwise, such vacancies shall be filled by election in the case of the merchants, and by new appointment in the case of the cullers, forming the said board. R.S., c. 103, s. 12.

Meetings.

17. The board shall meet at the office of the supervisor, or elsewhere, on the first Monday of May and August in each year, or upon any other day, when notified by the supervisor so to do, and four members of the board shall constitute a quorum for the transaction of business, and the decision of a majority of the members present at any such meeting shall be held to be the decision of the board. R.S., c. 103, s. 13.

Members to be sworn.

18. Every member of the board, before acting as such, shall take an oath, which shall be administered by the supervisor, and shall be in the form following, that is to say:—

'I, A.B., solemnly swear that I will, to the best of my judgment and understanding, faithfully test the skill and qualification of any applicant who comes before me to be examined as to his fitness to be licensed as a culler, and that I will act according to the true intent and meaning of the law, and without partiality, favour or affection. So help me God.' R.S., c. 103, s. 14.

Cullers.

19. Every certificate issued by the board of examiners appointed under the provisions of this Act, shall state the qualifications of the person to whom such certificate is issued, and what description of culling he is best qualified to perform. R.S., c. 103, s. 15.

Culler to be sworn.

20. Every culler shall take and subscribe, before a justice of the peace, an oath in the form following, that is to say:—

'I, A. B., solemnly swear, that I will faithfully, truly and impartially, to the best of my knowledge and understanding, execute the office and perform the duty of a culler of (here insert the description of the lumber of which he is to be a culler), according to the true intent and meaning of the law concerning the culling and measuring of lumber, and that I will give a true account and certificate of the number, quality and quantity thereof.' R.S., 1906.
and dimensions or measurement of the lumber which is submitted to my inspection, according to the best of my knowledge; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever; and that I will not at any time purloin, or willfully change or omit, any article of lumber submitted to me for the purpose of being measured, counted or culled. So help me God.'

2. The culler shall cause the oath to be filed in the office of the supervisor. R.S., c. 103, s. 16.

21. When any applicant to be a culler has complied with the requirements of this Act, the supervisor shall report and certify to the Governor in Council, and shall procure for such applicant his license, without any fee to the supervisor, and subject only to the payment of such fees of office as are usual and reasonable for such documents. R.S., c. 103, s. 16.

22. The Governor in Council may appoint such number of qualified cullers duly licensed in the manner provided in this Act, as are necessary for the proper performance of the work of culling timber, deals, boards, staves and other articles in the manner provided in this Act. R.S., c. 103, s. 17.

23. No person shall be appointed as a culler, unless he has obtained a certificate of qualification in the manner prescribed in this Act. 52 V., c. 18, s. 2.

24. The supervisor and deputy supervisors, and all cullers appointed or holding office under this Act, shall be officers of the Department of Trade and Commerce, and shall be subject to all the provisions of the Acts respecting the collection and management of the public revenue, and as to security by public officers, and shall also be subject to such departmental regulations as to hours of service, as are, from time to time, made. R.S., c. 103, s. 19; 1 E. VII., c. 30, ss. 1 and 4.

25. Any culler licensed under this Act, and not employed by the supervisor or a deputy, may engage or hire himself to merchants or others, as a shipping culler; but such culler shall in no case measure, cull, count, stamp or mark any description of lumber before the same has been first measured by some licensed culler other than himself, under the direction of the supervisor or deputy, except with the written permission of the supervisor or deputy and in accordance with the same rules and on the same terms by which cullers acting under the supervisor or deputy are bound, according to this Act; and he shall also keep a record of all his operations, returns of which he shall make monthly to the supervisor or deputy. R.S., c. 103, s. 35.

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26. Every culler employed by the supervisor shall obey his lawful commands, and shall hold himself in readiness, on all days except Sundays and holidays, to execute the duties of his office from daylight until dark; and for each delay, neglect or refusal so to do, when not otherwise employed about the duties of his office, the culler shall forfeit eighty dollars to the use of the person injured by such neglect, refusal or delay; and every culler so employed, who is guilty of impropriety of conduct or disobedience of orders, or who is found incompetent, may be suspended from office by the supervisor, subject to an appeal to the board of examiners. R.S., c. 103, s. 20.

27. An office shall be opened in some convenient place at the port of Quebec, which shall be known as the supervisor of cullers office, and such other offices shall be opened for the deputy supervisors, and at such places as the Governor in Council determines; and such offices shall be kept open on all days, except Sundays and holidays, from six o'clock in the forenoon to six o'clock in the afternoon during the season of navigation, and during ordinary office hours at all other seasons. R.S., c. 103, s. 21.

28. The measurement books, and all other public documents in the office of the supervisor and deputy supervisors, shall be open to the perusal of the seller and buyer of lumber, with reference to any transaction between them, and to the perusal of any other person interested therein. R.S., c. 103, s. 22.

29. The scribers of timber and holders of measuring tapes shall in all cases, when practicable, be apprentices or candidates for becoming cullers, for whose acts, in the performance of their duties, the cullers shall be responsible. R.S., c. 103, s. 23.

MODE OF CULLING AND MEASURING.

30. Square timber shall be measured only in some one of the three modes following, that is to say:—

First—Measured off, in the raft or otherwise, giving the full cubic contents without any allowance or deduction;

Second—Measured in shipping order, which shall mean sound, fairly made timber, gum seams closed at the butt and sound knots not to be considered unsoundness, lengths under the merchantable standard herinafter mentioned and not less than twelve feet long to be received, if, in the opinion of the culler, the same is fit for shipment;

Third—Culled and measured in a merchantable state in accordance with the rules, standards and limitations hereinafter described. R.S., c. 103, s. 24.

31. In measuring timber, the culler employed for that purpose shall measure not only the girth of each piece of timber, but
but shall also measure, personally, with the aid of one competent assistant, the length of each piece of timber, in all cases where such measurement is practicable with the aid of only one assistant; and in the event of any case arising in which, in the opinion of the supervisor, or of any deputy, such measurement cannot be effected with the aid of one assistant only, such culler may employ an additional competent assistant for that purpose, who, as well as the assistant first above mentioned, shall be approved of by the supervisor or deputy. R.S., c. 103, s. 25.

32. Every culler shall be provided with such measuring rods, tapes and other measuring instruments as are prescribed by departmental regulations, all of which shall be in accordance with the standard measures of Canada, and shall bear the verification marks of the Department of Trade and Commerce. R.S., c. 103, s. 26; 1 E. VII., c. 30, ss. 1 and 4.

33. Every culler shall also be provided with such scribing knives and such stamps as are necessary for marking the articles culled by him with the initials of his name, and with the capital letters distinguishing the quality, as follows:—

- M denoting what is merchantable;
- U denoting what is sound and of merchantable quality but under merchantable size;
- S denoting what is of second quality;
- T denoting what is of third quality;
- R denoting what is rejected and unmerchantable. R.S., c. 103, s. 26.

34. Such marks shall be indented or stamped on the end of each article of lumber culled in terms of the merchantable standard hereinafter prescribed, except as to West India and barrel staves, boards, deals, lathwood and hand-spikes. R.S., c. 103, s. 26.

35. Every culler shall check and examine the entry of his measurements and of culling and counting on the books of the supervisor, and sign such entry and calculations on the said books. R.S., c. 103, s. 27.

36. A copy of every agreement as to the adoption of any of the modes of measurement or culling mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the supervisor, or deputy supervisor, at the same time that a requisition is made to him for a culler to measure or cull any lumber, for the guidance of the supervisor, or deputy supervisor and culler, in the performance of their duty, and such requisition shall state the river and section of the province wherefrom such lumber is produced; but the owner of any lumber, or his agent, R.S., 1906.
agent, may cause it to be measured, culled or counted before any sale, in which case the specification of such lumber shall set forth the mode in which the measurement, culling or counting has been performed. R.S., c. 103, s. 28.

37. Whenever it appears that timber, masts, spars, boards, planks, deals, staves, oars or any other description of lumber, are not properly hewn, squared, butter'd or edged, but are merchantable in other respects and sold as such, the supervisor, deputy and culler, respectively, shall order or cause the same to be properly dressed and chopped, at the expense of the seller or the buyer, as the case may be, previously to their being respectively received and certified to be merchantable; and such dressing and chopping shall be done under the direction of the culler in charge of the measuring or culling. R.S., c. 103, s. 30.

QUALITIES OF LUMBER.

38. In all cases the supervisor, deputy supervisor and cullers, respectively shall, in ascertaining and certifying the merchantable size and quality of lumber submitted to their culling, be governed by the descriptions, rules, standards and limitations following, that is to say:

(a) Square white oak timber, first quality, shall be free from rot, rotten knots affecting the surrounding wood, open rings and grub or large worm holes, but small worm holes and shakes shall be allowed according to the judgment of the culler; second quality shall be oak not coming within the definition of first quality, and which, in the judgment of the culler, is not culls;

(b) Square hard gray or rock elm shall be free from rot, open rings and rotten knots affecting the surrounding wood, but shakes and slivers shall be allowed according to the judgment of the culler;

(c) Square white or yellow pine timber shall be free from rot, rotten knots affecting the surrounding wood, worm holes, open shakes and open rings, but sound knots shall be allowed according to the judgment of the culler;

(d) Square red pine timber shall be free from rot, rotten knots affecting the surrounding wood, worm holes, shakes and splits, but sound knots shall be allowed according to the judgment of the culler;

(e) Square ash, basswood and butternut shall be of the same quality as white or yellow pine square timber;

(f) Square birch shall be free from rot, rotten knots, splits and shakes, and shall be allowed two inches wane;

(g) Masts, bowspirts and red pine spars shall be sound, free from bad knots, rents and shakes, and the heart shall be visible in spots at or near the partners;

(h) Hickory handspikes shall be six feet long, and three and a half inches square at the smaller end;

(i)
(i) Ash oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, and such oars shall be cleft straight on all sides, and free from large knots, splits and shakes;

(j) Lathwood shall be cut in lengths of from three to six feet, and measured by the cord of eight feet in length by four feet in height; and, to be merchantable, shall be free from rot, shall split freely, and each billet may contain to the extent of three or four open case knots, provided they run in line or nearly so, and it shall not have more than one twist;

(k) Pine or fir boards shall not be less than ten feet in length, one inch in thickness and seven inches in breadth, equally broad from end to end, edged with a saw, or neatly trimmed by a straight line, and shall be free from rot, bad knots, rents and shakes, and of equal thickness on both edges from end to end; the colour alone of any board shall not be a sufficient cause for its rejection, if it is in other respects sound and merchantable, and of the dimensions required by this Act;

(l) White or yellow pine deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots, shakes and splits (a slight sun crack excepted), and sound knots and hard black knots shall be allowed as follows: If they do not exceed three in number, and do not exceed on the average one inch and a quarter diameter; if they exceed three and are not more than six in number, and do not exceed, on the average, three-quarters of an inch in diameter; such proportion of knots shall be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion, according to the judgment of the culler; wane equal to half an inch on one edge, if running the whole length of the deal, shall be allowed, and, if not exceeding half the length of such deal, three-quarters of an inch wane shall be allowed; the deals shall be free from black or dead sap, with a slight exception, in the discretion of the culler;

(m) Red pine deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots and splits; several small sound knots shall be allowed, according to the judgment of the culler; heart shake shall be allowed, if it does not run far into the deal or form a split through at the ends; they shall be free, or nearly so, from black or dead sap, but sound sap on the corners or on a portion of one face of a deal shall be allowed, according to the judgment of the culler;

(n) Spruce deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots, splits and shakes,
shakes, a heart shake not exceeding one-fourth of an inch to half an inch in depth excepted; several small sound knots and hard black knots shall be allowed, according to the judgment of the culler, and in the exercise of such judgment he shall keep in view the peculiar nature of the wood, and govern his judgment accordingly; wane equal to half an inch on one edge, if running the whole length of the deal, shall be allowed, and if not exceeding one-quarter the length of such deal, three-quarters of an inch shall be allowed;

(o) White or yellow pine second quality deals, shall be free from rot, rotten knots and splits, with slight exceptions, at the discretion of the culler, and sound knots and hard black knots shall be allowed as follows:—if they do not exceed six in number and, upon the average, one inch and a half diameter; if they exceed six and are not more than twelve in number, and do not exceed, upon the average, one inch and a quarter in diameter, but small knots under half an inch diameter shall not be counted or considered; such proportion of knots shall be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion, according to the judgment of the culler; heart shakes and sun cracks not exceeding three-fourths of an inch to one inch in depth shall be allowed, as also worm holes, according to the judgment of the culler; wane of half an inch to one inch shall be allowed according to the quality of the deal in other respects, according to the judgment of the culler; deals rejected as not coming within the standard of merchantable or second quality shall be classed as culls, except that the culler may, if requested by buyer and seller, select and classify, as third quality, the best of the deals so rejected;

(p) Spruce and red pine second quality deals, shall be deals not coming within the definition of merchantable, and which, in the opinion and judgment of the culler, are not culls, and shall be classed as second quality; and the culler, if required by seller and buyer, may select and classify as third quality the best of the deals unfit to be seconds;

(q) The Quebec standard hundred of deals shall be one hundred pieces twelve feet long, eleven inches broad, and two and a half inches thick; and deals of all other dimensions shall be computed according to the said standard; deals of all qualities shall be not less than eight feet long, seven inches broad and two and a half inches thick; deal ends shall be not less than six feet long and shall be computed according to the Quebec standard;

(r) All merchantable deals shall be well sawn and squared at the end with a saw, and the colour alone shall be no objection to their being merchantable;

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(s) All deals when culled shall, in all cases, be stamped to be with the initials of the culler, and the capital letter denoting their quality as such;

(t) Spruce deals, if not sawn at the ends prior to or at the time of culling, shall be marked with the capital letter denoting their respective qualities, with red chalk, in large bold letters; and to prevent mistakes in piling, all other deals shall be marked with bold strokes in red chalk as follows:—

Merchantable shall be marked, I;
Second quality shall be marked, II;
Third quality, if made, shall be marked, III;
Rejected or culls shall be marked, X;

(u) Standard or measurement staves shall be of the dimensions set forth in the words and figures following:—

5½ feet long, 5 inches broad, and from 1 to 3 inches thick;
4½ feet long, 4½ inches broad, and from 1 to 3 inches thick;
3½ feet long, 4 inches broad, and from 1 to 3 inches thick;
2½ feet long, 5 inches broad, and from 1 to 3 inches thick;

(v) Head-staves, five and a half feet long, and four and a half inches broad, shall be received as if of merchantable dimensions;

(w) The standard mille shall be twelve hundred pieces of five and a half feet long, five inches broad, and one and a half inch thick; and standard or measurement staves of other dimensions shall be reduced to the said standard by the tables of calculation now used;

(x) West India or puncheon staves shall be three and a half feet long, four inches broad, and three-fourths of an inch thick;

(y) All staves shall be straight grained timber, properly split, with straight edges, free from the grub or large worm holes, knots, veins, shakes and splinters; and small worm holes which do not exceed three in number, shall be allowed according to the judgment of the culler, provided there are no veins running from or connected therewith, and the culler shall measure the length, breadth and thickness of standard staves at the shortest, narrowest and thinnest parts; and the thickness of West India and barrel staves exceeding the standard breadth shall be measured at such standard breadth, to wit:—four and three and a half inches respectively, provided the thinnest edge is not less than half an inch;

(z) The dimensions of merchantable timber shall be as set forth in the following words and figures:—

Oak shall be at least twenty feet in length and ten inches square in the middle;
Elm shall be at least twenty feet in length and ten inches square in the middle;

White pine shall be at least twenty feet in length and twelve inches square in the middle, and fifteen feet and upwards in length, if it is sixteen inches square and upwards in the middle;

Red pine shall be at least twenty-five feet in length and ten inches square in the middle, and twenty feet and upwards in length, if it is twelve inches square and upwards in the middle;

Ash, basswood and butternut shall be at least fifteen feet in length and twelve inches square in the middle, and at least twelve feet in length, if it is fifteen inches square and upwards in the middle;

Birch shall be at least six feet in length and twelve inches square in the middle;

Taper of merchantable timber:—

Oak, 3 inches, under 30 feet, and in proportion for any greater length;

Elm, 2 inches for 30 feet, and in proportion for any greater length;

White pine, 1\(\frac{1}{2}\) inches for 20 feet, and in proportion for any greater length;

Red pine, 2 inches for 25 feet, and in proportion for any greater length;

Ash, basswood and butternut, 1\(\frac{1}{2}\) inches under 20 feet, and in proportion for any greater length;

Bends or twists not to exceed one in number;

Hollow allowed on merchantable timber:—

Oak, 3 inches for every 20 feet in length, and in proportion for any greater length;

Elm, 3 inches for every 20 feet in length, and in proportion for any greater length;

White pine, 2\(\frac{1}{2}\) inches for every 20 feet in length, and in proportion for any greater length;

Red pine, 3 inches for every 20 feet in length, and in proportion for any greater length;

Ash, basswood and butternut, 2\(\frac{1}{2}\) inches for every 20 feet in length, and in proportion for any greater length;

Dimensions of white pine masts, bowsprits and red pine spars:—

White pine masts of 23 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter;

White pine masts of 22 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter and 2 feet extreme length;

White pine masts of 21 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter and 3 feet extreme length;

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White pine masts of 20 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter and 4 feet extreme length;

Hollow or bend not to exceed six inches for seventy feet, and in proportion for any greater length;

Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length;

Red pine spars shall be three feet to the inch in diameter at the partners, and nine feet extreme length; hollow not to exceed seven inches for sixty feet, and in proportion for any greater length. R.S., c. 103, s. 29.

SETTLEMENT OF DISPUTES.

39. If any dispute arises between the first buyer or seller, or the person making the requisition, and the culler employed to cull or measure any article of lumber, with regard to the dimensions or quality thereof, the supervisor or deputy shall, as soon as possible, upon a written complaint thereof being made, demanding a survey, cause a board of survey to be held for examining the quality and dimensions of such lumber; and such board shall take into consideration the position of such lumber when measured or culled, and all other circumstances and considerations connected therewith, in reporting thereon; and such board shall consist of three persons, one to be appointed by the culler whose decision is disputed, one by the person complaining, and one by the supervisor or deputy, and their determination shall be final and conclusive; and if the opinion and act of the culler is confirmed, the reasonable costs and charges of re-examination shall be paid by the person complaining, but if otherwise, by the culler. R.S., c. 103, s. 31.

40. Such survey shall be demanded when the culling or measuring is completed, or within two lawful days after the person demanding the survey has been furnished with the specification thereof; and such right of survey shall cease on and after the fifteenth day of November in each year. R.S., c. 103, s. 31.

41. The supervisor or deputy, for the more expeditious settlement of disputes, may, with the consent and at the request of buyer, seller and culler concerned, name one culler to act as surveyor; and if the culler so named is not objected to by any of the persons interested, he shall act in the capacity of a board of survey, and his determination shall be final and conclusive. R.S., c. 103, s. 31.
CHARGES FOR CULLING AND MEASURING.

42. The fees and charges fixed by the Governor in Council shall be charged and collected by the supervisor and deputy supervisor, as the fees and charges for culling, measuring or counting off each description of lumber, and for making out specifications, and shall include all charges and expenses against such lumber; except in cases where extra labour for canting, dressing, butting, chopping, and piling is necessary and required. R.S., c. 103, s. 34.

43. One-half of such fees and charges shall be paid by the buyer, and the other half by the seller; but the whole of such fees and charges shall, in all cases, be paid to the supervisor or deputy, on the delivery of the specification or on the presentation of an account thereof, by the person, or by the persons jointly or severally, who filed a requisition or order for such measuring, counting or culling, whether such person or persons are buyers, sellers, owners, or possessors of such lumber. R.S., c. 103, s. 34.

OFFENCES AND PENALTIES.

44. Every culler hiring himself or engaging himself to merchants or others as a shipping culler and who offends against this Act, shall, for each such offence be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court. R.S., c. 103, s. 35.

45. Every person who is not licensed as a culler, who measures, culls, marks or stamps any article of lumber, shipped or intended to be shipped by such measurement, or measured, culled, marked or stamped, with intent to evade or elude the provisions of this Act, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court; and every culler employed by the supervisor or deputy, who privily, and without the knowledge and consent of the supervisor or deputy, or for hire or gain, and without the same being duly entered on the books of the supervisor or deputy, measures, culls, marks or stamps any article of lumber, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court. R.S., c. 103, s. 36.

46. Every supervisor or deputy, or licensed culler, who buys or sells, directly or indirectly, or is a dealer in or interested in buying or selling any article of lumber, either on his own account or on account of any other person, shall, for each such
such offence, incur a penalty not exceeding four hundred dollars and not less than two hundred dollars, and shall forfeit his office. R.S., c. 103, s. 37.

47. Every supervisor, deputy or licensed culler, and every clerk or assistant measurer, employed by the supervisor or deputy, or by any culler, who is at any time guilty of wilful neglect of his duty, or of partiality in the execution of the duties of his office, or of wilfully giving a false account or certificate of the articles of lumber submitted to his inspection, measurement or calculation, or of any other wilful neglect or prevarication with regard to the duty he is employed to discharge, shall, for every such offence, incur a penalty not exceeding four hundred dollars, and shall be dismissed from his office, and be for ever after incapable of holding any such situation or employment. R.S., c. 103, s. 38.

48. Every person who assaults any culler in the execution of his duty under this Act, or by threats, menaces or violence, impedes or prevents any culler from the performance of his duty, shall, upon summary conviction, be liable to a penalty not exceeding forty dollars and not less than twenty dollars, and in default of payment, to imprisonment for a term not exceeding two months, unless the penalty is sooner paid. R.S., c. 103, s. 39.

49. Every person who unlawfully uses, or counterfeits or forges, or procures to be counterfeited or forged, any stamp directed to be provided for use, in pursuance of this Act, or counterfeits or imitates the impression of the same on any article of lumber, or knowingly, wilfully and fraudulently defaces, obliterates or removes any of the marks or letters marked, indented or imprinted in or upon any article of lumber, after the same has been culled or measured as aforesaid, shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, in the discretion of the court. R.S., c. 103, s. 40.

50. The owner or shipper of any square or waney timber shipped for exportation by sea without being measured or culled as by this Act required or the proprietor or lessee of the premises from which such timber is so unlawfully shipped shall incur a penalty equal to the market value of such timber. 57-58 V., c. 52, s. 1.

51. Every person who wilfully and unlawfully, with the intention to set the same adrift, unmoors, by cutting or otherwise, any timber, masts, spars, staves, oars, handspikes, planks, boards, saw-logs or other description of lumber, or any boat, bateau or scow, shall, for each offence, incur a penalty not exceeding R.S., 1906.
exceeding four hundred dollars and not less than twenty dollars.

2. The offender shall be imprisoned until such penalty is paid, but no term of imprisonment shall, for any first offence, exceed three months; and if any person is a second or subsequent time convicted of any such offence, he shall be liable to imprisonment for a term not exceeding twelve months. R.S., c. 103, s. 41.

EVIDENCE.

52. Proof of the fact of lumber having been placed alongside or taken on board of any sea-going ship or vessel, shall be sufficient evidence of such unlawful shipping for exportation by sea. R.S., c. 103, s. 42.

53. The proof of the measuring, culling or counting of such lumber, in conformity with this Act, shall lie upon the person charged with such unlawful shipping; and the market value of any article of lumber so unlawfully shipped, shall be ascertained by the certificate of the council of the Quebec Board of Trade, or by a certificate under the hand of the supervisor. R.S., c. 103, s. 42.

PROCEDURE.

54. Every penalty and forfeiture incurred under this Act shall unless otherwise herein specially provided be sued for within twelve months after the offence is committed, and not afterwards, and shall be recoverable, with costs, either in any court of competent jurisdiction, or under Part XV. of the Criminal Code. R.S., c. 103, s. 43.

55. Every action, against any person, for anything done in pursuance of this Act, shall be commenced within twelve months next after the cause of action has arisen, and not afterwards; and the defendant in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it appears so to have been done, then judgment shall be given, or a verdict found for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover costs and have the like remedy for the same as defendants have in other cases by law. R.S., c. 103, s. 44.
APPLICATION OF PENALTIES.

56. A moiety of all such penalties and forfeitures, except those for the disposal whereof other provision is made by this Act, shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to the person aggrieved, or to the informer or person who prosecutes or sues for the same. R.S., c. 103, s. 43.
CHAPTER 85.
An Act respecting the Inspection and Sale of certain Staple Commodities.

SHORT TITLE.

1. This Act may be cited as the Inspection and Sale Act. Short title. R.S., c. 99, s. 1.

DIVISIONS AND APPLICATION.

2. This Act is divided into ten Parts. Divisions.
Part I. does not apply to grain, but is not by this section otherwise limited in its application.
Part II. applies exclusively to grain.
Part III. applies exclusively to flour and meal.
Part IV. applies exclusively to beef and pork.
Part V. applies exclusively to leather and raw hides.
Part VI. applies exclusively to pot ashes and pearl ashes.
Part VII. applies exclusively to fish and fish oils.
Part VIII. applies exclusively to dairy products.
Part IX. applies exclusively to fruit and fruit marks.
Part X. applies exclusively to certain staple commodities.

3. Notwithstanding anything herein contained, the administration of the several Parts of this Act and of the matters therein dealt with shall continue as heretofore, subject, however, to the exercise of any power by law vested in the Governor in Council.

PART I.

GENERAL.

4. The Governor in Council may, from time to time, designate the several cities, counties, towns and other places or inspection divisions in Canada at and for which, respectively, it is expedient to appoint inspectors of the several articles herein-after mentioned, or any of them: and the Governor in Council may, from time to time, determine the limits of such inspection divisions and appoint at and for each of such cities, counties, towns, R.S., 1906.
5. Such inspectors and deputy inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council assigns to them.

2. They shall be appointed only from among duly qualified persons, certified as such by the examiners hereinafter mentioned.

3. No person shall be appointed such inspector, or deputy inspector who has not been examined by or received a certificate of qualification from the proper board of examiners. R.S., c. 99, s. 3; 1 E. VII., c. 25, s. 1.

6. The Governor in Council may also appoint chief inspectors of any of the articles hereinbefore enumerated, who shall hold office during pleasure and shall perform the duties assigned to them by the Governor in Council. 1 E. VII., c. 25, s. 1.

7. Such chief inspectors, inspectors and deputy inspectors may be paid by salary or by fees, as is determined in each case by the Governor in Council. 1 E. VII., c. 25, s. 1.

8. The board of trade at each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton, London, Ottawa, Winnipeg and St. John, N.B., and at Port Arthur, and the chamber of commerce at the city of Halifax and at the city of Victoria, shall annually appoint in the said localities respectively, and the Governor in Council may, from time to time, appoint in any county in Canada or for any inspection division, a board of examiners consisting of five fit and skillful persons, any three of whom shall be a quorum, for each class of articles to be inspected in such locality or county, to examine and test the ability and fitness of applicants for the office of inspector or deputy inspector of such articles.

2. The board of examiners may, at any such examination, permit the attendance of any person or persons of experience and skill in the subject of such examination, and allow them to propose questions pertinent thereto to the candidate in order to test his knowledge and skill. R.S., c. 99, s. 3.

9.
9. Every such board shall grant such certificates and such certificates, only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates require or justify. R.S., c. 99, s. 3.

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

'I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of examiner of applicants for the office of inspector or deputy inspector of [office], except such as I am entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding. So help me God.' R.S., c. 99, s. 4.

11. If any board of examiners appointed under this Act, neglects or refuses to meet for the purpose of examining applicants for the office of inspector of any staple article, after having been required so to do by the Minister of Trade and Commerce, or if any such board, having met, is unable to certify that any applicant who appears before it is duly qualified for appointment as inspector, the Governor in Council may appoint as inspector any person who has obtained from any other board, duly constituted under this Act, a certificate of qualification for the office of inspector of such staple article. R.S., c. 99, s. 5; 1 E. VII., c. 30, s. 4; O.C., July 26, 1901.

12. Any inspector may examine candidates for the position of deputy inspectors, and may, if he finds them qualified, grant them certificates of qualification, and may appoint them as deputy inspectors subject to the approval of the Governor in Council.

2. No such certificate of qualification shall entitle any such deputy inspector to act for any other inspector, or in any inspection division other than that in respect of which he is originally appointed under this section. R.S., c. 99, s. 5.

Inspectors and Deputy Inspectors.

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

'I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of an inspector; and that I will not, directly or indirectly, by myself or by any other person or persons, manufacture or prepare, deal, trade in or sell or buy.

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buy, except only for consumption by myself and family, any
(insert the description of the articles he is to inspect) on my
account, or upon the account of any other person or persons,
while I continue such inspector. So help me God.' R.S., c. 99,
s. 7.

14. Each inspector may, and shall when thereunto required
by the Governor in Council, in any inspection division, or by
the board of trade or chamber of commerce, as the case may
be, at any of the places hereinbefore mentioned by name, ap-
point a deputy inspector or so many deputy inspectors as are
necessary for the efficient and speedy performance of the duties
of his office; and they shall be the deputies of the inspector for
all the duties of his office, and their official acts shall be held
to be the official acts of the inspector, and he shall be respon-
sible for them as if done by himself.

2. Each deputy inspector shall make such returns and re-
ports of his official acts as are required of him by the inspector
whose deputy he is.

3. No inspector shall allow any person to act for him in
respect of the duties of his office, excepting his sworn deputy
inspector or deputy inspectors duly appointed as aforesaid.
1 E. VII., c. 25, ss. 2 and 3; c. 30, s. 4; O.C., July 26, 1901.

15. The appointment by an inspector of each deputy in-
spector shall be at once reported by him to the Minister of
Trade and Commerce. 1 E. VII., c. 25, s. 2; c. 30, s. 4; O.C.,
July 26, 1901.

16. Every deputy inspector shall be paid by, and shall hold
office at the pleasure of the inspector by whom he is appointed,
and shall, before acting as deputy inspector, give security for
the due performance of the duties of his office in such sum as
the Minister of Trade and Commerce directs, by bond to the
inspector, with two sureties to his satisfaction, to be bound
jointly and severally with him; and such bond shall avail to
the inspector for any breach of the conditions thereof. 1 E.
VII., c. 25, s. 3; c. 30, s. 4; O.C., July 26, 1901.

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

' I, A. B., do solemnly swear that I will faithfully, truly and
impartially, to the best of my judgment, skill and understand-
ing, execute and perform the office of a deputy inspector of,
and that I will not inspect, brand or certify
to the quality of any article or thing in which I have any direct
or indirect interest on my own account or upon the account of
any other person, except as permitted by the Inspection and
Sale

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Sale Act, while I continue to hold office as a deputy inspector. So help me God.' R.S., c. 99, s. 10.

18. The oaths taken by an examiner, inspector or deputy Custody. inspector, under this Act, shall remain in the custody of the justice administering them. R.S., c. 99, s. 11.

19. Every inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor in Council directs, by bond to His Majesty, with two sureties to the satisfaction of the Minister of Trade and Commerce under the provisions of the Public Officers Act, and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof.

2. Such bond shall remain in the custody of the Secretary of State of Canada, and a copy thereof shall be furnished when required on payment of a fee of one dollar. R.S., c. 99, s. 12; 1 E. VII., c. 30, s. 4.

20. In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his successor is appointed, or until such suspension ceases. R.S., c. 99, s. 13.

21. Inspectors and deputy inspectors shall be paid their fees upon the articles inspected by them by privilege and preference over all other creditors, and may retain possession of the articles inspected until the fees to which they are entitled under this Act are paid. R.S., c. 99, s. 19.

22. Every inspector shall cause to be stencilled upon every package inspected by him a representation of a crown with the letters E. R. and the words Canada Inspection, in such form as is determined by departmental regulations.

2. In cases where the inspector issues a certificate of inspection, such certificate shall bear upon it the same representation and words. 61 V., c. 25, s. 1.

23. An inspector shall not deal or trade in, or have any interest directly or indirectly in the production of any article subject to inspection by him, nor shall he sell or, except for consumption by himself or his family, buy any such article.

2. Any deputy inspector may engage in the purchase and sale of articles inspected by him; but whenever such deputy inspector inspects any article in which he has a direct or an indirect pecuniary interest, he shall brand such article under his name as branded thereon, with the words Deputy inspector and owner. R.S., c. 99, s. 6: 52 V., c. 16, s. 1.

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Settlement of Disputes.

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

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

3. Such inspector or deputy inspector shall immediately conform to such determination, and brand, stamp or mark such article, or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires. R.S., c. 99, s. 16.

25. If any dispute arises between the inspector or deputy inspector for any of the places hereinbefore mentioned by name, where there is a board of trade or a chamber of commerce, and the owner or possessor of any article inspected under this Act, with regard to the quality or condition of such article, or relating thereto, such dispute shall not be decided in the manner provided in the last preceding section, but upon application by either of the parties to the dispute, to the secretary of the board of trade or the chamber of commerce for the place where the dispute has arisen, the secretary shall forthwith summon a meeting of the board of examiners for the said place, who, or a majority of whom, shall immediately examine such article and report their opinion of the quality or condition thereof; and their determination, or that of a majority of those present, expressed in writing, shall be final and conclusive.

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

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3. Such inspector or deputy inspector shall immediately conform to such determination, and brand, stamp or mark, such article or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires. R.S., c. 99, s. 16.

26. If any dispute arises between any inspector or deputy inspector, and the owner or possessor of any article inspected by him, in respect of which article a chief inspector has been appointed, with regard to the quality or condition of such article, or relating thereto, the matter in dispute shall not be decided by either of the methods provided in the two last preceding sections, but, upon application by either of the parties to the dispute, to the secretary of the board of trade or chamber of commerce for the place where the dispute has arisen, the secretary shall forthwith summon a meeting of the board of examiners for the said place, who, or a majority of whom, shall immediately examine such article and report in writing their opinion of the quality or condition thereof.

2. Should the board of examiners confirm the grading fixed by the inspector or deputy inspector, and if the owner or producer, within twenty-four hours after receiving notification thereof, makes further appeal, the dispute shall be referred to the chief inspector, who shall immediately examine such article and report his opinion of the quality or condition thereof; and his determination, expressed in writing, shall be final and conclusive.

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

4. Nothing in this section contained shall prevent the owner appealing direct from the inspector or deputy inspector to the chief inspector, whose decision in all cases shall be final and binding on all parties. 1 E. VII., c. 25, s. 4.

27. No appeal shall be considered in any case where the identity of the article in dispute has not been preserved. 1 E. VII., c. 25, s. 4.

28. Whenever any difference arises between inspectors as to the true quality or grade of any article inspected by one of them and re-inspected by another, such difference shall be definitely determined by reference to the chief inspector, if one has been appointed, or otherwise to such board of arbitration or other authority as the Governor in Council appoints for that purpose. 1 E. VII., c. 25, s. 4.
29. If the opinion of the inspector or deputy inspector is confirmed by the determination arrived at by any of the methods aforesaid, the reasonable costs and charges of re-examination shall be paid by the owner or possessor of such article, and, if otherwise, by the inspector or deputy inspector, with all damages. R.S., c. 99, s. 16.

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

2. If there is no such council or executive committee for any of the said cities or place where inspectors are appointed, or if such council or executive committee fails to make such tariff or establish such rules and regulations, the Governor in Council shall, from time to time, make such tariff and may establish such rules and regulations. R.S., c. 99, s. 17.

Sale Subject to Inspection.

31. Whenever an article is sold subject to inspection, the person applying for such inspection shall be entitled to reimbursement of the cost of inspection from the vendor, if such applicant is not himself a vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection.

2. Such agreement to submit to inspection shall imply a warranty that the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it is otherwise expressly stipulated. R.S., c. 99, s. 18.

Inspection not Compulsory.

32. Nothing in this Act shall oblige any person to cause any article to be inspected, but if inspected it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, in respect to such article and the packages in which it is contained. R.S., c. 99, s. 19.

Regulations.

33. The Governor in Council may make regulations not inconsistent with this Act,—

(a) for the payment of fees to examiners appointed under this Act, by persons who present themselves for examination, or for any other business the said examiners are called upon to perform under this Act;

(b)
(b) for the guidance and government of chief inspectors, inspectors, deputy inspectors, or any of them and of persons employing them as such; 
(c) for the inspection of cheese and the branding of packages thereof, and making a tariff of the fees and charges to be allowed for such inspection;
(d) for the disposal of fees paid under this Act;
(e) for the apportionment of fees paid under this Act between the inspectors and deputy inspectors and the Consolidated Revenue Fund;
(f) amending or reducing the tariff of fees to be paid with respect to any articles or class of articles subject to inspection under this Act;
(g) requiring every inspector and deputy inspector to make such returns or reports of official acts to any public department or officer, board of trade, chamber of commerce or municipal authority, and in such form and containing such particulars and information as the Governor in Council deems expedient; and generally,
(h) any other regulations which the Governor in Council considers necessary from time to time for the efficient enforcement and operation of this Act and for carrying out its provisions according to their true intent and meaning and for the better attainment of its objects.

2. The Governor in Council may by such regulations impose penalties for violations thereof not exceeding fifty dollars.

3. Such regulations shall be in force from the date of their publication in the Canada Gazette or from such other date as is specified in the proclamation in that behalf. R.S., c. 99, s. 14; 55-56 V., c. 23, s. 7 (111); 56 V., c. 37, s. 11; 58-59 V., c. 24, s. 1; 60-61 V., c. 21, s. 9; 1 E. VII., c. 26, s. 8; c. 27, s. 16; 3 E. VII., c. 6, s. 15.

34. All regulations made under this Act shall be obeyed by inspectors and deputy inspectors appointed under this Act and by persons employing them as such as if such regulations were embodied in this Act. R.S., c. 99, s. 14.

Standards.

35. The Governor in Council may appoint such persons as he deems properly qualified for the purpose of choosing samples of any of the articles subject to inspection under this Act, to be standards by which the inspectors of such articles throughout Canada shall be governed in the work of inspection.

2. The persons so appointed shall distribute a portion of each of the standards so chosen to the councils of the boards of trade of the several cities in and for which inspectors of such articles have been appointed, and to such persons elsewhere as are designated for the purpose by the Governor in Council.
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3. The Governor in Council may reject the standards so chosen if he deems them to be unfairly or improperly chosen, and he shall forthwith cause others to be chosen in their place by such means as he directs. 55-56 V., c. 23, s. 2.

Offences and Penalties.

36. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his dwelling-house, store, office or warehouse, on any lawful day between sunrise and sunset, by any owner or possessor of any article which such inspector or deputy inspector is appointed to inspect, neglects or refuses, forthwith or within two hours thereafter, to proceed to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars over and above all the damages occasioned, to the person complaining, by such neglect or refusal, recoverable in a summary way before any one justice of the peace. R.S., c. 99, s. 20.

37. Every inspector or deputy inspector who,—

(a) inspects or brands or marks any article out of the local limits for which he is appointed; or,

(b) hires out or lends his marking instruments to any person; or,

(c) gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate; or,

(d) connives at or is privy to any fraudulent evasion of this Act;

shall, for each such offence, incur a penalty of one hundred dollars, and shall forfeit his office, and be disqualified from ever after holding the same. R.S., c. 99, s. 23.

38. Every inspector who deals or trades in or has any interest, directly or indirectly, in the production of any article subject to inspection by him, or who sells, or, except for consumption of himself or his family, buys any such article, shall incur a penalty of two hundred dollars and shall forfeit his office.

2. Every deputy inspector who violates any provision of this Act shall be liable to a penalty not exceeding one hundred dollars and shall forfeit his office. R.S., c. 99, s. 6.

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

(a) hires or lends the marks or marking instruments of his employer to any person; or,

(b) connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid;

shall incur a penalty of forty dollars. R.S., c. 99, s. 22.

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40. Every person who, with a fraudulent intention,——
(a) alters, effaces or obliterates wholly or partially, or
causes to be altered, effaced or obliterated any inspector's
brands or marks, on any article which has undergone in-
spection, or on any package containing any such article;
or,
(b) counterfeits any such brand or mark, or brands, im-
presses or otherwise marks on any such article or package
any mark purporting to be the mark of any inspector or
of the manufacturer or packer of such article, either with
the proper marking instrument of such inspector, manu-
facturer or packer, or with counterfeit imitations thereof;
or,
(c) empties or partially empties any such package marked,
after inspection, in order to put into the same any other
article (of the same or any other kind), not contained
therein at the time of such inspection; or;
(d) uses for the purpose of packing any article, any old
package bearing inspection marks; or,
(e) not being an inspector or deputy inspector of any
article, brands or marks any package containing such
article with the inspector's marks, or gives any certificate
purporting to be a certificate of inspection of any article;
shall incur a penalty of forty dollars. R.S., c. 99, s. 21. Penalty.

41. Every person, not being an inspector or deputy inspec-
tor, who places or causes to be placed upon any package or
certificate a representation of a crown with the letters E. R.
and the words Canada inspection, shall incur a penalty of
forty dollars for each such offence. 61 V., c. 25, s. 1.

42. Every person not thereunto duly authorized under this
Act, who in any manner whatever assumes the title or office
of inspector or deputy inspector, or issues any bill, certificate
or declaration purporting to establish the quality of any pot
ashes or pearl ashes, flour or meal, beef or pork, pickled fish
or fish oil, butter, leather or raw hides, shall for every such
offence incur a penalty not exceeding one hundred dollars. Penalty.
R.S., c. 99, s. 24.

43. A violation of any regulation made under this Act Violation of
shall be deemed an offence against this Act and punishable
regulations.
as such. R.S., c. 99, s. 14.

Procedure.

44. Every penalty and forfeiture imposed under this Act Penalty not
or under any regulation made under it, not exceeding forty.
over $40, dollars, shall, except when it is otherwise herein provided, be
recoverable before any two justices of the peace under Part
XV. of the Criminal Code. R.S., c. 99, s. 25.

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45. Where the penalty or forfeiture exceeds forty dollars it may be sued for and recovered by any inspector, deputy inspector or any other person, in any court having jurisdiction in civil cases to the amount, and may be levied by execution, as in case of debt. R.S., c. 99, s. 25.

46. A moiety of every pecuniary penalty except as herein otherwise provided, shall belong to His Majesty for the public uses of Canada, and the other moiety shall belong to and be paid to the inspector, or deputy inspector or other person who sues for the same, or upon whose information or complaint the same is recovered. R.S., c. 99, s. 25.

47. Except as herein otherwise provided, every action brought against any person for anything done under this Act, or contrary to its provisions, shall be commenced within six months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the same was done under this Act and may give this Act and the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the defendant.

2. If the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases. R.S., c. 99, s. 26.

PART II.

GRAIN.

Interpretation.

48. In this Part, unless the context otherwise requires,—
(a) 'Minister' means the Minister of Trade and Commerce;
(b) 'Department' means the Department of Trade and Commerce;
(c) 'grain' means and includes all kinds and varieties of grain, the inspection of which is provided for by this Part;
(d) 'chief inspector' means a chief inspector of grain appointed or continued in office under this Part;
(e) 'inspector' means an inspector of grain appointed or continued in office under this Part;
(f) 'deputy inspector' means a deputy inspector of grain appointed or continued in office under this Part;
(g) 'inspecting officer' means the inspector or deputy inspector by whom an inspection is made;
(h) 'division' means an inspection division established under this Part;
(i) 'district' means an inspection district established under this Part;

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(j) 'public elevator' and 'grain warehouse' mean respectively an elevator and a warehouse which receives grain for storage purposes only after such grain has been duly inspected under this Part;

(k) 'public terminal elevator' means a public elevator located at any point declared by the Minister to be a terminal in which grain is stored in bulk, and in which the grain of different owners is binned together, for storage purposes only, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot be accurately preserved, and doing business for a compensation; and includes a grain warehouse located at any such point and of the character described. 4 E. VII., c. 15, s. 2.

General.

49. The Governor in Council may from time to time establish inspection divisions in Canada, in and for which, respectively, it is expedient to appoint chief inspectors of grain, change the boundaries of any inspection division and appoint a chief inspector for each such inspection division, or for more than one such division. 4 E. VII., c. 15, ss. 3 and 5.

50. A chief inspector shall have under the Minister the general supervision and control of inspectors and deputy inspectors in his division or divisions, and shall perform the duties hereinafter assigned to chief inspectors, or from time to time assigned to them by the Governor in Council or the Minister. 4 E. VII., c. 15, s. 4.

51. The Governor in Council may make regulations not inconsistent with this Part,—

(a) for the guidance and government of chief inspectors, inspectors and deputy inspectors, boards of grain examiners, grain standard boards, grain survey boards and members of such boards respectively and others concerned in the administration of this Part;

(b) as to the method of dealing with terminal and public elevators and grain warehouses, and requiring the proprietors, lessees or managers of such elevators and warehouses to take out licenses and to pay any prescribed fees therefor, and to give security for the faithful performance of their duties as such, and their compliance with all laws relating thereto; and,

(c) generally such as are deemed necessary, from time to time, for the carrying out of the provisions of this Part according to their intent and meaning and for the better attainment of its objects. 4 E. VII., c. 15, ss. 53 and 54. 1567

52.
52. Subject to changes of boundaries as hereinbefore provided,—

(a) the eastern inspection division, which consists of all that portion of Ontario lying east of Port Arthur, and the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island; and,

(b) the Manitoba inspection division which consists of the province of Manitoba, the Northwest Territories as existing on the tenth day of August, one thousand nine hundred and four, British Columbia, and that portion of the province of Ontario lying west of, and including, the existing district of Port Arthur;

shall continue to be the inspection divisions. 4 E. VII., c. 15, s. 6.

53. The Governor in Council may, from time to time, establish inspection districts within any inspection division, and determine, and from time to time vary, the boundaries of such districts, and in and for each such district may appoint an inspector and deputy inspectors of grain. 4 E. VII., c. 15, s. 7.

54. Where the division has not been divided into districts or where districts have not been established therein, or where for any reason it is considered expedient so to do, the Governor in Council may appoint inspectors and deputy inspectors in and for any division, and in such case the Minister may, from time to time, assign to inspectors and deputy inspectors local limits within which they shall perform their duties under this Part. 4 E. VII., c. 15, s. 8.

55. Chief inspectors, inspectors and deputy inspectors shall hold office during pleasure and shall be appointed only from among duly qualified persons, certified as such by a board of grain examiners as hereinafter provided.

2. The chief inspector of any division shall have power to suspend any inspector or deputy inspector for cause. 4 E. VII., c. 15, s. 9.

56. An inspector or deputy inspector shall not ordinarily act as such except within the district for which he is appointed or the local limits, if any, assigned to him; but the Minister, on the recommendation of the chief inspector of a division, may authorize and require any inspector or deputy inspector to act temporarily in another district or beyond such limits. 4 E. VII., c. 15, s. 10.

57. An inspector or deputy inspector who is appointed in and for a division, and to whom no local limits have been assigned, may act as such anywhere within the division. 4 E. VII., c. 15, s. 11.
58. It shall be the duty of inspecting officers to inspect grain when called upon so to do by the owner or possessor thereof or his authorized agent, and without unreasonable delay to issue his certificate of such inspection, specifying the grade of such grain; but, before undertaking an inspection or issuing a certificate, an inspecting officer shall require the production of satisfactory evidence of ownership or possession or authorized agency. 4 E. VII., c. 15, s. 12.

59. Chief inspectors, inspectors and deputy inspectors shall respectively be paid such salaries as are determined by the Governor in Council. 4 E. VII., c. 15, s. 13.

60. All chief inspectors, inspectors and deputy inspectors of wheat and other grain, or of wheat and other grain and hay, at present in office, shall respectively, until otherwise provided, be chief inspectors, inspectors and deputy inspectors of grain under this Part in and for the divisions and districts respectively for which they have been appointed, or with authority to act within such local limits as have been assigned to them respectively, and be entitled in respect of their duties as such to the salaries or fees to which they have respectively been heretofore entitled in respect of the like duties: Provided that nothing in this section shall affect the rights and powers of any existing inspector of wheat and other grain and hay in regard to the inspection of hay. 4 E. VII., c. 15, s. 14.

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

I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief inspector of grain (or inspector of grain, or deputy inspector of grain) and that I will not, directly or indirectly, by myself or by any other person or persons deal or trade in any grain on my account, or upon the account of any other person or persons, while I continue such chief inspector (or inspector, or deputy inspector). So help me God. 4 E. VII., c. 15, s. 15.

Grain Examiners.

62. The Governor in Council may, from time to time, appoint in and for any division or district such number of fit and skilful persons as he deems properly qualified, to be a board of grain examiners, to examine and test the ability and fitness of applicants for certificates of qualification to act as chief inspectors, inspectors or deputy inspectors. 4 E. VII., c. 15, s. 16.

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63. The members of any such board shall be known as grain examiners and shall hold office during pleasure, and each of them before acting as a grain examiner shall take before a justice of the peace, an oath in the form following, or to the same effect:

I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf receive any fee, reward or gratuity whatever by reason of any function of my office of grain examiner, except such as I am entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding. So help me God. 4 E. VII., c. 15, s. 17.

64. The oath of office required under this Part, taken by any chief inspector or other inspecting officer, weighmaster or assistant weighmaster, or by any member of a board of grain examiners, or by any member of a grain survey board, shall be transmitted to and be filed in the Department, and the justice of the peace administering the oath shall keep in his custody a copy thereof certified by him as such.

2. Any copy so certified by such justice of the peace or by the Deputy Minister of Trade and Commerce shall be prima facie evidence of such oath. 4 E. VII., c. 15, s. 18.

65. Boards of grain examiners shall grant such certificates, and such only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates require or justify. 4 E. VII., c. 15, s. 19.

66. No person shall be appointed as chief inspector, inspector or deputy inspector in any division who has not been examined by, and received a certificate of qualification to act as chief inspector, inspector or deputy inspector from the board of grain examiners of the division or of some district therein. 4 E. VII., c. 15, s. 20.

67. When a board of grain examiners grants any certificate of qualification a report thereof shall forthwith be made to the Department. 4 E. VII., c. 15, s. 21.

68. Every board of grain examiners shall collect from each candidate coming before the board for examination, before such examination is held, a fee not to exceed twenty dollars, such fee to be divided among the members of the board in such manner as the board directs. 4 E. VII., c. 15, s. 22.

69. Every chief inspector, inspector and deputy inspector shall, before acting as such, give security for the due performance R.S., 1906.
formance of the duties of his office, in such sum as the Governor in Council directs, and such security shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof. 4 E. VII., c. 15, s. 23.

70. In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his successor is appointed, or until such suspension ceases. 4 E. VII., c. 15, s. 24.

71. Inspecting officers shall grade all grain in accordance with the grades defined in this Part, and samples shall be made under the direction of the chief inspector of each division in accordance with such grades for the purpose of grading and of appeals therefrom to a grain survey board or to the chief inspector under the provisions hereinafter contained. 4 E. VII., c. 15, s. 25.

72. The chief inspectors and the inspectors for the division shall, not later than the first week in October in each year, furnish official standards of grain as established by them under this Part, when requested to do so by any person; and each standard shall be accompanied by a specific statement that it is a sample of the official grade.

2. For all samples so furnished the inspector shall make such charge as is approved by the Minister. 4 E. VII., c. 15, s. 26.

Commercial Grades.

73. If a considerable portion of the crop of wheat or any other grain for any one year in any division has any marked characteristics which exclude it, to the prejudice of the producer, from the grade to which it otherwise belongs, special grades may be established therefor in the manner hereinafter provided, and shall be called and known as commercial grades. 4 E. VII., c. 15, s. 27.

Grain Standards Board.

74. The Governor in Council may appoint, for any division or district, as a grain standards board, such number of fit and skilful persons as he deems properly qualified, for the purpose of establishing such commercial grades and of choosing samples of such grades to be the standards therefor; and the appointment of such persons by the Governor in Council shall be held to be permanent and effective until superseded and replaced by other appointments by the Governor in Council for that purpose.

2. The persons so appointed shall only select and establish the standards found necessary, to be designated as commercial. Standards established by grain standards board.

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C

icial grade; and in the inspection of all grain other than that subject to be graded as commercial grade, the inspectors shall be governed by the grades established by this Part. 4 E. VII., c. 15, s. 28.

75. The chief inspector shall distribute portions of all standard samples so chosen to such persons as the Minister from time to time directs, and in the inspection of grain of marked characteristics as aforesaid inspecting officers shall be governed by the samples so chosen. 4 E. VII., c. 15, s. 29.

76. The packages containing the samples so distributed, and the certificates granted by inspecting officers in relation to such grain, shall be marked Commercial grade. 4 E. VII., c. 15, s. 30.

77. A grain standards board shall be summoned for the establishment of commercial grades and the selection of samples thereof whenever the chief inspector of the division or three members of the board notify the chairman of the board that such a course is necessary. 4 E. VII., c. 15, s. 31.

Grain Survey Board.

78. The Governor in Council, on the recommendation of the boards of trade of Toronto and Montreal respectively, may appoint for any eastern division or district a grain survey board composed of such number of fit and skilful persons as is in each case considered necessary or convenient.

2. Such board shall have the powers and be charged with the duties hereinafter defined and set forth, which powers and duties shall be exercised and performed in accordance with any regulations made by the Governor in Council in that behalf. 4 E. VII., c. 15, s. 32.

79. Any grain survey board may make by-laws, not inconsistent with anything herein contained and subject to the approval of the Governor in Council, for the better carrying out of its business, and for the establishment of a tariff of fees for survey services. 4 E. VII., c. 15, s. 33.

80. The members of a grain survey board, before acting as such, shall take an oath of office in such form as is prescribed by the Governor in Council. 4 E. VII., c. 15, s. 34.

81. Whenever, in a division or district for which a grain survey board has been appointed, the owner or possessor of any grain inspected therein is not satisfied with the inspecting officer’s grading of such grain, he may appeal therefrom to the chief inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in

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in a manner satisfactory to him, and give his decision thereon, which shall be final, unless the owner or possessor, within twenty-four hours after receiving the notification thereof, makes further appeal to the grain survey board for the division or district, in which case the said board shall give a final decision to settle the grading of the grain in dispute.

2. Notwithstanding anything in this section the owner or possessor of the grain may appeal directly from the inspecting officer to the said board, whose decision in all cases shall be final and binding on all parties, and the inspecting officer shall issue a certificate accordingly.

3. No appeal shall be considered in any case where the identity of the grain in dispute has not been preserved.

4. If the grading of the inspecting officer is confirmed by the board, the costs of the appeal not exceeding in any case the sum of five dollars shall be paid by the owner or possessor of the grain, otherwise by the inspecting officer. 4 E. VII., c. 15, s. 35.

82. The Governor in Council may appoint a chief inspector of any division to be ex officio a member of any board of grain examiners, grain standards board, or grain survey board within his division. 4 E. VII., c. 15, s. 36.

83. No inspecting officer shall in any case make the grade of any lot of grain inspected by him above that of the poorest grain quality found therein, if he is satisfied that the grain has been improperly loaded for the purposes of deception. 4 E. VII., c. 15, s. 37.

84. No inspecting officer shall inspect grain being laden or about to be laden on vessels or cars after dark or in wet weather, except on receipt, personally, or through the office of the chief inspector, of an application from the owner or possessor of the grain or his authorized agent, written upon one of the printed forms furnished by the Department and signed by such owner or his authorized agent, relieving him, the inspecting officer, from responsibility for damage which may be caused by such wet weather, darkness, or for loss arising from errors liable to occur in an inspection under such circumstances. 2. In every case of such inspection, the inspecting officer shall be personally present when the grain is actually delivered on board. 4 E. VII., c. 15, s. 38.

85. The Minister may, from time to time, require any inspector or deputy inspector to make such returns or reports of his official acts to the Department, or to any officer thereof, board of trade, or chamber of commerce, in such form, and containing such particulars and information as he deems expedient. 4 E. VII., c. 15, s. 39.

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86. Every inspector of grain shall keep a proper book or books in which he shall, from time to time, enter an account of all grain inspected and the amount paid for such inspection. 4 E. VII., c. 15, s. 40.

87. For the purpose of verifying any statement made by an inspecting officer of the quantity of grain inspected or weighed by him at any elevator, the books kept in connection with such elevator shall at all times be open to inspection by any authorized officer of the Department. 4 E. VII., c. 15, s. 41.

88. All inspectors and deputy inspectors of grain shall, at all times during ordinary business hours, be at full liberty to examine all grain stored in any public terminal elevator; and all proper facilities shall be extended to them by the warehouseman, his agents and servants, for an examination, and all parts of public terminal elevators shall be open to examination and inspection by any inspector or deputy inspector. 4 E. VII., c. 15, s. 42.

89. Nothing in this Act shall prevent any person from selling or buying grain by sample, regardless of its grades. 4 E. VII., c. 15, s. 49.

90. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure is specially agreed upon, and the weight equivalent to a bushel shall except as hereinafter provided be as follows:—

- Barley, forty-eight pounds;
- Buckwheat, forty-eight pounds;
- Flax seed, fifty-six pounds;
- Indian corn, fifty-six pounds;
- Oats, thirty-four pounds;
- Peas, sixty pounds;
- Rye, fifty-six pounds;
- Wheat, sixty pounds. 1 E. VII., c. 26, s. 1.

91. The fees for the inspection of grain shall be as follows:—

- Grain in sacks, one-third of a cent per cental;
- Grain in bulk, per carload, forty cents;
- Grain in cargoes, per one thousand bushels, fifty cents. 4 E. VII., c. 15, s. 50.

92. The Governor in Council may, from time to time, increase or reduce the fees for the inspection of grain, and may prescribe scales of fees differing from each other for the several divisions. 4 E. VII., c. 15, s. 51.

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The inspection and weighing fees upon grain inspected or weighed within any division or district shall be treated as advanced charges, to be paid by the carrier or warehouseman in whose possession the grain is at the time of its inspection or weighing, and, unless otherwise provided, shall be paid through the chief inspector or inspectors into, and shall form part of, the Consolidated Revenue Fund of Canada, and accounts thereof shall be kept in such manner and in such detail as is from time to time determined by the Minister. 4 E. VII., c. 15, s. 52.

Weighmasters.

The Governor in Council may appoint in and for each division a chief weighmaster, whose duties and powers shall be defined by order in council, and may also, in any place where inspection of grain is authorized under this Part, or where is situate any public terminal elevator, appoint a weighmaster and such assistants as are necessary.

Such weighmasters and assistants shall receive such compensation, by fees or otherwise, as is determined by the Governor in Council. 4 E. VII., c. 15, s. 55.

Every weighmaster or assistant weighmaster so appointed shall, before exercising the duties of his office, subscribe to an oath of office, and furnish a guarantee bond in such amount as the Minister directs. 4 E. VII., c. 15, s. 55.

The offices of chief weighmaster and chief inspector in each division may be combined until otherwise ordered by the Governor in Council. 4 E. VII., c. 15, s. 56.

The weighmasters and assistants in each division shall, under the direction of the chief weighmaster, supervise and have exclusive control of the weighing of grain inspected, subject to inspection or otherwise, or received into or shipped out from public terminal elevators. 4 E. VII., c. 15, s. 57.

Every such weighmaster or assistant shall give upon demand to any person having weighing done by him, a certificate under his hand, showing the amount of each weighing, the number of each car or cargo weighed, the initial of the car, the place where weighed, the date of weighing and the contents of the car or cargo.

Such certificate shall be, in all cases, prima facie evidence of the facts therein contained. 6 E. VII., c. 18, s. 1.

All weighmasters and their assistants shall make true weights, and keep a correct record of all weighing done by them at the places for which they are appointed, in which record shall be entered an accurate account of all grain weighed, or the weighing record to be kept.
weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of each car weighed, the initial letter of each car or the name of each vessel, the place where weighed, the date of weighing, and the contents of the car or cargo.

2. An extract from the record kept by any weighmaster or assistant in pursuance of this section, certified by the chief inspector or the chief weighmaster of the division, or by any officer in the office of either of them, shall be *prima facie* evidence of the facts set forth in such extract. 4 E. VII., c. 15, s. 59; 6 E. VII., c. 18, s. 1.

100. The fees for the weighing of grain shall be such as are determined by the Governor in Council, who may from time to time increase or reduce them. 4 E. VII., c. 15, s. 60.

101. The chief weighmaster may adopt rules and regulations for the weighing of grain in his division subject to the approval of the Minister. 4 E. VII., c. 15, s. 61.

**Offences and Penalties.**

102. If any owner, lessee or other occupant of any terminal elevator, by himself or by his agent or employee, refuses or prevents a weighmaster or any of his assistants from having access to such elevator or to any scales therein or connected therewith, in the regular performance of their duties in supervising the weighing of grain in accordance with this Part, he shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars for each offence. 4 E. VII., c. 15, s. 62.

103. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his office on any lawful day between sunrise and sunset, by any owner or possessor of grain, neglects or refuses to proceed forthwith to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars, over and above all the damages occasioned to the person complaining by such neglect or refusal, recoverable upon summary conviction before any one justice of the peace. 4 E. VII., c. 15, s. 43.

104. Every inspector or deputy inspector who,—

(a) without authority inspects grain out of the local limits for which he is appointed; or,

(b) gives any wilfully false or untrue certificate; or,

(c) connives at or is privy to any fraudulent evasion of this Part; or,

(d) otherwise violates any provision of this Part;

shall, for each such offence, on summary conviction before two justices

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justices of the peace, be liable to a penalty of one hundred dollars, and shall forfeit his office, and be disqualified from ever after holding the same. 4 E. VII., c. 15, s. 44.

105. Every person, not theretofore duly authorized under this Part, who in any manner whatever assumes the title or office of inspector or deputy inspector, or issues any certificate purporting to establish the quality of any grain or hay, shall for every such offence, on summary conviction, be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months. 4 E. VII., c. 15, s. 45.

106. Every person who, with a fraudulent intention, uses an inspector's certificate or bill of inspection in connection with grain other than the grain in connection with which such certificate or bill of inspection was issued, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years or to a penalty not exceeding five hundred dollars, or to both. 4 E. VII., c. 15, s. 46.

107. Any person who directly or indirectly gives or offers, or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any inspector or deputy inspector, or who makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens the infliction of any injury or loss upon any inspector or deputy inspector, or upon any other person, in order to improperly influence such inspector or deputy inspector in the performance of his duties under this Part, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or to a penalty not exceeding two hundred dollars, or to both. 4 E. VII., c. 15, s. 47.

108. Every person who violates any provision of this Part, providing that a bushel of grain shall be determined by weighing and specifying the number of pounds such bushel shall contain, shall, for a first offence, be liable on summary conviction to a penalty not exceeding twenty-five dollars and, for each subsequent offence to a penalty not exceeding fifty dollars. 1 E. VII., c. 26, s. 1.

Procedure.

109. Every action brought against any person for anything done under this Part, or contrary to its provisions, shall be commenced within six months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the thing was done under this Part, and may give this Part and the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the defendant.

2. If the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the defendant, the costs shall be paid by him.

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against the plaintiff, the defendant shall recover all costs and
have the like remedy therefor as defendants have in other
cases. 4 E. VII., c. 15, s. 48.

Eastern Inspection Division.

110. The provisions contained in the six sections next fol-
lowing apply only to the eastern inspection division; and
apply to all grain grown in that division, to the exclusion of any
provisions of this Part inconsistent with them or dealing with
like matters. 4 E. VII., c. 15, s. 63.

111. All grain shipped from any public elevator within
the eastern inspection division shall be shipped out as graded
into such elevators by the inspecting officers.

2. Should any person interested in such grain have reason
to believe that it has gone out of condition or has deteriorated
in quality since it was originally inspected, any inspector may,
at his request, re-inspect such grain; and, in case he finds that
it is out of condition or has become deteriorated in quality,
he shall endorse across the face of the original certificate a state-
ment of the facts, with the date and place where the re-inspec-
tion was made and shall attach his signature thereto; but under
no circumstances shall such grain be mixed or re-graded. 4 E. VII., c. 15, s. 64.

112. If otherwise shipped, a certificate for a straight grade
shall be refused and the quantity of each grade composing the
mixed cargo, or carload if shipped by rail, shall be written
across the face of the certificate. 4 E. VII., c. 15, s. 65.

113. All grain of the same grade shall be kept together and
stored only with grain of a similar grade.

2. Should different grades be loaded together in the same
compartment of any vessel at any point within the division, a
certificate shall be issued for such mixed cargo, which certificate
shall have written across its face a statement of the quantities
of each grade entering into the composition of such mixed cargo;
but no certificate for a straight grade shall be issued for such
mixed cargo. 4 E. VII., c. 15, s. 66.

114. Inspection shall be refused whenever any lot of grain
is so situated that the inspecting officer cannot obtain such
samples thereof as he considers necessary to a thorough inspec-
tion. 4 E. VII., c. 15, s. 67.

115. Duplicate inspection certificates shall accompany all
grain inspected east of Port Arthur to its destination in Canada,
and no re-inspection shall be permitted unless there is reason
to believe that the grain has gone out of condition or has de-
teriorated in quality since it was originally inspected, in which

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case any inspecting officer may inspect such grain and, if he finds that it has so gone out of condition or deteriorated, he shall issue a certificate in accordance with the facts.

2. No such inspection shall take place unless the identity of the grain has been preserved. 4 E. VII., c. 15, s. 68.

116. All inspection and weighing fees shall be treated as advanced charges to be paid by the carrier in whose possession the grain is at the time of its inspection or weighing. 4 E. VII., c. 15, s. 69.

Manitoba Inspection Division.

117. The provisions contained in the eighteen sections next following relate only to the Manitoba inspection division, and apply to all grain grown in that division, to the exclusion of any provisions of this Part inconsistent with them or dealing with like matters. 4 E. VII., c. 15, s. 70.

118. Inspecting officers shall be required and instructed to grade in accordance with this Part all grain defined therein, and standard samples shall be made in accordance therewith for the purpose of grading and surveys. 4 E. VII., c. 15, s. 71.

119. Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this Part, the grain standards board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary.

2. Inspecting officers shall grade all classes of grain which cannot be graded according to this Part, in accordance with the commercial samples so selected by the board. 4 E. VII., c. 15, s. 72.

120. In case the lateness of harvesting or climatic conditions prevent the procuring of proper and representative samples of any quantity of grain of the crop of that year in time for the purposes of inspection thereof and action thereon at any meeting of the grain standards board convened for the purpose of selecting commercial grades, the board at such meeting may authorize a committee of such number of its members as it may appoint to meet at a later date and to select such further commercial grades and samples as the character of the samples so procured may require; and the commercial grades and samples so selected by such committee shall be deemed, for all purposes of inspection and grading, to have been chosen by the full board. 4-5 E. VII., c. 14, s. 1.

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121. The chief inspector and the inspectors for the division shall, not later than the first day of October in each year, furnish official samples of grain as established by them under this Part when requested to do so by any person, such sample to be accompanied by a specific statement that it is a sample of the official grade.

2. The inspectors shall also supply cargo samples when required.

3. For all samples so furnished the inspectors shall make such charge as is approved by the Minister. 4 E. VII., c. 15, s. 73.

122. All grain placed in public elevators or warehouses east of Winnipeg, in the division, shall be subject to inspection, both inwards and outwards. 4 E. VII., c. 15, s. 74.

123. All grain produced in the Northwest Territories as existing on the tenth day of August, one thousand nine hundred and four, and in Manitoba, passing through the Winnipeg district en route to points to the east thereof, shall be inspected at Winnipeg or a point within the district; and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer: Provided that when, owing to extreme pressure of business, the railway company, or other transportation company finds that cars containing grain are being unduly delayed for inspection purposes in Winnipeg, then the company, upon notification to, and with the consent of, the chief inspector, or in his absence, the inspector, may remove a special number of cars to Fort William without inspection at Winnipeg.

2. Any grain inspected at Winnipeg or other western port may be re-inspected at Fort William or at other terminal elevators in the division without additional charge; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee. 4 E. VII., c. 15, s. 75.

124. All grain shipped for eastern points from any public elevator within the division shall be shipped only as graded into such elevators by the inspecting officers: Provided that when grain has deteriorated or changed condition in storage, the inspecting officer shall issue only a certificate in accordance with the facts. 4 E. VII., c. 15, s. 76.

125. If otherwise shipped, a Manitoba certificate for a straight grade shall be refused, and the quantity of each grade composing the mixed cargo or earload, if shipped by rail, shall be written across the face of the certificate. 4 E. VII., c. 15, s. 77.

126. All grain of the same grade shall be kept together and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited.

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2. Should grain of different grades be loaded together in the same compartment of any vessel, at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo. 4 E. VII., c. 15, s. 78.

127. The certificates of inspection given by inspecting officers shall in all cases accompany the grain to its destination. 4 E. VII., c. 15, s. 79.

128. No certificate shall be issued east of the Manitoba inspection division for Manitoba grain, whether such grain goes forward in bulk or in cars.

2. Should any person interested in such grain have reason to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may at his request inspect such grain, and, in case he finds that it is out of condition or has become deteriorated in quality, he shall endorse across the face of the original certificate a statement of the facts, with the date and place where the re-inspection was made, and shall attach his signature thereto; but under no circumstances shall such grain be mixed or re-graded. 4 E VII., c. 15, s. 79.

129. When grain shipped from any elevator is being systematically reduced in quality below the general average quality of the grain of similar grades in the bins of the public elevators, the chief inspector shall instruct inspecting officers that no such grain shall be allowed to pass inspection except on a lower grade.

2. The inspectors shall at all times keep careful watch on grain received into terminal elevators, and, if they find any such grain as aforesaid being received, shall at once notify the chief inspector, who shall make an investigation forthwith and take action accordingly. 4 E. VII., c. 15, s. 80.

130. Whenever, in a division or district for which a grain survey board has been appointed, the owner or possessor of any grain inspected therein is not satisfied with the inspecting officer’s grading of such grain, he may appeal therefrom to the chief inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to him, and give his decision thereon, which shall be final unless the owner or possessor, within twenty-four hours after receiving the notification thereof, makes further appeal to the grain survey board for the division or district, in which case the said board shall give a final decision to settle the grading of the grain in dispute; but nothing in this section shall prevent the owner or possessor of the

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the said grain appealing directly from the inspecting officer to
the said board, whose decision in all cases shall be final and
binding on all parties, and the inspecting officer shall issue a
certificate accordingly.

2. No appeal shall be considered in any case where the
identity of the grain in dispute has not been preserved.

3. If the grading of the inspecting officer is confirmed by
the board the costs of the appeal, not exceeding in any case the
sum of five dollars, shall be paid by the owner or possessor of
the grain, otherwise by the inspecting officer. 4 E. VII., c. 15,
s. 81.

131. Whenever there is a difference of opinion between
any farmer selling wheat and any wheat buyer as to the grad-
ing of such wheat, the farmer, while taking the price offered
for his wheat as of lower grade than that to which, in his
opinion, it belongs, may insist on a sample being selected and
agreed on between buyer and seller, which sample, of at least
two quarts in quantity, shall be parcelled and sealed and sent
to the chief inspector.

2. The chief inspector shall grade the said wheat without
delay and make a return of his grading to both parties; and if
he finds the said wheat to be of a higher grade than that on
which the price had been already paid, then the said buyer
shall pay to the farmer aforesaid the difference between the
price already paid and that which should have been paid in the
first instance had the grade afterwards fixed by the chief
inspector been agreed upon at the time of the sale. 4 E. VII.,
c. 15, s. 82.

132. The grain survey board for the division shall consist
of twelve competent persons, six of whom shall be nominated
by the Board of Trade of the city of Winnipeg, and three
each by the Minister of Agriculture of the province of Manitoba
and the Commissioner of Agriculture of the Northwest Terri-
tories, respectively, and approved by the Minister.

2. Such board shall be governed in the performance of their
duties by such general regulations as are made by the Governor
in Council.

3. The members of the said board, before acting as such,
shall take an oath of office in such form as is prescribed by the
Minister. 4 E. VII., c. 15, ss. 83 and 86.

133. The said board may make by-laws, subject to the
approval of the Governor in Council, for the better carrying
on of their business, and for the establishment of a schedule of
fees for survey services. 4 E. VII., c. 15, s. 84.

134. The offices of the said board shall be in the city of
Winnipeg; but for the purpose of better conducting any partic-
ular survey, they or any number duly appointed in any special
case,
case, may hold sittings at any other place in the division. 4 E. VII., c. 15, s. 85.

135. In the case of unclean grain inspected in the division, the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified: Provided that where the grain is found to be excessively dirty, or when by reason of the admixture of other grain it is in the opinion of the inspecting officer impracticable to ascertain the percentage of dirt or such other grain to be removed, the inspecting officer may require the grain to be cleaned before granting a straight grade therefore. 4 E. VII., c. 15, s. 87.

Grades.

136. The grades of grain shall be as follows:—

**Spring Wheat.**

No. 1 spring wheat shall be sound and clean, weighing not less than 60 pounds to the bushel.

No. 2 spring wheat shall be sound and reasonably clean, weighing not less than 58 pounds to the bushel.

No. 3 spring wheat shall comprise all sound wheat not good enough to be graded as No. 2, weighing not less than 56 pounds to the bushel.

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

**Goose Wheat.**

No. 1 goose wheat shall be plump and clean, weighing not less than 61 pounds to the bushel.

No. 2 goose wheat shall be plump and reasonably clean, weighing not less than 59 pounds to the bushel.

No. 3 goose wheat shall comprise such as is not good enough to be graded as No. 2, reasonably clean and weighing not less than 55 pounds to the bushel.

**Winter Wheat.**

Extra white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than 62 pounds to the bushel.

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than 60 pounds to the bushel.

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than 58 pounds to the bushel.

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No. 1 red winter wheat shall be pure red winter wheat, sound, plump and clean, weighing not less than 62 pounds to the bushel.

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than 60 pounds to the bushel.

No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than 61 pounds to the bushel.

No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than 59 pounds to the bushel.

No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

No. 1 Alberta red winter wheat shall be hard pure red winter wheat, sound and clean, weighing not less than 62 pounds to the bushel.

No. 2 Alberta red winter wheat shall be hard red winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

No. 3 Alberta red winter wheat shall include hard red winter wheat not clean enough or sound enough, to be graded No. 2, weighing not less than 57 pounds to the bushel.

Corn.

No. 1 white corn shall be white, sound, dry, clean and in all other respects No. 1 corn.

No. 2 white corn shall be white, sound, dry and reasonably clean.

No. 3 white corn shall be white, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 1 yellow corn shall be yellow, sound, dry, clean and in all other respects No. 1 corn.

No. 2 yellow corn shall be yellow, sound, dry and reasonably clean.

No. 3 yellow corn shall be yellow, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 2 corn shall be mixed corn, sound, dry and reasonably clean.

No. 3 corn shall be mixed corn, dry and reasonably clean, but otherwise unfit to be graded No. 2.

All corn that is damp, dirty, in a heating condition or from any other cause unfit for the preceding grades shall be graded as rejected.

Oats.

No. 1 white oats shall be sound, clean and free from other grain and shall weigh not less than 34 pounds to the bushel.

No. 2 white oats shall be sound, reasonably clean and reasonably free from other grain and shall weigh not less than 32 pounds to the bushel.

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No. 3 white oats shall be sound, but not clean enough to be graded No. 2, and shall weigh not less than 30 pounds to the bushel.

No. 4 white oats shall be sound, but otherwise not equal to No. 3, and shall weigh not less than 28 pounds to the bushel.

Black oats.—The grades of Nos. 1, 2, 3 and 4 black oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall be black.

Mixed oats.—The grades of Nos. 1, 2, 3 and 4 mixed oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall be black and white mixed.

White clipped oats.—The grades of Nos. 1, 2, 3 and 4 white clipped oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall weigh not less than 38, 36 and 34 pounds to the bushel, respectively.

Rye.

No. 1 rye shall be sound, clean and shall weigh not less than 58 pounds to the bushel.

No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain, and shall weigh not less than 56 pounds to the bushel.

No. 3 rye shall be sound, but not clean enough to be graded No. 2, and shall weigh not less than 55 pounds to the bushel.

Rejected rye shall include such as is unsound, musty, dirty or from any other cause unfit to be graded No. 3.

Barley.

No. 1 barley shall be plump, bright, sound, clean and free from other grain.

No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra barley shall be in all respects the same as No. 2 barley, except in weight and colour, weighing not less than 47 pounds to the bushel.

No. 3 barley shall include shrunken barley, weighing not less than 45 pounds to the bushel.

No. 4 barley shall include all barley equal to No. 3 weighing not less than 44 pounds to the bushel.

Peas.

No. 1 peas shall be white, clean, sound, not worm eaten, and free from bugs.

No. 2 peas shall be reasonably clean and sound, and reasonably free from worm-eaten and buggy peas.

No. 3 peas shall be such as are too dirty to be graded No. 2, or are worm eaten or buggy.
The grades of 1, 2 and 3 marrowfat peas shall correspond in all respects with the preceding grades Nos. 1, 2 and 3, except that the former shall be of the white-eyed and black-eyed varieties.

Mixed peas shall be sound and may contain a variety of peas not elsewhere classified.

**Buckwheat.**

No. 1 buckwheat shall be sound, clean, dry and free from other grain, weighing not less than 50 pounds to the bushel.

No. 2 buckwheat shall be sound, clean and dry, weighing not less than 48 pounds to the bushel.

No. 3 buckwheat shall be sound, but not clean enough to be graded as No. 2, weighing not less than 45 pounds to the bushel.

All good buckwheat that is slightly damp, but fit for warehousing, or which is too dirty to be graded No. 3, shall be classed as no grade, in the discretion of the inspector.

'No established grade,' shall include all grain not classified in the foregoing. 4 E. VII., c. 15, s. 88; 6 E. VII., c. 18, s. 2.

**Grades in Manitoba division.**

### Spring Wheat.

No. 1 Manitoba hard wheat shall be sound and well cleaned weighing not less than 60 pounds to the bushel, and shall be composed of at least seventy-five per centum of hard red Fife wheat.

No. 1 hard white Fife wheat shall be sound and well cleaned weighing not less than 60 pounds to the bushel, and shall be composed of not less than sixty per centum of hard white Fife wheat, and shall not contain more than twenty-five per centum of soft wheat.

No. 1 Manitoba northern wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least sixty per centum of hard red Fife wheat.

No. 2 Manitoba northern wheat shall be sound and reasonably clean, of good milling qualities and fit for warehousing, weighing not less than 58 pounds to the bushel, and shall be composed of at least forty-five per centum of hard red Fife wheat.

Any wheat not good enough to be graded as No. 2 Manitoba northern, shall be graded No. 3 Manitoba northern in the discretion of the inspector.

Scoured wheat shall not be graded higher than No. 3 Manitoba northern.
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**Oats.**

Extra No. 1 Manitoba oats shall be white, sound, clean and free from other grain, shall contain ninety-five per centum of white oats, and shall weigh not less than 38 pounds to the bushel.

No. 1 Manitoba oats shall be sound, clean and free from other grain; shall contain ninety per centum of white oats, and shall weigh not less than 35 pounds to the bushel.

No. 2 Manitoba oats shall be sound, reasonably clean, reasonably free from other grain, and shall weigh not less than 34 pounds to the bushel.

No. 3 oats shall be sound but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

Any oats not good enough to be graded No. 2 shall be graded No. 3 in the discretion of the inspector.

**Barley.**

No. 1 Manitoba barley shall be plump, bright, sound, clean and free from other grain.

No. 2 Manitoba barley shall be reasonably clean and sound but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra Manitoba barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than 47 pounds to the bushel.

No. 3 Manitoba barley shall include shrunken or otherwise slightly damaged barley, weighing not less than 45 pounds to the bushel.

No. 4 Manitoba barley shall include all barley equal to No. 3, weighing less than 45 pounds to the bushel.

**Rye.**

No. 1 Manitoba rye shall be sound, plump and well cleaned.

No. 2 Manitoba rye shall be sound, reasonably clean and reasonably free from other grain.

All rye which is from any cause unfit to be graded as No. 2 rye, shall be graded as rejected.

**Flax Seed.**

No. 1 Northwestern Manitoba flax seed shall be mature, sound, dry and sweet, and contain no more than twelve and a half per centum of damaged seed, and weigh not less than 53 pounds to the bushel of commercially pure seed.

No. 1 Manitoba flax seed shall be mature, sound, dry and sweet, and contain not more than twenty-five per centum of damaged seed, and weigh not less than 52 pounds to the bushel of commercially pure seed.

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All flax seed which is immature or musty or which contains more than twenty-five per centum damaged seed, and is fit for warehousing and testing not less than 49 pounds to the bushel of commercially pure seed, shall be graded as rejected.

Flax seed that is damp, warm, mouldy, musty or otherwise unfit for warehousing, shall be classed as no grade.

To test flax seed, one pound of average seed shall be taken from the sample tested, and the impurities or foreign matter therein shall be removed as near as possible by the use of two sieves of 32-gauge wire-cloth, one with meshes 3 x 16 and the other with meshes 16 x 16 to the square inch. The percentage of impurities and weight per bushel of the commercially pure seed shall be determined by the use of proper testing scales.

4 E. VII., c. 15, s. 89; 6 E. VII., c. 18, s. 3.

**Foreign Grain.**

**138.** Inspecting officers shall, when required, inspect grain of United States production passing through Canada in transit to the United Kingdom or to a foreign country, and shall grant certificates therefor based on standard samples of such grain established as hereinafter provided. 4 E. VII., c. 15, s. 91.

**139.** Standard samples for grain of United States production may be established yearly by the grain survey board of any division or district, and shall be known as the standards for United States grain of that division or district.

2. The chief inspector shall be a member of this survey board. 4 E. VII., c. 15, s. 91.

**140.** The Governor in Council may reject such standard samples if he deems them to have been unfairly or improperly chosen, and in such case he shall forthwith cause others to be chosen in their place by such means as he thinks proper. 4 E. VII., c. 15, s. 91.

**141.** Standard samples, as so established, shall be distributed by the grain survey board to such persons as the Minister, from time to time, directs.

2. For all samples so furnished the chief inspector shall make such charge as is approved by the Minister. 4 E. VII., c. 15, s. 91.

**142.** Every certificate issued for such grain shall state that it is of United States production and that the grade given thereon is that established by the grain survey board appointed by the Governor in Council for the division or district wherein the inspection takes place. 4 E. VII., c. 15, s. 91.

**143.** The fees for inspection of such grain shall be the same as provided by this Part in the case of Canadian grain. 4 E. VII., c. 15, s. 91.
144. Appeals from the grading of such grain by inspecting officers may be made to the grain survey board, as provided for in the case of Canadian grain. 6 E. VII., c. 18, s. 4.

145. The provisions of the three next following sections shall apply to such grain. 6 E. VII., c. 18, s. 4.

All Grain.

146. All good grain that is slightly damp or otherwise unfit No grade, for warehousing, shall be entered on the inspecting officer’s books as No grade, with his notations as to quality and condition; and all good grain that contains a large admixture of other kinds of grain shall be classed as No grade.

2. All grain that is in a heating condition or is badly bin- Condemned, burnt, whatsoever grade it might otherwise be, shall be reported and entered upon the inspecting officer’s books as Condemned with the inspector’s notations as to quality and condition.

3. Any grain that is unsound, musty, dirty, smutty, sprouted, Rejected, or from any other cause is unfit to be classed under any of the recognized grades, shall be classed as Rejected.

4. All grain shall be weighed and the weight per bushel Weight, recorded in the inspecting officer’s book.

5. No grain that has been subject to scouring or treatment Scoured by use of lime or sulphur shall be graded higher than No. 3. grain. 4 E. VII., c. 15, s. 90.

147. In the inspection of grain the weight shall not alone Weight, determine the grade. 4 E. VII., c. 15, s. 90.

148. All inspecting officers shall make their reasons for Inspector’s grading grain, when necessary, fully known by notation on reasons, their book. 4 E. VII., c. 15, s. 90.

PART III.

FLOUR AND MEAL.

Interpretation.

149. In this Part, unless the context otherwise requires, ‘Meal,’ ‘meal’ includes oatmeal, cornmeal and rye meal. R.S., c. 99, s. 27.

Application.

150. This Part applies to flour and meal imported into Application Canada, and the re-inspection of flour and meal at any place of Part, to which it is removed within Canada, whenever such re-inspection is declared by the Governor in Council to be necessary in the public interest. P.S., c. 99, s. 27.
151. All flour or meal submitted for inspection under this Part shall be branded or marked by the inspector in accordance with the grade or quality determined by him or the deputy inspector. R.S., c. 99, s. 43.

152. The inspector or deputy inspector shall examine and inspect every barrel and half barrel of flour or meal on application made for that purpose by the owner or possessor thereof, and shall ascertain the quality and condition thereof by boring the head of each barrel or half barrel, and proving the contents to the whole depth thereof, by an instrument for that purpose, not exceeding five-eighths of an inch in diameter within its gauge or bore, and after inspecting such flour or meal, the inspector or deputy inspector shall cause the hole bored in each barrel or half barrel for inspection to be well and sufficiently plugged.

2. Such inspection may be made either at the store or warehouse of such inspector, or at some store within the limits of the place for which the inspector is appointed, at the option of the owner or possessor of such flour or meal.

3. Each inspector may provide and keep in some convenient situation in the place for which he is appointed, a proper store or warehouse for the reception and inspection of flour and meal. R.S., c. 99, s. 28.

153. Every inspector and deputy inspector shall provide and have a sufficient number of iron or other metal brands; and in the inspection of flour and meal shall,—

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

(b) on each and every barrel or half barrel of flour or meal which on inspection is found sour, but is otherwise not damaged and is of merchantable quality, brand or mark the word Sour in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

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

(d) whenever flour or meal inspected appears to be of a quality inferior to that indicated by the brand or other mark.

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mark of the manufacturer, and not to be thereby properly
designated, erase and correct the same;

(e) brand or mark on each barrel or half barrel of flour or
meal inspected by him, the month and year in which it is
inspected, with the quality of flour or meal therein; and,

(f) brand or mark all the said brands and other marks on
one head of the barrel or half barrel.

2. For such inspection and branding or marking, the person
who required the inspection thereof shall pay to the inspector
for each and every barrel and half barrel of flour or meal so
inspected and branded or marked, the sum of two cents, exclu-
sive of the charge for cooperage, before such flour or meal is
removed; and when any less quantity than one hundred bar-
rels of flour or meal is offered for inspection at one time, the
inspector shall be entitled to receive the full fees that would
accrue to him on one hundred barrels. R.S., c. 99, s. 29.

154. As soon as any flour or meal is inspected, a bill of
inspection shall be furnished by the inspector or deputy in-
spector without fee or reward, specifying neatly and legibly
the quantity and quality ascertained by inspection, the gross
weight of five per centum thereof, and the tare of one per cen-
tum thereof, and the charges therefor, and the name of the mill
at which the flour or meal was manufactured. R.S., c. 99, s. 29.

155. All flour or meal which has been so inspected, branded
or marked in one month or year, and re-inspected and examined
in another, shall bear in addition to such previous brand or
mark, the brand and mark of the year and month when last
inspected. R.S., c. 99, s. 29.

156. The inspector or deputy inspector shall examine each
and every barrel of flour or meal offered for inspection, and
shall in no case brand or mark the same, unless the name of the
manufacturer or packer, the place of packing, and the quality
of the flour or meal, and the tare and net weight are branded
or marked legibly thereon. R.S., c. 99, s. 29.

157. The inspector or deputy inspector shall note in his Prov
certificate the character of any unsoundness in the flour or
meal to which it relates, such as Musty.

2. When flour has been wet and the wet part removed by the Clea
inspector or owner, as the case may be, the inspector shall note
in his bill of inspection Cleaned.

3. When the inspector, in his judgment, deems it necessary
 to strip or empty out the flour to find out if there is the proper
 weight of flour in any cask he shall be entitled to two cents for
each barrel so stripped or emptied, if it proves to be of short
weight, in addition to the two cents per barrel for inspecting
and branding. R.S., c. 99, s. 29.

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Flour or meal taken for inspection to be returned.

158. The inspector or deputy inspector shall, if required, deliver all flour or meal taken from any barrel or half barrel, by the instrument used for the purpose of inspection, to the person requiring such inspection. R.S., c. 99, s. 29.

Branding.

159. The inspector or deputy inspector shall govern himself, as far as is possible, by the standards of quality for each description of flour or meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every barrel and half barrel of flour or meal inspected by him, all brands and marks required by this Part. R.S., c. 99, s. 30.

Flour may be inspected by sample.

160. Whenever flour is sold by sample and the inspector or deputy inspector is requested by the owner or the purchaser of such flour to inspect the same by such sample, he shall, notwithstanding anything in this Part contained, inspect the same accordingly, and, instead of branding or marking the barrels as hereinbefore provided, he shall certify on the bill of inspection whether the whole or a portion only, and, in the latter case, what portion, of the flour is equal to the sample delivered to him for the purpose of making the inspection, and he shall also certify as to the weight and soundness of the flour. 50-51 V., c. 36, s. 1.

Qualities of flour.

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

That of a very superior quality (roller process) by the words
Patent (winter wheat); Patent (spring wheat);
Straight roller;
That of the third quality, by the word—Extra;
That of the fourth quality, by the word—Superfine;
That of a fifth quality, by the word—Fine;
That of another quality by the words—Strong bakers. 50-51 V., c. 36, s. 2; 52 V., c. 16, s. 5.

Qualities of meal.

162. In branding or marking the different qualities of rye flour, Indian cornmeal or oatmeal, the words Rye flour, Indian Cornmeal, or Oatmeal (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the grain from which the same is made.

2. The qualities shall be designated as follows:
The superior quality of rye flour, by the word Superfine;
The second quality, by the word Fine;
The superfine qualities of Indian cornmeal or oatmeal, by the word First;
The second quality, by the word Second; and,
The third quality, by the word Third. R.S., c. 99, s. 32.

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163. Every barrel of flour or meal shall contain one hundred and ninety-six pounds, and every half barrel shall contain ninety-eight pounds. R.S., c. 99, s. 35.

164. The manufacturer or packer shall brand, paint or mark the initials of his christian name and his surname at full length, and the name of his mill or place of packing, the quality and weight of the flour or meal therein contained, and the tare of the barrel or half barrel on one end of such barrel or half barrel of flour or meal packed for sale, in a plain and distinguishable manner. R.S., c. 99, s. 36.

165. All flour packed in Canada for sale, shall be packed in good and strong barrels or half barrels, of seasoned oak, elm or other hardwood or basswood timber, made as nearly straight as may be.

2. The barrel shall be not less in weight than twenty pounds, the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length from croe to croe, with heads of the same; the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches.

3. Such barrels and half barrels shall be well seasoned and sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails. R.S., c. 99, s. 37.

166. The inspector or deputy inspector shall ascertain by examination the weight of the flour or meal in every cask which he suspects not to contain the full weight required by this Part, and if it does not contain such full weight, he shall cause it to be filled up at the expense of the person requiring such flour or meal to be inspected, so as to contain the weight required by this Part, and he shall, when required, certify the expense thereby incurred. R.S., c. 99, s. 38.

167. The inspector or deputy inspector shall weigh such proportion of every lot of flour or meal offered for inspection, and not less than ten per centum of each lot, as is necessary to verify whether the contents come up to the weight required by law, and shall enter such weight on his inspection bill.

2. If such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law.

3. The inspector or deputy inspector shall, when required, certify the cost incurred thereby. R.S., c. 99, s. 38.

168. If, upon the inspection of any barrel or half barrel of flour or meal, the inspector or deputy inspector discovers any matter is mixed with foreign R.S., 1906.

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flour or meal. foreign substance mixed or blended therewith, or packed there-
in, he shall forthwith seize and detain the package, and make
report thereon under oath to any justice of the peace.

2. Such justice may, if he sees fit, authorize the detention of
the same in some safe place until the suit to be instituted for
the penalty thereby incurred is determined. R.S., c. 99, s. 39.

Offences and Penalties.

169. Every inspector or deputy inspector who does not,
when required so to do, deliver to the person requiring the
inspection all flour or meal taken from any barrel or half barrel
by the instrument used for the purpose of such inspection shall
be liable to a penalty of twenty dollars for each offence. R.S.,
c. 99, s. 29.

170. Every inspector or deputy inspector who neglects to
examine and ascertain, as required by this Part, the weight of
flour or meal offered to him for inspection, or to cause the
barrels or half barrels to be weighed as hereinbefore required,
shall be liable to a penalty of forty dollars for each offence,
and shall also be liable for all damages which the buyer or seller
of such flour or meal suffers in consequence of such neglect.
R.S., c. 99, s. 38.

Not branding.

171. Every inspector or deputy inspector shall be liable
to a penalty of ten cents for each barrel or half barrel of flour
or meal inspected and branded or inspected and marked by
him which is marked or branded otherwise than is required by
this Part. R.S., c. 99, s. 30.

172. Every manufacturer or packer shall be liable to a
penalty of two cents for each barrel or half barrel of flour
or meal offered for sale or inspection which is not
branded, painted or marked by him as required by this Part,
and this penalty shall be paid to the inspector before delivery of
the flour or meal. R.S., c. 99, s. 36.

Undermarking tare.

173. Every manufacturer or packer who undermarks
the tare of any barrel or half barrel, or puts therein a less
quantity of flour or meal than is branded thereon, shall incur
a penalty of two cents for every barrel or half barrel so under-
marked, or deficient, unless such deficiency of weight appears
to be occasioned by some accident unknown to such manufact-
urer or packer, and happening after the packing of the barrel
or half barrel. R.S., c. 99, s. 40.

Unauthorized casks.

174. Every person who offers for sale or exports any
cask of flour in violation of the provisions of this Part
shall be liable to a penalty of two cents for each cask contain-
ing such flour so offered for sale or exported which is not of
the description in this Part required for barrels and half
barrels. R.S., c. 99, s. 37.

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175. Every person who knowingly offers for sale any barrel or half barrel of flour or meal in which there is a less quantity of flour or meal than is branded thereon, shall be liable to a penalty of one dollar for every cask so deficient, without prejudice to the civil remedy of any person aggrieved, for any damage sustained by him. R.S., c. 99, s. 41.

176. Every person who wilfully mixes or blends with any foreign substance any flour or meal by him packed for sale or exportation shall, for such offence, be liable to a penalty not exceeding one hundred dollars, and, if such penalty is recovered, the flour and meal in respect of which it has been incurred shall thereupon be forfeited and belong to the municipal corporation of the place.

2. No prosecution, suit or action for the recovery of any such penalty shall be commenced after the end of one month from the seizure and report thereon made by the inspector or deputy inspector. R.S., c. 99, s. 39.

Returns.

177. Every inspector shall, on Monday in every week make out, sign and transmit to the secretary of the board of trade or chamber of commerce for the city, county or place, for which he is appointed, or if there is no such board then to the chairman of the board of examiners in such city or county, or in the county in which such place is situated, a statement of the quantity and quality of all flour and meal inspected or re-inspected by him or by the deputy inspectors during the next preceding week, and of all flour or meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked, and of the brand and manufacturers' names, and the amount of fines levied by him for the violation of this Part.

2. A duplicate of every such statement shall also be sent to the Department of Inland Revenue at Ottawa. R.S., c. 99, s. 42.

PART IV.

BEEF AND PORK.

178. In this Part, unless the context otherwise requires, 'package' includes barrel, half barrel, tierce or half tierce. R.S., c. 99, s. 48.

179. The inspector or deputy inspector shall cut up, salt, and cure or, if already packed, shall unpack and examine throughout, adding salt if necessary, and coopering the same according R.S., 1906.
according to the requirements of this Part, every package of beef or pork submitted to him for inspection.

2. Such inspection may be made either at the store, shop or warehouse of the inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such beef or pork submitting it for inspection.

3. Every inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of beef and pork. R.S., c. 99, s. 49.

180. Each inspector and deputy inspector shall provide and have a sufficient number of iron or other metal brands for his use, and, in inspecting beef or pork, shall,—

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

(b) brand every package of beef or pork which, on inspection, is found to be soft or still-fed, although it is in all other respects fat and of good quality, with the word Soft in letters as large as those upon the rest of the brand, in addition to the brand designating the quality;

(c) whenever beef or pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, brand the same with the word Rejected at full length and in plain legible characters;

(d) whenever the beef or pork appears inferior to the mark of the packer, or of any former inspection, erase and correct the same;

(e) brand upon each package of beef or pork inspected by him the month and year in which it is inspected, with the net weight and quality of the beef or pork therein. R.S., c. 99, s. 50.

181. For such inspection and branding the inspector shall be entitled to receive from the person submitting the same for inspection, for each barrel and half barrel, tierce or half tierce of beef or pork so inspected, salted, packed, pickled and branded, the following fees, that is to say: twenty-five cents for each barrel, fifteen cents for each half barrel, thirty-five cents for each tierce and twenty-five cents for each half tierce, exclusive of charges for cooperage and repairs, which shall not exceed fifteen cents for each package; in consideration of which charges, all packages shall be delivered in good shipping order. 1596 2.
2. Such fee or allowance shall be paid by the owner or possessor of such beef or pork before it is removed. R.S., c. 99, s. 50.

182. As soon as any beef or pork is inspected, a bill of inspection shall be furnished by the inspector or deputy inspector, without fee or reward, specifying neatly and legibly the quantity of beef or pork so delivered to him, and the owner's mark or marks thereon, and the quantity and quality ascertained by inspection, and the charges therefor. R.S., c. 99, s. 50.

183. No beef or pork inspected and branded in one month or year, and re-inspected and repacked in another, shall bear any other brand of the year and month than that originally affixed to it: Provided that on the package containing any beef or pork re-inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded.

2. No preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for.

3. Every re-inspection made without complying with the re-inspection requirements of this section, shall be held to be an inspection made contrary to this Part. R.S., c. 99, s. 50.

184. All pork or beef offered for re-inspection, and which has been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, with the word Old in large letters. R.S., c. 99, s. 50.

185. All the said brand marks shall be branded on one head of the package; and shall be large and legible, and be branded within a space not exceeding fourteen inches long by eight inches broad, on each of the packages inspected. R.S., c. 99, s. 50.

186. Whenever any beef or pork is sold subject to inspection, the person applying to the inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant is not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the beef or pork to inspection.

2. Any such agreement shall imply a warranty that all the Warranty requirements of this Part have been complied with, as well with regard to the beef or pork to which it relates as to the packages in which they are contained, and the marks upon such packages. R.S., c. 99, s. 50.

187. All beef which the inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be branded. R.S., 1906.
able, shall be cut into pieces as nearly square as may be, not more than eight or less than four pounds weight, and shall be sorted and divided for packing and re-packing in packages into four different sorts, to be denominated respectively,—mess, prime mess, prime and cargo beef.

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

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

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

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

6. Each barrel in which beef of any one of the foregoing descriptions is packed or re-packed, shall contain two hundred pounds of beef, and each half barrel one hundred pounds, each tierce three hundred pounds, and each half tierce one hundred and fifty pounds. R.S., c. 99, s. 51.

188. All pork which the inspector finds on examination to be fat and merchantable, except when classified as mess, shall be cut in pieces as nearly square as may be, and not more than six or less than four pounds weight, and shall be sorted and divided into five different sorts, to be denominated respectively, mess, extra prime, prime mess, prime, and cargo pork.

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

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

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

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

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

7. Each barrel in which pork of the foregoing descriptions is packed or re-packed shall contain two hundred pounds, and each tierce three hundred pounds; and each half barrel or half tierce one-half those quantities, respectively, of the several kinds and qualities of pork aforesaid, and shall be branded accordingly. R.S., c. 99, s. 52.

189. In all cases, the ears shall be cut off close to the head the snout above the tusks, the legs above the knee joint; the tail shall also be cut off, and the brains, tongue and bloody gristle taken out; and none of these parts shall be packed. R.S., c. 99, s. 52.

190. On the head of any package branded rejected in consequence of it containing any thin, rusty, mealy, tainted, sour or unmerchantable pork, or unmerchantable or spoiled beef, the true character both as to quality and condition, of such pork or beef shall also be marked with black paint.

2. Each inspector shall certify, whenever required, the quality of any beef or pork by him inspected, the state and condition

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dition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation, originally defective packing or putting up, and also specifying the brands or other marks upon the packages inspected, and the name of the owner or possessor thereof. R.S., c. 99, s. 53.

191. The salt used in packing and re-packing beef and pork inspected and branded under this Part, shall be clean St. Ubes, Isle of May, Lisbon, Turk’s Island, or other coarse grained salt of equal quality.

2. Every barrel of fresh beef or pork shall be well salted with seventy-five pounds, and every tierce with one hundred and twelve pounds of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it; and to each barrel of beef or pork shall be added four ounces, and to each tierce six ounces of saltpetre.

3. Each half barrel or half tierce of fresh beef or fresh pork shall be salted with the same proportions of salt and saltpetre above mentioned, with a sufficiency of pickle as strong as salt will make it.

4. In all cases of packing and re-packing beef or pork to be inspected and branded under the authority of this Part, the inspector may use salt, saltpetre and pickle in his discretion. R.S., c. 99, s. 54.

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

2. Every package shall be hooped and covered two-thirds of its length with good oak, ash or hickory hoops, leaving one-third in the centre uncovered; and each package shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle. R.S., c. 99, s. 55.

193. Each barrel shall not be less than twenty-seven inches or more than twenty-eight inches and a half long; and the contents of each barrel in which beef is packed or re-packed shall be not less than twenty-three gallons and two-sixths of a gallon, or more than twenty-four gallons and one-sixth of a gallon; and the contents of each barrel in which pork is packed or re-packed shall be not less than twenty-five gallons or exceed twenty-five gallons and five-sixths of a gallon. R.S., c. 99, s. 55.
194. Each tierce shall not be less than thirty inches, or more than thirty-one inches long; and the contents of each tierce in which beef is packed or re-packed shall be not less than thirty-six gallons and four-sixths of a gallon, or exceed thirty-seven gallons and three-sixths of a gallon; and the contents of each tierce in which pork is packed or re-packed shall be not less than thirty-seven gallons and three-sixths of a gallon, or exceed thirty-eight gallons and two-sixths of a gallon.

2. Half barrels or half tierces in which beef or pork is packed and re-packed shall respectively contain half the number of gallons required by this Part for whole barrels or whole tierces, and no more. R.S., c. 99, s. 55.

195. The inspector shall examine carefully and ascertain the sufficiency of each package before branding the same, and shall brand none with regard to which the requirements of this Part have not been complied with. R.S., c. 99, s. 55.

196. Nothing in this Part shall prevent any inspector of beef and pork from furnishing salt, saltpetre or packages if necessary; but it shall be optional with the owner or possessor of such beef or pork, to furnish such salt, saltpetre or packages himself, if he sees fit, whether the same is for new packing or to replace unsound old packages, or bad salt, and whether the same is at the stores of the inspector or of such owner or possessor. R.S., c. 99, s. 56.

197. No inspector of beef and pork shall, when he inspects any beef or pork at the store required to be kept by him for the purpose, charge any storage thereon, unless the same has been left in his store more than five days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an inspection bill thereof. R.S., c. 99, s. 58.

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

2. Nothing in this Part shall prevent any person from packing for exportation or from exporting without inspection any rounds of beef, rounds and briskets of beef, the meat of young pigs called pig pork, the tongues of meat cattle, the tongues of pigs, hams of pigs or pig's cheek, or any smoked or dried meat of any description contained in tubs, casks or barrels or other packages of any kind, if each package is marked as aforesaid. R.S., c. 99, s. 60.

Offences

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199. Every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or beef or pork of any other kind not so marked or not packed in barrels or half-barrels, tierces or half-tierces, of the dimensions hereinbefore prescribed, shall incur a penalty of one dollar for each and every such barrel or half-barrel, tierce or half-tierce, tub, cask or other package. R.S., c. 99, s. 60.

200. Every person who violates any of the provisions of this Part relating to the branding of packages shall be liable to a penalty of eighty dollars for each package inspected and not branded or branded otherwise than is required by this Part. R.S., c. 99, s. 50.

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

2. Every owner of any beef or pork who brands any such package or vessel as aforesaid containing beef or pork, without affixing to his surname and the initial of his christian name, the date at which the same was branded, and the word Owner or Owners, shall be deemed to have inspected and branded the same contrary to the provisions of this Part, and shall incur the said penalty. R.S., c. 99, s. 59.

202. Every inspector who suffers any beef or pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days shall be liable to a penalty of forty dollars for every such offence. R.S., c. 99, s. 57.

203. Every inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he neglects to provide himself with such store after his appointment as inspector. R.S., c. 99, s. 57.
PART V.

LEATHER AND RAW HIDES.

204. In this Part, unless the context otherwise requires, Raw hides. 'raw hides' means all green untanned hides or skins commonly used in the manufacture of leather, weighing six pounds or upward. R.S., c. 99, s. 89.

205. Every inspector or deputy inspector shall examine and inspect any raw hides or leather on application made to him for that purpose by the owner or possessor thereof, and ascertain the weight, quality and condition thereof. R.S., c. 99, s. 91.

206. Every inspector shall keep in a convenient situation warehouse. in the city, town or place for which he is appointed inspector, a store or warehouse for the purpose of such inspection; and such inspection shall be made either at the said store or warehouse, or if he thinks fit at the store or warehouse of the owner of the raw hides or leather. R.S., c. 99, s. 92.

207. No charge for storage shall be made until twenty-four hours have elapsed after such inspection; but all trouble and expense attendant upon the loading, unloading, or moving such raw hides or leather shall be borne and paid by the person at whose request the same are inspected. R.S., c. 99, s. 92.

208. Every inspector or deputy inspector shall mark or stamp on each hide the net weight of such hide, and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the inspector, if he is required so to do, shall give a certificate of the net weight of such hide, without any charge for such certificate. R.S., c. 99, s. 93.

209. Every inspector or deputy inspector shall subtract how computed. from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides have lost by drying; and the computation of the weight so to be subtracted or added shall be in his discretion; he shall also classify them as number one, two, three or damaged, as the case may be. R.S., c. 99, s. 94.

210. Every inspector shall be entitled for the inspection of fees. such hides to a fee of five cents for each hide in lots under one hundred in number, and four cents for each hide in lots over one hundred in number. R.S., c. 99, s. 95.

211. The inspector or deputy inspector may inspect harness leather and certify the weight thereof, but he shall not be liable harness leather. to R.S., 1906.
to damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per centum of the whole weight of the leather. R.S., c. 99, s. 96.

212. The inspector or deputy inspector may also inspect leather known as calf, kip and red leather or moccasin leather, and certify its weight, quality and condition. R.S., c. 99, s. 97.

213. The inspector or deputy inspector may inspect and measure all kinds of leather which are sold by superficial measure or by weight, and shall be entitled to charge two cents for each side or piece of such leather so inspected and measured by him. R.S., c. 99, s. 98.

214. Each inspector or deputy inspector shall provide and have a sufficient number of brands, stamps, stencil plates, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the inspector. R.S., c. 99, s. 100.

215. All brand or stamp marks shall be neat and legible and shall be made at one end of the hide or piece of leather, within a space of not less than two inches long by one inch and one-half broad. R.S., c. 99, s. 101.

216. Sole leather so inspected shall be divided as to quality into three classes,—number one, number two, and number three; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles. R.S., c. 99, s. 102.

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

2. Every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pounds weight and over shall be considered heavy or over weight. R.S., c. 99, s. 103.

218. The inspector or deputy inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per centum of the whole weight of leather. R.S., c. 99, s. 104.

219. Red leather, or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively with the
the figures 1 or 2, according to the quality thereof. R.S., c. 99, s. 105.

220. The brand or mark may be fixed or attached to the raw hide or leather, by stamping or by any other process that will render such brand or mark indelible.

2. Each brand or stamp shall have the initials of the city or town where inspection is made and the initials of the inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:

<table>
<thead>
<tr>
<th>1.</th>
<th>112 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T., J. B., I.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.</th>
<th>90 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T., J. B., I.</td>
<td></td>
</tr>
</tbody>
</table>

the figure 1 representing the first quality; 112 lbs., the weight; T., Toronto; J. B., I., initials of inspector's name and office; the figure 2 designating second quality;

<table>
<thead>
<tr>
<th>3.</th>
<th>60 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T., J. B., I.</td>
<td></td>
</tr>
</tbody>
</table>

the figure 3 designating a damaged or rejected article. R.S., c. 99, s. 106.

221. Every inspector of raw hides and leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time enter a statement or account of all green, raw and salted hides and leather inspected by him or any of the deputy inspectors under him, showing the respective weight, quality and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection.

2. Every such inspector shall, twice in each year, and not later than the tenth day of January and the tenth day of July, respectively, make a return to the board of trade of the city or town in respect to which he has been appointed, of the particulars mentioned in this section; and a duplicate of such return shall be sent to the Minister of Trade and Commerce at Ottawa. R.S., c. 99, ss. 107 and 108; 1 E. VII., c. 30, s. 4.

Offences and Penalties.

222. Every inspector who neglects or refuses to keep the proper book or books required by this Part to be kept by him, or

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or to make the entries required to be made therein, or to make the returns required to be made by him, shall be liable to a penalty not exceeding eighty dollars for each offence and shall also be liable to be dismissed from his office and disqualified from ever after holding the same.  R.S., c. 99, s. 107.

Unlawfully stamping leather and selling same.  

223. Every person except the inspector or deputy inspector who stamps or numbers raw hides, harness leather, calf, kip, red leather or mocassin leather, or leather sold by superficial measure or by weight and exposes them for sale so stamped or numbered, shall be liable to a penalty not exceeding twenty dollars for each offence.

Weight mark.  

2. Any person may mark with chalk on the said leather the weight thereof.  52 V., c. 16, s. 7.

PART VI.  

POT AND PEARL ASHES.  

Inspection.  

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

Potashes.  

First sort pot ashes shall contain seventy-five per centum of pure alkali, at the least;  
Second sort pot ashes shall contain sixty-five per centum of pure alkali, at the least;  
Third sort pot ashes shall contain fifty-five per centum of pure alkali, at the least;

Pearl ashes.  

First sort pearl ashes shall contain sixty-five per centum of pure alkali, at the least;  
Second sort pearl ashes shall contain fifty-five per centum of pure alkali, at the least;  
Third sort pearl ashes shall contain forty-five per centum of pure alkali, at the least;

Each quality shall be in all other respects entitled to rank of the quality designated thereon.  R.S., c. 99, s. 61.

225. The inspector or deputy inspector shall,—  

(a) repack the ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded;

(b) 1606

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(b) weigh each barrel, and mark on the branded head, with Weight.
black, the weight thereof, including tare, and the weight of the tare under the same;

(c) brand in plain letters and figures on each and every Branding.
barrel by him inspected containing ashes of the first quality, the words First sort; of the second quality, the words Second sort; and of the third quality, the words Third sort; together with the words Pot ash, or Pearl ash, as the case may be, with his own name and that of the place
where the ashes are inspected, and the year when such inspection is made;

(d) collect the crustings or scrapings of the barrels, and Crustings
eakes of pot and pearl ashes, if any, of each separate lot, and
deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him;

(e) mark the word Unbrandable No. 1 (2, 3, 4 or 5, accord- Adulterated
ing to its strength), on every barrel which he discovers to
contain ashes so adulterated with stone, sand, lime, salt or
any other improper substance, as not to admit of their
being classified as first, second or third sort; and,

(f) make and deliver a separate weigh note or bill of each Weigh note
quality of ashes, whenever required so to do by the owner thereof or his agent. R.S., c. 99, s. 61.

226. No pot or pearl ashes shall be inspected in barrels of Barrels to be
any size or description other than the following:—pot ashes, used.
in barrels to be constructed of oak or white ash timber; and
pearl ashes, in barrels to be constructed of oak, white ash, black
ash or elm timber; and such timber shall be of the best description,
and thoroughly seasoned, and such barrels shall be made
perfectly tight, and shall be well and completely hooped, with
at least fourteen sound oak, ash, hickory, blue beech or elm
hoops, or ten good iron hoops each.

2. The said barrels shall not exceed thirty-two inches in Size.
length by twenty-two inches in diameter on either head, or be
less than thirty inches in length by twenty inches in diameter on
either head, and the chime thereof shall not exceed one inch.

3. The inspectors shall reject all barrels not constructed Inspection.
according to the foregoing directions, or which, in their opinion,
are insufficient to resist the tear, wear and usage to which they
are liable.

4. From the gross weight of the barrel when filled up, the Tare.
actual weight of such barrel, as tare, shall be deducted.

5. Every manufacturer of ashes shall mark, in legible char- Marking.
acters, on the end of each barrel, before it is filled, the exact
weight thereof. R.S., c. 99, s. 62.

227. In every place where there is an inspector of ashes, Warehouse.
except in the city of Montreal, each inspector shall provide him- 1607
self R.S., 1906.
self with suitable and convenient premises for the storage and inspection of ashes; and he shall keep all barrels of ashes delivered to him for inspection, while in his possession, in some dry place, safe from the injuries of the weather or of floods. R.S., c. 99, s. 63.

**Fees.**

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

(a) the sum of twenty cents for every hundred pounds of pot or pearl ashes by him so inspected;

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

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

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

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

**Seller to pay.**

2. In consideration of such charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such pot or pearl ashes for inspection or his agent. R.S., c. 99, s. 65; 52 V., c. 16, s. 4.

**Time for inspection.**

229. Each inspector shall have all ashes sent to him for inspection inspected, and the inspection bills prepared for delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty-six working hours from the date such ashes are received into the inspection stores.

2. Such inspector shall further be entitled to receive ten cents per barrel for the storage of each barrel of ashes which remains stored with him as aforesaid more than five days after the date of the invoice, weigh note or inspection bill, and five cents per barrel for each subsequent month they remain stored, reckoning the second month to commence thirty-five days from and after the date of the invoice, weigh note or inspection bill.

3. Such storage and all other charges shall be paid by the person receiving or shipping the said ashes or by his agent: Provided that in no case shall any storage be paid or required when the ashes have not remained stored as aforesaid during five days from and after the date of the invoice or weigh note. R.S., c. 99, s. 66.

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230. Nothing in this Part shall prevent any person from exporting pot and pearl ashes without inspection, if, on one end of the barrel containing them, there is neatly and legibly branded or marked the name and address of the manufacturer, the weight and tare of the barrel, the quality of ashes contained in it, and the words Not inspected. 55-56 V., c. 23, s. 6.

Special as to Montreal.

231. The inspector and joint inspector for the city of Montreal, shall provide suitable and convenient buildings, for the storage and inspection of ashes, of that description commonly known as first-class buildings, or such as are approved of by the council of the board of trade of that city.

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

3. If the said insurance, at any time, is less than the actual value of the ashes stored in the said premises, the said inspector and joint inspector shall, at his like cost and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said ashes during the time they remain so stored as aforesaid.

4. The said inspector and joint inspector shall be bound to deliver to the owner thereof, in good order, all ashes received into the inspection stores. R.S., c. 99, s. 64.

232. The inspector for the city of Montreal shall further be entitled to charge a sum not exceeding three cents per barrel for insurance on each barrel of pot or pearl ashes sent to his premises for inspection; and such insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said ashes shall be held to be insured from the period of such reception,—but such rate shall cover all insurance on the said ashes during the whole period they remain stored in the said premises; and the said insurance shall be charged by the inspector in the inspection bill. R.S., c. 99, s. 67.

233. The inspector for the city of Montreal shall, from time to time, make returns of the business of his office to the council of the board of trade of the said city of Montreal, whenever duly required so to do by the said council; and duplicate returns, R.S., 1906.
ates of all returns so made shall be forwarded to the Department of Trade and Commerce at Ottawa. R.S., c. 99, s. 68; 1 E. VII., c. 30, s. 4.

Offences and Penalties.

234. Every inspector or deputy inspector who, during his continuance in office,—

(a) permits any cooper or other person by him employed, to retain or keep any pot or pearl ashes; or,
(b) brands any barrel of ashes of any description or size other than as prescribed by this Part; or,
(c) dates any weigh note or bill of inspection otherwise than of the day when the ashes were actually inspected; or,
(d) delivers out of his possession any weigh note or bill of inspection of ashes without any date; or,
(e) does not conform to the provisions of this Part;

shall, for each offence, be liable to a penalty not exceeding four hundred dollars, and be for ever thereafter disqualified from holding and exercising the office of inspector or deputy inspector of pot and pearl ashes. R.S., c. 99, s. 69.

235. Every inspector or deputy inspector or clerk, or other person who makes or causes to be made any false or fraudulent inspection bill of ashes, is guilty of an indictable offence and liable to seven years' imprisonment. R.S., c. 99, s. 69.

236. Every inspector in any place except in the city of Montreal who neglects to provide himself with suitable and convenient premises for the storage and inspection of ashes, or to keep all barrels of ashes delivered to him for inspection, while in his possession, in some dry place, safe from the injuries of the weather or of floods, shall be liable to a penalty of two dollars for every barrel not stored as aforesaid, and shall forfeit and pay to the owner thereof two dollars besides the actual damages sustained by such owner. R.S., c. 99, s. 63.

237. Every person who exports any pot or pearl ashes not inspected which are not branded or marked as required by this Part or which are marked falsely, shall be liable to a penalty of twenty dollars for every barrel or other package so exported or falsely marked. 55-56 V., c. 23, s. 6.

PART VII.

FISH AND FISH OILS.

Interpretation.

238. In this Part, unless the context otherwise requires, 'fish oils' includes whale, seal, porpoise, herring, sturgeon, siskawitz and all other kinds of oils derived from fishes or marine animals. R.S., c. 99, s. 71.
Inspection.

239. Every inspector shall provide himself with proper Branding
branding irons, or stencil plates, for the purpose of branding or
marking such casks, barrels and boxes as are by him inspected
pursuant to this Part; and every inspector shall see that all
the deputy inspectors under him are duly provided in this
respect. R.S., c. 99, s. 72.

240. The inspecting, culling, classing, weighing, packing Presence of
and branding or marking of any fish or fish oil shall be done
inspector.
in the immediate presence and sight of an inspector or deputy
inspector. R.S., c. 99, s. 73.

241. The inspector or deputy inspector shall see that all Duty of
kinds of split, whole, pickled or salted fish, intended for pack-
ing or barrelling, and submitted to him for inspection, have been
How fish
well struck with pickle and salt, in the first instance, and pre-
served sweet, free from taint, rust, salt burn, oil or damage of
any kind.

2. All fish and fish oil intended for market or exportation, and
be well and properly packed in good, tight and substantial
packages or casks, and in the case of fish with clean salt, except
pack-
green codfish packed without pickle, which may be packed in
How fish
barrels or packages which are not tight.

3. All other packages shall be made of the materials and in
Packages.
the manner prescribed in the next following section. R.S.,
c. 99, s. 74.

242. Tierces, barrels and half-barrels, shall be made of Tierces, bar-
sound, well seasoned split or sawed staves, free from sap, and
rels, etc.
in no case of hemlock, and the headings shall be of hardwood,
pine, fir or spruce, free from sap, and planed on the outside,
and shall be at least three-quarters of an inch in thickness; the
Hoops.
staves shall be five-eighths of an inch in thickness; staves for
salmon and mackerel barrels shall be twenty-nine inches in
length, and the heads between the chimes seventeen inches;
Hoops.
and the bung staves of all such barrels shall be of hard-
wood; all casks shall be hooped with not less than fourteen sound,
good hoops of not less than five-eighths of an inch at the small
end for all tierces and barrels, and in no case to be of alder.

2. The makers of all tierces, barrels and half-barrels, shall
brand the initials of their christian names and their whole
How to be
surnames, and also the letters S., M., or H., according as the
makers.
package is intended for salmon, mackerel or herring, at or near
the bung staves.

3. Barrels of the following dimensions may also be used for
Size of
a special quality of fish, that is to say; the stave shall be
barrels.

\[
\begin{align*}
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\text{twenty-} & \\
\text{R.S., 1906.} & \\
\end{align*}
\]
twenty-eight inches long, the head seventeen inches between the chimes; the chimes shall be one and one-quarter inches and the head three-fourths of an inch in thickness, and the bung stave shall be of hardwood; every such barrel shall be branded with the words Special size. R.S., c. 99, s. 74.

243. All pickled and smoked fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected, weighed or gauged and branded or marked, only in accordance with this Part.

2. All green codfish, in boxes or packages, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any inspector or deputy inspector. R.S., c. 99, s. 75.

Salmon.

244. Salmon inspected under this Part shall be branded or marked No. 1, No. 2 and No. 3, respectively.

2. No. 1 shall consist of the largest or best and choicest kind, well split, having the blood well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust or damage of any kind.

3. No. 2 shall consist of the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust or damage of any kind.

4. No. 3 shall consist of those that remain after the selection of the first two qualities, but shall be good sound fish, and in every respect free from taint, rust or damage of any kind. R.S., c. 99, s. 76.

Mackerel.

245. Mackerel inspected under this Part shall be branded or marked Mess Mackerel, Extra No. 1, No. 1, No. 2, Large No. 3, No. 3, Small Spring or Small Fall and No. 4 respectively.

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

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

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

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

6. Large No. 3 shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail.

7. No. 3 shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail.

8. All mackerel under eleven inches in length, of good, sound quality, and free from taint, rust or damage of any kind, shall be branded or marked with the words Small mackerel, Small Spring or Small Fall in the place of a number; and all spring mackerel shall be packed in coarse or ground West India salt.

9. All short, sunburnt or ragged mackerel, not otherwise defective, of whatever class, shall be branded or marked No. 4.

R.S., c. 99, s. 76.

Herrings.

246. Herrings inspected under this Part shall be branded Herrings, or marked No. 1 Extra, No. 1, No. 2 and No. 3 respectively.

2. No. 1 Extra shall be thirteen inches and upwards in length, fat, well struck with salt, thoroughly cured and cleaned, and bright in colour.

3. No. 1 shall be from ten to thirteen inches in length, well struck with salt, thoroughly cured and cleaned, and bright in colour.

4. No. 2 shall be from eight to ten inches in length, and shall consist of the best herrings that remain after the selection of quality No. 1.

5. Herrings under eight inches in length shall be branded or marked No. 3.

6. In addition to other brands or marks, herrings shall be branded or marked as follows:

(a) herrings under eight inches in length with the word Small;

(b) ripped herrings with the word Split;

(c) gibbed herrings with the word Round;

(d) 1613

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(d) herrings not gibbed or ripped with the word Gross;
(e) spring caught herrings with the word Spring;
(f) herrings caught at the Magdalen Islands, Baie des Chaleurs, Labrador or Newfoundland, and brought into port in Canada in bulk and packed in Canada, with the words Magdalen Islands, Baie des Chaleurs, Labrador or Newfoundland respectively.

7. All herrings marked No. 1 extra, No. 1, No. 2, or No. 3, shall be well cleansed and cured, and in every respect free from rust, taint or damage; and all spring and fall herrings shall be packed in coarse or ground West Indian salt. R.S., c. 99, s. 76.

**Smoked Herrings.**

247. Smoked herrings inspected under this Part shall be branded or marked No. 1 and No. 2 respectively.

2. No. 1 shall consist of the best and fattest fish; and No. 2 shall consist of the poorer, smaller and inferior fish; and both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded or marked unless they are well and sufficiently saved and cured, and carefully packed in good and substantial barrels or half-barrels.

3. If smoked herrings are packed in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom of not less than half an inch in thickness, and the ends at least three-quarters of an inch thick; the inside measurement of each box shall be eighteen inches long, nine inches broad, and eight inches deep, the joints well nailed, and the tops or covers smoothed; and every such box of smoked herrings shall contain at least twenty pounds of fish; half boxes shall be twenty-two inches long, four inches deep and eight inches wide, and shall contain not less than ten pounds of fish.

4. Tainted, burnt, scorched and badly smoked herrings shall be considered refuse, and may be branded or marked as such without any other character. R.S., c. 99, s. 76.

**Gaspereaux and Alewives.**

248. Gaspereaux and alewives inspected under this Part shall be branded or marked No. 1, No. 2 and No. 3 respectively.

2. No. 1 shall consist of the largest and best fish, measuring nine inches and upwards, well struck with salt, thoroughly cured and cleaned, and bright in colour.

3. No. 2 shall be from seven to nine inches in length, and shall be the best that remain after the selection of quality No. 1.

No. 3 small.

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

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5. All gaspereaux and alewives shall be packed in coarse or how packed. 
ground West India salt. R.S., c. 99, s. 76.

**Sea Trout.**

249. Sea trout inspected under this Part shall be branded Sea trout. 
or marked No. 1 and No. 2 respectively.
2. No. 1 shall consist of the largest, best and fattest kind, No. 1. 
well split, and in every respect free from taint, rust or damage 
of any kind.
3. No. 2 shall consist of the best trout that remain after No. 2. 
the selection of the first quality, and shall be good, sound fish, 
free from taint, rust or damage of any kind. R.S., c. 99, s. 76.

**Lake and Salmon Trout.**

250. Lake and salmon trout inspected under this Part shall be branded or marked No. 1 lake and No. 2 lake, respectively.
2. No. 1, lake, shall consist of the largest and fattest fish, No. 1. 
and be free from taint, rust or damage.
3. No. 2, lake, shall consist of the next best fish, free from No. 2. 
taint, rust or damage. R.S., c. 99, s. 76.

**Whitefish.**

251. Whitefish inspected under this Part shall be branded White fish. 
or marked No. 1 and No. 2 respectively.
2. No. 1 shall consist of the largest and fattest kind, cured No. 1. 
in good condition, and in every respect free from taint, rust or 
damage.
3. No. 2 shall consist of those that remain after the selec- No. 2. 
tion of the first quality, and be free from taint, rust or damage. 
R.S., c. 99, s. 76.

**Green Codfish.**

252. Green codfish in barrels with or without pickle ins- Green cod- 
spected under this Part shall be branded or marked No. 1, fish. 
Large, No. 1 and No. 2, respectively.
2. No. 1 large shall consist of the best and fattest fish No. 1 large.
well split and cleansed, well cured, in first-rate condition, and 
in every respect free from taint, salt-burn, rust or damage of 
any kind, and shall measure twenty inches and upwards to the 
crotch of the tail.
3. No. 1 shall consist of the best and fattest fish remain- No. 1. 
ing after the selection of quality No. 1, large, well split and 
cleansed, well cured, in first-rate condition, and in every respect 
free from taint, salt-burn, rust or damage of any kind, and 
shall measure from sixteen to twenty inches to the crotch of the 
tail.

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No. 2.  

4. No. 2 shall consist of those remaining after the selection of quality No. 1, and shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind.

5. Every barrel of pickled codfish shall contain two hundred pounds of fish, and every half barrel, one hundred pounds of fish. R.S., c. 99, s. 76.

Other Fish.

253. All other kinds of fish not enumerated herein, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass and eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded or marked as such, and shall be sound and well cured, free from taint, salt-burn, rust or damage of any kind. R.S., c. 99, s. 76.

Small fish.

254. Small fish, which are usually packed whole, with dry salt or pickle, shall be put into good casks of the size and materials required by this Part for the packing of split, pickled fish, and shall be packed close, edgeways in the cask, and properly salted with good, coarse, wholesome, dry salt and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation.

2. The casks containing such whole fish shall be branded or marked with the denomination of the fish, and a like designation as is prescribed by this Part in respect of the qualities of other pickled fish. R.S., c. 99, s. 76.

Rusty or sour.

255. All rusty or sour fish, of whatever kind or class, shall be branded or marked with the word Rusty or Sour, as the case may be, in addition to the other brands or marks. R.S., c. 99, s. 76.

Mutilated fish.

256. No foul or tainted fish or fish mutilated for the purpose of concealing marks and appearances of illegal capture or unsizeable fish, shall pass inspection. R.S., c. 99, s. 76.

Bulk fish.

257. Fish known as pickled fish, which are cured in bulk, if not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded or marked with the word Bulk in addition to other brands or marks. R.S., c. 99, s. 76.

Packing Fish.

258. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask a sufficient quantity of good clean suitable salt, free from lime, shall be regularly placed in the proportion of half a bushel for each barrel of fish, and in like proportion for other packages, at the discretion of an inspector or deputy inspector. R.S., 1906.
2. After the cask has been properly packed and headed, it clean pickle. shall be filled with clean pickle, strong enough to float a fish of the kind so packed. R.S., c. 99, s. 76.

259. If it appears to any inspector or deputy inspector that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, repack the sound fish, and brand or mark the same according to its quality; and such portion as the inspector judges incapable of preservation he shall condemn as bad, and mark Refuse, in addition to other marks. R.S., c. 99, s. 76.

260. If any casualty renders it necessary to re-pack in-spected fish, it shall, in all cases, be done by and in the presence of an inspector or deputy inspector. R.S., c. 99, s. 76.

261. When any fish, branded or marked by a deputy inspector, proves unequal in quantity or quality to that which is indicated by the brand or mark, or deficient in any way in the requisites prescribed by this Part, the inspector may cause the same to be re-inspected; and if it appears that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the deputy inspector who branded or marked the same. R.S., c. 99, s. 76.

Re-inspection.

262. Pickled fish, duly inspected, packed and branded or marked, and fish oils, inspected and branded or marked under this Part, at any place in the provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within Canada, except in cases already provided for in this Part. R.S., c. 99, s. 76.

Contents.

263. Each tierce shall contain three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall contain two hundred pounds, and each half barrel one hundred pounds; each quintal shall weigh one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty pounds at least; and in each case the weight shall be clear avoirdupois, exclusive of salt and pickle. R.S., c. 99, s. 76.

Brands.

264. There shall be branded or marked on the head or butt of each cask of pickled or dry-salted fish, in plain legible letters 102 1617

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letters after the same has been inspected, culled, classed, weighed and packed, in accordance with this Part, the description of the fish, the weight and quality contained in the package, the initials of the christian name or names, and the whole surname of the inspector or deputy inspector by whom the fish was inspected, and the name of the place where he acts as inspector, and the month and the year of inspection. R.S., c. 99, s. 76.

**Fish Oils.**

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

**Whale oil.**

2. Whale oil shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard, if No. 1, *Pale*; if No. 2, *Straw*; if No. 3, *Brown*.

**Seal oil.**

3. Seal oil shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard, if No. 1, *Strictly pale*; if No. 2, *Pale*; if No. 3, *Straw*; if No. 4, *Brown*; if No. 5, *Dark brown*.

**Porpoise oil.**

4. Porpoise oil shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard, if No. 1, *Pale*; if No. 2, *Straw*; if No. 3, *Brown*.

**Cod oil.**

5. Cod oil shall be free from adulteration, and be branded as such, first quality, A; second quality, B.

**Other fish oil.**

6. Herring, hake, pollock and dog-fish oil, and all other oils shall be branded as such, first quality, A; second quality, B. R.S., c. 99, s. 78.

**Duties of inspectors.**

**266.** An inspector or deputy inspector shall determine the gauge of each cask containing fish oil and the outs thereof; and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and made of hard wood, and if any cask or casks are found to contain water or other adulteration, the fact shall be scribed or branded by the inspector or deputy inspector on the cask. R.S., c. 99, s. 78.

**Brands.**

**267.** Casks containing fish oils shall be scribed or branded with such quality, the month and the last two figures of the year when inspected, the initials of the christian name or names, and the entire surname of the inspector, and also the place of inspection, and the initial letters of the name of the province in which it is inspected. R.S., c. 99, s. 78.

**Fees.**

**268.** Every inspector or deputy inspector who inspects and brands or marks any cask or package of pickled fish or pickled fish

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fish in bulk, or smoked fish, or any fish oil, in accordance with the provisions of this Part shall be entitled to fees at the follow-
ing rates, which shall be paid by the original owner or the per-
son who employed him in the first instance, that is to say:—

(1) For each tierce of salmon, salmon-trout or sea-trout, 
fifteen cents;
(2) For each half tierce of salmon, salmon-trout or sea-trout, 
ten cents;
(3) For each barrel of salmon, salmon-trout or sea-trout, 
fifteen cents;
(4) For each half barrel of salmon, salmon-trout or sea-
trout, ten cents;
(5) For each barrel of mackerel, ten cents;
(6) For each half barrel of mackerel, five cents;
(7) For each barrel of herring, seven cents;
(8) For each half barrel of herring, four cents;
(9) For each barrel of shad, ten cents;
(10) For each half barrel of shad, seven cents;
(11) For each barrel of whitefish, ten cents;
(12) For each half barrel of whitefish, seven cents;
(13) For each barrel of pickled codfish, hake, haddock or 
catfish, five cents;
(14) For each half barrel of the same, three cents;
(15) For each quarter barrel or kit of pickled fish, one and 
one-half cent;
(16) For each barrel of dry-salted codfish, hake, haddock, 
catfish, ling or pollock, five cents;
(17) For each half barrel of the same, three cents;
(18) For each barrel of bass, ten cents;
(19) For each half barrel of bass, seven cents;
(20) For each box of smoked herrings, one cent;
(21) For each half box of smoked herrings, one-half cent;
(22) For each quarter box of smoked herrings, one-quarter cent;
(23) For each barrel of cod tongues, cod sounds, halibut or 
eels, ten cents;
(24) For each half barrel of the same, seven cents;
(25) For inspecting, gauging and branding each puncheon 
of oil, twenty cents;
(26) For inspecting, gauging and branding each hogshead 
of oil, fifteen cents;
(27) For inspecting, gauging and branding each tierce of 
oil, twenty cents;
(28) For inspecting, gauging and branding each barrel of 
oil, fifteen cents;
(29) For inspecting empty packages, one cent. R.S., c. 99, 
s. 79.

269. The foregoing rates shall be calculated exclusive of salt, pickle, cooperage, storage and labour employed in wash. 
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ing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish. R.S., c. 99, s. 79.

Owner may employ his own cooper.

270. Any person causing his fish or fish oil to be inspected, may employ, at his cost and charges, a cooper to attend upon and assist the inspector or deputy inspector in the performance of his duty, in which case the inspector or deputy inspector shall not be allowed any charge for cooperage; and the cooper so employed shall be governed and guided solely by the directions which he receives from the inspector or deputy inspector with respect to any fish or fish oil by him inspected, and not by any other person. R.S., c. 99, s. 79.

Place of Inspection.

271. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place of sale within Canada. R.S., c. 99, s. 80.

When not inspected at place of packing, when at place of sale.

272. Whenever fish are not inspected at the place of packing, the packer's name and the quality of the fish shall be marked in paint, on each barrel, half barrel or package; and when they are inspected at the place of sale, the inspector shall empty out ten packages in each hundred of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred shall regulate the grade of the fish so submitted for inspection. R.S., c. 99, s. 81.

Bill of Inspection.

273. So soon as any fish are inspected, a bill of inspection shall be furnished by the inspector or deputy inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Part, with the name of the packer, and of the inspector at the place of packing. R.S., c. 99, s. 82.

Foreign Fish.

274. This Part shall not apply to fish landed at any port of Canada from United States fishing vessels for the purpose of reshipment to the United States, unless the owners of such fish wish them to be inspected; but such fish if so reshipped without being inspected, shall not be branded or marked. R.S., c. 99, s. 83.

Offences and Penalties.

275. Every inspector or deputy inspector who inspects, marks or brands any fish packed in barrels, tierces or other packages, which are not in accordance with the requirements of this Part, shall be liable to a penalty of one dollar for each .

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such barrel, tierce or package inspected, branded or marked. R.S., c. 99, s. 74.

276. Every person, other than an inspector or deputy inspector, who attempts to repack inspected fish, or brand or mark the same, shall be liable to a penalty not exceeding twenty dollars for each offence. R.S., c. 99, s. 76.

277. Every maker of tierces, barrels or half barrels who neglects to brand the same as required by this Part shall be liable to a penalty of twenty cents for every package not so branded. R.S., c. 99, s. 74.

278. Every inspector or deputy inspector shall seize, as forfeited to His Majesty, all fish found or exposed for sale which have been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in an unwholesome condition. R.S., c. 99, s. 77.

**PART VIII.**

**DAIRY PRODUCTS.**

**Interpretation.**

279. In this Part, unless the context otherwise requires,—

(a) 'creamery' means a place where the milk or cream of not less than fifty cows is manufactured into butter;

(b) 'dairy' means a place where the milk or cream of less than fifty cows is manufactured into butter in a building equipped with proper appliances;

(c) 'butter' means the food product commonly known as butter, which is manufactured exclusively from milk or cream or both, with or without the addition of colouring matter, common salt, or other harmless preservative;

(d) 'creamery butter' means butter which is manufactured in a creamery;

(e) 'dairy butter' means butter which is manufactured in a dairy;

(f) 'renovated butter' or 'process butter' means any butter which has been melted, clarified or refined, and made to resemble butter. 3 E. VII., c. 6, s. 2.

**Registration.**

280. The Minister of Agriculture shall keep in the Department of Agriculture a book to be called the Cheese Factories and Creameries Register, and any person engaged in the business of cheese or of butter making may apply to the Department of R.S., 1906.
of Agriculture, at Ottawa, for the registration of the cheese factory or creamery owned or duly represented by him.

2. On receipt of the particulars as set forth in schedule A to this Act, the Minister of Agriculture, or such officer of the Department of Agriculture as is designated by the Governor in Council, shall forthwith send to the owner or representative of such cheese factory or creamery a certificate showing the registration number allotted to such cheese factory or creamery. 60-61 V., c. 21, s. 2.

281. The person to whom such registration number is assigned shall thereafter have the exclusive right to use it for the purpose of designating the dairy products manufactured by him at such cheese factory or creamery, in the manner shown in schedule B to this Act. 60-61 V., c. 21, s. 3.

Marking Dairy Products.

282. No person shall,—

(a) sell, offer, expose, or have in his possession for sale, any butter or cheese made in Canada, and destined for export therefrom, unless the word Canadian, Canadien, or Canada is printed, stamped or marked in a legible and indelible manner, in letters not less than three-eighths of an inch high and one-quarter of an inch wide, upon the cheese itself before it is taken from the factory where it was made, and upon the box or package containing such butter or cheese;

(b) with intent to misrepresent, remove or in any way efface, obliterate or alter the word Canadian, Canadien or Canada, or the registration number on any cheese, or on any box or package which contains cheese or butter;

(c) apply any brand, stamp or mark of the word Canadian, Canadien or Canada as a descriptive term, mark or brand, upon any cheese or upon any box or package which contains cheese or butter, unless such cheese or butter has been produced in Canada;

(d) knowingly sell, offer, expose or have in his possession for sale, any cheese or butter upon which or upon any box or package which contains the same, the word Canadian, Canadien or Canada is applied as a descriptive term, mark or brand, unless such cheese or butter has been produced in Canada;

(e) sell, offer, expose or have in his possession for sale, any cheese or butter which is produced in any foreign country, unless the name of the country where such cheese or butter was produced, is branded, stamped or marked in a legible manner upon the outside of every box or package which contains the same, in letters not less than three-eighths of an inch high and one-quarter of an inch wide.
(f) knowingly sell, or offer, expose, or have in his possession for sale, any cheese or butter upon which, or upon any box or package containing which, is printed, stamped or marked any month other than the month in which such butter or cheese was made;

(g) knowingly and with intent to misrepresent, sell, or offer, expose or have in his possession for sale, any cheese or butter represented in any manner as having been made in any month other than the month in which it was actually made;

(h) sell, offer, expose or have in his possession for sale, any cheese manufactured from or by the use of milk commonly known as skinned milk, or milk from which cream has been removed, or milk to which skinned milk has been added, unless the words Skim-milk cheese are branded, marked or stamped in a legible manner upon the side of every cheese, and also upon the outside of every box or package which contains the same, in letters not less than three-quarters of an inch high and three-quarters of an inch wide;

(i) with intent to misrepresent or to defraud, remove or alter the words Skim-milk cheese on such cheese, or on any box or package which contains the same. 56 V., c. 37, ss. 3, 4 and 5; 60-61 V., c. 21, ss. 4, 5 and 6.

Imitation Cheese.

283. No person shall manufacture, or shall knowingly buy, sell, offer, expose or have in his possession for sale, any cheese manufactured from or by the use of skinned milk, to which there has been added any fat which is foreign to such milk. 56 V., c. 37, s. 2.

Milk.

284. No person shall sell, supply or send to any cheese or butter or condensed milk manufactory, or to the owner or manager thereof, or to any maker of butter, cheese or condensed milk, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skinned milk. 52 V., c. 43, s. 1.

285. No person who supplies, sends, sells or brings to any cheese or butter or condensed milk manufactory, or to the owner or manager thereof, or to the maker of cheese or butter or condensed milk, any milk to be manufactured into butter or cheese or condensed milk, shall keep back any portion of that part of the milk known as strippings. 52 V., c. 43, s. 2.

286. No person shall knowingly sell, supply, bring or send to a cheese or butter or condensed milk manufactory, or to the

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Tainted or sour milk.

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the owner or manager thereof, any milk that is tainted or partly sour. 52 V., c. 43, s. 3.

287. No person shall sell, send or bring to a cheese or butter or condensed milk manufactory, or to the owner or manager thereof, or to the maker of such butter or cheese or condensed milk, any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her. 52 V., c. 43, s. 4.

Butter.

288. No inspector or deputy inspector of butter shall brand, mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the inspector or deputy inspector to whom it is submitted, be repacked in the manner hereby required, and the inspector or deputy inspector shall receive the actual cost of such new packages as are required for such repacking, and the further sum of five cents for each firkin or keg of butter so repacked as compensation for his time and labour. R.S., c. 99, s. 84.

289. All butter submitted for inspection shall be packed in kegs, firkins or tubs, containing each twenty-five pounds, fifty pounds, seventy-five pounds or one hundred pounds.

2. Every such package shall be made of the best seasoned wood, shall be well bound with sufficient hoops, and shall be of such size respectively as will contain as nearly as may be the above mentioned quantities.

3. The actual weight of each package when dry, together with the names of the maker of such package, shall be legibly branded on the outside of one of the staves of such package. R.S., c. 99, s. 84.

290. The packages may be of such form and the heads or ends may be secured in such manner as the maker deems best, but the length of the stave shall in all cases be equal to the greatest diameter of the package, and the inspector may reject and refuse to stamp or brand any package that he considers insufficient for preserving the contents in good order, or for the prevention of fraud with reference to the stamps or brands. R.S., c. 99, s. 84.

291. The inspector or deputy inspector shall, in inspecting butter, take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment is not necessary to the preservation of the butter; and after he has ascertained the quality of the butter, he shall replace
place so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity. R.S., c. 99, s. 85.

292. After such inspection the inspector or deputy inspector shall have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound and the tare, which shall include for each package of twenty-five pounds, one-half pound, for each package of fifty pounds, one pound, and for each greater package two pounds weight, for soakage over and above the cooper’s tare.

2. He shall then remove all such marks on the package as would interfere with the brands or marks of the inspection, excepting the distinguishing mark of the owner of the butter, and brand on the head his own name, the month, year and place of inspection, and the quality of the butter as first, second, third or fourth, or as grease, according to the quality of the butter, and adopting such standard of quality and system of classification as is approved by the Governor in Council. R.S., c. 99, s. 85.

293. Every inspector shall provide himself and his deputy with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under a tight roof. R.S., c. 99, s. 86.

294. Every person offering butter for inspection or re-inspection, or his agent, shall pay the inspector the following fees and charges,—

(a) for every package inspected, the sum of ten cents;
(b) for every package reinspected, the sum of seven cents;
(c) the actual cost of any package furnished by him; and,
(d) the actual cost or charge for extra cooperage or repairs done to any such package, not exceeding in any case five cents per package.

2. Such fees shall be payment in full for all services required by this Part on inspection or reinspection of butter, including unheading, weighing, salting, heading, tightening hoops, marking and branding and ten days’ storage; but shall not include the actual cost or charge for extra cooperage or repairs or of any package supplied.

3. In consideration of the fees and charges aforesaid, all packages, after inspection or reinspection, will be delivered in good shipping order. R.S., c. 99, s. 87.

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295. Every inspector shall further be entitled to receive two and a half cents per month, per firkin, and one cent and two-thirds of a cent per keg, per month, for the storage of each package of butter which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note or inspection bill, which shall be paid by the person receiving or shipping the said butter, or his agent.

2. In no case shall any storage be paid or required when the butter has not remained stored, as aforesaid, during ten days from the date of the inspection bill. R.S., c. 99, s. 87.

296. The inspector shall furnish a bill of inspection signed by him and specifying neatly and legibly the quantity and quality of the butter the charges thereon, and the owner's name.

2. All the charges for inspection and storage shall be payable before the butter is redelivered by the inspector. R.S., c. 99, s. 87.

297. Every inspector shall, at the end of every month, make a return to the Minister of Trade and Commerce in such form as is required by the Minister, of the quantity of each quality of butter inspected by him or the deputy inspector under him. R.S., c. 99, s. 88; 1 E. VII., c. 30, s. 4.

298. No person shall manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleomargarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream. 3 E. VII., c. 6, s. 5.

299. No person shall mix with butter any acid, alkali, chemical or any substance whatever, which is introduced or used for the purpose or with the effect of causing the butter to absorb water or any part of milk or cream; or manufacture, import into Canada, or offer, sell, expose or have in his possession for sale any such mixed butter, any renovated butter or process butter. 3 E. VII., c. 6, ss. 4 and 6.

300. No person shall manufacture or import into Canada, or offer, sell or have in his possession for sale any butter containing over sixteen per centum of water. 3 E. VII., c. 6, s. 3.

301. Except as to butter in rolls, prints, or packages of less than twenty-five pounds in weight, not intended for export, and manufactured in a building equipped with the appliances used in creameries, no person shall brand or mark the word Creamery, or any combination of words which includes the word Creamery, upon any box, package or wrapper containing butter, unless the butter contained in the box, package or wrapper
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per consists wholly of creamery butter manufactured at one place. 3 E. VII., c. 6, ss. 7 and 9.

302. Except as to butter in rolls, prints or packages of less than twenty-five pounds in weight, not intended for export, and manufactured in a building equipped with the appliances used in creameries, no person shall sell or offer, expose or have in his possession for sale, any butter contained in any box, package or wrapper upon which the word Creamery, or any combination of words which includes the word Creamery, is branded or marked, unless the butter contained in the box, package or wrapper consists wholly of creamery butter manufactured at one place. 3 E. VII., c. 6, ss. 8 and 9.

Examination.

303. Any person charged with the enforcement of this Part may enter the premises of any person suspected of violating the provisions of this Part and make an examination of cheese or butter therein; and may enter any premises to make examination of stock or packages of butter or any substitute therefor and the marking thereof, whether such stock or packages are on the premises of the manufacturer or owner, or on other premises, or in the possession of a railway or steamship company. 56 V., c. 37, s. 9; 3 E. VII., c. 6, s. 11.

Offences and Penalties.

304. (a) Every person who by himself or through the agency of any other person manufactures, buys, sells, exposes or has in his possession for sale, any cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk; and,

(b) Every person who obstructs or refuses to permit the lawful examination of cheese or butter, or of stock or packages or the marking thereof, as provided by this Part; shall for each offence, upon summary conviction, be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment with or without hard labour for a term not exceeding six months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 56 V., c. 37, ss. 2 and 9; 3 E. VII., c. 6, s. 11.

305. Every person who sells, supplies or sends to any illegal sale, cheese, butter or condensed milk manufactured or to the owner or manager thereof or to any maker of cheese, butter or condensed milk, to be manufactured,—

(a) any milk diluted with water or in any way adulterated; or,

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(b) R.S., 1906
(b) milk from which any cream has been taken; or,
(c) milk commonly known as skimmed milk; or,
(d) milk from which the strappings have been taken or kept
back; or,
(e) milk that is tainted or partly sour; or,
(f) milk taken or drawn from a cow known by him to be
diseased;

shall, for each offence, upon summary conviction, be liable to
a penalty not exceeding fifty dollars and not less than five
dollars, together with the costs of prosecution, and in default
of payment of such penalty and costs shall be liable to imprison-
ment, with or without hard labour, for a term not exceeding
six months, unless such penalty and costs and the costs of enfor-
cing the same are sooner paid.

2. Any person accused of an offence under this section and
the husband or wife of such person shall be competent and com-
pellable to testify. 52 V., c. 43, ss. 1, 2, 3, 4, 5 and 10.

306. Every person who by himself or through the agency
of any other person,—
(a) applies any brand, stamp or mark of the word Cana-
dian, Canadien or Canada, as a descriptive term, mark or
brand, upon any cheese, or upon any box or package con-
taining cheese or butter, not made in Canada; or,
(b) with intent to misrepresent, removes, effaces, obliterate-
ates or alters the said words or any of them, or the registra-
tion number on any cheese, or on any box or package
containing cheese or butter;

shall for each offence, upon summary conviction, be liable to
a penalty not exceeding twenty dollars and not less than five
dollars for each cheese or box or package of cheese or butter
so marked or altered as aforesaid, together with the costs of
prosecution, and in default of payment of such penalty and
costs, shall be liable to imprisonment, with or without hard
labour, for a term not exceeding three months, unless such
penalty and costs and the costs of enforcing the same are sooner
paid. 56 V., c. 37, s. 4; 60-61 V., c. 21, ss. 5 and 7.

307. Every person who by himself or through the agency
of any other person, knowingly and with intent to misrepresent,
sells, offers, exposes or has in his possession for sale any cheese
or butter represented in any manner as having been made in any
month other than the month in which it was actually made,
and every person who by himself or through the agency of any
other person sells, offers, exposes or has in his possession for sale
any cheese or butter,—
(a) not made in Canada which is in any way marked or
branded as Canadian; or,
(b) made in Canada for export which is not marked or
branded as Canadian; or,

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(c) upon which is marked or branded any month other than the month in which it was made; shall, for each offence, upon summary conviction, be liable to a penalty not exceeding twenty dollars and not less than five Penalty. dollars for each cheese or box or package of cheese or butter
sold, offered, exposed or had in possession for sale in violation of the provisions of this Part, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 56 V., c. 37, s. 4; 60-61 V., c. 21, ss. 4, 6 and 7.

308. Every person who by himself or through the agency of any other person sells, offers, exposes or has in his possession for sale,—

(a) any foreign cheese or butter not marked with the name of the country in which it was made, as by this Part required; or,
(b) any skim-milk cheese not marked as such, as by this Part required;
or who with intent to misrepresent or to defraud, removes, effaces, obliterates or alters the words Skim-milk cheese on any such cheese or on any box or package containing the same, shall, for each offence, upon summary conviction, be liable to a penalty not exceeding five dollars and not less than two Penalty dollars for every such cheese or box or package of cheese or butter together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 56 V., c. 37, ss. 3 and 5.

309. Every person who by himself or through the agency of any other person, in contravention of the provisions of this Part,—

(a) manufactures, imports into Canada, sells or offers for sale, or has in his possession for sale, any oleomargarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream; or,
(b) mixes with butter any acid, alkali, chemical, or any substance whatever which is introduced or used for the purpose or with the effect of causing the butter to absorb water or any part of milk or cream; or,
(c) manufactures, imports into Canada, sells or offers for sale, exposes or has in his possession for sale, any butter mixed as aforesaid, or any renovated butter or process butter;

shall for each offence, be liable to a penalty not exceeding four Penalty.
hundred dollars and not less than two hundred dollars, together with R.S., 1906.
with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, unless such penalty and costs and the costs of enforcing the same are sooner paid. R.S., c. 100, s. 1; 3 E. VII., c. 6, s. 10.

310. Every person who, by himself or through the agency of any other person, in contravention of the provisions of this Part,—

(a) manufactures or imports into Canada, sells or offers for sale, or has in his possession for sale, any butter containing over sixteen per centum of water; or,

(b) brands or marks the word Creamery or any combination of words which includes the word Creamery, upon any box, package or wrapper containing butter, unless the butter contained in the box, package or wrapper consists wholly of creamery butter manufactured at one place; or,

(c) sells or offers for sale, exposes or has in his possession for sale, any butter contained in any box, package or wrapper upon which the word Creamery or any combination of words which includes the word Creamery is branded or marked, unless the butter contained in the box, package or wrapper consists wholly of creamery butter manufactured at one place;

shall, for each offence, be liable to a penalty not exceeding fifty dollars and not less than ten dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 3 E. VII., c. 6, s. 10.

311. Every inspector or deputy inspector who neglects to provide himself with suitable and convenient premises for the storage and inspection of butter, or to keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods and under a tight roof, shall forfeit and pay to the owner the sum of one dollar for every package not stored as aforesaid, besides the actual damages sustained by such owner. R.S., c. 99, s. 86.

312. The person on whose behalf any milk is sold, sent, supplied or brought to a cheese or butter or condensed milk manufactory for any of the purposes aforesaid, shall be prima facie liable for the violation of any of the foregoing provisions of this Part. 52 V., c. 43, s. 6.

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313. R.S., 1906.
313. The person on whose behalf any cheese or butter is manufactured, sold, offered, exposed or had in possession for sale contrary to the provisions of any of the foregoing sections of this Part, shall be prima facie liable for the violation of any of the said provisions. 56 V., c. 37, s. 6.

Procedure.

314. For the purposes of jurisdiction under Part XV. of the Criminal Code, in any complaint, information or conviction for a violation of any of the provisions of this Part, the matter complained of may be alleged and shall be held to have arisen at the place where the cheese or butter was manufactured, packed, sold, offered, exposed, or had in possession for sale. 56 V., c. 37, s. 7; 3 E. VII., c. 6, s. 12.

315. In any complaint or information made or laid under the foregoing sections of this Part relating to the sale or supply of milk, and in any conviction thereon, the milk complained of may be described as deteriorated milk, without specification of the cause of deterioration, and thereupon, proof of any of the causes or modes of deterioration hereinbefore mentioned shall be sufficient to sustain conviction.

2. For the purposes of jurisdiction under Part XV. of the Criminal Code, in any such complaint, information or conviction, the matter complained of may be alleged and shall be deemed to have arisen at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere. 52 V., c. 43, s. 8.

316. For the purpose of establishing the guilt of any person charged with the violation of any of the foregoing provisions of this Part relating to the sale or supply of milk, it shall be sufficient prima facie evidence on which to found a conviction to show that milk sent, sold, supplied or brought to a manufacturer aforesaid to be manufactured into butter or cheese or condensed milk, is substantially inferior in quality to pure milk, if the test is made by means of a lactometer or cream gauge or some other proper and adequate test and is made by a competent person. 52 V., c. 43, s. 7.

317. No appeal shall lie from a conviction under this Part except to a superior, county, circuit or district court, or the court of the sessions of the peace, having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made, within ten days after the date of conviction. 2. The trial on any such appeal shall be heard, had, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the trial appoints, and within thirty days from the date of conviction, unless R.S., 1906.
unless the said court or judge extends the time for hearing and
decision beyond such thirty days.

3. In all respects not provided for in this Part, the procedure
under Part XV. of the Criminal Code shall, so far as appli-
cable, apply to all prosecutions brought under this Part. 52 V.,
c. 43, s. 9; 56 V., c. 37, s. 8; 3 E. VII., c. 6, s. 13.

Application of Fines.

318. Any pecuniary penalty imposed under the foregoing
sections of this Part relating to the sale or supply of milk shall,
when recovered be payable one-half to the informant or com-
plainant and the other half to the owner, treasurer or president
of the manufactory to which the milk was sent, sold or supplied
for any of the purposes aforesaid in violation of any of the pro-
visions of this Part, to be distributed among the patrons thereof
in proportion to their respective interests in the product thereof.

2. Any pecuniary penalty imposed under any of the other
sections of this Part shall, when recovered, be payable one-half
to the informant or complainant, and the other half to His
Majesty. 52 V., c. 43, s. 11; 56 V., c. 37, s. 10; 60-61 V., c.
21, s. 8; 3 E. VII., c. 6, s. 14.

PART IX.

FRUIT AND FRUIT MARKS.

Interpretation.

319. In this Part, unless the context otherwise requires,—
(a) 'closed package' means a box or barrel of which the con-
 tents cannot be seen or inspected when such package is
closed;

(b) 'fruit' shall not include wild fruit, nor cranberries
whether wild or cultivated. 1 E. VII., c. 27, s. 3.

The Marking of Fruit.

320. Every person who, by himself or through the agency
of another person, packs fruit in a closed package, intended for
sale, shall cause the package to be marked in a plain and in-
delible manner in letters not less than half an inch in length,
before it is taken from the premises where it is packed,—
(a) with the initials of his christian names, and his full sur-
name and address, or, in the case of a firm or corporation,
with the firm or corporate name and address;

(b) with the name of the variety or varieties; and,

(c) with a designation of the grade of fruit, which shall in-
clude one of the following four marks, viz.:—Fancy,
No. 1, No. 2, No. 3.
2. Such mark may be accompanied by any other designation. Other marks of grade or brand, if that designation or brand is not inconsistent with, or marked more conspicuously than, the one of the said four marks which is used on the said package. 6 E. VII., c. 15, s. 1.

321. No person shall sell, or offer, expose or have in his possession for sale, any fruit packed,

(a) in a closed package and intended for sale unless such package is marked as required by the provisions of this Part;

(b) in a closed package, upon which package is marked any designation which represents such fruit as of

(i) Fancy quality, unless such fruit consists of well grown specimens of one variety, sound, of uniform and of at least normal size and of good colour for the variety, of normal shape, free from worm holes, bruises, scab and other defects, and properly packed,

(ii) No. 1 quality, unless such fruit consists of well grown specimens of one variety, sound, of not less than medium size and of good colour for the variety, of normal shape and not less than ninety per centum free from scab, worm holes, bruises and other defects, and properly packed.

(iii) No. 2 quality, unless such fruit consists of specimens of not less than medium size for the variety, and not less than eighty per centum free from worm holes and such other defects as cause material waste, and properly packed;

(c) in any package in which the faced or shown surface gives a false representation of the contents of such package; and it shall be considered a false representation when more than fifteen per centum of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package. 1 E. VII., c. 27, ss. 5 and 7; 6 E. VII., c. 15, s. 2.

322. Whenever any fruit in any package is found to be so packed that the faced or shown surface gives a false representation of the contents of the package, any inspector charged with the enforcement of this Part may mark the words _Falsely packed_ in a plain and indelible manner on the package.

2. Whenever any fruit packed in a closed package is found to be falsely marked, the said inspector may efface such false marks and mark the words _Falsely marked_ in a plain and indelible manner on the package.

3. The inspector shall give notice, by letter or telegram, to the packer whose name is marked on the package, within twenty-four hours after he marks the words _Falsely packed_ or _Falsely marked_ on the package. 2 E. VII., c. 10, s. 3; 6 E. VII., c. 15, s. 3.

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_Apples._

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323. In the inspection of closed packages of apples, the inspector shall open not less than one package in every five; and if the manner of packing is found to be fraudulent or unfair, then he shall open all the packages put up by the shipper of such package.

2. Every package found to be fairly and properly packed shall be branded.

3. The inspector shall also examine the varieties of apples submitted for inspection, and shall see that the names thereof are correctly marked on the packages, or if the name of the variety is not marked he shall cause it to be marked on the package.

4. The inspector may charge a fee of ten cents for each package inspected by him, and such charge shall cover the cost of opening and closing the package. 55-56 V., c. 23, s. 7.

324. No. 1 inspected Canadian apples shall consist of well-grown specimens of one variety, of nearly uniform size, of good colour for the variety, sound, free from scab, worm-holes and bruises, and properly packed; and No. 2 inspected Canadian apples shall consist of specimens of one variety, reasonably free from the defects mentioned in class No. 1, but which on account of inequality of size, lack of colour, or other defects, could not be included in that class. 56 V., c. 35, s. 1.

325. All apples packed in Canada for export for sale by the barrel in closed barrels shall be packed in good and strong barrels of seasoned wood having dimensions not less than the following, namely:—twenty-six inches and one-fourth between the heads, inside measure, and a head diameter of seventeen inches, and a middle diameter of eighteen inches and one-half, representing as nearly as possible ninety-six quarts.

2. When apples, pears or quinces are sold by the barrel, as a measure of capacity, such barrel shall not be of lesser dimensions than those specified in this section.

3. When apples are packed in Canada for export for sale by the box, they shall be packed in good and strong boxes of seasoned wood, the inside dimensions of which shall not be less than ten inches in depth, eleven inches in width and twenty inches in length, representing as nearly as possible two thousand two hundred cubic inches.

4. When apples are packed in boxes or barrels having trays or fillers wherein it is intended to have a separate compartment for each apple, the provisions of this section as to boxes and barrels shall not apply. 1 E. VII., c. 26, s. 4; 4-5 E. VII., c. 44, ss. 1 and 2.
326. Every box of berries or currants offered for sale, and every berry box manufactured and offered for sale, in Canada shall be plainly marked on the side of the box, in black letters at least half an inch square, with the word Short, unless it contains when level-full as nearly exactly as practicable,—
(a) at least four-fifths of a quart; or,
(b) two-fifths of a quart.

2. Every basket of fruit offered for sale in Canada, unless stamped on the side plainly in black letters at least three-quarters of an inch deep and wide, with the word Quart in full, preceded with the minimum number of quarts, omitting fractions, which the basket will hold when level-full, shall contain, when level-full, one or other of the following quantities,—
(a) fifteen quarts or more;
(b) eleven quarts, and be five and three-quarter inches deep, perpendicularly, inside measurement, as nearly exactly as practicable;
(c) six and two-thirds quarts, and be four and five-eighths inches deep, perpendicularly, inside measurements, as nearly exactly as practicable; or,
(d) two and two-fifths quarts, as nearly exactly as practicable. 1 E. VII., c. 26, s. 5.

Examination.

327. Any person charged with the enforcement of this Part may enter upon any premises to make examination of any packages of fruit suspected of being falsely marked or packed in violation of any of the provisions of this Part, whether such packages are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company. 1 E. VII., c. 27, s. 12; 2 E. VII., c. 10, s. 5.

Offences and Penalties.

328. Every person who by himself or through the agency of any other person, in contravention of any of the provisions of this Part, sells, offers, exposes or has in possession for sale any fruit packed,—
(a) in a closed package and intended for sale, unless such package is marked as in this Part required; or,
(b) in a closed package upon which is marked any designation which represents such fruit as of No. 1, or XXX. finest, best or extra good quality, unless such fruit consists of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape and not less than ninety per centum free from scab, worm holes, bruises and other defects, and properly packed; or,
(c) R.S., 1906.
(c) in any package in which the faced or shown surface gives a false representation of the contents of such package;

shall, for each offence, be liable to a fine not exceeding one dollar and not less than twenty-five cents for each package so sold, offered, exposed or had in possession for sale, together with the costs of prosecution, and in default of payment of such fine and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs and the costs of enforcing the same are sooner paid. 1 E. VII., c. 27, s. 8.

Tampering with marks.

329. Every person who, not being an inspector, wilfully alters, effaces, or obliterates, wholly or partially, or causes to be altered, effaced, or obliterated, any marks on any package which has undergone inspection, shall incur a penalty of forty dollars. 1 E. VII., c. 27, s. 10; 2 E. VII., c. 10, s. 4.

Unlawful packing of apples, etc.

330. Every person who offers or exposes for sale, or who packs for exportation, apples, pears or quinces, by the barrel or box otherwise than in accordance with the foregoing provisions of this Part, shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel or box of apples, pears or quinces so offered or exposed for sale or packed.

2. Every person who, for export, offers or exposes for sale, or packs, apples by the box otherwise than in accordance with the foregoing provisions of this Part, shall be liable, on summary conviction, to a penalty of twenty-five cents for each box of apples so offered or exposed for sale or packed. 1 E. VII., c. 26, s. 4; 4-5 E. VII., c. 44, ss. 1 and 2.

Unlawful packing of berries.

331. Every person who neglects to comply with any of the provisions of this Part relating to boxes of berries or currants, or berry boxes, or baskets of fruit, or who sells or offers for sale any fruit or berry boxes in contravention of any of the said provisions shall be liable, on summary conviction, to a fine of not less than twenty-five cents for each basket or box so sold or offered for sale. 1 E. VII., c. 26, s. 5.

Obstructing examination.

332. Every person who obstructs any person charged with the enforcement of this Part in entering any premises to make examination of packages of fruit as provided by this Part, or who refuses to permit the making of any such examination, shall be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 1 E. VII., c. 27, s. 12.

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333. The person on whose behalf any fruit is packed, sold, offered or had in possession for sale, contrary to the provisions of the foregoing sections of this Part, shall be prima facie liable for the violation of this Part. 1 E. VII., c. 27, s. 11.

Procedure.

334. For the purposes of jurisdiction under Part XV. of the Criminal Code, in any complaint, information or averments. any complaint, information or conviction for a violation of any of the provisions of this Part, the matter complained of may be alleged and shall be held to have arisen at the place where the fruit was packed, sold, offered, exposed or had in possession for sale. 1 E. VII., c. 27, s. 13.

335. No appeal shall lie from a conviction under this Part except to a superior, county, circuit or district court, or the court of the sessions of the peace, having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made, within ten days after the date of conviction. Hearing.

2. The trial on any such appeal shall be heard, had, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the trial appoints, and within thirty days from the date of conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days. Summary

3. In all respects not provided for in this Part, the procedure under Part XV. of the Criminal Code shall, so far as applicable, apply to all prosecutions brought under this Part. 1 E. VII., c. 27, s. 14.

Application of Fines.

336. Any pecuniary penalty imposed under this Part shall, when recovered, be payable one-half to the informant or complainant and the other half to His Majesty. 1 E. VII., c. 27, s. 15.

PART X.

CERTAIN STAPLE COMMODITIES.

Weight of Bushel.

337. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure is specially agreed upon, and the weight equivalent to a bushel shall be as follows:—

Beans, sixty pounds;
Beets, sixty pounds;
Bituminous coal, seventy pounds; 1637

Blue-grass

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Blue-grass seed, fourteen pounds;
Carrots, sixty pounds;
Castor beans, forty pounds;
Clover seed, sixty pounds;
Hemp seed, forty-four pounds;
Lime, seventy pounds;
Malt, thirty-six pounds;
Onions, fifty pounds;
Parsnips, sixty pounds;
Potatoes, sixty pounds;
Timothy seed, forty-eight pounds;
Turnips, sixty pounds. 1 E. VII., c. 26, s. 1.

Potatoes by the Bag.

338. In the province of Quebec, when potatoes are sold or offered for sale by the bag, the bag shall contain at least eighty pounds. 1 E. VII., c. 26, s. 1.

Eggs.

339. When eggs are described as sold by the standard dozen, the dozen shall mean one pound and a half. 1 E. VII., c. 26, s. 6.

Hay and Straw.

340. The grades of hay shall be as follows:—

Prime timothy shall be pure timothy, perfect in colour, sound and well cured;
No. 1 timothy shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured;
No. 2 timothy shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured;
No. 3 timothy shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured;
No. 1 clover shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured;
No. 2 clover shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of fair colour, sound and well cured;
Mixed hay shall be hay which does not come under the description of timothy or clover, and which is in good condition, of good colour, sound and well cured;
No grade shall include all kinds of hay badly cured, stained or out of condition;
Shipping grade shall be hay in good condition, pressed, sound and well cured. 62-63 V., c. 25, s. 4.

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341. The rates for the inspection of hay shall be twenty
cents for every ton. 62-63 V., c. 25, s. 4.

342. In the province of Quebec, the following shall be
the standard weights for hay and straw, unless sold by the ton,
or unless it appears that the parties to the contract agreed
otherwise,—

a bundle of timothy, clover or other hay, with a timothy
band, fifteen pounds;

a bundle of timothy, clover or other hay, bound with a
withe, sixteen pounds;

a bundle of straw, twelve pounds. 1 E. VII., c. 26, s. 2.

Salt.

343. Every barrel of salt packed in bulk, sold or offered
for sale, shall contain two hundred and eighty pounds of
salt, and every barrel or sack of salt sold or offered for sale,
shall have the correct gross weight thereof, and in the case
of a barrel the net weight also, marked upon it in a plain and
permanent manner. 1 E. VII., c. 26, s. 3.

344. When bags of salt are packed in barrels, the
number of bags contained in the barrel and the weight of
the aggregate amount of salt shall be marked, stamped or
branded on one head of the barrel. 1 E. VII., c. 26, s. 3.

345. The name or the registered trade mark of the packer
of the salt, if it is packed in Canada, or the name and address
of the importer, if it is packed elsewhere than in Canada, shall
be marked, stamped or branded on every barrel or sack of salt
sold or offered for sale in Canada. 1 E. VII., c. 26, s. 3.

Binder Twine.

346. In the following provisions respecting binder twine
'dealer' means the person or firm manufacturing or importing,
or having in his or its possession for sale, or exposing or offering
for sale, any binder twine. 4 E. VII., c. 14, s. 1.

347. Upon or attached to every ball of binder twine sold
or offered for sale in Canada there shall be a label with the
name of the dealer and the number of feet of twine per pound
in the ball marked or stamped thereon: Provided that binder
twine manufactured in Canada for export need not be labelled
with the name of the dealer, but there shall be attached to
every ball so manufactured a label with the number of feet of
twine per pound in the ball marked or stamped thereon in
the same manner as when for sale in Canada, and the onus
of proof that such twine was manufactured for export shall
rest upon the manufacturer, dealer, carrier or other person
in whose possession the twine is found. 4 E. VII., c. 14, s. 1.

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348. If it is shown that in any lot of binder twine one ball of binder twine in every twenty or less number of balls of binder twine in the lot are not properly and correctly labelled, it shall be *prima facie* evidence that all the balls in the lot are not properly and correctly labelled, and the burden of proof shall lie upon the dealer to show that the balls in the lot are properly and correctly labelled. 4 E. VII., c. 14, s. 1.

349. The inspector of binder twine or any other person charged with the enforcement of the provisions of this Part relating to binder twine may enter upon any premises and make an examination of any packages of binder twine, whether such packages are on the premises of a dealer or are on other premises, or are in the possession of a railway or steamship company. 4 E. VII., c. 14, s. 1.

**Offences and Penalties.**

350. Every manufacturer or dealer who falsely represents any binder twine found in his possession as manufactured for export, or who sells or offers for sale for consumption in Canada any such twine shall be liable to a penalty of one thousand dollars. 4 E. VII., c. 14, s. 1.

351. Every dealer who sells, offers for sale, or has in his possession for sale in Canada, any ball of binder twine not labelled with the name of the dealer, as required by this Part, shall be liable to a penalty of not less than twenty-five cents and not more than one dollar for each such ball. 4 E. VII., c. 14, s. 1.

352. Every dealer who sells, offers for sale or has in his possession for sale in Canada, any ball of binder twine not properly and correctly labelled with the number of feet of twine per pound in the ball, as required by this Part, shall be liable to a penalty of not less than one dollar and not more than five dollars for each ball of such binder twine: Provided that no deficiency in the number of feet of twine contained in any ball shall be deemed to be a contravention of this section unless the deficiency exceeds five per centum of the length indicated by the label. 4 E. VII., c. 14, s. 1.

353. All balls of binder twine not properly and correctly labelled in accordance with the provisions of this Part shall be confiscated to the Crown, and may be seized upon view by the inspector of binder twine. 4 E. VII., c. 14, s. 1.

354. Every person who obstructs the inspector of binder twine or other person charged with the enforcement of this Part in entering any premises to make examination of binder twine as provided by this Part, or who refuses to permit the inspector to enter upon the premises, shall be liable to a penalty of one thousand dollars. 4 E. VII., c. 14, s. 1.

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making of any such examination, shall be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs and the costs of enforcing the same are sooner paid. 4 E. VII., c. 14, s. 1.

355. Every person who neglects to comply with any provision of this Part relating to salt, and every person who sells or offers for sale any salt in contravention of any of such provisions, shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence; but no deficiency in the weight of the salt contained in any package shall be deemed a contravention of such provisions unless such deficiency exceeds five per centum.

2. No penalty shall be recoverable under this section unless proceedings for the recovery thereof are instituted within twenty days after delivery of the package of salt with respect to which it is claimed that a contravention of such provisions has been committed. 1 E. VII., c. 26, s. 3.

356. Every person who, in the province of Quebec, sells or offers for sale, any potatoes by the bag, shall be liable, in case any bag of potatoes so sold or offered for sale does not contain at least eighty pounds, to a penalty not exceeding twenty-five dollars for a first offence, and for each subsequent offence to a penalty not exceeding fifty dollars. 1 E. VII., c. 26, s. 1.

357. Every person who violates any provision of this Part providing that a bushel of any articles shall be determined by weighing, and specifying the number of pounds such bushel shall contain, shall, for a first offence, be liable, on summary conviction, to a penalty not exceeding twenty-five dollars, and for each subsequent offence to a penalty not exceeding fifty dollars. 1 E. VII., c. 26, s. 1.

Administration.

358. The Governor in Council may assign the administration of this Part, or of any portion thereof, to such member of the King’s Privy Council for Canada as he thinks fit. 1 E. VII., c. 26, s. 8; 4-5 E. VII., c. 45, s. 1.

SCHEDULE A.

Particulars for the registration of cheese factories and creameries:

1. Name of cheese factory or creamery . . . . . . . . . . . . . 1641
2. R.S., 1906.
2. Where situated:
   (a) Province. ........................................
   (b) County. ........................................
   (c) Township or parish. ............................
   (d) Post office. ....................................
   (e) Telegraph or telephone office. ...............  
   (f) Railway station or shipping port. ..
3. Name of owner. ....................................
   Post office address. ................................
   If a co-operative dairy association or joint stock company:
   Name of secretary. ................................
   Post office address. ................................
4. Registered brand or trade mark, if any. ..........  
5. Registered number allotted. ........................

The above is certified correct.

Owner. .................................................
P. O. Address. ........................................
Secretary. .............................................
Witness. ................................................
P. O. Address. ........................................
Witness. ................................................
P. O. Address. ........................................

SCHEDULE B.

Form of brand for registered number to be allotted to cheese factories and creameries:

REGISTERED No
INSPECTION ACT, PART VIII.

* The figure or figures of registration to be inserted.

60-61 V., c. 21, sch. A and B.

Ottawa: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 86.

An Act respecting the Inspection of Petroleum and Naphtha.

SHORT TITLE.

1. This Act may be cited as the Petroleum and Naphtha Short title. Inspection Act. 62-63 V., c. 27, s. 1.

INTERPRETATION.

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

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

(b) 'petroleum,' except as herein otherwise provided, means 'Petroleum.' and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar or of any other mineral substance, and having a specific gravity of not less than seven pounds and seventy-five hundredths of a pound;

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

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

(e) 'fire-test' or 'burning' means the ignition and continuous burning of any fluid herein referred to, on the 'Fire test.' application of a light or spark, under conditions established by regulations made under this Act;

(f) 'inspector' or 'inspecting officer' means any officer 'Inspector.' of Inland Revenue or of Customs, and any person appointed 'Inspecting officer.' by the Governor in Council as inspector of such articles, who is directed by the Minister of Inland Revenue or the Minister of Customs to inspect petroleum or naphtha;
(g) 'departmental regulations' means and includes all regulations and rules promulgated by the Minister of Inland Revenue, or the Minister of Customs, and duly authenticated by the Minister of Inland Revenue, or the Minister of Customs, as the case requires.

2. All persons engaged in producing, distilling or manufacturing any description of illuminating oil or naphtha in whole or in part from crude petroleum are refiners within the meaning of this Act.

3. All places or premises where petroleum, naphtha or other products of crude petroleum are produced, distilled, manufactured, treated or stored, and all tools, utensils, buildings and premises used for producing, distilling, manufacturing, treating, or storing any of them, shall be subject to the provisions of this Act. 62-63 V., c. 27, s. 2.

REGULATIONS.

3. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles; and such permit shall be produced to the proper officer of the Customs before the importation of any such articles is permitted. 62-63 V., c. 27, s. 32.

4. The Governor in Council may, from time to time, designate places at which petroleum may be imported in tank cars and in tank ships respectively, and may, on the joint recommendation of the Ministers of Customs and Inland Revenue, prescribe the regulations under which petroleum may be so imported. 62-63 V., c. 27, s. 33.

5. The Department of Inland Revenue may make regulations, not inconsistent with the provisions of this Act, with respect to the transportation, shipment and sale of imported or domestic petroleum or naphtha. 62-63 V., c. 27, s. 34.

REFINERS.

6. No person who has not been licensed as herein provided shall carry on the business of a refiner. 62-63 V., c. 27, s. 3.

7. A license to carry on the trade or business of a refiner may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved 1644
approved by the district inspector, and the person has, jointly
and severally with two good and sufficient sureties, entered
into a bond to His Majesty, in the sum of one thousand
dollars; which bond shall be entered into before the collector
of Inland Revenue, his deputy or other officer authorized
thereto by the Department of Inland Revenue, who shall
cause such sureties to justify as to their sufficiency before him
by affidavit endorsed upon such bond.

2. Such bond shall be conditioned for the rendering of all Bond,
accounts and the payment of all duties and penalties to which
the person to whom the license is granted may become liable
under the provisions of this Act, and that such person will Conditions,
faithfully comply with the requirements thereof according to
their true intent and meaning, as well with regard to such
accounts, duties and penalties as with regard to all other
matters and things whatsoever. 62-63 V., c. 27, s. 4.

8. The person in whose favour a license for refining is License fee.
granted, shall, upon receiving such license, pay to the collector
of Inland Revenue the sum of one dollar. 62-63 V., c. 27, s. 5.

9. Every refiner shall keep such books and make such Books and
returns as are required by any departmental regulation in that
behalf. 62-63 V., c. 27, s. 6.

PROVISIONS AS TO SALE.

10. Except as herein otherwise provided, petroleum shall
Tests of not be sold or offered for sale for use in Canada, for illuminat-
petroleum. ing purposes,—

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

(b) if it weighs more than eight pounds and five-hundredths
of a pound per gallon; or,

(c) if it weighs less than seven pounds and seventy-five-
hundredths of a pound per gallon. 62-63 V., c. 27, s. 7.

11. Petroleum when sold in barrels, cans or cases, may be Colour of
put up in such packages, which may be painted in any colour packages.
except red. 62-63 V., c. 27, s. 7.

12. Petroleum designated and known as high test petro-
leum may be sold for use in Canada, for illuminating pur-
poses, under such regulations as to gravity as are established
by the Department of Inland Revenue, if the flash test is not
lower than two hundred and sixty degrees by Fahrenheit’s
thermometer. 62-63 V., s. 8.

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Sale of high test oil.  

13. The department may permit the sale, under regulations made in that behalf, of a composite high test oil, to be used only for outside service, if at a temperature which such regulations determine, not below one hundred and forty-five degrees, it does not emit a vapour that will flash, and if its gravity is in accordance with the requirements of such regulations. 62-63 V., c. 27, s. 8.

Sale of naphtha.  

14. Naphtha shall not be sold or offered for sale in Canada for illuminating purposes except,—
   
   (a) for use in street lamps in which only the vapour is burned; or,
   
   (b) for use in dwellings, factories and other places of business when vapourized in secure underground tanks outside the building in which the vapour so generated is used for lighting;
   
   or for any other purpose except,—
   
   (a) for use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes; or,
   
   (b) for use in stoves constructed in such manner as to consume only the gas produced from the naphtha. 62-63 V., c. 27, s. 9.

Colour and marking of packages.  

15. When naphtha is sold or offered for sale in drums, barrels or smaller packages, such drums, barrels and smaller packages must be painted red with the word Naphtha, in some other colour, legibly branded or marked thereon. 62-63 V., c. 27, s. 9.

INSPECTION.  

16. The quantity of petroleum or naphtha shall be ascertained by weighing or measuring. 62-63 V., c. 27, s. 10.

Gravity.  

17. Naphtha shall not be inspected for flash test, but only as to its gravity. 62-63 V., c. 27, s. 10.

Inspector to be facilitated.  

18. Every person having in his possession any petroleum or naphtha shall, when any officer is about to inspect it, furnish for the use of such officer all necessary conveniences, and shall provide all assistance required for making such inspection. 62-63 V., c. 27, s. 11.

Inspectors.  

19. The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue and of the Customs, duly authorized thereto by their respective collectors. 62-63 V., c. 27, s. 12.

Instruments.  

20. Such instruments shall be used and process adopted in making the inspection as are directed by departmental regulations. 62-63 V., c. 27, s. 12.

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21. All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall, before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector. 62-63 V., c. 27, s. 16.

22. Every refiner or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible as to its quality. 62-63 V., c. 27, s. 15.

23. All petroleum and naphtha imported into Canada whether in tank cars, tank ships, barrels or other packages, shall be entered only at such Customs ports as are determined by the Governor in Council, and shall be inspected as herein required, at such ports, and before such petroleum or naphtha is entered for consumption; and, except in the case of lubricating oils, any petroleum so imported which does not conform to the requirements of this Act, shall be branded with the word Rejected, and shall, within ten days after the inspection, be exported from Canada, and if not so exported within the prescribed time, shall with the packages in which it is contained, be seized and forfeited to His Majesty, and shall be disposed of under regulations made by the Governor in Council. 62-63 V., c. 27, s. 16.

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

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

3. When petroleum or naphtha is imported in bulk, in a tank ship or tank car, the sample or samples for inspection shall be drawn from each separate compartment of the tank ship or tank car after the contents of the said compartment have been well plunged or agitated. 62-63 V., c. 27, s. 17.

25. Any duly authorized inspector or any officer of Inland Revenue or Customs may, at any time during ordinary business hours, enter the refinery, shop or warehouse of any person who refines or keeps petroleum or naphtha for sale, and 1647 may

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may take from any package of petroleum or naphtha found therein such quantity of the contents as is necessary for testing the quality thereof; and he may take similar samples from any package of petroleum or naphtha found in the possession of any hawker or pedlar on the public streets or highways, or offered for sale by any person. 62-63 V., c. 27, s. 18.

25. All tests of petroleum and naphtha shall be taken by means of instruments that have been compared with and which are certified as agreeing with the standard instruments kept in the Department of Inland Revenue at Ottawa, or in some other principal testing office established under departmental regulations, where similar standard instruments are kept for that purpose. 62-63 V., c. 27, s. 19.

27. Whenever any dispute arises as to the correctness of any test of the quality of petroleum made under this Act, a sample of the petroleum in dispute shall be drawn by the inspecting officer and sealed in the presence of the owner, or other person in whose possession the said petroleum then is; and the sample shall be forwarded to the Department of Inland Revenue at Ottawa, or to some other principal testing office established by departmental regulations, where the sample shall be tested.

2. The test so made and certified by the officer making it shall be final and conclusive as to the quality of the petroleum in dispute. 62-63 V., c. 27, s. 20.

28. Oils intended solely for use as lubricants and unfit, owing to the properties thereof, for illuminating purposes, shall be exempt from the foregoing provisions respecting inspection, if the packages containing such oils have conspicuously marked or branded thereon the word Non-illuminating. 62-63 V., c. 27, s. 21.

29. Petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected as herein prescribed, at the option of the owner thereof; but if any petroleum or naphtha for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation. 62-63 V., c. 27, s. 13.

30. All petroleum and naphtha liable to inspection, sold or offered for sale for use in Canada without having been inspected, shall be subject to seizure by any officer of Customs or Inland Revenue, and shall be dealt with under regulations made by the Governor in Council. 62-63 V., c. 27, s. 14.
OFFENCES AND PENALTIES.

31. Every person who keeps or offers for sale or has in his possession in Canada any imported petroleum or naphtha which has not been inspected and entered for consumption through one of the ports or places duly authorized by the Governor in Council, is guilty of an offence against this Act, and for a first offence shall incur a penalty of one hundred dollars and for each subsequent offence a penalty of five hundred dollars. 62-63 V., c. 27, s. 22.

32. Every refiner who removes or allows to be removed from his manufactory any petroleum or naphtha before it has been inspected as herein provided, is guilty of an offence against this Act, and for a first offence shall incur a penalty of one hundred dollars and for each subsequent offence shall incur a penalty of five hundred dollars. 62-63 V., c. 27, s. 23.

33. Every person who keeps or offers for sale or has in his possession, except in a licensed petroleum refinery in Canada, any petroleum or naphtha which is not in conformity with this Act, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars and for each subsequent offence shall incur a penalty of fifty dollars. 62-63 V., c. 27, s. 24.

34. The petroleum or naphtha in respect of which a penalty is imposed by reason of a contravention of any of the three sections last preceding, and the packages in which such petroleum or naphtha is contained, shall be forfeited to His Majesty, and shall be seized by any officer of Customs or Inland Revenue and disposed of under any general regulations made by the Governor in Council. 62-63 V., c. 27, s. 25.

35. Every person who keeps or stores any petroleum or naphtha in respect of which the provisions of this Act or the provisions of any order or regulation of the Governor in Council or of any departmental regulations made under this Act have not been complied with, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty-five dollars, and for each subsequent offence, a penalty of fifty dollars; and petroleum or naphtha unlawfully imported, stored or kept shall be forfeited to His Majesty, and seized by any revenue officer or inspector. 62-63 V., c. 27, s. 26.

36. Every person who, without having a license under this Act then in force, manufactures or refines any petroleum or naphtha, is guilty of an indictable offence and shall, for the first offence, incur a penalty not exceeding one hundred dollars, and not less than twenty-five dollars, and for each subse-quent R.S., 1906.
sequent offence, a penalty of five hundred dollars; and all goods subject to the provisions of this Act found on the premises wherein any such offence is committed, shall be forfeited to His Majesty, and shall be seized by any officer of Inland Revenue and dealt with accordingly. 62-63 V., c. 27, s. 27.

37. Every person not thereunto duly authorized under this Act, who, in any manner, assumes the title or office of inspector, or issues any bill, certificate or declaration purporting to establish the quality of any petroleum or naphtha shall, for every such offence, incur a penalty not exceeding one hundred dollars. 62-63 V., c. 27, s. 28.

38. Every person who violates any of the provisions of this Act, or who neglects any duty imposed on him by this Act, or any regulations established thereunder, for which violation or neglect no penalty is specially herein provided, shall incur a penalty of not less than ten and not more than one hundred dollars. 62-63 V., c. 27, s. 29.

Procedure.

39. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable and enforceable with costs on summary conviction, before a police or stipendiary magistrate or two justices of the peace, and, in default of payment, be levied by warrant of distress, against the goods and chattels of the offender; and if the penalty, together with any costs awarded, is not paid within thirty days, or is not recovered by distress as hereinbefore provided, such offender shall be liable to imprisonment for a term not exceeding six months, and not less than two months.

2. One moiety of every such penalty, when recovered, shall belong to the complainant or informant, and the other moiety to His Majesty for the public uses of Canada. 62-63 V., c. 27, s. 30.

40. Every such complaint or information shall be heard and determined by the police or stipendiary magistrate or two justices of the peace before whom it is preferred, and no other justice of the peace shall take part in such hearing and determination. 62-63 V., c. 27, s. 30.

41. No action or suit against any person for anything done under this Act or contrary to its provisions, or for omitting the doing of anything required by this Act to be done, shall be commenced except within six months next after the thing is done or omitted to be done; and the defendant therein may plead the general issue, and that the thing was done or omitted to be done under the authority of this Act, and may give this Act and the special matter in evidence at the trial; and if it appears so to have been done, or omitted to be done, then the judgment shall be
be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy therefor as defendants have in other cases. 62-63 V., c. 27, s. 31.

SCHEDULE.

Mode of Testing Petroleum so as to Ascertaining the Temperature at Which it Will Give off Inflammable Vapour.

Specification of the Test Apparatus or Pyrometer.

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

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

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

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

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

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

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

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

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

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Directions for Applying the Flash Test.

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

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

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

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

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

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method; or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup with the slide closed, is then put on, and the cup is placed in the bath or heating vessel. The thermometer in the lid of the cup

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cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not, under any circumstances, to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb-line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about eighty degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

62-63 V., c. 27, sch.

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CHAPTER 87.

An Act respecting the Inspection of Gas and Gas Meters.

SHORT TITLE.

1. This Act may be cited as the Gas Inspection Act. R.S., Short title. c. 101, s. 1.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Inland Revenue;
(b) 'Department' means the Department of Inland Revenue;
(c) 'meter' means gas meter, and includes every kind of machine, apparatus or instrument used for measuring gas;
(d) 'undertaker' means any company or person undertaking to furnish gas to any purchaser;
(e) 'purchaser' includes any person to whom gas is to be furnished;
(f) 'prescribed quality' means that quality of gas which the undertaker has undertaken to supply to the purchaser;
(g) 'inspector' means an inspector of gas meters appointed under this Act;
(h) 'district' means the place for which an inspector is appointed;
(i) 'gas' includes natural as well as manufactured gas. R.S., c. 101, s. 2; 53 V., c. 25, s. 1.

REGULATIONS.

3. The Governor in Council may, from time to time, make such regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions, and also regulations,—

(a) as to the pressure under which gas is to be supplied; and,
(b) in the case of inodorous gas, to require the addition of such substances as he deems necessary in order to communicate odour; and,

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(c) R.S., 1906.
(c) for declaring the true intent and meaning of this Act in all cases of doubt. R.S., c. 101, s. 50; 53 V., c. 25, s. 4.

STANDARDS AND MODELS.

4. The only standard or unit of measure for the sale of gas by meter shall be the cubic foot, containing sixty-two pounds, and three hundred and twenty-one-thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches. R.S., c. 101, s. 3.

5. In addition to the models of gasholders measuring the said cubic foot, and multiples and decimal parts of the said cubic foot, already made and verified, and deposited in the Department, models of such further multiples and decimal parts of the said cubic foot as the Minister, from time to time, thinks necessary, shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters; and such models shall be verified under the direction of the Minister, and when so made and verified, shall be deposited in the Department; and copies of the models deposited and verified as aforesaid, shall be used under such regulations as are approved by the Governor in Council, for testing and verifying all meters used within Canada. R.S., c. 101, s. 4.

6. Copies of the models of the apparatus described in the schedule to this Act, for testing the illuminating power and purity of gas, deposited in the Department, shall be used in the manner described in the said schedule, and in such further instructions, not inconsistent therewith, as are, from time to time, directed by regulations made by the Minister, for testing the illuminating power and purity of gas. R.S., c. 101, s. 5.

INSPECTORS AND APPARATUS.

7. In every city, town, village or place in Canada where gas is made for sale, one or more inspectors of gas and gas meters may be appointed by the Governor in Council, who shall have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed; and the inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as are prescribed by regulations under this Act; and any such inspector may, at all reasonable hours, enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used. R.S., c. 101, s. 6.
8. Such inspectors shall be remunerated for their services by allowances or salary, as the Governor in Council, from time to time, orders, not exceeding what is voted by Parliament. R.S., c. 101, s. 7.

9. Inspectors of weights and measures, and other officers of Inland Revenue, may be appointed and act as gas inspectors under this Act; but no gas inspector appointed shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters; and no gas inspector shall repair or adjust any gas meter inspected or verified by him. R.S., c. 101, s. 8.

10. Every inspector shall be supplied by the Department under such regulations as are prescribed by the Minister, with the necessary apparatus for testing and verifying gas and gas meters, which apparatus shall first be tested and verified by the primary models and apparatus hereinbefore mentioned. R.S., c. 101, s. 9.

11. Every inspector, on appointment, shall take an oath for the faithful and impartial discharge of the duties assigned to him, before a justice of the peace, who shall give him a certificate of his having done so, which shall be transmitted by him to the Minister, in whose office it shall be kept; and he shall be furnished with the necessary inspection standards, being copies duly authenticated, of the official standards and other apparatus; he shall give bonds, to an amount to be fixed by the Governor in Council, for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or of his removal from office, and for the due accounting for all moneys received by him as such inspector. R.S., c. 101, s. 10.

12. Once in every five years at the least, and whenever required so to do by the Deputy Minister of Inland Revenue, each inspector shall present his inspection standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the official standards, and shall obtain from the Deputy Minister a certificate of their accuracy. R.S., c. 101, s. 11.

13. No copy of the gas-measuring models shall be legal which has not been verified or re-verified by the Department within a period of ten years after the next preceding verification; and no such copy, which has been altered or re-adjusted after verification by the Department, shall be legal until re-verified by the Department. R.S., c. 101, s. 12.

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VERIFYING AND TESTING METERS.

14. No gas meter shall be fixed for use which has not been verified and stamped as hereinafter provided. R.S., c. 101, s. 13.

15. No meter after it has been fixed for use shall be verified or tested by any person except by the inspector as herein provided. 1 E. VII., c. 28, s. 1.

16. No meter for the purpose of ascertaining the quantity of gas sold or used, shall be fixed for use, unless the same has its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot conspicuously marked on the outside of such meter in legible letters and figures. R.S., c. 101, s. 14.

17. Every gas meter so tested and verified shall be marked with the number of lights it is constructed to supply,—each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high. R.S., c. 101, s. 15.

18. Within twelve months after the expiration of five years from each verification and stamping, every gas meter shall again be verified and stamped. R.S., c. 101, s. 16.

19. No meter shall be stamped which is found by the inspector to register, or capable of being made to register, quantities varying from the true standard measure of gas, more than three per centum in favour of the seller, or four per centum in favour of the consumer. R.S., c. 101, s. 17.

20. The verification of each meter shall be attested by affixing or impressing on some essential part thereof, a stamp or mark of such description and in such manner as is directed by regulations made by the Minister, and further, by the granting of such certificate as aforesaid. R.S., c. 101, s. 18.

21. No meter duly stamped as aforesaid shall be liable to be re-stamped within the period of five years from the then last verification or re-verification thereof, although the same is used in any other place than that at which it was originally stamped, but shall be considered as a lawful meter throughout Canada, unless found incorrect under this Act, or requiring re-verification by lapse of time, as aforesaid. R.S., c. 101, s. 19.

22. In the event of an inspected meter being found, on re-inspection, to vary from the standard, the contractor or the purchaser,
purchaser, as the case may be, shall only be entitled, in estimating any rebate, to the gain or loss, as the case may be, which has taken place during the three months immediately prior to such re-inspection. 1 E. VII., c. 28, s. 2.

23. Every consumer of gas may purchase and use for the measurement of the gas supplied to him, any meter duly verified and stamped as aforesaid, if the gas consumed in an hour does not exceed the quantity per hour which the meter is intended to measure, marked on the outside thereof, as herein provided. R.S., c. 101, s. 20.

24. In every case the owner of the meter, whether such owner is the buyer or seller of the gas for the measurement whereof the meter is used, shall keep every such meter in good repair, and shall be responsible for the due inspection thereof; and, except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter. R.S., c. 101, s. 21.

25. The verification and testing of meters and gas shall be performed in accordance with the provisions of this Act, and with such further regulations not inconsistent therewith as are, from time to time, made by the Governor in Council. R.S., c. 101, s. 22.

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

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

(b) The meter shall be tested for soundness or leakage only, and not for percentage of error, when fixed on a horizontal base, and with air or gas under a pressure equal to a column of water three inches high—and passing not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour—and not more than one-fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test, and none other, shall be deemed sound meters;

(c) The meter to be tested for percentage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water one inch high, and also under a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric pressure R.S., 1906.
pheric air per hour, which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter. R.S., c. 101, s. 23.

27. During the inspection of any meter, or the testing of any gas under the provisions of this Act, the owner of such meter, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent; and at least twenty-four hours' notice of the inspection of any gas meter shall be given, by the inspector or person at whose request the inspection is made, to the other party. R.S., c. 101, s. 24.

28. Any inspector may, at the request and expense of any buyer or seller of gas, who shall give twenty-four hours' notice, in writing, to the other party, at all reasonable times, enter any house or shop, store, yard or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used, and remove such meter, doing as little damage thereby as may be; and if, upon examination and testing, it appears that any such meter is incorrect or fraudulent, such meter shall not be re-fixed or used again until altered and repaired so as to measure and register correctly, and stamped. R.S., c. 101, s. 25.

29. If any dispute arises between the buyer and seller of gas, or between any owner of a meter and the inspector, respecting the correctness of such meter, the inspector shall, if required by any person dissatisfied, give such party his reasons in writing, for his decision; and the dissatisfied party may require such meter to be examined and re-tested by two inspectors of adjoining or neighbouring districts, named—one by each party; and the decision of such last mentioned inspectors shall be final; and the expense of the proceeding, taken under the powers hereby granted, shall be borne by the party against whom the decision is given. R.S., c. 101, s. 26.

30. All meters made to supply not more than twenty-five lights, required to be verified and stamped, shall be delivered to the inspector at the place where his testing gas holder and apparatus are then kept; but meters intended to supply more than twenty-five lights may, when deemed necessary by the inspector, be tested without being removed from the place where they are used, by test meters or such other apparatus as are directed by the Minister; and every purchaser or seller of gas may, at his own expense, require any stamped or unstamped meter by which the gas is measured, to be

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be examined and tested, and if found correct, to be stamped; or he may, at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours' notice, in writing, of such intended removal, to the other party. R.S., c. 101, s. 27.

**TESTING THE QUALITY AND PURITY OF GAS.**

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

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

shall exhibit no trace of sulphuretted hydrogen or any excess of sulphur or ammonia when tested in accordance with the rules provided in that behalf in the schedule to this Act. R.S., c. 101, s. 28.

32. Such quality shall be called the standard quality, unless such undertaker has expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the prescribed quality; but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid, and from any greater quantity of sulphur or ammonia than is allowed by regulations made by the Minister. R.S., c. 101, s. 28.

33. Illuminating gas shall be considered as impure, when it contains ammonia in any quantity exceeding four grains per one hundred cubic feet, or sulphur in other forms than sulphuretted hydrogen, in any quantity exceeding thirty-five grains per one hundred cubic feet. R.S., c. 101, s. 28.

34. A testing place or places shall be prescribed by the Department in every city, town, or place for or in respect of which an inspector of gas is appointed, and such testing place shall not be less than five hundred yards distant from the gas house or premises where the gas is produced and purified, and not more than one hundred yards from some point on some one of the main conducting pipes used for the distribution of the gas; and, upon notice of the determination as to the location of such testing place, every undertaker shall make the connections necessary to carry the gas from such gas house or premises R.S., 1906.
premises to such testing place; and until such connections have been made to the satisfaction of the inspector, the selling of gas shall be illegal. 53 V., c. 25, s. 2.

35. The inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker at the testing place prescribed as aforesaid, or at any other place at the option of the inspector. R.S., c. 101, s. 29; 53 V., c. 25, s. 2.

36. There shall be provided at the testing place or places proper conveniences and apparatus therein for the purposes of,—

(a) testing the illuminating power of the gas supplied;
(b) testing the presence of sulphuretted hydrogen in the gas supplied; and,
(c) testing the presence and quantity of sulphur and ammonia. R.S., c. 101, s. 30.

37. If there is a special agreement between the undertaker and the purchaser, there shall be provided proper conveniences and apparatus for such of the said purposes as are prescribed in the said agreement. R.S., c. 101, s. 30.

38. The said apparatus shall be in accordance with the regulations prescribed in the schedule to this Act, or according to such rules as are, from time to time, substituted in lieu there-of by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker. R.S., c. 101, s. 30.

39. The inspector may test the illuminating power and purity of the gas supplied by the undertaker on any or every day, between the hours of five o'clock and eight o'clock in the afternoon, from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of seven o'clock and ten o'clock in the afternoon, from the first day of April to the thirtieth day of September, both inclusive. R.S., c. 101, s. 31.

40. The undertaker and purchaser, or either of them, may have an agent present at the testing; but such agent shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the schedule to this Act, or in any regulations made under this Act. R.S., c. 101, s. 32.

41. The fees of the inspector shall be paid by the person requiring the inspection; but if the inspector finds and certifies

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fies that the gas inspected is inferior in quality to the standard
or quality which the undertaker was bound to furnish to the
purchaser, then the purchaser, if he has required the inspection,
may recover from the undertaker the fees so paid by him.
R.S., c. 101, s. 33.

42. The inspector shall give to either the undertaker or pur-
chaser, or both, on payment of the proper fee, a certificate staf-
ing the result of his inspection, and the time at which it was
made, and at whose instance, and any other particulars he
thinks it right to insert for the information and guidance of
the persons concerned; and such certificate shall be prima facie
evidence of the quality of the gas inspected, and shall bear an
adhesive stamp or stamps representing the fee lawfully charge-
able for such certificate. R.S., c. 101, s. 34.

BOOKS AND INSPECTORS' CERTIFICATES.

43. Every undertaker shall, at all times, keep in his office,
in a book or books, the names and addresses of his purchasers
for the time being, which book or books shall be open to the
inspector during office hours, and from which he may take such
extracts as he thinks fit. R.S., c. 101, s. 35.

44. Every undertaker shall keep the public informed of the
illuminating power of the gas supplied by him, and of its
purity as affected by the absence or presence of sulphuretted
hydrogen, by procuring a certificate from the inspector and
posting it up in the chief office of the undertaker from time to
time. As follows: Undertakers having more than four thousand
meters shall procure such certificate once in each week; those
having four or more than three thousand meters, once in two
weeks, those having three or more than two thousand meters,
one in each month; those having two thousand or more than
one thousand meters, once in each interval of two months;
and those having one thousand meters or less, once in each
interval of three months. 63-64 V., c. 41, s. 1.

45. Such certificate shall show the average result of the
various tests taken by the inspector under regulations made
by the Minister, during the period intervening between the date
of any certificate and that of the preceding one, and shall
remain so posted up until replaced by the next succeeding one
as hereinbefore required. R.S., c. 101, s. 36.

46. Every undertaker in cities in which the requisite
apparatus is furnished by the Minister, shall obtain during the
first weeks respectively of January, April, July and October
in each year, a certificate indicating the average quantity of
ammonia and sulphur, in other forms than sulphuretted hydro-
gen, ascertained by official analysis during the preceding three
months to have been contained in the gas. R.S., c. 101, s. 36.

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47. Each certificate of tests made shall be posted as above required within twenty-four hours of its delivery by the inspector, and shall remain so posted up until the issue of the next following certificate. R.S., c. 101, s. 36.

FEES, STAMPS AND ACCOUNTS.

48. The fees for testing and stamping gas meters or for testing the quality and purity of gas, shall be determined, from time to time, by the Governor in Council and published in the Canada Gazette, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect; and all fees received under this Act shall be accounted for and paid to the Minister of Finance, at such times and in such manner as the Minister directs, and shall form part of the Consolidated Revenue Fund. R.S., c. 101, s. 37.

49. Such fees shall be paid, at the time of the inspection, stamping or verification, to the inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of such duty, and shall, at the time of affixing the same, write or stamp thereon the date at which such stamp or stamps is or are affixed; and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled. R.S., c. 101, s. 38.

50. The Governor in Council may, from time to time, direct stamps to be prepared for the purposes of this Act, bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; and the device on such certificate stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the fees hereby prescribed. R.S., c. 101, s. 39.

51. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same for the last preceding fiscal year shall be laid before Parliament within the first fifteen days of each session. R.S., c. 101, s. 40.

OFFENCES AND PENALTIES.

52. Every person who, except under the authority of this Act, makes, causes or procures to be made, or knowingly acts or assists in making, or who forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly acts or assists in the forging or counterfeiting of any stamp or mark
mark used for the stamping or marking of any meter under this Act, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars; and every person who knowingly sells, utters or disposes of, let, lends or exposes to sale, any meter with such forged stamp or mark thereon, shall, for every such offence, incur a penalty not exceeding two hundred dollars and not less than twenty dollars; and all meters, having on them such forged or counterfeited stamps or marks, shall be forfeited and destroyed. R.S., c. 101, s. 41.

53. Every person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to any stamped meter, so as to cause such meter to register unjustly, or who prevents or refuses lawful access to any meter in his possession or control, or interferes with or obstructs the supply of water necessary for the proper action of the meter, or obstructs or hinders any examination or testing authorized by this Act, shall incur a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall pay the fees for removing and testing, and the expense of purchasing and fixing a new meter: Provided that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability to indictment or other proceeding to which he would otherwise be liable, or deprive any person of the right to recover damages against such person for any loss or injury sustained by such act or default. R.S., c. 101, s. 42.

54. Every person who fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall incur a penalty of twenty-five dollars for every such unverified or unstamped meter. R.S., c. 101, s. 43.

55. Every person except the inspector herein provided, who verifies or tests, or causes to be verified or tested, any meter after it has been fixed for use shall incur a penalty of twenty-five dollars for every meter soverified or tested. 1 E. VII., c. 28, s. 3.

56. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which, under this Act, is to be affixed to any such certificate, or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeited, is guilty of forgery, and shall be punished accordingly, and every one who steals any such stamp is guilty of theft. R.S., c. 101, s. 45.

57. Every undertaker furnishing gas for illuminating purposes which exhibits traces of sulphuretted hydrogen, when tested R.S., 1906.
tested in accordance with the rules provided in that behalf in
the schedule to this Act, shall incur a penalty for the first
offence, if such undertaker has more than eight thousand
meters, of sixty dollars; if less than eight thousand and more
than four thousand meters, of thirty dollars; if less than four
thousand and more than one thousand, of twenty dollars; if
less than one thousand, of ten dollars; and for every subsequent
offence, double the above-named penalties.

2. Every undertaker furnishing gas for illuminating pur-
poses which exhibits ammonia, or sulphur in other form than
sulphuretted hydrogen, in any greater quantity than is allowed
by regulations made by the Minister, or which is below the
standard quality as to its illuminating properties, shall incur
a penalty for each and every day during and upon which such
failure to comply with this Act occurs and continues, if such
undertaker has more than eight thousand meters, of thirty
dollars; if less than eight thousand and more than four
thousand, of fifteen dollars; if less than four thousand and
more than one thousand, of ten dollars; and if one thousand
or under, of five dollars; unless such undertaker shows, to the
satisfaction of the Minister, that the occurrence was attribut-
able solely to accident which could not, by reasonable care and
foresight, have been avoided. 53 V., c. 25, s. 3; 61 V., c. 26,
s. 2.

58. Every undertaker who fails to keep the book or books
required by this Act to be kept by him, or who refuses to allow
the inspector to examine such books and to take such extracts
therefrom as he requires, shall incur a penalty of fifty dollars.
R.S., c. 101, s. 35.

59. Every undertaker who fails to procure and post up the
certificates of tests required by this Act shall incur a penalty
of ten dollars for each day during which such failure continues.
R.S., c. 101, s. 36.

60. Every undertaker who in violation of any provision of
this Act sells gas before connections have been made with the
testing place as provided by this Act to the satisfaction of the
inspector, shall incur a penalty of fifty dollars for each day on
which such illegal selling takes place. 53 V., c. 25, s. 2.

61. Every inspector who stamps any meter without duly
testing and finding the same correct, or who refuses or neg-
lects, for three days after being required under the provisions
of this Act, without lawful excuse, to test any meter, or gas, or
to stamp any meter found correct on being so tested, or who
neglects to perform any duty imposed upon him by this Act or
by any regulations made under authority thereof, shall incur a
penalty not exceeding fifty dollars and not less than ten dollars,
and shall be liable to dismissal from office. R.S., c. 101, s. 44.

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PROCEEDURE.

62. All penalties imposed by this Act, or by any regulation made under the authority thereof, shall be recoverable, on summary conviction, with costs,—
(a) before any justice of the peace for the district, county or place in which the offence was committed, if the penalty does not exceed twenty dollars; and,
(b) before any two justices of the peace, if the penalty exceeds twenty dollars.

2. Such penalties may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the justice, who may also award any imprisonment to which the offender is liable. R.S., c. 101, s. 47.

63. Every such prosecution shall be instituted by the inspector, as acting in pursuance of this Act, who shall account for the amount of the penalty to the Minister. R.S., c. 101, s. 47.

64. All false meters seized as forfeited under this Act, shall be delivered to the inspector, in whose custody they shall remain, subject to the order of the Minister. R.S., c. 101, s. 48.

65. No action or prosecution shall be brought against any person for any fine or penalty under this Act, unless the same is commenced within six months after the offence is committed. R.S., c. 101, s. 49.

SCHEDULE.

APPARATUS FOR TESTING GAS.

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

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

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

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

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

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such

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

MODE OF TESTING FOR ILLUMINATING POWER.

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

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

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

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

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

MODE OF TESTING FOR PURITY.

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

For sulphur or ammonia, such process shall be used as is directed by departmental regulations.

R.S., c. 101, sch.
CHAPTER 88.

An Act respecting the Inspection of Electric Light.

SHORT TITLE.

1. This Act may be cited as the Electric Light Inspection Act. 57-58 V., c. 39, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'contractor' means any person undertaking to furnish electricity to any purchaser for lighting purposes;
   (b) 'purchaser' means any person to whom electricity is furnished for lighting purposes;
   (c) 'meter' means electric light meter, and includes every kind of machine, apparatus or instrument used for measuring the quantity of electrical energy furnished to the purchaser;
   (d) 'purchaser's terminals' means the ends of the electric lines or conductors situate upon the purchaser's premises at which the supply of electricity is delivered from the service lines;
   (e) 'Department' means the Department of Inland Revenue;
   (f) 'Minister' means the Minister of Inland Revenue;
   (g) 'inspector' means an inspector appointed under this Act by the Department. 57-58 V., c. 39, s. 2; 60-61 V., c. 18, s. 4; 1 E. VII., c. 29, s. 1.

UNIT OF SUPPLY.

3. The commercial unit of supply of electrical energy shall be one thousand watt-hours, or the equivalent thereof in ampere-hours. 57-58 V., c. 39, s. 3.

CONTRACTORS.

4. Before commencing to give a supply of electrical energy for illuminating purposes to any purchaser, the contractors shall declare to such purchaser the constant pressure at which they propose to supply energy at his terminals.
2. The variation of pressure at any purchaser's terminals shall not under any conditions of the supply which the purchaser is entitled to receive, nor at any time exceed three per centum from the declared constant pressure, whether such variation is due to the resistance of the service lines or apparatus belonging to the contractors, or to any action or effect produced by such apparatus, for which the purchaser cannot be shown to be responsible, or partly to a variation of pressure in the distributing mains from which the supply is taken.

3. The contractors shall not be liable for any variation of pressure caused by unavoidable accident to the generating plant or apparatus, or by the uncontrollable condition of the elements. 57-58 V., c. 39, s. 4.

5. The contractors shall be responsible for all electric lines, fittings and apparatus, belonging to them or under their control upon the purchaser's premises, being maintained in a proper condition and in all respects fit for supplying energy; but they shall not be responsible for any damages arising from the use of the electric current in lines, fittings and apparatus not belonging to them or under their control. 57-58 V., c. 39, s. 5.

6. If the contractors are reasonably satisfied, after making all proper examination by testing or otherwise, that at some part of a circuit a connection with the earth exists of such resistance as to be a source of danger, and that such connection does not exist at any part of the circuit belonging to the contractors, any officer of the contractors duly authorized by them in writing, may, for the purpose of discovering whether such connection with the earth exists at any part of the wires upon any purchaser's premises, at all reasonable times, after giving one hour's notice of his intention to do so, enter such premises and disconnect the purchaser's wires from the service lines, and may require the purchaser to permit him to inspect and test the wires and fittings belonging to the purchaser and forming part of the circuit. 57-58 V., c. 39, s. 6.

7. If on such testing the officer discovers that a connection exists between the purchaser's wires and the earth, and that such connection has an electrical resistance not exceeding five thousand ohms, or if the purchaser does not give all due facilities for such inspection and testing, the contractors shall forthwith discontinue the supply of energy to his premises, giving immediate notice of such discontinuance to the purchaser, and shall not recommence such supply until they are satisfied that such connection with the earth has been removed. 57-58 V., c. 39, s. 7.

8. If any purchaser is dissatisfied with the action of the contractors, either as to the mode of making the test or in dis-
continuing the supply of electricity to his premises, the wires and fittings of such purchaser may, on his application to the Department, be tested, for the existence of such connection with the earth, by an electric light inspector. 57-58 V., c. 39, s. 8.

9. Any officer of the contractors authorized in writing by the purchaser’s premises. inspector may, for the purpose of,—

(a) inspecting their electric wires, meters, accumulators, fittings, works, and apparatus for the supply of electricity; or,

(b) ascertaining the quantity of electricity consumed or supplied; or,

(c) removing any electric lines, accumulators, fittings, works and apparatus belonging to the contractors, in cases where a supply of electricity is no longer required or the contractors are authorized to take away and cut off the supply of electricity from any premises; enter at all reasonable times any premises to which electricity is or has been supplied by the contractors.

2. Such officer shall repair all damage caused by such entry, inspection or removal. 57-58 V., c. 39, s. 11.

10. Before supplying electricity to purchasers, the contractors shall obtain from the Department, or from an officer appointed for the purpose, a certificate of registration, and shall pay the officer issuing such certificate the fees prescribed by the Governor in Council.

2. Such certificate shall expire on the thirtieth day of June, in each year, and shall be renewable from year to year. 57-58 V., c. 39, s. 33.

INSPECTORS.

11. Inspectors of weights and measures, or of gas, or other officers of Inland Revenue, may, after examination as to their qualification, be appointed and act as electric light inspectors under this Act.

2. No such inspector shall be a seller of electricity or electric meters, or be employed by any person or company supplying electricity or meters.

3. No electric inspector shall repair or adjust any meter or repair. inspected or verified by him. 57-58 V., c. 30, s. 12.

12. The Governor in Council may, from time to time, de- Appointment of inspectors. termine at and for what places inspectors shall be appointed; and until such inspectors are appointed, this Act shall be deemed not to have come into operation with respect to such places. 57-58 V., c. 39, s. 36.

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METERS.

13. The amount of electrical energy supplied by contractors to any purchaser under this Act for lighting purposes, or the electrical quantity contained in such supply, shall, if the purchaser so desires, be ascertained by means of a suitable meter, duly certified in accordance with regulations established under the authority of this Act.

2. Whenever a reading of a meter is taken by the contractors for the purpose of establishing a charge upon the purchaser, the contractors shall cause a duplicate of such reading to be left with the purchaser. 57-58 V., c. 39, s. 13.

14. No electric light meter shall be fixed for use which has not been verified and stamped as hereinafter provided.

2. No meter after it has been fixed for use shall be verified or tested by any person except by the inspector as herein provided. 57-58 V., c. 39, s. 14; 1 E. VII., c. 29, s. 2.

15. No meter shall be fixed for use unless it plainly indicates by means of suitable dials the amount of current or energy passing to the purchaser's wires.

2. Electrolytic meters in use on the twenty-third day of July, one thousand eight hundred and ninety-four, may be continued unless objected to by the purchaser.

3. All renewals of meters shall be made by the substitution of the direct-reading types.

4. The capacity of every meter fixed for use shall be marked in a conspicuous place with the number of amperes or watts it is constructed to record. 57-58 V., c. 39, s. 15.

16. No meter shall be stamped which is found by the inspector to register quantities varying from the legal standard unit of electricity more than three per centum in favour of either the contractor or the purchaser. 1 E. VII., c. 29, s. 3.

17. The verification of each meter shall be attested by affixing or impressing on some essential part thereof, a stamp or mark of such description and in such manner as is directed by regulations made by the Minister. 57-58 V., c. 39, s. 17.

18. Within twelve months after the expiration of five years from such verification and stamping, every meter shall again be verified and stamped. 57-58 V., c. 39, s. 18.

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

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2. The purchaser or the contractor may at any time, at the cost of the party in fault, require the verification of the meter used.

3. In the event of an inspected meter being found, on re-inspection, to vary from the standard, the contractor or the purchaser, as the case may be, shall only be entitled to the gain or loss, as the case may be, arising by reason of such error, during the three months immediately prior to such re-inspection. 57-58 V., c. 39, s. 19; 1 E. VII., c. 29, s. 4.

20. In every case the owner shall keep the meter in good repair, and shall be responsible for the due inspection thereof, and, except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred with respect to such meter. 57-58 V., c. 39, s. 20.

21. The verification and testing of meters shall be performed in accordance with the provisions of this Act and with such further regulations, not inconsistent therewith, as are made by the Minister. 57-58 V., c. 39, s. 21.

22. The contractors shall provide electricity and wiring and all other reasonable facilities for testing, free of charge, at such places as are agreed upon between the contractors and the Department. 57-58 V., c. 39, s. 22.

23. If any dispute arises between the contractor and the purchaser or between the contractor and the inspector, respecting the correctness of such meter, the inspector shall, if required by any person dissatisfied, refer such dispute to the Department for final decision.

2. During the inspection of any disputed meter, the contractor or purchaser may be present, by himself or his agent authorized in writing; and twenty-four hours' notice of the inspection shall be given by the inspector to both the parties interested. 57-58 V., c. 39, s. 23; 1 E. VII., c. 29, s. 5.

GENERAL.

24. The purchaser may at any time, on payment of a fee to be fixed by the Governor in Council, call on an inspector to test the pressure of the electricity supplied by the contractor, and to furnish a certificate thereof. 57-58 V., c. 39, s. 23.

25. The inspector shall give to either the contractor or the purchaser, or to both, on payment of the proper fee, a certificate stating the result of his inspection, and the time at which it was made, and at whose instance, and any other particulars he thinks it right to insert for the information and guidance of the persons concerned.

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2. Such certificate shall be prima facie evidence of the condition of the meter inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate. 57-58 V., c. 39, s. 24.

26. The contractors shall at all times keep in their office, in a book or books, the names and addresses of purchasers for the time being, which book or books shall be open to the inspector during office hours, and from which he may take such extracts as he thinks fit. 57-58 V., c. 39, s. 25.

27. The fees for inspection of purchasers' wires and the testing of lamps and meters shall be determined from time to time by the Governor in Council and published in the Canada Gazette, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect; and all fees received under this Act shall be accounted for and paid to the Minister of Finance and in such manner as the Minister directs, and shall form part of the Consolidated Revenue Fund of Canada. 57-58 V., c. 39, s. 26.

28. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

2. The device on such stamps shall express the value thereof, that is to say, the sum at which they shall be reckoned in payment of the fee determined as aforesaid. 57-58 V., c. 39, s. 27.

29. Separate accounts shall be kept of all expenditures incurred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same for the last preceding fiscal year shall be laid before Parliament within the first fifteen days of each session. 57-58 V., c. 39, s. 28.

OFFENCES AND PENALTIES.

30. If any contractor makes default in complying with the requirements as to supply of sections four to ten inclusive of this Act, or any of them, he shall be liable, for every such default, to a penalty not exceeding twenty dollars for every day during which such default continues. 57-58 V., c. 39, s. 9.

31. Every contractor who fails at any time to keep in his office in a book or books the names and addresses of the purchasers for the time being open to an inspector during office hours, from which the inspector may take such extracts as he thinks fit, shall incur a penalty of fifty dollars. 57-58 V., c. 39, s. 25.

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32. Every person who, except under the authority of this Act, makes, causes or procures to be made, or knowingly acts or assists in the making, or who forges or counterfeits, or causes, or procures to be forged or counterfeited, or knowingly acts or assists in the forging or counterfeiting of any stamp or mark used for the stamping or marking of any meter under this Act, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

2. Every person who knowingly sells, utters or disposes of, lets, lends or exposes for sale, any meter with such forged stamp or mark thereon, shall, for every such offence, incur a penalty not exceeding two hundred dollars and not less than twenty dollars.

3. All meters having on them such forged or counterfeited stamps or marks shall be forfeited and destroyed. 57-58 V., c. 39, s. 29.

33. Every person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to any stamped meter, so as to cause such meter to register wrongly, or who prevents, or refuses lawful access to any meter in his possession or control, or obstructs or hinders any examination or testing authorized by this Act, shall incur a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall pay the fees for removing and testing, and the expense of purchasing and fixing a new meter.

2. The payment of any such penalty shall not exempt the person paying it from liability to indictment or other proceeding to which he would otherwise be liable, or deprive any other person of the right to recover damages against such person for any loss or injury sustained by such act or default. 57-58 V., c. 39, s. 30.

34. Every person who fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall incur a penalty of twenty-five dollars for every such unverified or unstamped meter. 57-58 V., c. 39, s. 31.

35. Every inspector who stamps any meter without duly testing and finding it correct, or who refuses or neglects, without lawful excuse, for three days after being required under the provisions of this Act, to test any meter, or to stamp any meter found correct on being so tested, or who neglects to perform any duty imposed upon him by this Act, or by any regulations made under the authority thereof, shall incur a penalty not exceeding fifty dollars and not less than ten dollars, and shall be liable to dismissal from office. 57-58 V., c. 39, s. 32.

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Unauthorized testing. 36. Every person except the inspector as herein provided, who verifies or tests, or causes to be verified or tested, any meter after it has been fixed for use shall incur a penalty of twenty-five dollars for every meter so verified or tested. 1 E. VII., c. 29, s. 6.

PROCEDURE.

Recovery of penalties. 37. All penalties imposed by this Act or by any regulations made thereunder shall be recoverable on summary conviction with costs,—

(a) if the penalty does not exceed twenty dollars, before any justice of the peace for the district, county or place in which the offence was committed; and,

(b) if the penalty exceeds twenty dollars, before any two justices of the peace.

How levied. 2. Such penalties may, if not forthwith paid, be levied by warrant under the hand and seal of the convicting justices, who may award any imprisonment to which the offender is liable.

In case of corporation. 3. When the offender is a corporation any process or other paper required by Part XV. of the Criminal Code to be served upon the defendant in proceedings under that Part may in such case be served upon the mayor, or chief officer of such corporation, or upon the clerk or secretary thereof. 57-58 V., c. 39, s. 33; 3 E. VII., c. 20, s. 1.

Limitation of suits. 38. No action or prosecution shall be brought against any person for any fine or penalty under this Act, unless it is commenced within three months after the offence is committed. 57-58 V., c. 39, s. 34.

REGULATIONS.

Regulations. 39. The Governor in Council may establish rules and regulations,—

(a) for the testing of electric lamps for illuminating power;

(b) for instituting tests to determine what style or make of meter shall be used to measure the quantity of electrical energy supplied;

(c) for determining a standard or standards for arc lighting; and,

(d) such other regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions and for declaring its true intent and meaning in all cases of doubt. 1 E. VII., c. 29, s. 7.

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CHAPTER 89.

An Act respecting the Inspection of Water Meters.

SHORT TITLE.

1. This Act may be cited as the Water Meters Inspection Act.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Inland Revenue;
(b) 'Department' means the Department of Inland Revenue;
(c) 'meter' means water meter, and includes every kind of machine, apparatus or instrument used for measuring or recording the volume of water furnished to the purchaser;
(d) 'contractor' means any company, corporation or person undertaking to furnish water to any purchaser;
(e) 'purchaser' includes any person to whom water is to be furnished;
(f) 'inspector' means any inspector of water meters appointed under this Act.

REGULATIONS.

3. The Governor in Council may, from time to time, make such regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions, and for declaring its true intent and meaning in all cases of doubt.

4. The standards or units of measure for the sale of water by meter shall be the gallon containing ten Dominion standard pounds weight of distilled water at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches, and the cubic foot, containing sixty-two pounds and three hundred and twenty-one thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches.
5. Any officers in the employ of the Department may be appointed and may act as inspectors of meters under this Act. 4-5 E. VII., c. 48, s. 3.

6. No meter shall be fixed for use which has not been verified and stamped as hereinafter provided. 4-5 E. VII., c. 48, s. 4.

7. No meter shall be fixed for use unless it plainly indicates by means of suitable dials the quantity, in gallons or cubic feet of water passing through and discharged therefrom.

2. The capacity of every such meter shall also be conspicuously marked thereon. 4-5 E. VII., c. 48, s. 5.

8. No meter after it has been fixed for use shall be verified or tested by any person except by the inspector. 4-5 E. VII., c. 48, s. 6.

9. Within twelve months after the expiration of five years from each verification and stamping, every meter shall again be verified and stamped. 4-5 E. VII., c. 48, s. 7.

10. No meter shall be stamped which is found by the inspector to register, or capable, without tampering with the general construction, of being made to register, quantities varying from the true standard measure of water more than three per centum in favour of the purchaser. 4-5 E. VII., c. 48, s. 8.

11. The verification of each meter shall be attested by affixing or impressing on some essential part thereof a stamp or mark of such description and in such manner as is directed by regulations made by the Minister, and, further, by the granting of such certificate as is prescribed by regulations under this Act. 4-5 E. VII., c. 48, s. 9.

12. No meter duly stamped as aforesaid shall be liable to be re-stamped within the period of five years from the then last verification or re-verification thereof, although it is used in any other place than that at which it was originally stamped, but such meter shall be considered as a lawful meter throughout Canada, unless found incorrect under this Act, or requiring re-verification by lapse of time as aforesaid, and the purchaser or the contractor may at any time, at the cost of the party in fault, require the verification of the meter used. 4-5 E. VII., c. 48, s. 10.
13. In the event of an inspected meter being found, on re-
inspection, to vary from the standard, the contractor or the 
purchaser, as the case may be, shall only be entitled, in esti-
mating any rebate, to the gain or loss, as the case may be, 
which has taken place during the three months immediately 
prior to such reinspection. 4-5 E. VII., c. 48, s. 11.

14. Every consumer of water, by meter, may purchase and 
use for the measurement of the water supplied to him any 
meter duly verified and stamped as aforesaid. 4-5 E. VII.,
c. 48, s. 12.

15. In every case the owner of the meter shall keep it in 
good repair, and shall be responsible for the due inspection 
thereof, and, except as herein otherwise provided, shall pay the 
fee lawfully chargeable for such inspection, and shall be liable 
for all penalties incurred with respect to such meter. 4-5 E. 
VII., c. 48, s. 13.

16. The verification and testing of meters shall be per-
formed in accordance with such regulations as are established 
by the Department. 4-5 E. VII., c. 48, s. 14.

17. During the inspection of any disputed meter, under the 
provisions of this Act, the owner of such meter, the company, 
corporation or person furnishing the water, and also the per-
son to whom the water is supplied, may be present, by himself
or his agent.

2. At least twenty-four hours' notice of the inspection shall 
be given by the inspector to all the persons interested as aforesaid. 
4-5 E. VII., c. 48, s. 15.

18. Any inspector having given notice as aforesaid may, at 
the request and expense of any purchaser or contractor, at 
all reasonable times, enter any house or shop, yard or other 
place whatsoever within his district, where any meter, stamped 
or unstamped, is fixed or used.

2. If, upon examination and testing, it appears that such 
meter is incorrect or fraudulent, it shall not be used again 
until repaired so as to measure and register correctly, and until 
stamped. 4-5 E. VII., c. 48, s. 16.

19. If any dispute arises between the purchaser and the 
contractor, or between any owner of a meter and the inspector, 
respecting the correctness of the meter, the inspector shall, if 
required by any person dissatisfied, refer the dispute to the 
Department for final decision. 4-5 E. VII., c. 48, s. 17.

INSPECTORS' CERTIFICATES.

20. The inspector shall give to either the contractor or the 
purchaser, or to both, on payment of the proper fee, a certifi-
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cate stating the result of his inspection, and the time it was made, and at whose instance, and any other particulars he thinks it right to insert for the information and guidance of the persons concerned.

2. Such certificate shall be prima facie evidence of the condition of the meter inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate. 4-5 E. VII., c. 48, s. 18.

CONTRACTORS’ BOOKS.

21. Every contractor shall at all times keep in his office, in a book or books, the names and addresses of his purchasers for the time being, which book or books shall be open to the inspector during office hours, and from which he may take such extracts as he thinks fit. 4-5 E. VII., c. 48, s. 19.

FEES, STAMPS AND ACCOUNTS.

22. The fees for testing and stamping meters shall be determined, from time to time, by the Governor in Council.

2. All fees received under this Act shall be accounted for and paid to the Minister of Finance at such times and in such manner as the Minister directs, and shall form part of the Consolidated Revenue Fund. 4-5 E. VII., c. 48, s. 20.

23. Such fees shall be paid, at the time of the inspection, stamping or verification, to the inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of such fees, and shall, at the time of affixing the same, write or stamp thereon the date at which such stamp or stamps is or are affixed, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled. 4-5 E. VII., c. 48, s. 21.

24. The Minister may from time to time direct stamps to be prepared for the purposes of this Act, bearing such device as he thinks proper; and the device on such stamps shall express the value thereof, that is to say, the sum at which they shall be reckoned in payment of the fee hereby prescribed. 4-5 E. VII., c. 48, s. 22.

25. Separate accounts shall be kept of all expenditures incurred and of all fees and duties collected under the authority of this Act; and a correct statement of the same for the last preceding fiscal year shall be laid before Parliament within the first fifteen days of each session. 4-5 E. VII., c. 48, s. 23.

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OFFENCES AND PENALTIES.

26. Every person who, except under the authority of this Act, makes, causes or procures to be made, or knowingly acts or assists in making, or who forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly acts or assists in forging or counterfeiting any stamp or mark used for the stamping or marking of any meter under this Act, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

2. Every person who knowingly sells, utters or disposes of, lets, lends or exposes for sale, any meter with any such forged stamp or mark thereon, shall, for every such offence, incur a penalty not exceeding two hundred dollars and not less than twenty dollars, and all meters having on them such forged or counterfeited stamps or marks shall be forfeited and destroyed. 4-5 E. VII., c. 48, s. 24.

27. Every person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to, any stamped meter, so as to cause such meter to register wrongly, or who prevents or refuses lawful access to any meter in his possession or control, or obstructs or hinders any examination or testing authorized by this Act, shall incur a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall pay the fees for removing and testing, and the expense of purchasing and fixing a new meter.

2. The payment of any such penalty shall not exempt the person paying it from liability to indictment or other proceeding to which he would otherwise be liable, or deprive any other person of the right to recover damages against such person for any loss or injury sustained by such act or default. 4-5 E. VII., c. 48, s. 25.

28. Every person who fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall incur a penalty of twenty-five dollars for every such unverified or unstamped meter. 4-5 E. VII., c. 48, s. 26.

29. Every inspector who stamps any meter without duly testing and finding it correct, or who refuses or neglects, without lawful excuse, for three days after being required under the provisions of this Act to test any meter, or to stamp any meter found correct on being so tested, or who neglects to perform any duty imposed upon him by this Act or by any regulations made under the authority thereof, shall incur a penalty not exceeding fifty dollars and not less than ten dollars, and shall be liable to dismissal from office. 4-5 E. VII., c. 48, s. 27.

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Verifying fixed meter. 30. Every person, except the inspector as herein provided, who verifies or tests, or causes to be verified or tested, any meter after it has been fixed for use shall incur a penalty of twenty-five dollars for every meter so verified or tested. 4-5 E. VII., c. 48, s. 28.

Forging certificates of stamps. 31. Every person who forges or counterfeits, or causes, or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which, under this Act, is to be affixed to any such certificate, or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeited, is guilty of forgery and shall be punishable accordingly.

Theft of stamps. 2. Any one who steals any such stamp is guilty of theft. 4-5 E. VII., c. 48, s. 29.

Failure to keep books. 32. Every contractor who fails to keep the book or books required by this Act to be kept by him, or who refuses to allow the inspector during office hours to examine such books and to take extracts therefrom as he thinks fit, shall incur a penalty of fifty dollars. 4-5 E. VII., c. 48, s. 19.

PROCEDURE.

Recovery of penalties. 33. All penalties imposed by this Act or by any regulation made under the authority thereof, shall be recoverable, with costs, on summary conviction, before any justice of the peace for the district, county or place in which the offence was committed, if the penalty does not exceed twenty dollars, and before any two justices of the peace if the penalty exceeds twenty dollars.

Form of suits for penalties. 2. Every such prosecution shall be instituted by the inspector, as acting in pursuance of this Act, who shall account for the amount of the penalty to the Minister and all such penalties shall form part of the Consolidated Revenue Fund of Canada. 4-5 E. VII., c. 48, s. 30.

Limitation of suits. 34. No action or prosecution shall be brought against any person for any fine or penalty under this Act, unless it is commenced within six months after the offence is committed. 4-5 E. VII., c. 48, s. 31.

COMMENCEMENT.

Act to be proclaimed. 35. This Act shall come into force on a day to be named by proclamation. 4-5 E. VII., c. 48, s. 33.
CHAPTER 90.

An Act respecting the Sale and Marking of Manufactures of Gold and Silver.

SHORT TITLE.

1. This Act may be cited as the Gold and Silver Marking Act. 6 E. VII., c. 17, s. 1.

COMMENCEMENT.

2. This Act shall come into force on the thirteenth day of July, 15, one thousand nine hundred and seven. 6 E. VII., c. 17, s. 15.

INTERPRETATION.

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

(a) 'article' means an article of merchandise, and includes any portion of such article, whether a distinct part thereof or not;

(b) 'mark' includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating, or of purporting to indicate, the quality, quantity or weight of gold, or of silver, or of any alloy of gold or of silver, in an article of merchandise;

(c) 'apply' and 'applied' include any method or means of application or attachment to, or of use on, or in connection with, or in relation to, an article of merchandise, whether such application, attachment or use is to, on, or with

(i) the article itself, or
(ii) anything attached to the article, or
(iii) anything to which the article is attached, or
(iv) anything in or on which the article is, or
(v) anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself;

(d) 'dealer' includes any person, corporation, association, or firm, being a manufacturer of, or a wholesale or retail seller of or dealer in gold or silver jewellery, or of or in gold ware, gold-plated ware, silver ware, or silver-plated ware,
Marking.

To sell. 

To sell' includes to dispose of for valuable consideration, to offer to sell, to offer to dispose of for valuable consideration, and to have in possession with intent to sell or to dispose of for valuable consideration. 6 E. VII., c. 17, s. 2.

Marks on cases or coverings.

4. A mark applied to any case or covering attached to or forming part of any article composed of mechanism, works or movements, or intended to be so applied or to form such part, shall not be deemed to be applied to such mechanism, works or movements. 6 E. VII., c. 17, s. 10.

Application.

5. This Act shall not apply to any article made in Canada before the date of the coming into force of this Act, or to any article imported into Canada before the said date, or to any article which, by regulation made by the Governor in Council under the authority of this Act, may be exempted from the application thereof. 6 E. VII., c. 17, s. 3.

Idem.

6. This Act shall not apply with respect to such parts of manufactured articles as may require adaptation to the use of the trade, that is to say, to springs, winding-bars, sleeves, crown cores, pins, joint-pins, and to such other like articles as by regulation made by the Governor in Council under this Act may be exempted from the operation of this Act. 6 E. VII., c. 17, s. 9.

Idem.

7. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be exempt from the provisions of the last two preceding sections. 6 E. VII., c. 17, s. 14.

Marking.

8. It shall not be lawful to make or sell, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or of silver, or of any alloy of gold or of silver, except the articles mentioned in section ten of this Act, if to such article there is applied any mark other than,—

Trade mark. 

(a) trade marks registered in accordance with the Trade Mark and Design Act; and,

Date mark. 

(b) such letter as is, by Schedule A to this Act, required to indicate the period of time during which such article was manufactured; and,

Quality mark. 

(c) marks truly and correctly indicating, as required by this Act, the quality of the gold or silver, or alloy of gold or of silver, used in the construction of such article.

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2. The provisions of this section shall not apply to any British and
d Article of gold less than ten karats in fineness, or of silver, or foreign
marks.
mark, applied according to the laws of the
United Kingdom of Great Britain and Ireland; or,
mark indicating the quality of the gold or of the
silver or of the alloy and applied by the government of
any foreign country.
if with respect to such article all the other provisions of this
Act have been complied with. 6 E. VII., c. 17, ss. 4 and 8.

9. As respects articles composed, in whole or in part, of gold or of any alloy of gold,—

(a) the marks indicating as required by this Act the quality karat mark.
of gold or alloy of gold used in the construction of the
article shall state the fineness of the gold in karats, thus: 
10K, 18K, or as the case may be; and,
(b) the number of karats so stated shall bear the same pro-karat ratio.
portion to twenty-four karats as the gold in the alloy bears
to pure gold; that is to say, 18K shall be deemed to mean
that in the composition there are intended to be eighteen
parts of pure gold, and six parts of alloy; and,
(c) the actual fineness of the gold or alloy of gold of which
the article is composed shall not be less than the said pro-
portion
(i) by more than one-half of a karat, if solder is used, or
(ii) by more than one-quarter of a karat, if solder is not
used. 6 E. VII., c. 17, s. 5.

10. In the case of articles made in whole or in part of an inferior metal, which has deposited or plated thereon, or brazed etc.
or otherwise affixed thereto, a plating, covering or sheet com-
posed of gold or of silver, or of an alloy of gold or of silver, and
known in the trade as rolled gold plate, gold filled, gold plate,
silver plate, silver filled, or gold or silver electroplate, or by any
similar designation, and in the case of articles of like nature
brought under the provisions of this section by regulation made
by the Governor in Council under this Act,—

(a) no mark shall be applied indicating otherwise than truly marks,
and correctly the fineness and also the actual weight of
gold or of silver, or of alloy of gold or of silver, contained
in the article, or the decimal proportion of gold, or of
silver, or of alloy of gold or of silver, to the gross weight
of the article at the time the article is sold or delivered by
the maker; but a mark plainly and truly indicating that
the article or part thereof is made of rolled gold plate,
gold filled, gold plate, silver plate, silver filled, or gold or
silver electroplate, or of any similar material, as the case
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may be, which mark must be accompanied by a trade mark registered in accordance with the Trade Mark and Design Act, may be applied; and,

(b) whenever the fineness or actual or proportionate weight of the gold, or of the silver, or of the alloy of gold or of silver, contained in the article is indicated by a mark, the article and its accessories shall be marked as required by the last preceding section and the next following section of this Act; and,

c) the actual weight or the decimal proportion of gold, or of silver, or of alloy of gold or of silver, shall not be less than the actual weight or decimal proportion indicated by the mark by more than ten per centum of the actual weight or decimal proportion so indicated.

2. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be brought under the provisions of this section. 6 E. VII., 17, ss. 11 and 14.

OFFENCES AND PENALTIES.

11. Every one, being within the meaning of this Act a dealer, is guilty of an indictable offence and liable to the penalty by this Act provided, who,—

(a) makes or sells or imports or attempts to import into Canada, any article purporting to be wholly or partly composed of gold or of any alloy of gold, if the article when made or sold has applied thereto any mark indicating the gold in the article to be of less than ten karats in fineness, or bearing the words Gold, Solid Gold, Pure Gold, U.S. Assay, or other words purporting to describe the gold or alloy of which the article is composed; or,

(b) makes, or sells, or imports or attempts to import into Canada, any article which has applied thereto any mark indicating, or purporting to indicate, or leading to a reasonable belief, that the metal or alloy of which such article is composed is sterling silver, if the metal or alloy of which such article is actually composed contains silver in less proportion than nine hundred and twenty-five parts of pure silver in every one thousand parts of such metal or alloy

(i) by more than twenty-five parts in one thousand when solder is used, or

(ii) by more than ten parts in one thousand when solder is not used,

(c) contravenes any provision of the last preceding section, or makes, sells or imports or attempts to import into Canada any article in respect of which any provision of the said section is contravened; or,

(d)
(d) makes use of any printed or written matter or applies any mark, guaranteeing or purporting to guarantee that the gold or silver on or in any article of the kind referred to in the last preceding section will wear or last for any specified time; or,

(e) makes or sells or imports or attempts to import into Canada any electro-silver-plated article to which is applied a mark indicating otherwise than truly and correctly the metal on which the plating is deposited, the metal of which the deposit is composed, and the grade, quality or description, as known to the trade, of the plating. 6 E. VII., c. 17, ss. 6, 7, 11 and 12.

12. Every one who is convicted of an indictable offence under this Act, or of any other contravention of this Act, shall be liable to a fine not exceeding one hundred dollars for each article in respect of which the conviction is had; and after the conviction every such article shall be so broken or defaced as to be unfit for sale otherwise than as metal. 6 E. VII., c. 17, s. 13.

REGULATIONS.

13. The Governor in Council may, from time to time, make such regulations as to him seem necessary,—

(a) to secure the efficient administration and enforcement of this Act; including the imposition of penalties, not exceeding fifty dollars, upon any person contravening any such regulation, to be recoverable on summary conviction;

(b) for the appointment, powers and duties of officers employed in such administration and enforcement;

(e) generally for the purposes of this Act. 6 E. VII., c. 17, s. 14.

SCHEDULE A.

A indicates the period of time from June 30, 1906, to July 1, 1910.
B. indicates the period of time from June 30, 1910, to July 1, 1915.
C. indicates the period of time from June 30, 1915, to July 1, 1920.
D. indicates the period of time from June 30, 1920, to July 1, 1925.
E. indicates the period of time from June 30, 1925, to July 1, 1930.

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F. indicates the period of time from June 30, 1930, to July 1, 1935.

G. indicates the period of time from June 30, 1935, to July 1, 1940.

H. indicates the period of time from June 30, 1940, to July 1, 1945.

I. indicates the period of time from June 30, 1945, to July 1, 1950. 6 E. VII., c. 17, sch.

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CHAPTER 91.

An Act respecting the Royal Northwest Mounted Police.

SHORT TITLE.

1. This Act may be cited as the Royal Northwest Mounted Police Act. 57-58 V., c. 27, s. 1.

INTERPRETATION.

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

(a) 'the Force' means the Royal Northwest Mounted Police Force;
(b) 'Minister' means the minister for the time having control and management of the Force;
(c) 'member of the Force' or 'member,' includes the Commissioner and every other officer, non-commissioned officer and man of the Force;
(d) 'officer' means a commissioned officer of the Force;
(e) 'service' means service on the Force;
(f) 'constable' means and includes any member of the Royal Northwest Mounted Police Force other than a commissioned officer. 52 V., c. 26, s. 2; 57-58 V., c. 27, s. 2; 2 E. VII., c. 22, s. 2.

PART I.

ROYAL NORTHWEST MOUNTED POLICE FORCE.

Constitution.

3. The Royal Northwest Mounted Police Force, as constituted by the Governor in Council, shall continue to be a police force duly constituted for the provinces of Saskatchewan and Alberta and for the Northwest Territories and the Yukon Territory, and shall be known as the Royal Northwest Mounted Police. 57-58 V., c. 27, s. 3.

4. The President of the Privy Council, or such other member of the King's Privy Council for Canada as the Governor in Council R.S., 1906.
of Privy Council.

Arrangements with local governments for the use of the Force.

Appointment of Comptroller of police, etc.

Headquarters.

Offices of Commissioner.

Appointment of constables to 1,000 men.

Delegation.

Mounted.

And supernumerary constables.

Buglers.

Arrangements with surgeons and veterinary surgeons.

Council from time to time directs, shall have the control and management of the Force, and of all matters connected therewith. 57-58 V., c. 27, s. 3.

5. The Governor in Council may, from time to time, enter into arrangements with the government of any province of Canada for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in such province, and in carrying into effect the laws of the legislature thereof; and may, in any such arrangement, agree upon and determine the amount of money which shall be paid by the province for such services of the Force. 57-58 V., c. 27, s. 33.

6. The Governor General may by commission appoint an officer who shall be called the Comptroller of the Royal Northwest Mounted Police, a commissioner of police, two assistant commissioners of police, one for the provinces of Saskatchewan and Alberta and the Northwest Territories and one for the Yukon Territory, and one or more staff and other superintendents and inspectors, surgeons, assistant surgeons and veterinary surgeons of the police. 2 E. VII., c. 21, s. 1.

7. The headquarters of the Force shall be at such place in the province of Saskatchewan or Alberta or the Northwest Territories as the Governor in Council from time to time appoints.

2. The offices of the Commissioner shall be at the headquarters of the Force. 57-58 V., c. 27, s. 12.

8. The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables as he thinks proper, not exceeding in all one thousand men, and to appoint from among them non-commissioned officers of different grades.

2. The Commissioner may delegate such authority to any commissioned officer of the Force.

3. Such number of non-commissioned officers and constables shall be mounted as the Governor in Council directs.

4. The Governor in Council may authorize the Commissioner to appoint supernumerary constables, not exceeding in all twenty men, and to employ scouts, not exceeding in all fifty men, and twelve boys, not less than fourteen years of age, as buglers, at such rates of pay as are authorized by the Minister. 57-58 V., c. 27, s. 6.

9. The Governor in Council may authorize arrangements to be made with any surgeon or veterinary surgeon to perform the duties of surgeon or veterinary surgeon, respectively, for the Force, as to any portions or detachments thereof, and

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and may pay reasonable and proper remuneration for any services so rendered. 57-58 V., c. 27, s. 5.

10. The Comptroller shall have the rank of a deputy head of a department, and shall, under the Minister, have the control and management of the Force, and of all matters connected therewith.

2. The salary of the Comptroller shall be on appointment three thousand five hundred dollars per annum with an annual increase of one hundred dollars until he receives a maximum salary of four thousand dollars per annum, which increase shall be made by the Governor in Council on the recommendation of the Minister: Provided that the salary of the Comptroller who held office on the twenty-fourth day of October, one thousand nine hundred and three, shall be four thousand dollars per annum. 57-58 V., c. 27, s. 4; 3 E. VII., c. 9, ss. 2 and 3.

11. In the absence of the Commissioner, the assistant commissioners shall exercise, within their respective jurisdictions, all the powers which by this or any other Act are conferred upon the Commissioner. 2 E. VII., c. 21, s. 2.

12. The Commissioner and the assistant commissioners shall, respectively, have all the powers of two justices of the peace under this or any Act in force in the provinces of Saskatchewan and Alberta and in the Northwest Territories and the Yukon Territory.

2. The superintendents, and such other officers as the Governor in Council approves, shall be ex officio justices of the peace.

3. Every constable of the Force shall be a constable in and for the said two provinces and the Northwest Territories and the Yukon Territory for carrying out any laws or ordinances in force therein. 57-58 V., c. 27, s. 9.

13. Every such commissioner, assistant commissioner, superintendent or other officer is hereby further empowered to exercise, in any province of Canada, adjacent to the said province of Saskatchewan or Alberta or to the Northwest Territories or the Yukon Territory, and every constable is hereby empowered to exercise in every province of Canada, for the purpose of carrying out the criminal and other laws of Canada, like powers and duties as are in the last preceding section assigned to him with respect to the said two provinces and the said Northwest and Yukon Territories.

2. While so exercising powers or performing duties outside Idem. of the said two provinces and the Northwest Territories and the Yukon Territory a member of the Force shall be subject to the

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the provisions of this Part and the regulations made under it. 57-58 V., c. 27, s. 9; 2 E. VII., c. 21, s. 3.

14. No officer or constable shall be appointed to the Force unless he is of a sound constitution, able to ride, active and able bodied, of good character, and between the ages of eighteen and forty years, nor unless he is able to read and write either the English or the French language.

2. The provision in this section as to age shall not apply to any officer appointed before the twenty-third day of July, one thousand eight hundred and ninety-four, or to the Commissioner, assistant commissioners, or surgeons. 57-58 V., c. 27, s. 7.

15. Every constable shall, upon appointment to the Force, sign articles of engagement for a term of service not exceeding five years, and such engagement shall be made with the Commissioner, and may be enforced by him.

2. Such constable may be dismissed or discharged by the Commissioner before the expiration of the said term. 57-58 V., c. 27, s. 11.

Oaths.

16. Every member of the Force shall, before entering upon the duties of his office, take the oath of allegiance and an oath of office in the form following, that is to say:—

'I, A.B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Royal Northwest Mounted Police, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favour or affection of or towards any person. So help me God.'

2. Such oaths may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police, or any person having jurisdiction as aforesaid.

3. Such oaths shall be retained by the Commissioner as part of the records of his office. 57-58 V., c. 27, s. 8.

Duties.

17. The Commissioner of Police shall perform such duties as are assigned to him, and shall be subject to the control, orders and authority of such person or persons as are for that purpose

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purpose named by the Governor in Council. 57-58 V., c. 27, s. 4.

18. It shall be the duty of members of the Force, subject to the orders of the Commissioner,—
(a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in the provinces of Saskatchewan and Alberta and in the Northwest Territories and the Yukon Territory, and the criminal and other laws of Canada, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody;
(b) to attend upon any judge, stipendiary magistrate or justice of the peace when specially required, and to execute all warrants, and perform all duties and services in relation thereto, which may, under this Part or the laws and ordinances in force in the said two provinces and in the Northwest Territories and the Yukon Territory, or the criminal or other laws of Canada, be lawfully executed and performed by constables;
(c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics to or from any courts, places of punishment or confinement, asylums or other places. 57-58 V., c. 27, s. 13.

19. It shall be the duty of the members of the Force, subject to the orders of the Commissioner, upon information, or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or inclosure, and to enter, and, for such purpose, stop and detain while travelling, any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to search all parts thereof, and any kegs, barrels, cases, boxes, or packages or receptacles of any kind, for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink of any kind, and to break and destroy any such kegs, barrels, cases, boxes, or packages or other receptacles of any kind found containing the same, and to pour out and destroy all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink.

2. No constable shall so enter any hut, tent, wigwam or dwelling, unless accompanied by or under the order of a commissioned officer.

3. It shall not be necessary, in order to a constable's lawful entry into or search of any place or thing in this section mentioned, or to his right of seizure and destruction of such liquors,

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Duties of members of the Force. Preservation of the peace, etc.

Attendance on magistrate and execution of process.

Escort of prisoners or lunatics.

Searching for, seizing and destroying intoxicants.

Entering wigwam, etc.

Previous sight of intoxicant not necessary to justify entry.

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or intoxicating drink as aforesaid, that he shall, before such entry or seizure, see any such liquor or intoxicating drink, or have any visible indication or evidence that liquor of any kind may be contained in or about the premises.

4. This section shall apply only to the Northwest Territories as at present constituted and to any other territory in which the provisions of the Northwest Territories Act, Revised Statutes of Canada, chapter fifty, relating to the prohibition of intoxicants, remain in force, and it shall not apply to intoxicants lawfully imported and brought in. 57-58 V., c. 27, s. 13.

20. The Force shall, for the purposes aforesaid and the performance of the duties assigned to them by or under the authority of this Part, in addition to the powers and duties conferred or imposed by this Part, have all the powers, authority, protection and privileges which any constable has by law.

2. Except within the Yukon Territory the Force shall not be charged with any duties under or in connection with any municipal by-laws. 57-58 V., c. 27, s. 13; 3 E. VII., c. 37, s. 1.

Pay.

21. The Governor in Council may, from time to time, fix the sums to be paid to the Commissioner and other members of the Force, regard being had to the number of constables from time to time actually organized and enrolled, and the consequent responsibility attaching to their offices respectively, and to the nature of the duty or service and amount of labour devolving upon them; but such sums shall not exceed the amounts following, that is to say:

Commissioner of police, per annum. $3,000 00
Each assistant commissioner, per annum. 2,000 00
Each superintendent, per annum. 1,800 00
Each inspector, per annum. 1,400 00
Each surgeon or assistant surgeon, per annum. 1,800 00
Each veterinary surgeon, per annum. 1,400 00
Four staff sergeants, each per diem. 2 00
Other do do. 1 75
Other non-commissioned officers, per diem. 1 25
Constable do. 1 00
Special constables and scouts do. 1 50
Buglers, under eighteen years of age, per diem. 0 50
Working pay to artisans, per diem. 0 75

Extra pay.

2. The Governor in Council may authorize extra pay and allowances to be paid to members of the Force serving in the Northwest Territories and the Yukon Territory. 4-5 E. VII., c. 24, s. 1.

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Regulations.

22. The Governor in Council may regulate and prescribe the amounts to be paid for the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the Force; and also the expenses of travelling, and of rations, or of boarding or billeting the Force, and of forage for the horses. 57-58 V., c. 27, s. 15.

23. The Governor in Council may make regulations for the quartering, billeting and cantoning of the Force, or any portion or detachment thereof, and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for transport and use, and for giving adequate compensation therefor; and may, by such regulations, impose fines, not exceeding two hundred dollars, for the violation of any such regulation, or for refusing to billet any of the Force, or to furnish transport as herein mentioned.

2. No such regulations shall authorize the quartering or billeting of any of the Force in any nunnery or convent, or upon any religious order of females. 57-58 V., c. 27, s. 16.

24. The Governor in Council may establish the precedence and rank in the Force of the several commissioned officers, and make rules and regulations as to,—

(a) the clothing, arms, training and discipline of the Force;

(b) the duties and authorities of the Commissioner and the other members of the Force, and the several places at or near which they, or the Force, or any portion thereof, may be stationed; and,

(c) generally for such matters and things, concerning the government, discipline and guidance of the Force, as are not inconsistent with this Act. 57-58 V., c. 27, s. 17.

25. Every regulation made under this Part shall be published in the Canada Gazette, and shall have the force of law from the date of its publication, or from such later date as is in such regulation appointed for its coming into force. 57-58 V., c. 27, s. 29.

Expenditure and Accounts.

26. All sums of money required to defray any expense authorized by this Part may be paid out of the Consolidated Revenue Fund of Canada. 57-58 V., c. 27, s. 30.

27. A separate account shall be kept of all moneys expended under this Part, and a detailed statement thereof shall be laid before Parliament at each session thereof. 57-58 V., c. 27, s. 31.

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Offences and Penalties.

28. Every commissioned officer who is charged with any of the offences enumerated in the next following section may be placed under arrest; and the Commissioner may, on receipt of the charge in writing, order an investigation as in case of a special inquiry under the provisions of this Part. 57-58 V., c. 27, s. 21.

29. Every member of the Force, other than a commissioned officer, who is charged with,—

(a) disobeying or refusing to obey the lawful command of, or striking his superior;
(b) oppressive or tyrannical conduct towards his inferior;
(c) intoxication, however slight;
(d) having intoxicating liquor illegally in his possession or concealed;
(e) directly or indirectly receiving any gratuity, without the Commissioner's sanction, or any bribe;
(f) wearing any party emblem;
(g) otherwise manifesting political partisanship;
(h) overholding any complaint;
(i) mutinous or insubordinate conduct;
(j) unduly overholding any allowances or any other public money entrusted to him;
(k) misapplying or improperly withholding any money or goods levied under any warrant or taken from any prisoner;
(l) divulging any matter or thing which it is his duty to keep secret;
(m) making any anonymous complaint to the government or the Commissioner;
(n) communicating, without the Commissioner's authority, either directly or indirectly, to the public press any matter or thing touching the Force;
(o) wilfully, or through negligence or connivance, allowing any prisoner to escape;
(p) using any cruel, harsh or unnecessary violence towards any prisoner or other person;
(q) leaving any post on which he has been placed as sentry or on other duty;
(r) deserting or absenting himself from his duties or quarters without leave;
(s) scandalous or infamous behaviour;
(t) disgraceful, profane or grossly immoral conduct;
(u) violating any standing order, rule or regulation, or any order, rule or regulation hereafter made; or,
(v) any disorder or neglect to the prejudice of morality or discipline, although not specified in this Part or in any rule or regulation;
may be forthwith placed under arrest and detained in custody, Arrest. etc.
to be dealt with under the provisions of this Part. 57-58 V.,
c. 27, s. 18.

30. The Commissioner, the assistant commissioner, or the
superintendent or other commissioned officer commanding
at any post or in any district, may, forthwith, on a charge,
in writing of any one or more of the offences mentioned in
the last preceding section being preferred against any member of
the Force, other than a commissioned officer, cause the person
so charged to be brought before him, and he shall then and
there, in a summary way, investigate the said charge, and, if
proved on oath, to his satisfaction, shall thereof convict the
offender.

2. Any such offender shall be liable to a penalty not exceed-
ing one month's pay, or to imprisonment, with hard labour,
for a term not exceeding one year, or to both fine and im-
prisonment, and also, if a non-commissioned officer, to reduc-
tion in rank, in addition in any case to any punishment to
which the offender is liable, with respect to such offence, under
any other law in force in the Northwest Territories or the
Yukon Territory, or in the province in which the offence is
committed. 57-58 V., c. 27, s. 18.

31. Every member who, having deserted, has not surren-
dered himself before the termination of his period of engage-
ment, shall be subject to the provisions of the two last preced-
ing sections for a further period of twelve months after the ex-
piration of his period of engagement; or, if he left Canada
after the offence and within either of the said periods, then for
twelve months after his return to Canada. 2 E. VII., c. 21,
s. 5.

32. All pecuniary penalties imposed under the three last
preceding sections, and all pay due to deserters at the time of
their desertion, shall form a fund to be managed by the Com-
misioner, with the approval of the Minister, and be applicable
to the payment of rewards for good conduct or meritorious ser-
tices, to the establishment of libraries and recreation rooms,
and to such other objects, for the benefit of the members of the
Force, as the Minister approves. 57-58 V., c. 27, s. 19.

33. Whenever the Commissioner deems it advisable to make
or cause to be made any special inquiry into the conduct of
any member of the Force, or into any complaint against any of
them, he or the commissioned officer or officers whom he ap-
points for that purpose, may examine any person on oath or
affirmation, and may compel the attendance of any necessary
witnesses, in the same manner as if the proceedings were before
justices, under Part XV. of the Criminal Code. 57-58 V.,
c. 27, s. 22.

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34. Every member of the Force who, having deserted, absented himself from his duties without leave, or refused to do duty therein, is found in any part of Canada other than the province of Saskatchewan or Alberta, or the Northwest Territories, or the Yukon Territory, whether the term for which he engaged to serve has or has not expired at the time of his being so found, shall, on summary conviction, be liable,—

(a) to a fine not exceeding two hundred dollars and not less than one hundred dollars, and, in default of payment of such fine, to imprisonment for a term not exceeding eight months, unless such fine is sooner paid; or,

(b) to imprisonment with hard labour for a term not exceeding twelve months; or,

(c) to both fine and imprisonment; or,

(d) to be delivered into the custody of a member of the Force and taken back in custody to the headquarters thereof to be dealt with in a summary way, in accordance with the provisions of this Part.

Evidence.

2. Upon the trial of any offender under this section, it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be proved by parole evidence or by a certificate purporting to be signed by the Commissioner, an assistant commissioner or any superintendent or inspector of the Force, giving the date and term of such engagement; and such certificate shall be prima facie evidence of such engagement.

3. Any complaint may be made or information laid under this section, and proceedings may be had thereon, at any time during the period of the engagement of such offender and within twelve months thereafter, and, if such offender has left Canada after the offence and within either of the said periods, then within twelve months after his return. 57-58 V., c. 27, s. 26.

35. Every member of the Force who, if discharged or dismissed, refuses or neglects to forthwith deliver up to the Commissioner or to a commissioned officer, or to a constable authorized to receive them, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for police purposes, shall, on summary conviction, incur a penalty of fifty dollars in addition to the value of the articles not delivered up. 57-58 V., c. 22, s. 23.

36. Every person who unlawfully puts on or assumes the dress, name, designation or description of any member of the Force, or who gives or offers or promises to give to any member of the Force any bribe, pecuniary or otherwise, or who makes any agreement with any member of the Force to induce him in any way to forego his duty, or who concurs or connives at any act whereby any rule, order or regulation of the Governor in Council
Council in relation to the Force may be evaded, shall, on summary conviction, on the complaint of any member of the Force, be liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment. 57-58 V., c. 27, s. 24.

37. Every person who unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, shall, on summary conviction, be liable to a penalty of double the value thereof, and to a further penalty not exceeding twenty-five dollars, and in default of payment forthwith to imprisonment for a term not exceeding three months. 57-58 V., c. 27, s. 25.

38. Every person who, by concealing the fact of his having been dismissed from the Force, or by false or forged certificates or false representations, obtains admission into the Force, or obtains any pay, gratuity or pension, shall, on summary conviction, be liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both fine and imprisonment. 57-58 V., c. 27, s. 27.

39. Whenever, during his engagement, any member of the Force has been imprisoned for more than one month for any offence, or has been absent through desertion, the period of his imprisonment or desertion shall not be reckoned as service; and, upon the expiry of the term for which he had engaged to serve in the Force, he shall continue to serve for a period equal to the period of such imprisonment or desertion, or both. 57-58 V., c. 27, s. 20.

40. Whenever, during his engagement, a member of the Force has been imprisoned for an offence, such term of imprisonment shall not be deemed to be abridged or to cease in consequence of the expiry, pending such term of imprisonment, of the term during which the offender had engaged to serve in the Force. 57-58 V., c. 27, s. 20.

41. In all cases of imprisonment under sentence, the pay of the offender shall be forfeited during the period of imprisonment suffered. 57-58 V., c. 27, s. 20.

42. All fines and sentences of imprisonment, together with the record of investigation, shall be forthwith reported to the Commissioner, or, in case of his absence, to the assistant commissioner, by whom they may be mitigated or reversed, in his discretion. 57-58 V., c. 27, s. 18.
OFFICERS' PENSIONS.

43. 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 E. VII., c. 22, s. 3.

44. 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. 2 E. VII., c. 22, s. 3.

45. An officer who retires voluntarily after thirty-five years' service shall be entitled to the same pension as if he were retired compulsorily. 2 E. VII., c. 22, s. 3.

46. No addition shall be made to such pension for any service beyond thirty-five years.

2. If the service has not been continuous, the period or periods during which such service has been discontinued shall not be counted. 2 E. VII., c. 22, s. 3.

47. In the case of an officer who, prior to his appointment, has served as a non-commissioned officer or constable, the time during which he has so served may be included in his term of service for the purpose of this Part, subject to the provisions of the next following section.

2. Time served in the Civil Service of Canada which could be reckoned for the purposes of Part I. of the Civil Service Superannuation and Retirement Act may in like manner be included in the term of service for the purpose of this Part. 2 E. VII., c. 22, s. 3.

48. A deduction towards making good the pensions aforesaid 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

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be made until the expiration of the number of years last men-
tioned or the cessation of the payment of the pension, which
ever shall first happen: Provided that if the officer thinks fit, the
deficiency in 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. 2 E. VII., c.
22, s. 4.

49. 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 Governor in Council
may 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 public duty, the
Governor in Council may allow him a gratuity not exceeding
three months' pay for every two years' service. 2 E. VII.,
c. 22, s. 5.

50. If an officer is retired to promote efficiency or economy
in the service, the Governor in Council may 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. 2 E.
VII., c. 22, s. 6.

51. Subject to the provisions hereinafter contained, the
Governor in Council may, as to him sees 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. 2 E. VII., c. 22, s. 8.

52. Such pension or compassionate allowance shall not be

(a) if the applicant is unworthy of it;
(b) if the applicant is already wealthy;
(c) if the officer married after retirement;
(d) if the officer was at the time of his marriage over sixty
years of age;
(e) in the case of an officer who married after the first day
of July, one thousand nine hundred and two, if he was
more than twenty-five years older than his wife;
(f) 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 there are no
other objections to the granting of the pension or com-
passionate allowance. 2 E. VII., c. 22, s. 9.

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Rates of pension to a widow.

53. The pension to a widow shall be,—

(a) in the case of the Commissioner, five hundred dollars;
(b) in the case of an assistant commissioner, four hundred and fifty dollars;
(c) in the case of a superintendent or surgeon, three hundred and fifty dollars;
(d) in the case of an inspector, assistant surgeon or veterinary surgeon, two hundred and fifty dollars. 2 E. VII., c. 22, s. 10.

Rates of allowance to children.

54. The compassionate allowance to a child shall be,—

(a) in the case of the Commissioner or an assistant commissioner, eighty dollars;
(b) in the case of a superintendent or surgeon, seventy dollars;
(c) in the case of an inspector, assistant surgeon or veterinary surgeon, sixty-five dollars.

If child is in great need.

2. If the child is motherless and in great need, the allowance may be doubled. 2 E. VII., c. 22, s. 11.

Amount to family limited.

55. The total amount paid to the widow and children of an officer during any year shall not exceed the amount of the pension of which the officer was in receipt, or to which he would have been entitled, as the case may be. 2 E. VII., c. 22, s. 12.

Discontinuance of pension.

56. A widow's pension or a child's compassionate allowance shall be discontinued if such widow or 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 to her representatives. 2 E. VII., c. 22, s. 13.

No allowance to children over age.

57. The compassionate allowance to an officer's child shall cease when such child, if a son, reaches the age of eighteen, and when such child, if a daughter, reaches the age of twenty-one or marries. 2 E. VII., c. 22, s. 14.

Time of payment.

58. Pensions and compassionate allowances to officers' wives and children shall be paid from the day following that of the officer's death to the thirtieth day of June next ensuing; and subsequent payments shall be made quarterly in advance from the first day of July in each year. 2 E. VII., c. 22, s. 15.

Treasury Board to report.

59. No pension or compassionate allowance shall be granted unless the Treasury Board reports that the person to whom it

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it is proposed to grant it is eligible within the meaning of this Part. 2 E. VII., c. 22, s. 16.

60. This Part shall apply, instead of the Civil Service Superannuation and Retirement Act,—

(a) to every officer appointed to the Force after the first day of July, one thousand nine hundred and two;
(b) to every officer in the Force who is not subject to the provisions of Parts I. or II. of the Civil Service Superannuation and Retirement Act;
(c) to every officer in the Force on the first day of July, one thousand nine hundred and two, and who was then within the provisions of the Civil Service Superannuation Act or of the Civil Service Retirement Act, and who, before the first day of January, one thousand nine hundred and three, elected to accept the provisions of the Mounted Police Officers' Pension Act, 1902, in lieu of those of the Civil Service Superannuation Act or of the Civil Service Retirement Act. 2 E. VII., c. 22, s. 17.

61. Any deduction made from the pay of an officer towards the Civil Service Superannuation Fund or the Civil Service Retirement Fund may, if such officer so elected to accept the provisions of the Mounted Police Officers' Pension Act, 1902, be counted as part of the five per centum deduction required by the provisions of this Part towards making good the pensions aforesaid. 2 E. VII., c. 22, s. 17.

62. Part I. or Part II. of the Civil Service Superannuation and Retirement Act, as the case may be, shall continue to apply as heretofore to officers who are not subject to the application of this Part. 57-58 V., c. 27, s. 28.

63. Nothing in this Part contained shall affect the right of the Governor in Council to dismiss or remove any officer. 2 E. VII., c. 22, s. 7.

PART III.

CONSTABLES' PENSIONS.

64. Subject to the provisions of this Part, every constable who became a member of the Force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or who hereafter becomes a member of the Force shall be entitled to retire and receive a pension for life,—

(a) if he has completed not less than twenty years' service; For service.

or,

(b) R.S., 1906.
For service and infirmity.

Return to service.

Constable may be required to retire.

Scale of pensions.

Computation of time of service.

Report and certificate justifying pension.

(b) if he has completed not less than fifteen years' service, and is incapacitated from the performance of his duty by infirmity of mind or body.

2. Any constable 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 Part, if he ceases to be incapacitated. 52 V., c. 26, s. 3; 61 V., c. 33, s. 1.

65. When any constable who became a member of the Force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or, who hereafter becomes a member of the Force, has completed a service of twenty years, the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed by this Part. 52 V., c. 26, s. 7; 61 V., c. 33, s. 1.

66. The pension to a constable on retirement shall be according to the following scale, that is to say:

(a) If he has completed fifteen but less than twenty-one 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-one 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. 52 V., c. 26, s. 4.

67. For the purpose of estimating any pension under this Part,—

(a) if the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted;

(b) the annual pay of a constable 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 retirement, and not the annual amount actually received by him at that date. 52 V., c. 26, s. 5.

68. No pension shall be granted to any constable unless a board composed of three officers, the rank of one of whom shall not be less than that of superintendent, has certified to his length of service and conduct, and that other evidence has been

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been adduced before it which justifies the granting of a pension under this Part. 52 V., c. 26, s. 6.

69. Before a pension is granted to a constable, 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 Force and two other legally qualified medical practitioners shall certify that such constable is so incapacitated, and that the incapacity is likely to be permanent.

2. Until the liability of a constable to serve again ceases, he shall, when required, furnish satisfactory evidence certified by a legally qualified medical practitioner that such incapacity continues. 52 V., c. 26, s. 8; 61 V., c. 33, s. 1.

70. 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 constable shall be liable to serve again in the Force; and if, before the expiration of the said time, he declines so to serve, or if, when serving again, he neglects to perform his duty satisfactorily, being in a competent state of health, he shall forfeit his pension. 52 V., c. 26, s. 8; 61 V., c. 33, s. 1.

71. If a constable fails or refuses, when required, to be examined by a legally qualified medical practitioner, the Commissioner shall have the same power of requiring such constable to serve again, and, with the approval of the Governor in Council, of declaring forfeited the pension of such constable, as he would have under the foregoing provisions of this Part, if satisfied by the evidence of a legally qualified medical practitioner that the incapacity of such constable had ceased. 52 V., c. 26, s. 8.

72. A constable so serving again shall be entitled to retire at the same time as he would be entitled to retire if the time which elapsed between his retirement and the renewal of his service were service.

2. The time so elapsed shall not be reckoned as service in calculating his pension on his retirement. 52 V., c. 26, s. 8.

73. When a pension is granted to a constable 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 been contributed to by his own default, or by his vicious habits, and such constable, but for such default or habit, is entitled under this Part to a pension of a fixed amount, the Governor

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Governor in Council may grant to him a less amount of pension than the said fixed amount to which he would otherwise have been entitled. 52 V., c. 26, s. 9.

**Forfeiture of pension.**

74. A pension to a constable under this Part shall be granted only upon condition that it becomes forfeited, and may be withdrawn,—

(a) if the grantee is convicted of any indictable offence; or,
(b) if the grantee knowingly associates with thieves or suspected persons; or,
(c) if the grantee refuses to give to the police any information and assistance in his power for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace. 52 V., c. 26, s. 10.

75. Every constable who obtains any pension under this Part by any false representation or false evidence, or by personation, 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, is guilty of an offence, and 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. 52 V., c. 26, s. 11.
CHAPTER 92.

An Act respecting the Police of Canada.

1. This Act may be cited as the Dominion Police Act. 

2. The Governor in Council may, from time to time, appoint, by commission under the Great Seal, one or more fit and proper persons to be a commissioner or commissioners of police within Canada, or within one or more of the provinces, territories or districts of Canada, or within any one or more of the districts or counties in any such province, territory or district, or within any temporary judicial district, or any provisional judicial district in Ontario. R.S., c. 184, s. 1.

3. Every such commissioner of police shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have and exercise, within the limits of his jurisdiction,—

(a) all the powers and authority, rights and privileges by law appertaining to justices of the peace generally;

(b) within any province, all the powers and authority, rights and privileges by law appertaining to police magistrates of cities in the same province;

(c) in any of the territories or districts of Canada, all the powers and authority, rights and privileges by law appertaining to stipendiary magistrates in the same district or territory.

2. Every such commissioner shall be subject in all respects, except as otherwise provided by this Act, to the law of the province, district or territory, in which he is acting, respecting police magistrates and the office of justice of the peace.

3. It shall not be necessary for any commissioner of police appointed under this Act to possess any property qualification, or to be actually resident within the province, district or territory for which or part of which, he is appointed. R.S., c. 184, s. 3.

4. The Governor in Council may, from time to time, direct and authorize any commissioner of police, under this Act to appoint any fit and proper persons to serve as police constables under and within the jurisdiction of such commissioner of police, and such commissioner may, at his pleasure, remove any such police constable.

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2. Every such police constable shall obey all lawful directions and be subject to the government of such commissioner of police, and shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have all the powers, rights and be charged with all the responsibilities which belong by law to constables duly appointed in the province, district or county of the province or territory for which such police constables are appointed. R.S., c. 184, s. 2.

5. Every such commissioner of police shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information within his jurisdiction, and perform such other duties as the Governor in Council, from time to time, prescribes and requires. R.S., c. 184, s. 4.

6. Every such commissioner of police and every such police constable, shall be subject to such regulations in respect to the order, management and disposition of the police, and shall receive such rates of pay or allowance as are, from time to time, prescribed by the Governor in Council.

2. An account shall be laid before Parliament, within the first fourteen days after the meeting of each session, of the average number of men employed during each month of the year, and of their pay and travelling expenses. R.S., c. 184, s. 5.

7. Every such police constable, who is guilty of any disobedience of orders, neglect of duty, or any misconduct as such police constable, shall, on summary conviction before any commissioner of police, police magistrate or justice of the peace, be liable to a penalty not exceeding forty dollars and costs, and in default of immediate payment thereof, to imprisonment for any term not exceeding three months, unless such penalty and costs are sooner paid; and he may be proceeded against by indictment for any offence committed by him as such constable, but not both by indictment and under this Act for the same offence. R.S., c. 184, s. 6.

8. All moneys arising from penalties, forfeitures and fines imposed by any commissioner of police, if not directed by law to be otherwise appropriated, shall be, from time to time, paid to such commissioner of police, who shall account for the same, and pay over and disburse the moneys arising therefrom at such time and in such manner and to such persons as the Governor in Council, from time to time, directs. R.S., c. 184, s. 7.

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CHAPTER 93.

An Act respecting Immigration and Immigrants.

SHORT TITLE.

1. This Act may be cited as the Immigration Act. 6 E. VII., Short title. c. 19, s. 1.

INTERPRETATION.

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

(a) "immigrant" means and includes any steerage passenger or any work-a-way on any vessel, whether or not entered as a member of the crew after the vessel has sailed from its first or last port of departure, any saloon, second class passenger or person who having been a member of the crew has ceased to be such, who upon inspection is found to come within any class liable to exclusion from Canada, and any person arriving in Canada by railway train or other mode of travel; but does not include any person who has previously resided in Canada or who is a tourist merely passing through Canada to another country;

(b) "immigration agent" includes the Superintendent of Immigration, commissioners of immigration and any sub-agents within or outside of Canada;

(c) "land" or "landing," as applied to passengers or immigrants, means their admission into Canada, otherwise than for inspection or treatment, or other temporary purpose provided for by this Act, or by any order in council, or proclamation, or regulation made thereunder;

(d) "master" means any person in command of a vessel;

(e) "medical officer" includes medical superintendent, medical inspector and inspecting physician;

(f) "Minister" means the Minister of the Interior;

(g) "owner," as applied to a ship or vessel, includes the charterer of such ship or vessel and the agent of the owner thereof;

(h) "passenger" includes any person carried upon a railway train or other vehicle or in a vessel, other than the master and crew, as well as all immigrants coming into Canada, but not troops or military pensioners and their families.
who are carried in transports or at the expense of the Government of the United Kingdom, or of any colony thereof; but any person who is unlawfully on board the vessel shall not be held to be a passenger;

(i) 'port of entry' means any port, railway station, or place at which immigrants enter Canada, or at which there is an immigration agent, or where the medical inspection of immigrants is carried on;

(j) 'ship' or 'vessel' includes all ships, vessels, boats, or craft of any kind carrying passengers. 6 E. VII., c. 19, s. 2.

**IMMIGRATION OFFICES.**

4. The Governor in Council may establish and maintain immigration offices at such places within and outside of Canada as from time to time seems proper. 6 E. VII., c. 19, s. 4.

**APPOINTMENT, POWERS AND DUTIES OF OFFICERS.**

5. The Governor in Council may appoint a superintendent of immigration, commissioners of immigration, immigration agents, medical officers, and such other officers as the Governor in Council determines. 6 E. VII., c. 19, s. 5.

6. Subject to any regulations in that behalf, the Minister may appoint or employ, either permanently or temporarily, any necessary subordinate officers not provided for in the last preceding section or in any order in council made thereunder, including police guards, inspectors, matrons and nurses to assist immigration agents and medical officers in carrying out the provisions of this Act, and of any orders in council, proclamations or regulations made thereunder, and may confer upon them, and charge them with, such power and duties as he considers necessary or expedient. 6 E. VII., c. 19, s. 6.

7. Subject to the provisions of the regulations in that behalf, immigration agents and medical officers may, in emergency, employ such temporary assistance as may be required, but no such employment shall continue for a period of more than forty-eight hours without the sanction of the Minister. 6 E. VII., c. 19, s. 7.
8. When, at any port of entry, there is no immigration agent, the chief Customs officer at that port shall be, ex officio, immigration agent. 6 E. VII., c. 19, s. 8.

9. Every officer appointed under this Act shall perform any and all duties prescribed for him by this Act, or by any order in council, proclamation or regulation made thereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other officer; and no action taken by any such officer under or for the purpose of this Act shall be deemed to be invalid or unauthorized, merely because it was not taken by the officer specially appointed or detailed for the purpose. 6 E. VII., c. 19, s. 9.

REGULATIONS.

10. The Governor in Council may, on the recommendation of the Minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for the carrying out of this Act according to its true intent and meaning, and for the better attainment of its objects. 6 E. VII., c. 19, s. 10.

PROPORTION OF PASSENGERS TO SIZE OF VESSEL.

11. No vessel from any port or place outside of Canada shall come within the limits of Canada having on board, or having had at any time during her voyage,—
(a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel, appropriated to the use of such passengers and unoccupied by stores or other goods not being the personal luggage of such passengers; or,
(b) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships.

2. For the purposes of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult. 6 E. VII., c. 19, s. 11.

OBLIGATIONS OF MASTERS OF VESSELS BRINGING PASSENGERS.

12. The master of any vessel arriving at any port of entry in Canada shall deliver a certified and correct report, in the form prescribed by the regulations in that behalf, to the immigration agent at the port. 6 E. VII., c. 19, s. 12.

13. The master of any vessel sailing from a port outside of Canada who embarks passengers after the vessel has been cleared shall, at the time of embarkation, deliver a report of the number and description of such passengers to the immigration agent. 6 E. VII., c. 19, s. 13.

Payment for carrying passengers.

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not entered on list.

14. Nothing in this Act shall prevent the master of any vessel from permitting any passenger to leave the vessel outside of Canada at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case, the name of the passenger so leaving shall be entered in the manifest on the list of passengers made out at the time of the clearing of the vessel from the port of departure or at the port at which such passenger was embarked, and shall be certified under the signature of the passenger so leaving the vessel. 6 E. VII., c. 19, s. 14.

15. In addition to the particulars hereinbefore required in the report to be delivered on each voyage by the master of any vessel arriving at any port of entry in Canada to the immigration agent at such port, the master shall report in writing to such agent the name and age of all passengers embarked on board of such vessel on such voyage who are lunatic, idiotic, epileptic, deaf and dumb, or dumb, blind or infirm, or suffering from any disease or injury known to exist by the medical officer of the ship, specifying the nature of the disease and stating also whether or not they are accompanied by relatives able to support them. 6 E. VII., c. 19, s. 15.

16. The report shall further state the name, age and last place of residence of any person who has died during the voyage, and shall specify the cause of death and whether such person was accompanied by relatives or other persons who were entitled to take charge of the moneys and effects left by such person and the disposition made thereof.

2. If there were no such relatives or other persons so entitled, the report shall fully designate the quantity and description of the property, whether money or otherwise, left by such person; and the master of the vessel shall pay over to the immigration agent at the port at which the vessel is entered, and fully account for, all moneys and effects belonging to any person who has died on the voyage.

3. The immigration agent shall thereupon grant to the master a receipt for all moneys or effects so placed in his hands by

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by the master, which receipt shall contain a full description of the nature or amount thereof. 6 E. VII., c. 19, s. 16.

PERMISSION TO LEAVE THE VESSEL.

17. The master of any vessel shall not permit any passengers to leave the vessel until written permission from the immigration agent to allow his passengers to land has been given to the master.

2. The immigration agent at a port of entry, after satisfying himself that the requirements of this Act and of any order in council, proclamation or regulation made thereunder have been carried out, shall grant permission to the master of the vessel to allow the passengers to leave the vessel. 6 E. VII., c. 19, ss. 12 and 17.

18. The master shall furnish the immigration agent, or the Master to furnish bill medical officer, at the port of entry with a bill of health, certified by the medical officer of the vessel, such bill of health being in the form and containing such information as is required from time to time under this Act. 6 E. VII., c. 19, s. 18.

19. The immigration agent, whenever he deems proper, may request the medical officer before any passengers leave the vessel to go on board and inspect such vessel, and examine and take extracts from the list of passengers or manifest, and from the bill of health. 6 E. VII., c. 19, s. 19.

20. The regulations to be made by the Governor in Council may provide as a condition to permission to enter Canada that immigrants shall possess money to a prescribed minimum amount, which amount may vary according to the class and destination of such immigrant, and otherwise according to the circumstances. 6 E. VII., c. 19, s. 20.

MEDICAL INSPECTION.

21. The medical inspection of passengers shall be performed at the hours named in the regulations made by the Minister. 6 E. VII., c. 19, s. 21.

22. The immigration agent shall provide suitable facilities for the examination of immigrants at each port of entry, subject to any regulations made by the Minister. 6 E. VII., c. 19, s. 22.

23. The medical officer shall, after inspection, stamp the Tickets to be stamped after inspection. ship ticket or railway ticket or passport of each passenger who has passed the medical inspection; and the immigration agent shall detain any passenger who has been inspected and not admitted, as required by this Act, or by any order in council, proclamation R.S., 1906,
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24. The immigration agent shall be responsible for the safe-keeping of any person so detained, except while in an hospital or other place of detention under the charge of a medical officer. 6 E. VII., c. 19, s. 24.

25. The medical officer may, from time to time, with the consent and approval of the Minister, make such arrangements as he considers necessary for the care and supervision of immigrants who are detained on board a vessel where hospital facilities on shore do not exist, or, having been permitted to leave the vessel, are detained either for medical treatment or are awaiting deportation. 6 E. VII., c. 19, s. 25.

PERSONS PROHIBITED FROM LANDING—DEPORTATION.

26. No immigrant shall be permitted to land in Canada, who is feeble-minded, an idiot, or an epileptic, or who is insane, or has had an attack of insanity within five years; nor shall any immigrant be so landed who is deaf and dumb, or dumb, blind or infirm, unless he belongs to a family accompanying him or already in Canada and which gives security, satisfactory to the Minister, and in conformity with the regulations in that behalf, if any, for his permanent support if admitted into Canada. 6 E. VII., c. 19, s. 26.

27. No immigrant shall be permitted to land in Canada who is afflicted with a loathsome disease, or with a disease which is contagious or infectious and which may become dangerous to the public health or widely disseminated, whether such immigrant intends to settle in Canada or only to pass through Canada to settle in some other country: Provided that, if such disease is one which is curable within a reasonably short time, the immigrant suffering therefrom may, subject to the regulations in that behalf, if any, be permitted to remain on board, where hospital facilities do not exist on shore, or to leave the vessel for medical treatment, under such regulations as may be made by the Minister. 6 E. VII., c. 19, s. 27.

28. No person shall be permitted to land in Canada who is a pauper, or destitute, a professional beggar, or vagrant, or who is likely to become a public charge; and any person landed in Canada who, within two years thereafter has become a charge upon the public funds, whether municipal, provincial, or federal, or an inmate of or a charge upon any charitable institution, may be deported and returned to the port or place whence he came or sailed for Canada. 6 E. VII., c. 19, s. 28.

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29. No immigrant shall be permitted to land in Canada who has been convicted of a crime involving moral turpitude, or who is a prostitute, or who procures, or brings or attempts to bring into Canada prostitutes or women for purposes of prostitution. 6 E. VII., c. 19, s. 29.

30. The Governor in Council may, by proclamation or order, whenever he considers it necessary or expedient, prohibit the landing in Canada of any specified class of immigrants, of which due notice shall be given to the transportation companies. 2. The Governor in Council may make such regulations as are necessary to prohibit the entry into Canada of any greater number of persons from any foreign country than the laws of such country permit to emigrate to Canada. 3 E. VII., c. 8, s. 25; 6 E. VII., c. 19, s. 30.

31. Acting under the authority of the Minister, the immigration agent, the medical officer, and any other officer or officers named by the Minister for such purpose, may act as a board of inquiry at any port of entry to consider and decide upon the case of any immigrant seeking admission into Canada. 2. The decision of such board touching the right of any such immigrant to land in Canada shall be subject to appeal to the Minister. 3. The Governor in Council may make regulations governing the procedure in connection with inquiries by such boards of inquiry and appeals from their decisions. 6 E. VII., c. 19, s. 31.

32. All railway or transportation companies or other persons bringing immigrants from any country into Canada shall, on the demand of the Superintendent of Immigration, deport to the country whence he was brought, any immigrant prohibited by this Act, or by any order in council or regulation made thereunder, from being landed in Canada, who was brought by such railway, transportation company or other person into Canada within a period of two years prior to the date of such demand, 6 E. VII., c. 19, s. 32.

33. Whenever in Canada an immigrant has, within two years of his landing in Canada, committed a crime involving moral turpitude, or become an inmate of a gaol or hospital or other charitable institution, it shall be the duty of the clerk or secretary of the municipality to forthwith notify the Minister thereof, giving full particulars. 2. On receipt of such information the Minister may, on investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the Minister, and 108 1/2 if R.S., 1906.
By transportation company which brought him.

By railway company.

Passengers may remain on board 24 hours after arrival.

Passengers and luggage to be landed free.

Landing place.

Shelter and accommodation to be provided.

Immigrants not to be solicited except by licensed persons.

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If he is a vagrant or tramp, or there is no such municipality, then at the cost of the Department of the Interior.

3. Every such immigrant shall be carried by the same transportation company or companies which brought him into Canada to the port from which he came to Canada without receiving the usual payment for such carriage.

4. In case such immigrant was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought. 6 E. VII., c. 19, s. 33.

Protection of Immigrants.

34. Every immigrant on any vessel arriving at a port of entry to which the owner or master of such vessel engaged to convey him, if facilities for housing or inland carriage for such immigrant are not immediately available, shall be entitled to remain and keep his luggage on board the vessel for twenty-four hours after such arrival, and the master of such vessel shall not, before the expiry of such twenty-four hours, remove any berths or accommodation used by such immigrants. 6 E. VII., c. 19, s. 34.

35. The master of any vessel having immigrants on board, shall land his passengers and their luggage free of expense to the said passengers at any of the usual public landing places at the port of arrival, according to orders which he receives from the immigration agent at the said port, and at reasonable hours as fixed by the immigration agent in accordance with the regulations in that behalf. 6 E. VII., c. 19, s. 35.

36. The Minister or the Superintendent of Immigration may, from time to time, by instructions to the immigration agent at any port of entry, appoint the place at which all passengers arriving at such port shall be landed. 6 E. VII., c. 19, s. 36.

37. At the place so appointed the Minister may cause proper shelter and accommodation to be provided for the immigrants until they can be forwarded to their place of destination. 6 E. VII., c. 19, s. 37.

38. No person shall, at any port or place in Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally or by handbill or placard or in any other manner, any immigrant, to or on behalf of any owner of a vessel, or to or on behalf of any lodging-house keeper or tavern keeper or any other person, for any purpose connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or in the United States,

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States, or in other territories outside of Canada, or give or pretend to give to such immigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers, or of taking money for their inland fare, or for the transportation of their luggage, unless such person has first obtained a license from the Superintendent of Immigration authorizing him to act in such capacity. 6 E. VII., c. 19, s. 38.

39. No person, whether a licensed immigrant runner, or agent or person acting on behalf of any steamboat company, railway company, forwarding company, or hotel or boarding-house keeper or his agent, shall go on board any vessel bringing immigrants into Canada after such vessel has arrived in Canadian waters, or into an immigration building, or onto any wharf where immigrants are landed, or shall book or solicit any immigrant by such vessel before the immigrants are landed from such vessel, unless he is authorized so to do by the Superintendent of Immigration or immigration agent at the port of entry where such vessel is to land its passengers. 6 E. VII., c. 19, s. 39.

40. Every keeper of a tavern, hotel or boarding-house in any city, town, village or place in Canada designated by any order in council who receives into his house as a boarder or lodger any immigrant within three months from his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon his business cards, a list of the prices which will be charged to immigrants per day and week for board or lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house together with the name of the street in which it is situate, and its number in such street.

2. No such boarding-house keeper, hotel keeper or tavern keeper shall have any lien on the effects of such immigrant for any amount claimed for such board or lodging for any sum exceeding five dollars. 6 E. VII., c. 19, s. 40.

41. If complaint is made to the Minister or the Superintendent of Immigration against any railway company, or other incorporated company of any offence or violation of this Act, or of any law of the United Kingdom or of any other country, in any matter relating to immigrants or immigration, the Minister may cause such inquiry as he thinks proper to be made into the facts of the case, or may bring the matter before the Governor in Council in order that such inquiry may be made under the Inquiries Act.

2. If upon such inquiry, it appears to the satisfaction of the Minister that the company has been guilty of such violation, the Minister may require the company to make such compensation to R.S., 1906.
to the person aggrieved, or to do such other thing, as is just and reasonable; or may adopt measures for causing such proceed-
ings to be instituted against the company as the case requires. 6 E. VII., c. 19, s. 41.

42. If both the immigrant parents, or the last surviving immigrant parent of any child or children brought with them in any vessel bound for Canada, die on the voyage, or at any quarantine station or elsewhere in Canada while still under the care of an immigration agent or other officer under this Act, the Minister, or such officer as he deputes for the purpose, may cause the effects of such parents or parent to be disposed of for the benefit of such child or children to the best advantage in his power, or in his discretion to be delivered over to any institution or person assuming the care and charge of such child or children. 6 E. VII., c. 19, s. 42.

43. No officer, seaman or other person on board of any vessel bringing immigrants to Canada shall, while such vessel is in Canadian waters, entice or admit any female immigrant passenger into his apartment, or, except by the direction or permission of the master of such vessel first made or given for such purpose, visit or frequent any part of such vessel assigned to female immigrant passengers. 6 E. VII., c. 19, s. 43.

44. The master of every vessel bringing immigrant passengers to Canada shall, at all times while the vessel is in Canadian waters, keep posted, in a conspicuous place on the forecastle and in the several parts of the said vessel assigned to immigrant passengers, a written or printed notice in the English, French, Swedish, Danish, German, Russian and Yiddish languages, and such other languages as are ordered from time to time by the Superintendent of Immigration, containing the provisions of this Act regarding the prevention of intercourse between the crew and the immigrant passengers, and the penalties for the contravention thereof; and keep such notice so posted during the remainder of the voyage.

2. The immigration agent at the port of entry shall inspect every such vessel upon arrival for evidence of compliance with this section, and shall institute proceedings for any penalty incurred for violation thereof. 6 E. VII., c. 19, s. 44.

OFFENCES AND PENALTIES.

45. Every person who does, in Canada, anything for the purpose of causing or procuring the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in
that country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such false representations, shall, if any such false representations are thereafter so published, circulated or communicated, be guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty for each offence of not more than one thousand dollars and not less than fifty dollars. 4-5 E. VII., c. 16, s. 1.

46. If any vessel from any port or place outside of Canada comes within the limits of Canada having on board or having had on board at any time during her voyage,—

(a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel appropriated to the use of such passengers and unoccupied by stores or other goods not being the personal luggage of such passengers; or,

(b) a greater number of persons, including the master and crew, and the cabin passengers, if any, than for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships; the master of such vessel shall incur a penalty not exceeding twenty dollars and not less than eight dollars for each passenger or person constituting such excess. 6 E. VII., c. 19, s. 45.

47. If the master of any vessel does not, forthwith after such vessel arrives at any port of entry in Canada, and before any entry of such vessel is allowed, deliver to the immigration agent at the port at which such vessel is to be entered a correct report, in the form prescribed by the regulations in that behalf, of all the passengers on board such vessel at the time of her departure from the port or place whence she last cleared or sailed for Canada, and a true statement of the other particulars mentioned in the said form, he shall incur a penalty of twenty dollars for each day during which he neglects so to deliver such list, and eight dollars for each passenger whose name is omitted in such report. 6 E. VII., c. 19, s. 46.

48. If the master of any vessel arriving at any port of entry in Canada permits any passenger to leave the vessel before he has delivered to the immigration agent at any such port a certified and correct report in the form prescribed by the regulations in that behalf, and received permission from the immigration agent to allow the passengers to land, he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger so leaving the vessel. 6 E. VII., c. 19, s. 47.

49. Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger has been permitted to

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information of violation of Act. permitted to leave the vessel contrary to the provisions of this Act, and who does not immediately upon the arrival of such vessel in the port to which he engaged to pilot her, and before the immigration agent has given permission to the passengers to leave the vessel, inform the said agent that such passenger or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding one hundred dollars for every passenger with regard to whom he has wilfully neglected to give such information. 6 E. VII., c. 19, s. 48.

50. If the master of any vessel arriving at any port of entry in Canada,—

(a) omits to report in writing to the immigration agent at such port, in the report required by this Act to be delivered by him on each voyage, the name and age of each passenger embarked on board of such vessel on such voyage who is lunatic, idiotic, epileptic, deaf and dumb, or dumb, blind or infirm, or suffering from any disease or injury known to exist by the medical officer of the ship, stating also as to each passenger whether he is accompanied by relatives, able to support him or not; or,

(b) makes any false report in any of such particulars; he shall incur a penalty not exceeding one hundred dollars, and not less than twenty dollars for every passenger in regard to whom any such omission occurs or any such false report is made.

2. The owner of the vessel shall in such case also be liable for the aforesaid penalty, and, if there are more owners than one, such owners shall be so liable jointly and severally; but in any case under this section where a conviction has been obtained against the master of the vessel, no further prosecution against the owner of the vessel shall be instituted. 6 E. VII., c. 19, s. 49.

51. If the master of any vessel arriving at any port in Canada refuses or neglects,—

(a) to mention in the report in the form set forth in the schedule to this Act, the name, age and last place of residence of any person who has died during the passage of the vessel, and to specify whether such passenger was accompanied by relatives or other persons, if any, who would be entitled to take charge of the moneys and effects left by such person, and the disposal made thereof; or,

(b) if there are no such relatives, or other persons entitled to take charge of such moneys and effects, to fully designate in the said report the quantity and description of the property, whether money or otherwise, left by such person, and to pay over and fully account therefor to the immigration agent for the port at which the vessel is entered; he shall incur a penalty not exceeding one thousand dollars, and not less than twenty dollars. 6 E. VII., c. 19, s. 50.

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52. If the master of any vessel arriving at any port of entry in Canada where facilities for housing or inland carriage are not immediately available, compels any immigrant to leave his vessel before the expiration of the period of twenty-four hours after the arrival of the vessel in the port or harbour to which the master or owner of such vessel engaged to convey such immigrant, he shall incur a penalty not exceeding twenty dollars for each such immigrant whom he so compels to leave the vessel. 6 E. VII., c. 19, s. 51.

53. If the master of any vessel arriving at any port of entry fails or refuses to land the passengers and their luggage, free of expense to the passengers, at one of the usual public landing places at such port of arrival, and according to the orders which he received from the immigration agent at such port, and at reasonable hours as fixed by such agent in accordance with the regulations in that behalf, if any, he shall incur a penalty of forty dollars for each offence. 6 E. VII., c. 19, s. 52.

54. If the master of any vessel arriving at any port of entry in Canada, and having on board such vessel any passengers to whom this Act applies, refuses or neglects to land such passengers and their luggage, free of expense, and by steam tug or other proper tender, if necessary, at the place appointed therefor by the Minister or the Superintendent of Immigration under this Act, and at reasonable hours, fixed as aforesaid, he shall incur a penalty of twenty dollars for each such passenger. 6 E. VII., c. 19, s. 53.

55. Every person who, at any port or place within Canada, for hire, reward or gain, or the expectation thereof,—

(a) conducts, solicits, or recommends, either orally or by handbill or placard, or in any other manner, any immigrant or on behalf of

(i) any owner of a vessel, or
(ii) any railway company, or
(iii) any lodging-house keeper or tavern keeper, or
(iv) any other person,

for any purpose connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or in the United States, or to other territories outside of Canada; or,

(b) gives or pretends to give to such immigrant any information, printed or otherwise, or assists him to his said place of destination, or in any way exercises the vocation of booking

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booking passengers or of taking money for their inland fare, or for the transportation of their luggage; shall, unless such person has first obtained a license from the Superintendent of Immigration authorizing him to act in such capacity, incur a penalty of not more than fifty dollars for each offence. 6 E. VII., c. 19, s. 54.

56. Every licensed immigrant runner or agent, or person acting on behalf of any owner of a vessel, railway company, forwarding company or any hotel or boarding-house keeper, or his agent, who goes on board any vessel bringing immigrants into Canada, or books or solicits any immigrant by such vessel, before the immigrants are landed therefrom, shall, unless he is authorized by the immigration agent at the port of entry where such vessel is to land its passengers so to do, incur a penalty of twenty-five dollars for each offence. 6 E. VII., c. 19, s. 55.

57. Every person licensed under this Act as an immigrant runner or agent, or person acting on behalf of any owner of a vessel, railway company, forwarding company or hotel or boarding-house keeper, and every person in his employ who sells to any immigrant a ticket or order for the passage of such immigrant, or for the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the company undertaking such conveyance, and every person who purchases any such ticket from an immigrant for less than its value, or gives in exchange for it one of less value, shall incur a penalty of twenty dollars for each such offence, and the license of such person shall be forfeited. 6 E. VII., c. 19, s. 56.

58. Every keeper of a tavern, hotel or boarding-house in any city, town, village or other place in Canada, designated by order in council, who,—

(a) neglects or refuses to post a list of prices, and to keep business cards on which is printed a list of the prices, which will be charged to immigrants per day or week for board and lodging, or both, and the prices for separate meals, and also the name of the keeper of such house, together with the name of the street in which the house is situate and its number in such street; or,

(b) charges or receives, or permits or suffers to be charged or received for boarding or lodging, or for meals in his house, any sum in excess of the prices so posted and printed on such business cards; or,

(c) omits immediately on any immigrant entering such house as a boarder or lodger or for the purpose of taking any meal therein, to deliver to such immigrant one of such printed business cards;

shall incur a penalty not exceeding twenty dollars, and not less than five dollars. 6 E. VII., c. 19, s. 57.

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59. Every such boarding-house keeper, hotel keeper or tavern keeper, who detains the effects of any immigrant by reason of any claim for board or lodging after he has been tendered the sum of five dollars, or such less sum as is actually due for the board or lodging of such immigrant, shall incur a penalty not exceeding twenty-five dollars, and not less than Penalty, five dollars, over and above the value of the effects so detained; and he shall also be liable to restore such effects.

2. In the event of any such unlawful detention, the effects so detained may be searched for and recovered under search warrant as in case of stolen goods. 6 E. VII., c. 19, s. 58.

60. Every officer, seaman or other person employed on board of any vessel bringing immigrants to Canada who, while such vessel is in Canadian waters, entices or admits any female immigrant into his apartment, or, except by the direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female immigrant passengers, not being cabin passengers, shall incur a penalty equal in amount to his wages for the voyage during which the said offence was committed. 6 E. VII., c. 19, s. 59.

61. Every master of any vessel who, while such vessel is in Canadian waters, directs or permits any officer or seaman or other person employed on board of such vessel to visit or frequent any part of such vessel assigned to immigrants, except for the purpose of doing or performing some necessary act or duty as an officer, seaman or person employed on board of such vessel, shall incur a penalty of twenty-five dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman or other person employed on board of such vessel: Provided that this section shall not apply to cabin passengers, or to any part of the vessel assigned to their use. 6 E. VII., c. 19, s. 60.

62. Every master of a vessel bringing immigrants to Canada who neglects to post and keep posted the notice required by this Act to be posted, regarding the prevention of intercourse between the crew and the immigrants and the penalties for contravention thereof, as required by this Act, shall be liable to a penalty not exceeding one hundred dollars for each such offence. 6 E. VII., c. 19, s. 61.

63. If, during the voyage of any vessel carrying immigrants from any port outside of Canada to any port in Canada, the master or any of the crew is guilty of any violation of any of the laws in force in the country in which such foreign port is situate, regarding the duties of such master or crew towards the immigrants in such vessel; or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master. 1723 R.S., 1906.
master, or by the owner of such vessel, such master or such
one of the crew shall, for every such violation or breach of
contract, be liable to a penalty not exceeding one hundred
dollars, and not less than twenty dollars, independently of any
remedy which such immigrants complaining may otherwise
have. 6 E. VII., c. 19, s. 62.

64. Every person who violates any provision of this Act,
or of any order in council, proclamation or regulation in respect
of which violation no other penalty is provided by this Act,
shall incur a penalty not exceeding one hundred dollars.
6 E. VII., c. 19, s. 63.

65. Every owner or master of a vessel who lands or permits
to land therefrom in Canada any immigrant or other passenger,
the landing of whom is prohibited by this Act, or by any order
in council, proclamation or regulation made thereunder, whether
such immigrant or passenger intends to settle in Canada or
only intends to pass through Canada to settle in some other
country, or who refuses or neglects, when thereunto lawfully
required, to take on board his vessel any immigrant or passenger
who has been so landed, shall incur a penalty not exceeding one
thousand dollars, and not less than one hundred dollars, for
each such offence. 6 E. VII., c. 19, s. 69.

66. Any person landed in Canada from a vessel, or brought
into Canada by a railway company, in contravention of this
Act, or of any order in council or proclamation lawfully issued
thereunder, or any person landed for medical treatment who
remains in Canada in contravention of such order or proclama-
tion, may be apprehended, without a warrant, by any immigra-
tion agent or other Government officer, and may, by force if
necessary, be compelled to return to or be taken on board the
vessel, and, in the case of a railway company, be returned to
the country whence he came.

2. Every owner or master of a vessel and every railway com-
pany or other person who violates the provisions of this section,
or who aids or abets any immigrant or passenger in acting in
contravention of such order or proclamation, or who refuses or
neglects to take any such immigrant or passenger on board such
vessel or the cars of such railway company, shall incur a penalty
not exceeding one thousand dollars, and not less than one
hundred dollars, for each such offence.

3. Every railway company which wilfully receives or trans-
ports any such immigrant or other passenger, or which refuses
or neglects, when thereunto lawfully required, to take on board
its cars any such immigrant or passenger, shall be liable to a
penalty not exceeding one thousand dollars, and not less than
one hundred dollars, for each such offence. 6 E. VII., c. 19,
s. 70.

R.S., 1906. 1724

67.
Immigration.  Chap. 93.

67. Any person found in Canada who has come into Canada within a period of two years from any other country by any means or mode of conveyance, and who would be liable to exclusion or deportation under any of the provisions of this Act relating to immigrants or passengers arriving by ship or railway train, may be apprehended and compelled to return to the country whence he came. 6 E. VII., c. 19, s. 71.

68. In any case where deportation of the father or head of a family is ordered, all dependent members of the family may be deported at the same time. 6 E. VII., c. 19, s. 72.

RECOVERY OF PENALTIES.

69. Every duty or penalty imposed under the authority of this Act upon the owner, charterer or master of any vessel shall, until payment thereof, be a lien upon any vessel of the company or owner or charterer in respect whereof it has become payable, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the magistrat or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except mariners’ wages.

2. Every penalty imposed under the authority of this Act upon a railway company shall, until payment thereof, be a lien or charge upon the railway property, assets, rents and revenues of such company. 6 E. VII., c. 19, s. 64.

PROCEDURE.

70. Every prosecution for a penalty under this Act may be instituted at the place where the offender then is, before any justice of the peace having jurisdiction in such place, and may be recovered, upon summary conviction, at the suit of any immigration agent, and the penalties recovered shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada.

2. The justice of the peace may award costs against the offender as in ordinary cases of summary proceedings, and may, in the case of an owner, charterer or master of a vessel, also award imprisonment for a term not exceeding three months, to terminate on payment of the penalty incurred: and may, in his discretion, award any part of the penalty, when recovered, to the person aggrieved by or through the act or neglect of such offender. 6 E. VII., c. 19, s. 65.

71. If it appears to the justice, by the admission of such person or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, he may, if he thinks fit, refrain from issuing a warrant of distress in the case, or, if such warrant has been issued, and upon the return thereof R.S., 1906.
thereof such insufficiency as aforesaid is made to appear to the justice, then such justice shall, by warrant, cause the person ordered to pay such money and costs as aforesaid to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such monies and costs ordered to be paid, and such costs of distress and sale as aforesaid, are sooner paid and satisfied; but such imprisonment of a master of any vessel shall not discharge the vessel from the lien or liability attached thereto by the provisions of this Act. 6 E. VII., c. 19, s. 66.

72. No conviction or proceeding under this Act shall be quashed for want of form, nor, unless the penalty imposed is one hundred dollars or over, be removed by appeal or certiorari or otherwise into any superior court.

2. No warrant or commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted and there is a good and valid conviction to sustain the same.

3. In the case of removal by appeal or certiorari or otherwise of any conviction or proceeding under this Act into any superior court, security shall be given to the extent of one hundred dollars for the costs of such removal proceedings to such superior court. 6 E. VII., c. 19, s. 67.

73. All expenses incurred in carrying out the provisions of this Act and of affording help and advice to immigrants and aiding, visiting and relieving destitute immigrants, procuring medical assistance and otherwise attending to the objects of immigration, shall be paid out of any moneys granted by Parliament for any such purpose, and under such regulations or under such orders in council, if any, as are made for the distribution and application of such moneys. 6 E. VII., c. 19, s. 68.

SCHEDULE.

NAMES AND DESCRIPTION OF PASSENGERS.

<table>
<thead>
<tr>
<th>No. of Passengers</th>
<th>Number of Ocean Ship,</th>
<th>Amount of Cash, (To be filled in by Immigration Agent at port of embarkation),</th>
<th>Name of Passenger,</th>
<th>Age of Adults,</th>
<th>Age of Children under 14 Years of Age,</th>
<th>Able to Write,</th>
<th>Married or Single,</th>
<th>Profession, occupation, or calling of Passengers,</th>
<th>Nation or County of Birth,</th>
<th>Deaths at Sea,</th>
<th>Ages at which passengers, etc., are to be so described.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1726</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PARTICULARS RELATIVE TO THE VESSEL.

<table>
<thead>
<tr>
<th>Port of Embarkation.</th>
<th>Vessel’s name.</th>
<th>Master’s name.</th>
<th>Tonnage.</th>
<th>From what port or place.</th>
<th>Total number of superficial feet in the several compartments set apart for passengers other than Cabin Passengers.</th>
<th>Total number of Adult Passengers exclusive of Master, Crew, and Cabin Passengers, which the vessel may legally carry.</th>
<th>Where bound.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SUMMARY.

<table>
<thead>
<tr>
<th></th>
<th>Number of Souls.</th>
<th>Number of Adults to which they are equal under the Immigration Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adults . . . . . . . . . . . . . . .</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children under 14 years of age . .</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total . . . . . . . . . . . . . . .</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the above is a correct description of the [Description of the Vessel as Ship, Brig, etc.] [Name of Vessel] and a correct list of all the passengers on board the same, at the time of her departure from [Place whence she came] and that all particulars therein mentioned are true.

Date, 19 . 6 E. VII., c. 19, sch.

[Signature of Master.]

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King’s most Excellent Majesty.
CHAPTER 94.

An Act respecting Immigration Aid Societies.

SHORT TITLE.

1. This Act may be cited as the Immigration Aid Societies Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Minister' means the Minister of the Interior, and includes any deputy or officer authorized to perform the duty or exercise the power in question;
   (b) 'immigration' or 'immigrant' includes 'emigration' or 'emigrant,' when it refers to the act of leaving, or to a person about to leave, Europe for Canada;
   (c) 'society' means the immigration aid society which the context indicates or refers to. R.S., c. 66, s. 1.

3. Any negotiable or other instrument authorized by this Act may be drawn in any European language understood by the person executing it, and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent amounts expressed in currency of Canada. R.S., c. 66, s. 1; O.C. 14th March, 1892.

DISTRICTS.

4. The Minister shall, from time to time, for the purposes of this Act, divide each of the several provinces of Canada into immigration districts; and in each district there shall be an immigration office and an immigration agent. R.S., c. 66, s. 2.

5. Notice of such division, and of any alteration thereof, shall be given in the Canada Gazette, and each such district shall be known as the immigration district of the place where the immigration office is kept. R.S., c. 66, s. 2.

DISTRICT SOCIETIES.

6. An immigration aid society, or immigration aid societies, may be formed in every immigration district for the purpose of society and R.S., 1906.
9. The constitution and by-laws shall set forth,—
   (a) the names of the first president, vice-president, secretary-treasurer, and members of the board of management;
   (b) the place where the office of the society is to be situate;
   (c) the time when its meetings will be held;
   (d) the manner in which the remainder of the stock of the society shall be paid up;
   (e) the annual subscription to be paid by members, if such subscription is deemed advisable;
   (f) the manner of admitting new members;
   (g) the duties and powers of the board of management and officers;
   (h) the time during which the officers and other members of the board of management shall remain in office;
   (i) the time and place for and the manner of holding the regular meetings of the society;
   (j) the mode of calling and holding special meetings;
   (k) the quorum, and mode of voting at such meetings;
   (l) the mode of filling vacancies among the officers and members of the board of management, or the manner in which
which their duties shall be performed by others during their absence;

(m) the period for which the society shall continue, and the mode of dividing its assets at the end of such period, or its profits, from time to time, during such period; and,

(n) generally such provisions as are deemed necessary or expedient for the well-working of the society and the attainment of the objects for which it is formed. R.S., c. 66, s. 4.

11. The signatures of the members shall be attached to the declaration, and in columns opposite thereto, the amounts of stock for which they respectively subscribe, and the amounts paid up shall be stated; and the declaration shall then be dated and attested by the signatures of the president or vice-president and of the secretary-treasurer. R.S., c. 66, s. 4.

12. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer to the immigration agent of the district, who shall examine the declaration and ascertain whether it is in accordance with this Act, and with the instructions given him on the subject by the Minister; and if the immigration agent has any doubt as to its being conformable to this Act and to such instructions, he may forward it to the Minister for his opinion; and if it is not found so conformable, the immigration agent shall return both duplicates to the secretary-treasurer, informing him of the fact and of the objection to which the declaration is open; but if it is found to be so conformable he shall certify the fact under his hand on both duplicates, and shall retain one of them in his office and shall return the other to the secretary-treasurer. R.S., c. 66, s. 5.

13. If there is no other immigration aid society in his district, the immigration agent shall treat the society as number one, and shall fill the blank left in the declaration for that purpose with that number; but if otherwise he shall give each a number in the order in which he certifies the declarations, and shall fill in the blank in each with its proper number, according to such order. R.S., c. 66, s. 6.

INCORPORATION.

14. When the declaration is approved and certified as aforesaid, the society shall be a corporation, or body politic and corporate, by the name taken in the declaration, including the number given it by the immigration agent, and shall have all the powers, rights and immunities assigned to corporations by the Interpretation Act, including the right to have a corporate seal, if it thinks fit.

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R.S., 1906.
2. It shall not be necessary that the corporate seal shall be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document is signed by the secretary-treasurer, and countersigned by the president or vice-president of the society, as such, or by the person or persons acting pro tempore in their stead; and the authority or capacity of any person who signs the same, or his signature, shall not be called in question by any but the corporation, and if not so questioned, shall be admitted in evidence without proof.

3. Any document purporting to be the duplicate copy of the declaration signed by the proper immigration agent, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it is called in question by himself, or by the Minister, or by his authority. R.S., c. 66, s. 7.

POWERS AND DUTIES.

15. The society may,—
(a) enter into agreements and contracts, either with its members or with other persons, for any purpose relating to immigration;
(b) lend and borrow money, and take or give any security for the same;
(c) become a party to any promissory note, bill of exchange, or other negotiable security or instrument, in the manner hereinbefore provided as to other documents; and,
(d) receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling it to attain the objects of this Act, on such terms and conditions as are agreed upon, and which are not inconsistent with this Act or with law:

Provided that the total amount of the liabilities of the society shall never exceed the amount of its capital subscribed, and not paid up, and the members of the board of management shall be personally liable for any such excess. R.S., c. 66, s. 8.

16. The society may receive applications from persons desiring to obtain artisans, workmen, servants or labourers from the United Kingdom, or from any part of Europe, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons, to employ the immigrants referred to on their arrival in Canada, in any manner, at any rate of wages, and for any period, under such penalty as damages for non-performance as are stipulated in such contract, and may receive in advance all or any part of the money to be expended by the society, or may take security for the repayment of all or any part thereof to the society, by instalments or in one sum, as is agreed upon. R.S., c. 66, s. 9.

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17. The secretary-treasurer shall forthwith transmit every such application, with the requisite information and details, to the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other necessary travelling expenses of the emigrants from their home in Europe to the place in Canada where they are required. R.S., c. 66, s. 10.

18. The immigration agent shall forthwith transmit every such application and the money received by reason thereof, to the proper immigration agent or sub-agent of Canada, in the United Kingdom or elsewhere, who shall, thereupon, take the necessary steps for procuring and forwarding to the proper place in Canada, such immigrants as are stated in the application; and the immigration agent shall, from time to time, furnish the Minister with such information and details respecting such applications as the Minister requires. R.S., c. 66, s. 11.

REPAYMENT OF ADVANCES.

19. If it is the intention of the society, or of the applicant, that the whole or part of the money advanced towards defraying the expenses of immigration, shall be repaid by the immigrant, either in one sum or by instalments, the immigration agent or sub-agent of Canada in Europe who makes the arrangements for the passage of the intending emigrant to Canada, shall take from such emigrant an instrument in writing binding him to repay such money to the society in Canada in one sum or by instalments, at certain periods, and with interest or without interest, according to the instruction given by the secretary-treasurer to the district immigration agent and communicated through the Minister to the immigration agent or sub-agent in Europe, and he shall witness the execution of such instrument. R.S., c. 66, s. 12.

20. If any sum of money has been advanced to the emigrant for like purposes, by any society, or institution of individual in the United Kingdom, such sum may, with the consent of such society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Canadian society aforesaid, and being so recovered, shall be paid over without charge to the society, institution or individual by whom it was advanced, and the agent or sub-agent of immigration who witnesses the execution of the instrument shall give notice of the amount mentioned in the instrument to such society, institution or individual and to the Canadian society. R.S., c. 66, s. 12.

21. Any emigrant who might make such instrument as aforesaid, may, in like manner, execute an instrument, witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind therein stated from any named person in the immigration district in which the society is formed, or with any person in such district whom the society designates to the immigrant on his arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his wages, at a period or periods to be designated in such instrument, such sum or sums as are also therein designated, and to pay the same to the society, on account of any money due by the immigrant to it. R.S., c. 66, s. 13.

22. Such instrument may be enforced by the society accordingly, by civil suit in any court of competent jurisdiction against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him in such instrument, shall be an offence cognizable before any one justice of the peace, and punishable on summary conviction by a penalty not exceeding twenty dollars and costs, and by imprisonment until such penalty and costs are paid; and the penalty, if paid, shall belong to the society, and be paid over to it by the convicting justice; but the payment of such penalty shall not prevent or affect any civil remedy of the society under such instrument. R.S., c. 66, s. 14.

SCHEDULE.

FORM OF DECLARATION.

We, the undersigned, hereby associate ourselves together as The Immigration Aid Society No. of the immigration district of , and we hereby bind ourselves to observe and obey all the requirements of the Immigration Aid Societies Act, and to pay, respectively, into the hands of the secretary-treasurer the amount of stock set opposite our respective names, one-half on subscribing this declaration, and the other half by the installments and in the manner herinafter provided; and we further bind ourselves to observe and obey the constitution and by-laws of the society, which are as follows:

R.S., c. 66, sch.

OTTAWA: Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.

R.S., 1906.
CHAPTER 95.

An Act respecting and restricting Chinese Immigration.

SHORT TITLE.

1. This Act may be cited as the Chinese Immigration Act. Short title 3 E. VII, c. 8, s. 1.

INTERPRETATION.

2. In and for the purposes of this Act, unless the context otherwise requires,—

(a) 'Chief Controller' means the chief officer who is charged, under the direction of the Minister to whom is assigned the administration of this Act, with the duty of carrying the provisions of this Act into effect and who shall have authority over officers of Customs and others appointed for the purpose or charged with the duty of assisting in carrying out the provisions of this Act;

(b) 'controller' means any Customs or other officer at any seaport or frontier Customs port duly appointed as such and charged with the duty of assisting in carrying the provisions of this Act into effect;

(c) 'master' or 'conductor' means any person in command of or in charge of any vessel or vehicle;

(d) 'Chinese immigrant' means any person of Chinese origin (including any person whose father was of Chinese origin) entering Canada and not entitled to the privilege of exemption provided for by this Act;

(e) 'vessel' means any sea-going craft of any kind or description capable of carrying passengers;

(f) 'tonnage' means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom;

(g) 'vehicle' means any ferryboat, boat, railway car, cart, wagon, carriage, sleigh or other conveyance whatsoever, however propelled or drawn. 3 E. VII, c. 8, s. 4.

3. Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall for the purpose of this Act be deemed to be of the same nationality as her husband, and the children of the said wife and husband shall be deemed Chinese wives of foreigners. 1735 to R.S., 1906.
to be of the same nationality as the father. 3 E. VII., c. 8, s. 6.

4. 'Merchant,' as used in this Act, shall not include any merchant's clerk, or other employee, mechanic, huckster, pedlar or person engaged in taking, drying or otherwise preserving fish for home consumption or exportation. 3 E. VII., c. 8, s. 6.

5. Except as otherwise required by the Quarantine Act, the landing of a person of Chinese origin from a vessel, wherever referred to in this Act, shall not be held to apply to the landing of such person on the wharf and the placing of him in a proper building, where he may remain until the provisions of this Act have been complied with and the controller has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading or unlading of the vessel to which he belongs, or for the purpose of his transfer to another vessel, and such person or sailor, while in such building or while so employed or waiting such transfer, shall, for the purposes of this Act, be held to be on board the vessel by which he arrived. 3 E. VII., c. 8, s. 8.

**ADMINISTRATION.**

6. The Governor in Council may,—

(a) appoint one or more persons to carry the provisions of this Act into effect;

(b) assign any duty in connection therewith to any officer or person in the employ of the Government of Canada;

(c) define and prescribe the duties of such officer or person;

(d) fix the salary or remuneration to be allowed to such officer or person;

(e) engage and pay interpreters skilled in the English and Chinese languages, at salaries aggregating not more than three thousand dollars a year;

(f) make regulations for the carrying out of this Act. 3 E. VII., c. 8, s. 5.

**TAX AND EXEMPTIONS.**

7. Every person of Chinese origin, irrespective of allegiance, shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or place of entry, a tax of five hundred dollars, except the following persons who shall be exempt from such payment, that is to say:—

(a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;

(b) The children born in Canada of parents of Chinese origin and who have left Canada for educational or other purposes,

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purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;

(c) Merchants, their wives and children, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, or other similar documents issued by the government or by a recognized official or representative of the government whose subjects they are, specifying their occupation and their object in coming into Canada.

2. Every such certificate or other document shall be in the English or French language, and shall be examined and endorsed (visé) by a British consul or chargé d'affaires or other accredited representative of His Majesty, at the place where it is granted, or at the port or place of departure.

3. Persons of Chinese origin claiming on their arrival to be students, but who are unable to produce the requisite certificate as hereinafter provided for, shall be entitled to a refund of the tax exacted from them on the production within eighteen months from the date of their arrival in Canada of certificates from teachers in any school or college in Canada showing that they are and have been for at least one year bona fide students in attendance at such school or college. 3 E. VII., c. 8, s. 6.

8. The controller shall deliver to each Chinese immigrant who has been permitted to land or enter, and in respect of whom the tax has been paid as hereinafter provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing and an acknowledgment that the tax has been duly paid; and such certificate shall be prima facie evidence that the person presenting it has complied with the requirements of this Act; but such certificate may be contested by His Majesty or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by any judge of a superior court of any province of Canada where such certificate is produced. 3 E. VII., c. 8, s. 13.

NUMBER OF IMMIGRANTS LIMITED.

9. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage. 3 E. VII., c. 8, s. 7.

10. No Chinese immigrants shall be allowed to land in or enter Canada coastwise or overland arriving in transit from any port or place in America from any vessel entering at such port.

If not coming direct to Canada.

Number of Chinese immigrants in any vessel.

1737

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port or place, in excess of the number which would have been allowed to land from such vessel had it come direct to Canada. 3 E., VII., c. 8, s. 7.

THE LANDING OF CHINESE IMMIGRANTS.

11. No master of any vessel carrying Chinese immigrants shall land any person of Chinese origin, or permit any to land from such vessel, until a permit so to do, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller. 3 E. VII., c. 8, s. 8.

12. No controller at any port shall grant a permit allowing Chinese immigrants to land until the quarantine officer has granted a bill of health, and has certified, after due examination, that no leprosy or infectious, contagious, loathsome or dangerous disease exists on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious, contagious, loathsome or dangerous disease. 3 E. VII., c. 8, s. 9.

13. Every conductor or other person in charge of any railway train or car bringing Chinese immigrants into Canada shall be personally liable to His Majesty for the payment of the tax of five hundred dollars imposed by this Act in respect of any immigrant brought by or on such railway train or car, and shall, unless such persons are in transit through Canada, pay or cause to be paid to the controller the total amount of the tax payable by Chinese immigrants so arriving by such railway train or car, and he shall not allow any such immigrants to disembark from such train or car until after such tax has been paid. 3 E. VII., c. 8, s. 10.

14. Every conductor or other person in charge of any railway train or car bringing Chinese immigrants into Canada shall, immediately on his arrival, deliver to the controller or other officer at the port or place of arrival a report containing a complete and accurate list of all persons of Chinese origin arriving by or being on board of the railway train or car of which he is in charge, and showing their names in full, the country and place of their birth, their occupation and last place of domicile; and he shall not allow any such immigrants to disembark from such train or car until after such report has been made. 3 E. VII., c. 8, s. 10.

15. Every master of any vessel bringing Chinese immigrants to any port or place in Canada shall be personally liable to His Majesty for the payment of the tax imposed by this Act in respect of any such immigrant carried by such vessel, and shall deliver to the controller, immediately on his arrival in Canada.

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port and before any of his Chinese crew or passengers disembark, a complete and accurate list of his crew and such passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each of such immigrant passengers. 3 E. VII., c. 8, s. 15.

**REGISTRATION UPON ENTRY.**

16. Every Chinese immigrant who enters Canada otherwise than by disembarking from any vessel or vehicle, shall forthwith make a statement and declaration of his entry to the controller or other proper officer at the nearest or most convenient port or place, and shall forthwith pay to such controller or officer the tax of five hundred dollars imposed by this Act; and, if the statement and declaration is made to an officer other than a controller authorized to keep a register, such officer shall report the fact and transmit the tax to the Chief Controller or to the nearest controller so authorized, and the controller shall make a record thereof in his register and issue the proper certificate of such registration in conformity with the provisions of this Act. 3 E. VII., c. 8, s. 11.

17. The Chief Controller, and such controllers as are by him authorized so to do, shall each keep a register of all persons to whom certificates of entry have been granted. 3 E., VII., c. 8, s. 14.

**PROHIBITED IMMIGRANTS.**

18. No controller or other officer charged with the duty of assisting in carrying the provisions of this Act into effect shall grant a permit allowing to land from any vessel, nor shall any conductor or other person in charge of any vehicle bring into Canada, either as an immigrant or as an exempt, or as in transit, any person of Chinese origin who is,—

(a) a pauper or likely to become a public charge;
(b) an idiot or insane;
(c) suffering from any loathsome, infectious or contagious disease;
(d) a prostitute or living on the prostitution of others.

2. All such persons are prohibited from entering Canada. Prohibition. 3 E. VII., c. 8, s. 12.

**CHINESE IN TRANSIT.**

19. Persons of Chinese origin may pass through Canada in transit, from one port or place out of Canada to another port or place out of Canada, without payment of the tax of five hundred dollars imposed by this Act: Provided that such passage is made in accordance with, and under such regulations as are made for the purpose by the Governor in Council. 3 E. VII., c. 8, s. 17.
20. Every person of Chinese origin who wishes to leave Canada, with the declared intention of returning thereto, shall give written notice of such intention to the controller at the port or place whence he proposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends taking both going and returning, and such notice shall be accompanied by a fee of one dollar.

2. The controller shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary, under such regulations as are made for the purpose. 3 E. VII., c. 8, s. 18.

21. The person so registered shall be entitled on his return, if within twelve months of such registration, and on proof of his identity to the satisfaction of the controller, as to which the decision of the controller shall be final, to free entry as an exempt or to receive from the controller the amount of the tax, if any, paid by him on his return; but if he does not return to Canada within twelve months from the date of such registration, he shall, if returning after that date, be subject to the tax of five hundred dollars imposed by this Act in the same manner as in the case of a first arrival. 3 E. VII., c. 8, s. 18.

PENALTIES AND FORFEITURES.

22. The owner of any vessel carrying Chinese immigrants to any port in Canada shall incur a penalty of two hundred dollars for each Chinese immigrant therein carried in excess of one for every fifty tons of such vessel’s tonnage. 3 E. VII., c. 8, s. 7.

23. The master of any vessel carrying Chinese immigrants shall incur a penalty of five hundred dollars if he lands or permits to land in Canada from such vessel any person of Chinese origin without the permit therefor required by this Act. 3 E. VII., c. 8, s. 8.

24. Every master or conductor of any vessel or vehicle who lands or allows to be landed off or from any vessel or vehicle any Chinese immigrant before the tax payable under this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel or vehicle, shall, in addition to the amount of the tax payable under the foregoing provisions of this Act, be liable to a penalty not exceeding one thousand dollars and not less than five hundred dollars for every such offence, and, in default of payment, to imprisonment for a term not exceeding twelve months; and

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such vessel or vehicle shall be forfeited to His Majesty, and shall be seized by an officer charged with the duty of carrying this Act into effect, and dealt with accordingly. 3 E. VII., c. 8, s. 16.

25. If any person of Chinese origin who is,—

(a) a pauper or likely to become a public charge;
(b) an idiot or insane;
(c) suffering from any loathsome, infectious or contagious disease; or,
(d) a prostitute or living on the prostitution of others; enters Canada, he or she shall be liable to imprisonment for a term not exceeding six months, and shall in addition be liable to deportation, and the master, conductor or other person who knowingly lands or brings or assists or permits to land in Canada, any such persons of Chinese origin, shall also be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months. 3 E. VII., c. 8, s. 12.

26. If any railway or other transportation company, having undertaken to transport through Canada any person of Chinese origin in transit, fails to comply with any regulations of the Governor in Council in that behalf, such company shall be subject to a penalty not exceeding five hundred dollars. 3 E. VII., c. 8, s. 17.

27. Every person of Chinese origin who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such person of Chinese origin in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both. 3 E. VII., c. 8, s. 19.

28. Every person who takes part in the organization of any sort of court or tribunal composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision, decree, or order of any such court or tribunal, is guilty of an indictable offence and liable to imprisonment for any term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both; but nothing in this section shall be construed to prevent Chinese persons from submitting their cases to such courts as are lawful by Proviso.

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mitting any differences or disputes to arbitration, if such submission is not contrary to the laws in force in the province in which such submission is made. 3 E. VII., c. 8, s. 20.

29. Every person who molests, persecutes or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both. 3 E. VII., c. 8, s. 21.

30. Every person who violates any provision of this Act for which no special punishment is herein provided, is guilty of an indictable offence, and liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months. 3 E. VII., c. 8, s. 22.

PROCEDURE.

31. All suits or actions for the recovery of taxes or penalties under this Act, and all prosecutions for contraventions of this Act which are not herein declared to be indictable offences, shall be tried before one or more justices of the peace, or before the recorder, police magistrate or stipendiary magistrate having jurisdiction where the cause of action arose or where the offence was committed. 3 E. VII., c. 8, s. 23.

APPROPRIATION OF REVENUES.

32. All taxes, pecuniary penalties, and revenues from other sources under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but, subject to such conditions and regulations as are prescribed by order of the Governor in Council, one-half part of the net proceeds of all such taxes paid by Chinese immigrants on entering Canada shall, at the end of every fiscal year, be paid out of such fund to the province wherein they were collected. 3 E. VII., c. 8, s. 24.

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CHAPTER 96.

An Act respecting Conciliation and Labour.

SHORT TITLE.

1. This Act may be cited as the Conciliation and Labour Act.

INTERPRETATION.

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

(a) 'Minister' means the member of His Majesty's Council for Canada to whom, for the time being, the Governor in Council may assign the carrying out of the provisions of this Act;

(b) 'railway' means any railway whether operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(c) 'railway employer' means any company or government owning or operating wholly or to a lesser extent any railway operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(d) 'railway employees' means persons engaged to perform any work, or service in respect of any railway whether operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(e) 'difference' means any dispute, disagreement or disposition which in the opinion of the Minister may have caused or may cause a lockout or strike on a railway or which has interfered or may interfere with the proper and efficient transportation of mails, passengers or freight, or the safety of persons employed upon any car or train;

(f) 'committee' means the committee of conciliation, mediation and investigation established under the provisions of this Act;

(g) 'board' means any board of arbitrators established under the provisions of this Act;

(h) 'conciliation board' means any body constituted for the purpose of settling disputes between employers other than R.S., 1906.
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than any railway employer and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers other than railway employers and workmen to deal with such disputes;

(i) 'conciliator' means any person or persons appointed by the Minister to mediate between an employer of labour and his workmen;

(j) 'lieutenant governor in council' means the Lieutenant Governor in Council of the province of Quebec, of Nova Scotia, of New Brunswick, or of Prince Edward Island. 63-64 V., c. 24, ss. 2, 3 and 4; 3 E. VII., c. 55, ss. 2 and 7.

TRADE DISPUTES.

3. Any conciliation board may apply to the Minister for registration.

2. The application must be accompanied by copies of the constitution, by-laws and regulations of the conciliation board, with such other information as the Minister may reasonably require. 63-64 V., c. 24, s. 3.

4. The Minister shall keep a register of conciliation boards, and enter therein with respect to each registered conciliation board, its name and principal office, and such other particulars as he thinks expedient; and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Minister a written application to that effect.

2. Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the Minister may reasonably require. 63-64 V., c. 24, s. 3.

5. The Minister may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register. 63-64 V., c. 24, s. 3.

6. Where a dispute exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the Minister may, if he thinks fit, exercise all or any of the following powers, namely:

(a) Inquire into the causes and circumstances of the dispute;

(b) Take such steps as to him seem expedient, for the purpose of enabling the parties to the dispute to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by him, or by some other person or body, with a view to the amicable settlement of the dispute;

(c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district
or trade and the circumstances of the case, appoint a conciliator; and,

(d) On the application of both parties to the dispute, appoint an arbitrator or arbitrators.

2. The conciliator shall inquire into the causes and circumstances of the dispute, by communication with the parties, and otherwise shall endeavour to bring about a settlement of the dispute, and shall report the proceedings to the Minister.

3. If a settlement of the dispute is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister. 63-64 V., c. 24, s. 4.

7. It shall be the duty of the conciliator to promote conditions favourable to a settlement, by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of disputes to conciliation or arbitration before resorting to strikes or lockouts. 63-64 V., c. 24, s. 5.

8. The conciliator or conciliation board may, when deemed advisable, invite others to assist them in the work of conciliation. 63-64 V., c. 24, s. 6.

9. If, before a settlement is effected, and while the dispute is under the consideration of a conciliator or conciliation board, such conciliator or conciliation board is of opinion that some misunderstanding or disagreement appears to exist between the parties as to the causes or circumstances of the dispute, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the members of the conciliation board, as the case may be, communicates to the Minister such desire for inquiry, and if the parties to the dispute or their representatives in writing consent thereto, then, on his recommendation, the Governor in Council may appoint such conciliator or members of the conciliation board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the Inquiries Act to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which under the said Act may be conferred upon commissioners. 63-64 V., c. 24, s. 7.

10. Proceedings before any conciliation board or arbitrators shall be conducted in accordance with the regulations of such conciliation board, or arbitrators, as the case may be, or as is agreed.

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agreed upon by the parties to the dispute. 63-64 V., c. 24, s. 8.

11. If it appears to the Minister that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if he thinks fit, with any local authority or body, as to the expediency of establishing a conciliation board for such district or trade. 63-64 V., c. 24, s. 9.

STATISTICS.

12. With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a department of labour, which shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the Labour Gazette, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister. 63-64 V., c. 24, s. 10.

RAILWAY DISPUTES.

13. Whenever a difference exists between any railway employer and railway employees, and it appears to the Minister that the parties thereto are unable satisfactorily to adjust the same, and that by reason of such difference remaining unadjusted a railway lockout or strike has been or is likely to be caused, or the regular and safe transportation of mails, passengers or freight has been or may be interrupted, or the safety of any person employed on a railway train or car has been or is likely to be endangered, the Minister may, either on the application of any party to the difference, or on the application of the corporation of any municipality directly affected by the difference, or of his own motion, cause inquiry to be made into the same and the cause thereof, and, for that purpose, may, under his hand and seal of office, establish a committee of conciliation, mediation and investigation to be composed of three persons to be named, one by the railway employer, and one by the railway employees, parties to the difference, and the third by the two so named, or by the parties to the difference in case they can agree.

2. The Minister shall in writing notify each party to name a member of the committee stating in such notice a time, not 1746 being
being later than five days after the receipt of such notice, within which this is to be done.

3. If either party within such time or any extension thereof that the Minister, on cause shown, may grant, refuses or fails to name a member of the committee, the Minister or the lieutenant governor in council, as the case may be, as hereinafter provided, may appoint one in the place of the party so refusing or in default, and if the members of the committee so chosen fail to elect a third member, the Minister, or the lieutenant governor in council, as the case may be, may make such selection. 3 E. VII., c. 55, s. 3.

14. It shall be the duty of the committee to endeavour by conciliation and mediation to assist in bringing about an amicable settlement of the difference to the satisfaction of both parties, and to report its proceedings to the Minister. 3 E. VII., c. 55, s. 4.

15. In case the conciliation committee is unable to effect an amicable settlement by conciliation or mediation the Minister may refer the difference to arbitration.

2. In such case a board of arbitrators shall be established by the Minister under his hand and seal of office, and shall consist of,—

(a) if acceptable to both parties, the committee; or,

(b) in case of objection by either party to its representative on the committee, or to the chairman of the committee, new representatives in place of the member or members of the committee objected to, appointed in like manner as the original members of the committee, and of such of the committee as against whom no objection has been so made. 3 E. VII., c. 55, s. 5.

16. If any member of such committee or board shall die, refuse, neglect or become incapable to act, a successor shall be appointed in like manner as is hereinbefore provided in respect of the original member of the committee or board, and the appointing authority shall endeavour to appoint only such person as shall not be reasonably objected to by either party.

2. Before such appointment the name of the person proposed to be appointed shall be submitted to both parties to the difference, and there shall be afforded to each of them an opportunity, within such time as the Minister may fix, of making known to the appointing authority whether such proposed appointee is objected to. 3 E. VII., c. 55, s. 6.

17. In the event of the establishment of a committee of conciliation, mediation and investigation, or of a board of arbitrators to deal with any difference between the government of Canada, in respect of the Intercolonial Railway and the Intercolonial Railway employees. R.S., 1906.
the Prince Edward Island Railway, and any of its employees, the power to appoint conciliators or arbitrators which otherwise, in accordance with the foregoing provisions, might be exercisable by the Minister, shall be exercisable by the Lieutenant Governor in Council whom the Minister shall for that purpose in each case of conciliation or arbitration in writing name. 3 E. VII., c. 55, s. 7.

18. The third member of the said committee or board shall be the chairman. 3 E. VII., c. 55, s. 8.

19. In case of arbitration pursuant to the provision hereinafore contained, the findings and recommendations of the majority of the arbitrators shall be those of the board.

2. In case of the absence of any one arbitrator from a meeting of the board, the other two arbitrators shall not proceed unless it is shown that the third arbitrator has been notified of the meeting in ample time to admit of his attendance. 3 E. VII., c. 55, s. 9.

20. Forthwith after the appointment of the board the chairman shall promptly convene the same, and the board shall, in such manner as it thinks advisable make thorough, careful and expeditious inquiry into all the facts and circumstances connected with the difference, and the cause thereof, and shall consider what would be reasonable and proper to be done by both or either of the parties with a view to put an end to the difference, and to prevent its recurrence, and shall, with all reasonable speed, make to the Minister a written report setting forth the various proceedings and steps taken by the board for the purpose of fully and correctly ascertaining all the facts and circumstances, and also setting forth said facts and circumstances, and its findings thereon, including the cause of the difference, and the board's recommendations, with a view to its removal, and the prevention of its recurrence. 3 E. VII., c. 55, s. 10.

21. The Minister shall forthwith cause the report to be filed in the office of the department of labour, and a copy thereof to be sent free of charge to each party to the difference, and to any municipal corporation as aforesaid, and to the representative of any newspaper published in Canada who may apply therefor.

2. Any other person shall be entitled to a copy on payment of the actual cost thereof. 3 E. VII., c. 55, s. 11.

22. For the information of Parliament and the public the report shall without delay be published in the Labour Gazette, and be included in the annual report of the said department to the Governor General. 3 E. VII., c. 55, s. 12.

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23. For the purpose of such inquiry, the board shall have all the power of summoning before it any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and produce such documents and things as the board deems requisite to the full investigation of the matters into which it is inquiring, and shall have the same powers to enforce the attendance of witnesses, and to compel them to give evidence as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. 3 E. VII., c. 55, s. 13.

24. On the application of any of the parties, or on its own motion, the board may issue summonses to such persons as the board may think necessary to give evidence in the case.

2. Any witness summoned by the board shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the board, and thereafter returning to his home, and the board shall furnish to such witness a proper certificate evidencing his right to such free transportation. 3 E. VII., c. 55, s. 14.

25. The summons shall be in such form as the Minister shall prescribe, and may require such person to produce before the board any books, papers, or other documents in his possession or under his control, in any way relating to the proceedings. 3 E. VII., c. 55, s. 15.

26. All books, papers, and other documents, produced before the board, whether voluntarily or in pursuance to summons, may be inspected by the board, and also by such of the parties as the board allows; but the information obtained therefrom shall not be made public, and such parts of the books, papers, and documents as, in the opinion of the board, do not relate to the matter at issue, may be sealed up. 3 E. VII., c. 55, s. 16.

27. The department of labour shall,—

(a) pay to each member of a committee or board his actual travelling expenses, and also to each of them, other than the chairman, ten dollars per day for each day on which he shall attend a meeting of the committee or board, or be engaged in travelling from or to his home, being in Canada, for the purpose of attending or after having attended a meeting of the committee or board;
(b) pay to the chairman such sum as the Governor in Council deems reasonable; and,
(c) at its expense, provide the committee or board with a stenographer, secretary and any other clerical assistance that R.S., 1906.
that to the Minister may appear necessary for the efficient carrying out of the provisions of this Act. 3 E. VII., c. 55, s. 17.

28. The report of the committee and the report of the board shall be signed by such of the members as concur therein, and may also be signed by a dissenting member. 3 E. VII., c. 55, s. 18.

29. No counsel or solicitor shall be entitled to appear before the board except with the consent of all parties to the difference, and notwithstanding such consent, the board may, if it deems it advisable, decline to allow counsel or solicitors to appear before it.

2. The parties to the difference may appear in person or by agents. 3 E. VII., c. 55, s. 19.

30. No court of the Dominion of Canada or of any province or territory shall have or possess any power or jurisdiction to recognize or enforce or to receive in evidence any report of any board of arbitrators or of any committee of conciliation, or any testimony or proceedings before either such board or committee as against any party or person, or for any purpose whatsoever, except in case of prosecution for perjury. 3 E. VII., c. 55, s. 20.

31. Where the difference, which is being inquired into, affects a class of employees, it shall not be necessary for them all to take part in the inquiry, but the class may be represented by a limited number chosen by a majority or by agents other than counsel or solicitors. 3 E. VII., c. 55, s. 21.

22. If, in any proceedings before the board, any person wilfully insults any member of the board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any unlawful contempt in the face of the board, it shall be lawful for any member of the board or constable to take the person offending into custody and remove him from the precincts of the board, and retain him in custody until the rising of the board. 3 E. VII., c. 55, s. 22.

33. It shall be in the discretion of the board to conduct its proceedings in public or in private. 3 E. VII., c. 55, s. 23.
effectual working of the several provisions of this Act. 3 E. VII., c. 53, s. 24.

REPORT.

35. An annual report with respect to the matters transacted by the Minister under this Act shall be made by him to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof. 63-64 V., c. 24, s. 12.

EXPENSES.

36. The expenses incurred in the carrying out of this Act shall be defrayed out of the money provided for the purpose by Parliament. 63-64 V., c. 24, s. 11.

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CHAPTER 97.

An Act respecting the Importation and Employment of Aliens.

1. This Act may be cited as the Alien Labour Act. Short title.

2. It shall be unlawful for any person, company, partnership or corporation, in any manner to prepay the transportation or in any way to assist, encourage or solicit the importation or immigration of any alien or foreigner into Canada, under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of such alien or foreigner, to perform labour or service of any kind in Canada. 60-61 V., c. 11, s. 1. Prepayment of transportation prohibited.

3. For every violation of any of the provisions of the last preceding section, the person, partnership, company or corporation violating it by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or foreigner into Canada to perform labour or service of any kind under contract or agreement, expressed or implied, parole or special, with such alien or foreigner, previous to such alien or foreigner becoming a resident in or a citizen of Canada, shall forfeit and pay a sum not exceeding one thousand dollars, and not less than fifty dollars. 1 E. VII., c. 13, s. 1. Penalty for infringement of prohibition.

4. The sum so forfeited may, with the written consent of any judge of the court in which the action is intended to be brought, be sued for and recovered as a debt by any person who first brings his action therefor in any court of competent jurisdiction in which debts of like amount are now recovered. 1 E. VII., c. 13, s. 1. Recovery of penalty.

5. Such sum may also, with the written consent, to be obtained ex parte, of the Attorney General of the province in which the prosecution is had, or of a judge of a superior or county court, be recovered upon summary conviction before any judge of a county court, being a justice of the peace or any judge of the sessions of the peace, recorder, police magistrate, or stipendiary magistrate, or any functionary, tribunal or person invested by the proper legislative authority with power R.S., 1906.
power to do alone such acts as are usually required to be done by two or more justices of the peace, and, when recovered, shall be paid to the Minister of Finance. 1 E. VII., c. 13, s. 1.

6. Separate proceedings may be instituted for each alien or foreigner who is a party to such contract or agreement. 1 E. VII., c. 13, s. 1.

7. All contracts or agreements, express or implied, parole or special, made by and between any person, company, partnership or corporation and any alien or foreigner, to perform labour or service, or having reference to the performance of labour or service by any person in Canada, previous to the immigration or importation into Canada of the person whose labour or service is contracted for, shall be void and of no effect. 60-61 V., c. 11, s. 2.

8. The master of any vessel who knowingly brings into Canada on such vessel and lands or permits to be landed, from any foreign port or place, any alien, labourer, mechanic or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parole or special, express or implied, to perform labour or service in Canada, shall be deemed guilty of an indictable offence and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each alien, labourer, mechanic or artisan so brought or landed, and may also be imprisoned for a term not exceeding six months. 60-61 V., c. 11, s. 4.

9. Nothing in this Act shall be so construed as,—

(a) to prevent any citizen or subject of any foreign country, temporarily residing in Canada either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner temporarily residing in Canada;

(b) to prevent any person, partnership, company or corporation from engaging under contract or agreement, skilled workmen in foreign countries to perform labour in Canada in or upon any new industry not at present established in Canada: Provided that skilled labour for that purpose cannot be otherwise obtained;

(c) applying to professional actors, artists, lecturers or singers, or to persons employed strictly as personal or domestic servants; or,

(d) prohibiting any person from assisting any member of his family, or any relative, to migrate from any foreign country to Canada for the purpose of settlement in Canada. 60-61 V., c. 11, s. 5; 1 E. VII., c. 13, s. 2.

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10. The Attorney General of Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act, may cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person, partnership, company or corporation assisting, encouraging or soliciting the importation or immigration of such immigrant under contract contrary to the provisions of this Act. 60-61 V., c. 11, s. 6; 1 E. VII., c. 13, s. 3.

11. The Minister of Finance may pay to any informer who furnishes original information that the law has been violated such a share not exceeding fifty per centum of the penalties recovered as he deems reasonable and just, where it appears that the recovery was had in consequence of the information thus furnished. 60-61 V., c. 11, s. 7.

12. It shall be deemed a violation of this Act for any person, partnership, company or corporation to assist or encourage the importation or immigration of any person who resides in, or is a citizen of any foreign country to which this Act applies, by promise of employment through advertisements printed or published in such foreign country. Any such person coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by this Act, and the penalties by this Act imposed shall be applicable in such case: Provided that this section shall not apply to skilled labour not obtainable in Canada, as hereinbefore specified. 1 E. VII., c. 13, s. 4.

13. This Act shall apply only to the importation or immigration of such persons as reside in or are citizens of such foreign countries as have enacted and retained in force, or as enact and retain in force laws or ordinances applying to Canada of a character similar to this Act. 1 E. VII., c. 13, s. 5.

14. Evidence of any such law or ordinance of a foreign country may be given by the production of a copy thereof purporting to be,—

(a) printed by the government printer or at the government printing office of such foreign country, or contained in a volume of laws or ordinances of such country purporting to be so printed; or,
(b) certified to be true by some officer of state of such foreign country who also certifies that he is the custodian of the original of such law or ordinance, in which case no proof

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proof shall be required of the handwriting or official position of the person so certifying. 61 V., c. 2, s. 1.

15. Nothing in this Act shall affect the exercise of the powers of the Government of Canada or of any province in connection with the promotion of immigration. 1 E. VII., c. 13, s. 6.

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An Act respecting the liability of His Majesty and public companies for labour used in the construction of works.

SHORT TITLE.

1. This Act may be cited as the Wages Liability Act.

PUBLIC WORKS.

2. If any contractor with His Majesty, or any sub-contractor in the construction of any public work let under contract by His Majesty, makes default in the payment of the wages of any foreman, workman or labourer, employed on such work, or in the payment of any sum due by him for the labour of any such foreman, workman or labourer, or of any team employed on such work, and if a claim therefor is filed in the office of the Minister entering into such contract on behalf of His Majesty, not later than two months after the same becomes due, and satisfactory proof thereof is furnished, His Majesty may pay such claim to the extent of the amount of all moneys or securities in the hands of His Majesty for securing the performance of the contract at the time of the filing of the said claim. 59 V., c. 5, s. 1.

3. His Majesty may demand in writing that each contractor or sub-contractor shall, not later than the tenth day of each month, or at any other time within ten days after receiving such demand, file in the office of the said Minister a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labour done by every foreman, workman, labourer and team employed by him during the previous month, or up to the time of the service of such demand, and attested upon the oath or statutory declaration of such contractor or sub-contractor, or his authorized agent. 59 V., c. 5, s. 2.

4. Every contractor or sub-contractor who, having received such demand, makes default in forwarding such list in accordance with the provisions of the last preceding section, shall incur a penalty not exceeding one hundred dollars and not less than 1757 E.S., 1906.
than ten dollars, for every day during which such default continues.

2. The amount of such penalty, within the said limits, shall be determined by the minister under whom the work is being executed, and may be deducted out of the moneys in the hands of His Majesty, deposited by or owing to such contractor, and shall become vested in His Majesty. 59 V., c. 5, s. 3.

**SUBSIDIZED WORKS.**

5. Whenever any subsidv, advance, loan or bonus of money is authorized by Parliament to be granted to any company or person towards the construction of any railway or other work, it shall, in the absence of special provision by Parliament to the contrary, be a condition of such grant that His Majesty may retain so much of such money as the Governor in Council thinks proper, to secure the payment of claims for wages of persons employed on such railway or work, either by such company or person or by any contractor or sub-contractor, or for sums due or to become due for labour of persons or teams so employed.

2. If any such claim for wages, or for any such sum remains unpaid for thirty days after notice thereof has been served upon the Minister of Railways and Canals, or such other minister as is charged with the supervision of such railway or work, the Governor in Council may, on being satisfied that such claim is due and unpaid, direct that it be paid, together with all proper costs and charges in connection therewith, out of any moneys so retained. 59 V., c. 5, s. 4.

**WORKS BY CHARTERED COMPANIES.**

6. Every company hereafter incorporated by, or receiving a renewal or extension of its charter from the Parliament of Canada for the construction of railways, canals, telegraph lines and other works, shall, by virtue of accepting such incorporation, renewal or extension of charter, become and be liable for the payment of wages, for a period not exceeding three months, of every foreman, workman, labourer or team employed in the construction of any work in Canada done by or for the said company, whether directly under the company or through the intervention of any contractor or sub-contractor: Provided that nothing in this section shall be construed in any way to prejudice or affect the right of any such foreman, workman or labourer against any contractor or sub-contractor with whom he has contracted. 59 V., c. 5, s. 5.

7. In case any such foreman, workman or labourer is not paid his wages for himself or his team by any contractor or sub-contractor by whom he has been employed, a notice stating the name of the claimant and the amount of wages claimed,
claimed, the rate of such wages, the nature and amount of work done, the time when, the place where, and the name of the contractor or sub-contractor, superintendent or foreman for whom such work was done, shall be served upon the company not later than two months after such wages are earned; and such notice shall be followed up by the commencement of a suit in a court of competent jurisdiction for the collection of such wages, within thirty days after the service of such notice; otherwise the liability mentioned in the last preceding section shall cease. 59 V., c. 5, s. 6.

8. The notice mentioned in the last preceding section, and any summons, notice, order or other process required to be served upon the company for the prosecution of such claim, may be served upon the president, vice-president, secretary, managing director, superintendent, or engineer, or any recognized officer representing the company, or by leaving it with any adult person at the office or residence of any of them. 59 V., c. 5, s. 7.

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CHAPTER 99.

An Act respecting the Province of Manitoba.

SHORT TITLE.

1. This Act may be cited as the Manitoba Supplementary Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'Province' means the province of Manitoba;
   (b) 'Minister' means the Minister of the Interior; and,
   (c) 'commissioners' includes the commissioner in cases in which the commission is issued to one person only. R.S., c. 48, s. 1.

PART I.

GENERAL.

3. All Crown lands in Manitoba which are shown to the satisfaction of the Dominion Government to be swamp lands, shall be transferred to the Province and enure wholly to its benefit and uses. R.S., c. 47, s. 4.

4. An allotment of land, not exceeding one hundred and fifty thousand acres, of fair average quality, shall be selected by the Dominion Government and granted as an endowment to the University of Manitoba for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose upon some basis or scheme to be framed by the University and approved by the Dominion Government. R.S., c. 47, s. 5.

5. Whenever, between the fifteenth day of July, one thousand eight hundred and seventy, and the first day of March, one thousand eight hundred and eighty-seven, interest was payable in the Province by the agreement of parties or by law, and no rate was fixed by such agreement or by such law, interest shall be allowed at the rate of six per centum per annum. 51 V., c. 33, s. 2.

6. Subject to the provisions of this Act, the laws of England relating to matters within the jurisdiction of the Parliament of Canada, as the same existed on the fifteenth day of July, one thousand eight hundred and seventy, were from the said day and are in force in the Province, in so far as applicable to the Province, and in so far as the said laws have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom, applicable to the Province, or of the Parliament of Canada. 51 V., c. 33, s. 1.

PART II.

ROADS AND ROAD ALLOWANCES.

7. All road allowances in townships surveyed and subdivided, and all road allowances set out on block lines surveyed, in the Province shall be vested in the Crown in the right of the Province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on block lines heretofore surveyed in the Province, shall be deemed to have become the property of the Crown in the right of the Province upon the confirmation of the survey. 58-59 V., c. 30, s. 1.

8. On the survey and subdivision of any township within the Province, and the approval of such survey and subdivision of any township, the fact shall be notified to the Lieutenant Governor by the Minister, and by virtue of such notification all section road allowances in such township shall become the property of the Province. R.S., c. 49, s. 2.

9. On the Government of Canada receiving notice from the Government of the Province of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby, issued previously to the receipt of such notice: Provided that except those public thoroughfares in the Province which are designated as great highways by the first section of the Act of the legislature of Manitoba, passed in the thirty-fourth year of Her late Majesty's reign, chapter thirteen, (the width of which shall be two chains), no such thoroughfare, public travelled road or trail as hereinbefore mentioned, transferred

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ferred to the Province, shall be held to have a greater width than one and one-half chains, or ninety-nine feet. R.S., c. 49, s. 3.

10. The Minister shall cause roads to be laid out, in the survey of the outer two miles, known as the hay privilege, granted or proposed to be granted to the owners of the front lots in the old parishes, as follows:—

(a) a road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine rivers, and between the said farms and the corresponding lots in the outer two miles or hay privilege before mentioned;

(b) a road one chain and fifty links wide in rear of the lots contained in the outer two miles or hay privilege before mentioned, and between them and the sections, or legal subdivisions thereof, bounding the same, except in cases where the said rear boundary of the said lots proves to be a regular section line in the township survey;

(c) roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said outer two miles, and running from the front to the rear thereof.

2. The roads provided for in the last foregoing paragraph shall be laid out between such lots as the Minister indicates with that view, and shall be taken half off each of such lots, or the whole width off one of such lots, in the discretion of the Minister.

3. The persons to whom such lots have been granted, or to whom it is proposed to grant such lots, may be compensated by the Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed. R.S., c. 49, s. 4.

11. The Governor in Council, may, on the report of the Minister, transfer to the Crown in the right of the Province,—

(a) the several roads provided for by the last preceding section;

(b) all road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;

(c) all road allowances between lots in the inner two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles. 58-59 V., c. 30, s. 2.

12. The unpatented land forming part of any road transferred to the Crown in the right of the Province by or under this R.S., 1906.

this Part, or declared by this Part to be the property of the Crown in the right of the Province shall be vested in the Crown as aforesaid.

2. No such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided that in the case of any such road situate within the limits of an organized municipality within the Province the consent of the Lieutenant Governor in Council shall alone be necessary. 58-59 V. c. 30, s. 3.

13. The Lieutenant Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and the Governor in Council may thereafter, on the report of the Minister, transfer such roads to the Crown in the right of the Province. 58-59 V., c. 30, s. 7.

14. Until the survey and transfer to the Crown in the right of the Province of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened. 58-59 W., c. 30, s. 8.

15. Except as hereinafter provided, upon the transfer to the Crown in the right of the Province of any road, trail, road allowance, highway or great highway, under this Part, the boundaries and lines thereof, as shown on the plan of the Dominion Government survey thereof, shall thereafter be the true boundaries and lines, until varied under the provisions of this Part. 58-59 V., c. 30, s. 9.

16. All roads, trails, road allowances, highways or great highways of any of the classes referred to in this Part, which are shown on any sectional plan of the city of Winnipeg which has been prepared and confirmed by the Lieutenant Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba, are hereby transferred to and vested in the Crown in the right of the Province.

2. The boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 58-59 V., c. 30, s. 4.

17. R.S., 1906.
17. The Governor in Council may, on the report of the Minister transfer to the Crown in the right of the Province all such roads, trails, road allowances, highways and great highways as are referred to in the last preceding section, and which are shown on any sectional plan of the city of Winnipeg hereafter prepared and confirmed by the Lieutenant Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba.

2. The Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 58-59 V., c. 30, s. 5.

18. Upon the transfer to the Crown in the right of the Province taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by this Part, within the limits covered by any such sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed. 58-59 V., c. 30, s. 6.

19. The sectional plan numbered 7a, filed in the Land Titles Office of the district of Winnipeg, on the twenty-seventh day of June, one thousand eight hundred and ninety-nine, as number five hundred and fifty-nine, is approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 62-63 V., c. 19, s. 1.

20. Nothing in this Part shall affect,—
(a) any right claimed or set up in any action or proceeding pending in any court of competent jurisdiction on the twenty-second day of July, one thousand eight hundred and ninety-five, or any right theretofore adjudicated upon in an action or proceeding in any such court; or,
(b) sectional plan number seven of the City of Winnipeg, or any road, trail, road allowance, highway, or great highway shown on that plan, or any original trail, road allowance, highway or great highway within the area shown thereon. 58-59 V., c. 30, s. 10.

PART III.

THE QUIETING OF TITLES.

21. If required by the owner, any grant of an estate in land in the Province by the Hudson's Bay Company, up to the 1765 eighth R.S., 1906.
eighth day of March, one thousand eight hundred and sixty-nine, shall, if such grant is of an estate less than freehold, be converted by grant from the Crown into an estate in freehold, and, if the grant is of an estate in freehold, it shall be in like manner confirmed. R.S., c. 48, s. 2.

22. Every person who satisfactorily establishes that he, by himself or his servant, tenant or agent, was, or, that those through whom he claims, by themselves, their servants, tenants or agents, were in undisturbed occupancy and in actual peaceable possession of any lands within the Province, on the fifteenth day of July, one thousand eight hundred and seventy, and who made application for letters patent therefor before the first day of May, one thousand eight hundred and eighty-six, shall be entitled to receive such letters patent granting the said land absolutely to him in fee simple: Provided that any such claim to a grant from the Crown is barred as fully and effectually as if it had not been made, if the claimant in respect thereof did not establish his claim before the first day of November, one thousand eight hundred and eighty-six, or, if the claim had not before the last mentioned date been referred to the Commissioners under the following provisions of this Part. R.S., c. 48, s. 2.

23. The Governor in Council may, from time to time, issue a commission under the Great Seal, to such person or persons as he sees fit, empowering him or them, or a majority of them, to investigate such cases as are referred to them by the Minister in respect of,—

(a) all such cases as arise under the provisions of this Act respecting grants made by the Hudson’s Bay Company;

(b) all cases of adverse or conflicting claims between different persons to lands mentioned in the last preceding section, in respect of which also it has been previously established to the satisfaction of the Minister that there has been undisturbed occupancy, as required in the said section;

and to report the evidence in respect of such claims, and who is the person to whom, in their opinion, the patent ought to issue for the lands to which the claims respectively relate. R.S., c. 48, s. 3.

24. The commissioners may, from time to time, make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents as are required in the conduct of such proceedings, as to them appear expedient for the better attainment of the purposes of justice. R.S., c. 48, s. 16.

25. The sittings of the commissioners shall be held at the place of the sittings of the county court in each county court division. R.S., 1906.
division of the Province, and the time and place of such sittings, together with a list of claims to be heard before them, shall be advertised by the commissioners, for a period of three months, in some newspaper in the Province, and they shall give such other notice of the time and place of such sitting as will best tend to inform persons interested in the same. R.S., c. 48, s. 4.

26. A list of all lands to which this Part applies, or is believed to apply, shall, from time to time, as is necessary, be prepared by the Surveyor General of Dominion lands; and such list shall specify the name or names of the person or persons in possession, together with the number of the section, part of section, range and number of township of which the land consists or forms part, or some other adequate description thereof, and of the township or place in which the same lies.

2. Copies of such list shall be put up in some conspicuous place in the office of each of the county courts of the Province, and in the office of the registrar of each registration and land titles district in the Province, during at least three months before the claim comes to be heard before the commissioners.

3. No claims shall be heard by the commissioners unless a certificate of compliance with the provisions of this section, from the clerk of such court and from such registrar, is produced to the commissioners.

4. For each such certificate the clerk of the county court and fee such registrar may each demand and receive the sum of fifty cents. R.S., c. 48, s. 6.

27. The commissioners shall not receive or proceed upon any claim until the person, or some one of the persons, by whom or on whose behalf the claim is made, has made and produced before the commissioners an affidavit or affirmation in writing, signed by him, that to the best of his knowledge and belief the claim is well founded, that he is not aware of any adverse claims, and that there is no other person in possession; or if he is aware of any adverse claim, or that there is any other person in possession, that he has, at least one month before the making of such affidavit or affirmation, caused to be served upon the person making, having, or supposed to have such adverse claim, or who is in possession as aforesaid, a notice in writing of his claim and of his intention to bring the claim before the commissioners at the time appointed by them for hearing the claims of the respective parties.

2. A copy of such notice shall be affixed to the affidavit or copy of the affidavit. R.S., c. 48, s. 5.

28. The claimant, or the heir, devisee or assignee of any claimant, may bring any such adverse or conflicting claim before the commissioners, either personally or by agent or attorney, and R.S., 1906.
and produce before the commissioners all such documents, proofs and evidence as he has to advance in support of such claim.

2. Such evidence may be given *viva voce* before the commissioners, or by written affidavits or affirmations, sworn or affirmed before any one entitled to administer an oath or affirmation in the place where the same is sworn or affirmed.

3. All certificates of the Hudson's Bay Company, or of any chief factor of the Hudson's Bay Company, or of the clerk of the executive council of the Province, or copies certified by them respectively of documents in their custody, shall be received in evidence before the commissioners. R.S., c. 48, ss. 7 and 8.

29. The commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they deem expedient for the attainment of the ends of justice. R.S., c. 48, s. 12.

30. The commissioners shall be guided in their proceedings and report by the justice and equity of the case, without regard to legal forms or to the strict letter of the law, or legal rules of evidence.

2. The commissioners shall report their decision to the Minister, who may, if he thinks fit, thereupon cause letters patent to issue, granting the lands in question to the person who has been reported by the commissioners to be entitled to the lands; or otherwise, in his discretion, may submit the decision for the consideration and approval of the Governor in Council. R.S., c. 48, s. 13.

31. The commissioners may summon before them, by summons under the hand of any one of them, the claimant or claimants, or any person interested in the case, or any other person whom they deem it expedient to examine as a witness, or whom they have reason to believe to be in possession of any document by the production of which the ends of justice may be better attained; and may require such claimant or person or such witness, to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross interrogatories in writing, or to produce such books, papers or documents in his possession, as to the commissioners appears requisite. R.S., c. 48, s. 9.

32. The commissioners may cause such interrogatories or cross interrogatories as they deem requisite to be served upon and answered by any such claimant, person or witness, or any witness whose deposition is produced in evidence before them;
and may cause commissions to be issued for the examination of any witness not resident in Manitoba, and for requiring such witness to produce such books, papers or other documents as he has in his possession; and may, in their discretion, delay the proceedings in the case until such evidence and answers have been adduced and given, and returned with the commission. R.S., c. 48, s. 10.

33. The commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, as is vested in any court of law in civil cases; but no person or witness shall be compelled to answer any question that he would not be compelled to answer in a court of law in a civil case. R.S., c. 48, s. 11.

34. No letters patent shall issue on any decision and report of the commissioners until after the expiration of three months from the time when such report was transmitted to and marked as received by the Minister. R.S., c. 48, s. 14.

35. If, before the expiration of such three months, the commissioners, or a quorum or majority of them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the letters patent should be stayed, the commissioners, or a majority of them, although it is not then the regular period of their sitting, may report accordingly to the Minister, and the issuing of the letters patent shall thereupon be stayed until the commissioners again report upon the case; and the commissioners may re-hear the case, or admit any new claim, and may receive or insist upon any new evidence, as to them appears expedient to enable them to do justice in the case; and they may thereafter decide and report thereon as if no prior report had been made, and with like effect. R.S., c. 48, s. 15.

36. Nothing in this Part contained shall limit the right of the Minister to investigate, or cause to be otherwise investigated than as hereinbefore mentioned, such adverse or conflicting claims as aforesaid, and to cause letters patent to issue therefor to the person appearing to him to be entitled thereto. R.S., c. 48, s. 17.
CHAPTER 100.

An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.

1. This Act may be cited as the Saskatchewan and Alberta Short title. Roads Act. 6 E. VII., c. 45, s. 1.

2. All road allowances in townships now or hereafter surveyed and subdivided, and all road allowances set out on block lines now or hereafter surveyed, within the limits of the province of Saskatchewan or Alberta, the plans of survey of which have been duly approved, and the Dominion lands comprised in such road allowances, shall be vested in the Crown in the right of the province within which such road allowances are situate. 6 E. VII., c. 45, s. 2.

3. On the Minister of the Interior receiving notice from the lieutenant governor in council of either of the said provinces that it is desired that any public travelled road or trail in the province, which existed as such prior to the subdivision of the land into sections, shall be transferred to the province, the Governor in Council may authorize and direct the survey of such road or trail by a Dominion land surveyor.

2. In making the survey, the surveyor may make such changes in the location of the road or trail as he deems necessary for improving it, without altering its main direction.

3. Such roads shall not exceed sixty-six feet in width. 6 E. VII., c. 45, s. 3.

4. The returns of every such survey shall be made to the Department of the Interior.

2. Upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the road or trail shall vest in the Crown in the right of the province, subject to the right of any person to whom a patent has been issued previously to such filing. 6 E. VII., c. 45, s. 4.

5. The lieutenant governor in council of either of the said New roads. provinces may cause to be surveyed and marked on the ground by a Dominion land surveyor such new roads as are from time to time deemed necessary to aid in the development of any locality.

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locality which cannot be conveniently served by existing road allowances or other public highways.

2. Such new roads shall be of a width to be specified by the lieutenant governor in council, but shall not exceed sixty-six feet in width. 6 E. VII., c. 45, s. 5.

6. The returns of every survey mentioned in the last preceding section shall be made to the public works department of the province in which the road lies.

2. Upon a duplicate copy of the plan of such survey, approved by the chief engineer of the department of public works of such province, being filed in the proper land titles office, the road or roads shown thereon to have been surveyed as aforesaid, so far as the lands within their limits are Dominion lands, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands.

3. A duplicate copy of the plan of such survey so approved by the chief engineer of the department of public works of such province, shall be forthwith transmitted by the said department of public works to the Surveyor General, who, within one month from the receipt of it by him, may require the plan of such survey so filed to be withdrawn from the land titles office by the department of public works of such province, and the effect of such withdrawal shall be to vest in the Crown in the right of the Dominion the lands shown upon the plan of such survey. 6 E. VII., c. 45, s. 6.

7. All road allowances, public travelled roads or trails, and new roads in either of the said provinces hitherto transferred to or for the use of the Northwest Territories, or subjected to the direction, management, or control of the Lieutenant Governor in Council of the Northwest Territories, shall be vested in the Crown in the right of the province in which they are situate. 6 E. VII., c. 45, s. 7.

8. Nothing herein contained shall be construed to vest in the Crown in the right of the province any mines or minerals under any part of any road or trail upon or through Dominion lands. 6 E. VII., c. 45, s. 8.

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CHAPTER 101.

An Act respecting the Demise of the Crown.

1. This Act may be cited as the Demise of the Crown Act. Short title.

2. Upon the demise of the Crown, it shall not be necessary to renew any commission by virtue whereof any officer of Canada, any functionary in Canada, or any judge of a Dominion or provincial court in Canada held his office or profession during the previous reign; but a proclamation shall be issued by the Governor General, authorizing all persons in office as officers of Canada who held commissions under the late Sovereign, and all functionaries who exercised any profession by virtue of any such commission, and all judges of Dominion or provincial courts, to continue in the due exercise of their respective duties, functions and professions; and such proclamation shall suffice; and the incumbents shall, as soon thereafter as possible, take the usual and customary oath of allegiance, before the proper officer or officers thereunto appointed. R.S., c. 19, s. 3; 1 E. VII., c. 38, s. 1.

3. Upon such proclamation being issued, and oath taken, each and every such officer, functionary and judge shall continue in the lawful exercise of the duties and functions of his office or profession, as fully as if appointed de novo by commission derived from the Sovereign for the time being. Validity of acts done, Oaths of allegiance to be taken.

2. All acts and things bona fide done and performed by such incumbents in their respective offices, and in the due and faithful performance of their duties, functions and professions, between the time of such demise and the proclamation so to be issued, if such oath of allegiance is duly taken, shall be deemed to be legally done, and valid accordingly. R.S., c. 19, s. 3; 1 E. VII., c. 38, s. 1.

4. Nothing in this Act shall prejudice or in anywise affect the rights or prerogative of the Crown with respect to any office or appointment derived or held by authority from it, or prejudice or affect the rights or prerogatives thereof in any other respect whatsoever. R.S., c. 19, s. 4.

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5. No writ, cause, action, suit, plea, judgment or process or any other proceeding whatsoever, whether civil or criminal, in or issuing out of any court, shall be determined, abated or discontinued by the demise of the Crown, but every such writ, cause, action, suit, plea, judgment, process or other proceeding shall remain in full force and virtue to be proceeded upon or with notwithstanding any demise of the Crown. 1 E. VII., c. 37, s. 1.
CHAPTER 102.


1. This Act may be cited as the Public Documents Act.

2. No commission or other public document under the Great Seal of Canada, or under the Privy Seal of the Governor General, and no letters patent of Canada, and no public writ, deed or other document thereof, or any portion of any such document, shall, unless some Act relating thereto expressly so provides, be required to be on parchment, but, the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or printed on parchment.

3. Whenever letters patent under the Great Seal of Canada, other than such as grant lands, or instruments under the Privy Seal of the Governor General or person administering the Government of Canada, have been issued to or in the name of the wrong person, or contain any clerical error or misnomer or wrong description of any material fact therein, the Secretary of State, when authorized by the Governor in Council, may direct the defective letters patent or instruments to be cancelled, and a minute of such cancellation to be entered in the margin of the registry of the original letters patent or other instruments, and correct letters patent under the Great Seal or instruments under Privy Seal, as aforesaid, to be issued in their stead. Such letters patent or instruments shall relate back to the date of those so cancelled.

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CHAPTER 103.

An Act respecting the Discharge of Securities to the Crown.

1. This Act may be cited as the Satisfied Securities Act. Short title.

2. Whenever the lien created by any mortgage or other How secur- instrument on any real or personal property to His Majesty has been satisfied, the Governor in Council may declare that the same has been satisfied and discharged; and a copy of the order in council, certified by the Clerk of the King's Privy Council for Canada, shall operate as a release and discharge of any claim of His Majesty, His successors or assigns, in respect of the same. R.S., c. 117, s. 2.

3. From and after the first day of July in the year one thousand eight hundred and eighty-eight, any lands in the province of Ontario theretofore bound by the registration in the office of the Clerk of the former Court of Queen's Bench in Toronto, of any deed, bond, contract or other instrument whereby any debt, obligation or duty was incurred or created to Her late Majesty Queen Victoria, or any of Her Royal Predecessors, in respect of any matter within the authority of the Government of Canada, shall be released from the charge created by such registration, so far as the same is within the authority of the Government of Canada; but nothing herein contained shall be construed to affect the obligations of parties to any such deed, bond, contract, or other instrument, to the Crown or to each other, or to release any charge which may have been, previous to the said date, obtained against any such lands by virtue of any writ or other proceeding. 51 V., c. 36, s. 1.

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CHAPTER 104.

An Act respecting Public and Departmental Inquiries.

SHORT TITLE.

1. This Act may be cited as the Inquiries Act.

PART I.

PUBLIC INQUIRIES.

2. The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. 114, s. 1.

3. In case such inquiry is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. 114, s. 1.

4. The commissioners shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. 114, s. 1.

5. The commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. 52 V., c. 33, s. 1.

PART II.

DEPARTMENTAL INVESTIGATIONS.

6. The Minister presiding over any department of the Civil Service of Canada, may appoint at any time, under the authority of R.S., 1906.
of the Governor in Council, a commissioner or commissioners to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties. R.S., c. 115, s. 1.

7. The commissioner or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution, and shall have access to every part thereof, and may examine all papers, documents, vouchers, records and books of every kind belonging thereto, and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation. R.S., c. 115, s. 2.

8. The commissioner or commissioners may, under his or their hand or hands, issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject-matter of such investigation, and to bring with him and produce any document, book, or paper, which he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpoena, request or summons.

2. Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons. R.S., c. 115, s. 3.

9. If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them.

2. Such officer or person shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to him by such commission, and shall, with regard to such evidence, have the same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summonses for the purpose of compelling the attendance of any person, or the production of any document, book or paper. R.S., c. 115, s. 4.
10. Every person who,—
(a) being required to attend in the manner in this Part Witnessed provided, fails, without valid excuse, to attend accordingly; or,
(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same; or,
(c) refuses to be sworn or to affirm, as the case may be; or,
(d) refuses to answer any proper question put to him by a commissioner, or other person as aforesaid;
shall, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, be liable to a penalty not exceeding four hundred dollars.

2. The judge of the superior or county court aforesaid shall for the purposes of this Part, be a justice of the peace. R.S. c. 115, s. 5.

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CHAPTER 105.
An Act respecting Marriage.

1. This Act may be cited as the Marriage Act.  

2. A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister of a deceased wife of the man. 45 V., c. 42, s. 1; 53 V., c. 36, s. 1.

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CHAPTER 106.

An Act respecting Dominion Day.

1. This Act may be cited as the Dominion Day Act.

2. Throughout Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of Dominion Day.

R.S., c. 111, s. 1.

3. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the same name.

R.S., c. 111, s. 2.

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CHAPTER 107.

An Act respecting Victoria Day.

1. This Act may be cited as the Victoria Day Act. Short title.

2. Throughout Canada, in each and every year, the twenty-fourth day of May, being the birthday of Her late Majesty Queen Victoria, shall, when not a Sunday, be a legal holiday and shall be kept and observed as such under the name of Victoria Day. 1 E. VII., c. 12, s. 1.

3. When the twenty-fourth day of May is a Sunday, the twenty-fifth day of May shall be, in lieu thereof, a legal holiday throughout Canada, and shall be kept and observed as such under the same name. 1 E. VII., c. 12, s. 2.

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CHAPTER 108.

An Act respecting Public Ferries.

SHORT TITLE.

1. This Act may be cited as the Ferries Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
   (a) 'ferry' means any ferry between any province and any British or foreign country, or between any two provinces;
   (b) 'license' or 'renewal,' includes all ferry licenses or renewals thereof;
   (c) 'Minister' means the Minister of Inland Revenue.

APPLICATION.

3. Nothing in this Act shall extend to the owner or master of any vessel plying between two ports in Canada or regularly entered or cleared by the officers of His Majesty's Customs at any such port, or shall, in any way, affect any privilege in respect to ferries granted previously to the first day of March, one thousand eight hundred and eighty-seven, to the proprietor of any bridge or to any railway or other company by the Parliament of Canada, or by the legislature of any of the provinces then composing Canada, before such province became a part of Canada. R.S., c. 97, s. 11.

LICENSES.

4. Every license of ferry shall be under the Great Seal and shall be issued by the Governor in Council. R.S., c. 97, s. 2; 51 V., c. 23, s. 1.

5. Whenever any ferry, other than a ferry between Canada and any other country, is established or becomes vacant the Minister shall offer the license or renewal of license for such ferry to public competition, and for that purpose give notice in the English and French languages in the Canada Gazette, and in one or more newspapers published or circulated in the locality in which the ferry is situate, of the time and place at which, R.S., 1906.
which tenders will be received for the license, or renewal of
license, for such ferry.

2. The Minister shall report the result of such competition
to the Governor in Council, and the license, or renewal thereof,
shall be granted accordingly. R.S., c. 97, s. 3; 51 V., c. 23,
s. 2.

6. In the case of a ferry between Canada and any other
country, the Governor in Council may authorize a ferry license
to be granted, or to be renewed, for any period not exceeding
ten years, as the exigencies of the case require.

2. Every such license shall be liable to cancellation for any
violation of the Customs laws of Canada, or of the country
between which and Canada the ferry is established, and for any
violation of the regulations made by the Governor in Council,
as hereinafter provided.

3. In the case of a ferry between any two provinces, a ferry
license may be granted, after public competition as hereinbefore
provided, for any period not exceeding five years: Provided
that the Governor in Council, if he is satisfied that the regu-
lations hereinafter mentioned have been complied with and the
public requirements met, may in any case, without calling for
tenders as aforesaid, authorize the extension of the license for
an additional period of five years, upon such terms as are set
forth in the order in council. 51 V., c. 23, s. 3.

REGULATIONS.

7. The Governor in Council may, from time to time, make
such regulations as he deems expedient, for any of the follow-
ing purposes, that is to say:—

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

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

(c) Determining the size and description of the vessels to be
used on any such ferries by the persons holding licenses in
respect thereof, and the nature of the accommodation and
conveniences to be provided for passengers carried in such
vessels;

(d) Fixing the tolls or rates at which persons and chattels
shall be carried over such ferries, and the manner and
places at which such tolls or rates shall be published or
made known;

(e) Enforcing the payment of such tolls or rates, by the
persons carried, or for whom chattels are carried, over such
ferries;

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(f) Regulating the conduct of persons holding licenses in respect of such ferries, and fixing the times and hours and parts of hours during and at which vessels employed on such ferries shall cross and recross or depart from either side of any such ferry for that purpose;

(g) Annulling and declaring the forfeiture of any ferry license, in consequence of the conditions thereof, or any of them, not having been fulfilled, or in consequence of such license having been obtained by fraud or misrepresentation or through error;

(h) Imposing penalties, not exceeding ten dollars in any case, for the violation of any such regulation.

2. All such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained in and enacted by this Act. R.S., c. 97, s. 5.

8. The Minister shall cause all such regulations to be published in the English and French languages, in the Canada Gazette, at least three times during the three months following the date thereof. R.S., c. 97, s. 6.

INQUIRIES.

9. Whenever reasonable grounds are shown to the Minister, he may, either himself or by any person specially appointed by him for that purpose, make inquiry under oath, as to any matter connected with any ferry or ferry license.

2. The Minister or such person shall have the same power as is vested in any court of justice in civil cases, of summoning witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such document and things as he deems requisite to the full investigation of such matter. R.S., c. 97, s. 7.

PENALTIES.

10. Every person who interferes with the rights of any licensed ferryman, by conveying passengers or goods, for hire or profit or with the intention to lessen the tolls or revenue of any ferry, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before a justice of the peace for the county, city or district in which either terminus of the ferry is situate, incur a penalty not exceeding twenty dollars. R.S., c. 97, s. 8.

APPROPRIATION OF PENALTIES AND LICENSE FEES.

11. All fines or penalties imposed by this Act, or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one justice of the peace.

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2. One moiety of every such penalty shall be paid to the informer, and the other moiety shall belong to the Crown. R.S., c. 97, s. 9.

12. All moneys arising out of such ferry licenses, and out of fines and penalties incurred in regard to the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 97, s. 10.
CHAPTER 109.
An Act respecting Bridges.

SHORT TITLE.
1. This Act may be cited as the Bridges Act.

INTERPRETATION.
2. In this Act, unless the context otherwise requires,—
   (a) 'bridge' means and includes every bridge to which this Act applies;
   (b) 'Board' means the Board of Railway Commissioners for Canada appointed under the Railway Act;
   (c) 'engineer' includes engineers when more than one are appointed;
   (d) 'company' means any company incorporated under the authority or within the jurisdiction of the Parliament of Canada, not being a railway company or otherwise subject to the control of the Board. R.S., c. 93, ss. 1 and 2; 3 E. VII., c. 58, s. 8.

APPLICATION.
3. This Act applies to every bridge and the approaches thereto, and the appliances or works appurtenant thereto, built or constructed by any company. R.S., c. 93, s. 2.

GENERAL.
4. No bridge shall be opened for public use,—
   (a) until one month after notice in writing of intention to open same has been given to the Board by the company to whom the bridge belongs; nor,
   (b) until ten days after notice in writing of the time when the bridge will, in the opinion of the company, be sufficiently completed for inspection and the use thereof with safety, has been given by the company to the Board. R.S., c. 93, s. 3; 3 E. VII., c. 58, s. 8.

5. The Board, upon receiving such notice, shall direct an engineer attached to or employed by the Department of Public Works, to examine the bridge proposed to be opened and report to the Board. R.S., 1906.
to the Board, in writing, his opinion as to the completeness and sufficiency of the same, with the ground of such opinion.

2. If such engineer shall report that, in his opinion, the said bridge would, by reason of incompleteness or insufficiency, be dangerous to the public using the same, the Board, with the sanction of the Governor in Council, may order the company to whom the bridge belongs to postpone such opening for a period not exceeding one month.

3. The Board may, with such sanction, in like manner, from time to time thereafter, on further inspection of the bridge by such engineer directed as aforesaid, after ten days’ notice as aforesaid, on a report to the like effect from the engineer as to incompleteness or insufficiency, until it appears to the Board that the opening of the bridge may take place without danger to the public, make a like order for postponement of the opening of such bridge. R.S., c. 93, s. 4; 3 E. VII., c. 58, s. 8.

6. No such order shall be binding upon any company unless a copy of the report of the inspecting engineer on which the order is founded is delivered to the company with the order. R.S., c. 93, s. 5.

7. The Board may direct any such engineer to examine, inspect and report to the Board on any bridge, whenever it receives information to the effect that such bridge, through want of repair, insufficiency, or erroneous construction, or from any other cause, is dangerous to the public using the same, or whenever circumstances arise which, in the opinion of the Board, render an examination or inspection expedient. R.S., c. 93, s. 6; 3 E. VII., c. 58, s. 8.

8. The Board, upon the report of the engineer, may,—

(a) condemn the bridge or any portion thereof, or any of the works or appliances connected therewith; and,

(b) with the approval of the Governor in Council, require the substitution of a new bridge for such bridge, or a portion thereof to be renewed, or the use of any materials for any part of such bridge, or any change or alteration therein or any part thereof. R.S., c. 93, s. 6; 3 E. VII., c. 58, s. 8.

9. The company to which such bridge belongs, or the company using or controlling the same, in case the bridge is in use or controlled by some other company, shall thereupon, on notice from the Board signed by the Chief Commissioner, and countersigned by the Secretary, of any defect or insufficiency in such bridge or any portion thereof so reported, or of any requirement of the Board aforesaid, proceed to make good or remedy any such defect or insufficiency, and make the change,

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alteration, substitution or use of material specified as a requirement in such notice. R.S., c. 93, s. 6; 3 E. VII., c. 58, s. 8.

10. Any engineer authorized to inspect any bridge may, at all reasonable times, upon producing his authority, if required, enter upon and examine such bridge. R.S., c. 93, s. 7.

11. Every company and the officers and directors thereof shall afford to the inspecting engineer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting engineer all contracts, plans, specifications, drawings and documents relating to the construction, repair, or state of repair of such bridge. R.S., c. 93, s. 8.

12. The production of instructions in writing signed by the Chief Commissioner of the Board and countersigned by the Secretary thereof, shall be sufficient evidence of the authority of any such inspecting engineer. R.S., c. 93, s. 9; 3 E. VII., c. 58, s. 8.

13. The inspecting engineer may, when, in his opinion, the bridge is dangerous, by notice in writing, stating the reasons for his opinion, and distinctly specifying the defects or the nature of the danger to be apprehended, delivered to the president, managing director, secretary or superintendent of the company owning, using or controlling such bridge, forbid, until alterations, substitutions or repairs are made therein,—

(a) the running of any railway or tramway trains or car over any such bridge when the same is intended for, and, in his opinion, dangerous to the passage of such train or car; or,

(b) the passage of any vehicle over such bridge when the same is intended for, and, in his opinion, dangerous to the passing of vehicles thereover; or,

(c) the passing of any passenger over such bridge when the same is intended for, and, in his opinion, dangerous to passengers. R.S., c. 93, s. 10.

14. The inspecting engineer shall forthwith report the circumstances of the case to the Board, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and notice of such confirmation, modification or disallowance shall be duly given to the company affected thereby. R.S., c. 93, s. 11; 3 E. VII., c. 58, s. 8.

15. No inspection had under this Act, nor anything in this Act contained, nor anything done, or ordered, or omitted to be done, or ordered under or by virtue of the provisions of this Act, shall,—

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(a) relieve or be construed to relieve any company of or from any liability or responsibility resting upon it by law, to His Majesty or to 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 non-feasance of such company; or,

(b) in any way weaken or diminish the liability or responsibility of any such company, under the laws in force in the province in which such liability or responsibility arises. R.S., c. 93, s. 12.

16. Every company shall be deemed to have received sufficient information of any order of the Board, if a notice thereof, signed by the Chief Commissioner of the Board, and countersigned by the Secretary of the Board, is delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and every such company shall be deemed to have received sufficient information of any order of the inspecting engineer, if a notice thereof, signed by the engineer, is delivered as hereinbefore provided. R.S., c. 93, s. 13; 3 E. VII., c. 58, s. 8.

17. Every company shall, as soon as possible and within at least forty-eight hours after the occurrence upon any bridge belonging to such company, of any accident attended with serious personal injury to any person using the same, or whereby the bridge has been broken or so damaged as to render it impassable or unsafe or unfit for immediate use, give notice thereof to the Board. R.S., c. 93, s. 14; 3 E. VII., c. 58, s. 8.

18. Every company shall within one month after the first days of January and July, in each year, make to the Board, under the oath of its president, secretary or superintendent, a true and particular return of all accidents and casualties to life or property which have occurred on any bridge of the company during the respective half years next preceding the said first days of January and July, respectively, setting forth,—

(a) the causes and natures of such accidents and casualties;

(b) whether they occurred by night or by day;

(c) the full extent thereof, and all the particulars of the same.

2. The company shall also, at the same time, transmit 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 bridge. R.S., c. 93, s. 15; 3 E. VII., c. 58, s. 8.

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19. The Board may, from time to time, order and direct the form in which such return shall be made up, and may, with a view to the public safety, from time to time, in addition to the said periodical returns, order and direct any company to make up and deliver to the Board, in such form and manner as the Board deems necessary and requires for its information, returns of serious accidents occurring in the course of public traffic upon any bridge belonging to such company, whether attended with personal injury or not. R.S., c. 93, s. 16; 3 E. VII., c. 58, s. 8.

20. All such returns shall be privileged communications, and shall not be evidence in any court whatsoever. R.S., c. 93, privileged. s. 17.

OFFENCES AND PENALTIES.

21. Every company which opens its bridge to the public in violation of the provisions of this Act, requiring notice to be given to the Board, shall incur a penalty of two hundred dollars for every day during which the same continues opened, previous to the giving and expiring of such notice. R.S., c. 93, s. 18; 3 E. VII., c. 58, s. 8.

22. Every company which opens its bridge for public use contrary to an order of the Board issued under this Act postponing the time of the opening of such bridge, shall incur a penalty of two hundred dollars for every day during which the same continues opened contrary to such order. R.S., c. 93, s. 19; 3 E. VII., c. 58, s. 8.

23. Every company which wilfully omits to give to the Board the notice of an accident on or to its bridge required by this Act, shall incur a penalty of two hundred dollars for every day during which the omission to give such notice continues. R.S., c. 93, s. 20; 3 E. VII., c. 58, s. 8.

24. Every company which neglects to deliver any return required by this Act, verified as herein provided, within the respective times herein prescribed, or to deliver any return, other than the periodical returns required by this Act, within fourteen days after the same has been required by the Board, shall incur a penalty of one hundred dollars for every day during which the company neglects to deliver the same. R.S., c. 93, s. 21; 3 E. VII., c. 58, s. 8.

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CHAPTER 110.

The Land Titles Act.

SHORT TITLE.

1. This Act may be cited as the Land Titles Act. 57-58 V., Short title. c. 28, s. 1.

INTERPRETATION.

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

(1.) 'land' means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein, whether such estate or interest is legal or equitable, together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted;

(2.) 'owner' means any person or body corporate entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy;

(3.) 'transfer' means the passing of any estate or interest in land under this Act, whether for valuable consideration or otherwise;

(4.) 'transferrer' means the person by whom any interest or estate in land is transferred, whether for value or otherwise, and 'transferee' means the person to whom any interest or estate in land is transferred, whether for value or otherwise;

(5.) 'mortgage' means any charge on land created merely for securing a debt, or a loan;

(6.) 'mortgagee' means the owner of a mortgage; and 'mortgagor' means the owner or transferee of land, or of any estate or interest in land pledged as security for a debt or a loan;

(7.) 'encumbrance' means any charge on land, created or effected for any purpose whatever, inclusive of mortgages, mechanics' liens when authorized by statute or ordinance, and executions against lands, unless expressly distinguished;

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'Encumbrancer.'

(8.) 'encumbrancer' means the owner of any land or of any estate or interest in land subject to any encumbrance; and 'encumbrance' means the owner of an encumbrance;

'Luonic.'

(9.) 'lunatic' means any person found by any competent tribunal or commission de lunatico inquirendo, to be a lunatic;

'Person of unsound mind.'

(10.) 'person of unsound mind' means any person not an infant who, not having been found to be a lunatic, has been found on like inquiry to be incapable, from infirmity of mind, of managing his own affairs;

'Instrument.'

(11.) 'instrument' means any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of probate of will, letters of administration or an exemplification thereof, mortgage or encumbrance, or any other document in writing relating to or affecting the transfer of or other dealing with land or evidencing title thereto;

'Register.'

(12.) 'register' means the register of titles to land kept in accordance with this Act;

'Registration.'

(13.) 'registration' means

(a) the bringing of lands under the provisions of this Act, and

(b) the entering upon the certificate of title of a memorandum authorized by this Act, of any document; and 'filing' means the entering in the day-book of any instrument;

'Filing.'

'Memorandum.'

(14.) 'memorandum' means the endorsement upon the certificate of title and on the duplicate copy thereof of the particulars of any instrument presented for registration;

'Certificate of title.'

(15.) 'certificate of title' means the certificate (form E) granted by the registrar and entered and kept in the register;

'Duplicate.'

(16.) 'duplicate' or 'duplicate certificate' means the duplicate, delivered or issued to the person entitled thereto, of the certificate of title in the register;

'Minister.'

(17.) 'Minister' means the Minister of the Interior; and 'Department' the Department of the Interior;

'Registrar.'

(18.) 'registrar' means a registrar of titles or any deputy registrar or inspector of titles when acting as registrar;

'Territories.'

(19.) 'Territories' means the Northwest Territories and the Yukon Territory;

'Court.'

(20.) 'court' means any court authorized to adjudicate in the Territories in civil matters in which the title to real estate is in question, and includes in the Northwest Territories any stipendiary magistrate appointed by the Governor in Council under the authority of the Northwest Territories Act.

'Court of Appeal.'

(21.) 'Court of Appeal' means the Court of Appeal herein constituted;
(22.) 'judge' means an official authorized in the Territories 'Judge,' to adjudicate in civil matters in which the title to real estate is in question;

(23.) 'transmission' applies to change of ownership consequent upon death, lunacy, sale under execution, order of court or other act of law, or upon a sale for arrears of taxes or upon any settlement or any legal succession in case of intestacy;

(24.) 'grant' means any grant of Crown land, whether in 'Grant,' fee or for years, and whether direct from His Majesty or by or pursuant to the provisions of any statute;

(25.) 'endorsed' and 'endorsement' apply to anything 'Endorsed,' written upon any instrument or upon any paper attached 'Endorsement,' thereto by the registrar;

(26.) 'possession,' when applied to persons claiming title to 'Possession,' land, means also alternatively the reception of the rents and profits thereof;

(27.) 'form' means a form in the schedule to this Act; 'Form.'

(28.) 'affidavit' includes an affirmation when made by a 'Affidavit,' person entitled to affirm;

(29.) 'Inspector' means the Inspector of Land Titles 'Inspector,' Offices appointed under the authority of this Act. 57-58 V., c. 28, s. 2; 61 V., c. 32, s. 2.

3. A person shall be deemed to claim under a prior certificate of title who is a holder of, or whose claim is derived directly or indirectly from a person who was the holder of an earlier certificate of title, notwithstanding that such certificate of title has been surrendered and a new certificate of title has been granted upon any transfer or other instrument. 57-58 V., c. 28, s. 57.

4. Nothing contained in this Act shall take away or affect the jurisdiction of any competent court on the ground of actual fraud or over contracts for the sale or other disposition of land for which a certificate of title has been granted. 57-58 V., c. 28, s. 130.

DESENT OF LAND.

5. Land in the Territories shall descend to the personal representatives of the deceased owner thereof in the same manner as personal estate, and be dealt with and distributed as personal estate. 57-58 V., c. 28, s. 3; 63-64 V., c. 21, s. 5.

6. Except such devises as are made by the testator to his personal representative, either in his representative capacity or for his own use, no devise shall be valid or effectual as against the personal representative of the testator, until the land affected thereby is transferred to the devisee thereof by the personal representative of the devisor. 57-58 V., c. 28, s. 5.

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7. Any devise or limitation, which heretofore would have created an estate tail, shall transfer the absolute ownership, or the greatest estate that the devisor or transferrer had in the land.

2. No estate in fee simple shall be changed into any limited fee or fee tail, but the land, whatever form of words is used in any transfer, transmission or dealing, shall, except as herein-after otherwise provided, be and remain an absolute estate in the owner for the time being. 57-58 V., c. 28, s. 10.

8. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother, if dead, any land which she would, if living, have taken by purchase, gift, devise, or descent from any other person. 57-58 V., c. 28, s. 14.

9. When an illegitimate child dies intestate, without issue, the mother of such child shall inherit any land of which he was the owner at the time of his death. 57-58 V., c. 28, s. 15.

10. If a wife has left her husband, and has lived in adultery after leaving him, she shall take no part of the land of her husband. 57-58 V., c. 28, s. 12.

11. If a husband has left his wife, and has lived in adultery after leaving her, he shall take no part of her land. 57-58 V., c. 28, s. 13.

12. No widow whose husband died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to dower in the land of her deceased husband; but she shall have the same right in such land as if it were personal property. 57-58 V., c. 28, s. 6.

13. No husband whose wife died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to any estate by the courtesy in the land of his deceased wife; but he shall have the same right therein as a wife has in the personal property of her deceased husband. 57-58 V., c. 28, s. 7.

MARRIED WOMEN.

14. Whenever land is transferred to a man and his wife the transferees shall take according to the tenor of the transfer, and they shall not take by entieties unless it is so expressed in the transfer. 57-58 V., c. 28, s. 8.

15. A man may make a valid transfer of land to his wife, and a woman may make a valid transfer of land to her husband, without in either case, the intervention of a trustee. 57-58 V., c. 28, s. 9.

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16. A married woman shall, in respect of land acquired by her on or after the first day of January, one thousand eight hundred and eighty-seven, have all the rights and be subject to all the liabilities of a feme sole, and may, in all respects, deal with land as if she were unmarried. 57-58 V., c. 28, s. 11.

17. The registrar shall, upon application to him to grant a new certificate of title to a married woman, upon production to him of,—

(a) a duplicate certificate of title issued to her prior to marriage, accompanied with a statement in writing of her marriage, giving the date of such marriage, the place where solemnized, and her husband's full name, with his residence and occupation, verified by oath or affirmation; and,

(b) a certificate of the marriage by the person who solemnized the same; and,

(c) of such further evidence as the registrar may require; file the duplicate certificate of title so produced to him, and at once cancel the existing certificate of title and the duplicate thereof so filed, and make a memorandum of each of the facts;

Provided that if such marriage was solemnized in the province of Saskatchewan or Alberta or in the Territories, it shall be sufficient to produce to the registrar, in lieu of the certificate of marriage, such evidence as would be sufficient to establish the marriage in any court in such province or in the Territories, as the case may be.

2. The registrar shall, upon having so cancelled such certificate and duplicate, grant a new certificate of title to the applicant owner in her newly-acquired surname, in which her husband's full name, residence and occupation shall be given, and shall issue to her a duplicate certificate. 57-58 V., c. 28, s. 98; 61 V., c. 32, s. 13.

REGISTRATION DISTRICTS.

18. The Governor in Council may, from time to time, by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any portion of the Territories a land registration district, and declare by what local name the same shall be known and designated, and may also from time to time change the boundaries of existing districts. 57-58 V., c. 28, s. 17.

19. The boundaries of any district already constituted shall be as already defined, subject to change as provided in the last preceding section. 57-58 V., c. 28, s. 16.

20. For each registration district there shall be at such place in the district as the Governor in Council determines an office to be called the land titles office. 57-58 V., c. 28, s. 19.

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21. The Governor in Council may provide in each registration district at the public expense, and may thereafter maintain, in a proper state of repair, as the land titles office for the district, a building of stone or brick, or partly of brick and partly of stone, to serve as the office of the registrar, and as the place of deposit and preservation of registers and other record books, certificates, instruments and documents connected with the registration of titles; and may fit up the said office with such fire-proof safes and other secure places as are necessary. 57-58 V., c. 28, s. 18.

22. The Governor in Council shall, from time to time, provide all such books, forms and other office requisites, as are necessary for use under the provisions of this Act. 57-58 V., c. 28, s. 131.

OFFICERS.

23. The Governor in Council may, from time to time, appoint an inspector of land titles offices, whose duties shall be, under instructions from the Minister, to inspect the books and records of the several land titles offices, and to perform such other duties as he may be directed by the Minister to perform, and the Inspector may in the discretion of the Minister be directed to perform any duty which any registrar is empowered by this Act to perform. 57-58 V., c. 28, s. 20.

24. No person shall be appointed inspector of land titles offices unless he is when appointed a barrister, solicitor or advocate of at least three years' standing of one of the provinces of Canada. 57-58 V., c. 28, s. 20.

25. The business of each land titles office shall be conducted by an officer called the registrar, appointed by the Governor in Council, with such assistants and clerks as are necessary and as the Governor in Council from time to time appoints.

2. No person shall be appointed registrar unless he is a barrister, solicitor or advocate of at least three years' standing of one of the provinces of Canada.

3. The registrar shall hold office during pleasure. 57-58 V., c. 28, s. 21.

26. Whenever occasion requires, the Governor in Council may, from time to time, appoint a deputy registrar to assist the registrar under instructions from the latter.

2. Such deputy registrar may, in the event of the illness or absence from office of the registrar, perform all the duties required by this Act to be done by the registrar.

3. In case of the death, resignation or removal from office of the registrar the deputy registrar shall do and perform all
all the duties of the registrar under this Act until another registrar is appointed. 57-58 V., c. 28, s. 22.

27. No person shall be appointed deputy registrar unless he is a barrister, solicitor or advocate of one of the provinces of Canada. 57-58 V., c. 28, s. 22.

28. The Inspector, the registrars, deputy registrars, and other necessary officers shall be attached to the Department and be under the control of the Minister; and their salaries, and such incidental expenses of carrying on this Act as are sanctioned by this Act or by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose. 57-58 V., c. 28, s. 23.

29. The Inspector and every registrar and deputy registrar, before he enters upon the execution of his office, shall take, before some judge or stipendiary magistrate in the Territories, the oath of office in form A. 57-58 V., c. 28, s. 24.

30. Before an inspector of land titles offices or any registrar or deputy registrar is sworn into office, he shall furnish to His Majesty security in a penal sum of not less than one thousand dollars for the true and faithful performance of his duty in respect to all things directed to be done or required of him by this Act or any law in that behalf.

2. Such security shall, in the discretion of the Minister, be by bond, either a joint and several bond of the inspector of land titles offices, registrar, or deputy registrar, as the case may be, and two sureties, or a guarantee bond of a guarantee company duly approved by the Governor in Council.

3. Such bond or guarantee bond shall be in duplicate and shall be subject to the approval of the Governor in Council. 57-58 V., c. 28, s. 25.

31. When the security to be so furnished is a joint and several bond the same shall be executed under the hands and seals of the obligors in form B, and sureties shall justify under oath in form C and the execution of the said bond shall be duly certified by the affidavit of a subscribing witness in form D.

2. One of the duplicates, with the affidavits appended, shall then be forthwith transmitted to the Secretary of State, to be filed in his office, and the other shall be filed in the office of the Commissioner of the Northwest Territories or the Yukon Territory to which the appointment relates. 57-58 V., c. 28, s. 26; 61 V., c. 32, s. 3.

32. The Inspector, and any registrar or deputy registrar further shall, when required by the Minister, furnish such further security 1895 or R.S., 1906.
33. Neither the Inspector nor any registrar, deputy registrar or clerk in any land titles office shall,—
   (a) directly or indirectly act as the agent of any person investing money and taking securities on land within any registration district; or,
   (b) advise for fee or reward or otherwise upon titles to land; or,
   (c) practise as a conveyancer; or,
   (d) carry on or transact within the land titles office, any business or occupation whatever, other than his duties as such inspector, registrar, deputy registrar or clerk. 57-58 V., c. 28, s. 31.

34. Neither the Inspector nor any registrar, deputy registrar, or person acting under authority of a registrar, shall be liable to any action or proceeding for or in respect of any act bona fide done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or by any order or general rule made in pursuance thereof. 57-58 V., c. 28, s. 134.

35. Each registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title. 57-58 V., c. 28, s. 28.

36. The registrar shall stamp all instruments which are presented to him for registration, showing the day, hour and minute of receiving the same. 57-58 V., c. 28, s. 28.

37. The Inspector, or within his district any registrar or deputy registrar, may administer any oath or take any affirmation or declaration respecting titles to land. 57-58 V., c. 28, s. 29.

38. Every registrar shall, when required, furnish, under seal, an exemplification, copy or abstract of any instrument affecting lands, deposited, filed or registered in his office, and every such exemplification and every duly certified copy shall be received as evidence in the same manner and with the same effect as if the original was produced. 57-58 V., c. 28, s. 30.

39. Every land titles office shall be kept open on all days, except Sundays and legal holidays, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, during which time either the registrar or the deputy registrar shall be in attendance: Provided that on Saturdays the office shall be closed at one o'clock in the afternoon. 57-58 V., c. 28, s. 32.

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BOOKS.

40. The registrar shall keep a book called the day-book, in which shall be entered by a short description every instrument given in for registration relating to lands for which a certificate of title has issued or been applied for, with the day, hour and minute of its so being given in.

2. For the purposes of priority between mortgagees, transferees and others, the time so entered shall be taken as the time of registration.

3. The registrar, in endorsing a memorandum upon the certificate of title embodied in the register or upon the duplicate, shall take the time from the day-book as the time of registration. 57-58 V., c. 28, s. 33.

41. Unless required so to do by order of a court or judge, the registrar shall not receive or enter in the day-book any instrument, until the duplicate certificate of title for the land affected is produced to him so as to enable him to enter the proper memorandum on such duplicate certificate. 4 E. VII., c. 19, s. 1.

42. A duplicate certificate of title for the lands affected need not be produced in the case of,—

(a) executions against lands, caveats, mechanics' liens, transfers by a sheriff or municipal officer or by order of a court or judge; or,—

(b) transfers on sales of lands for taxes, maps or plans which do not require to be registered, or certificates or orders of a court or judge; or,

(c) a mortgage or other encumbrance created by any person rightfully in possession of land, prior to the issue of the grant from the Crown, or prior to the issue of transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such land have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagor or encumbrancer in form Q; and also in the case of lands mortgaged or encumbered prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the applicant is entitled to a transfer in fee simple therefore from the company. 4 E. VII., c. 19, s. 1.

43. The registrar shall also keep a book or books which shall be called the register, and shall enter therein all certificates of title, and shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or R.S., 1906.
or entered in the register and affecting the land included in such certificate of title.

2. Certificates of title shall be in form E, and each certificate shall constitute a separate folio of such book. 57-58 V., c. 28, s. 34.

44. Upon every transfer of ownership, the certificate of title of the transferrers and the duplicate thereof shall be cancelled, and the certificate of title of the transferee thereupon entered upon a new folio in the register.

2. The registrar shall note upon the folio of the title of the transferrer the number of the folio of the transferee's title, and upon that of the transferee the number of the folio of the transferrer, so that reference can be readily made from one to the other, as occasion requires. 57-58 V., c. 28, s. 52.

REGISTRATION.

45. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act so soon as the same has been marked by the registrar with the folio and volume on and in which it is embodied in the register.

2. Every other instrument shall be deemed to be registered so soon as a memorandum of it has been entered in the register upon the folio constituted by the existing grant or certificate of title of such land. 57-58 V., c. 28, s. 35.

46. The registrar shall retain in his office every registered instrument. 57-58 V., c. 28, s. 36.

47. Every memorandum entered in the register shall state the nature of the instrument to which such memorandum relates, the day, the hour and the minute of its registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the registrar. 57-58 V., c. 28, s. 37.

48. Whenever a memorandum has been entered in the register the registrar shall make a like memorandum upon the duplicate when the same is presented to him for the purpose, and sign and seal such memorandum.

2. Such memorandum shall be received as conclusive evidence of its contents and that the instrument of which it is a memorandum has been duly registered under the provisions of this Act. 57-58 V., c. 28, s. 38.

49. Whenever any land is granted in the Territories by the Crown, the letters patent therefor, when issued, shall be forwarded from the office whence the same are issued to the registrar of the registration district in which the land so granted is situated, 1808.
situated, and the registrar shall retain the letters patent in his office. 57-58 V., c. 28, s. 39.

50. A certificate of title, as provided by this Act, with any necessary qualification, shall be granted to the patentee, and a duplicate of such certificate of title shall be issued to the patentee free of all fees and charges to patentee, if at the time of the issue thereof there are no encumbrances or other instruments affecting the land registered in the land titles office.

2. If there are any instruments registered which encumber or affect the title, a duplicate of such certificate shall be issued upon the payment of such fees as are fixed or may be from time to time fixed by the Governor in Council. 57-58 V., c. 28, s. 39.

51. The notification to the Hudson's Bay Company by the Minister under the provisions of the Dominion Lands Act of the survey and confirmation of the survey of any township or part of a township shall be accepted by the registrar as equivalent to, and dealt with by him in all respects as if it were letters patent granting to the company, in fee simple, the sections or portions of sections to which it is entitled in such township or part of a township under the provisions of the Dominion Lands Act.

2. Such notification shall be issued in duplicate, one to be sent to the said company, and one to the registrar of the district: Provided that any notification issued to the company prior to the twenty-second day of May, one thousand eight hundred any eighty-eight, may be registered by the company with the registrar of the district within which the land affected is situate. 57-58 V., c. 28, s. 39.

52. A notification to the registrar from the Minister that land described therein has been granted to the Canadian Pacific Railway Company, or to any other railway company entitled to Dominion lands under the authority of an Act of Parliament, shall be accepted by the registrar and dealt with by him in all respects as if it were letters patent in favour of the company.

2. The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted from the grant. 57-58 V., c. 28, s. 39.

53. A notification to the registrar from the Commissioner of the Northwest Territories, that the land described in such notification is part of any road allowance or trail which has been closed and has been transferred to the person named as transferee in such notification, or in a transfer attached thereto, shall be accepted by the registrar and dealt with by him in all respects as if it were letters patent in favour of such person.

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2. The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted from the grant. 61 V., c. 32, s. 5.

54. The owner of any estate for life or for a term of more than three years, in any land for which the grant from the Crown has been registered, may apply to have his title registered, and to have a certificate of title issued to him therefor under the provisions of this Act. 61 V., c. 32, s. 20.

APPLICATIONS TO BRING LAND UNDER THIS ACT.

55. The owner of any estate or interest in any land, whether legal or equitable, letters patent for which issued from the Crown before the first day of January, one thousand eight hundred and eighty-seven, or which otherwise had prior to that date passed from the Crown, may apply to have his title registered under the provisions of this Act.

2. If at the time of the grant of the certificate of title, there are no registered encumbrances or conveyances affecting such land, the certificate may be granted to the patentee upon payment of such fees as are fixed by the Governor in Council, but no fees shall be payable therefor under the provisions of this Act relating to the Assurance Fund. 57-58 V., c. 28, s. 40.

56. The application shall be made in writing to the registrar of the registration district in which the land is situate, in form F, and shall be verified by affidavit of the applicant or some one on his behalf in form G.

2. The application shall be accompanied by,—

(a) all deeds, if any, in possession of the applicant;

(b) a certificate showing all registrations affecting the title, down to the time when such application is filed, with copies of any registered documents, the originals of which he is unable to produce;

(c) a certificate from the sheriff showing that there is no execution in his hands against the applicant's lands; and,

(d) if the land is within any organized municipality or school district, a certificate of payment of taxes:

Provided that it shall not in any case be necessary for any applicant to produce copies of any document the original of which is at the time of the application of record in the office of the registrar to whom the application is made; nor, for the Hudson's Bay Company, in the case of any lands the title to which passed to that company before the first day of January, one thousand eight hundred and eighty-seven, either by notification made under the provisions of the Dominion Lands Act or by letters patent issued thereunder, to produce to the registrar any of the certificates mentioned in this section, if the application is accompanied by an affidavit by any officer of the company approved by the Minister in form H.

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3. In case the land is not within any organized municipality, or school district and by reason thereof a certificate of taxes cannot be produced, the fact must be set forth in the application, 57-58 V., c. 28, s. 41; 61 V., c. 32, s. 6.

57. If the applicant is the original grantee of the Crown, and no deed, transfer, mortgage or other encumbrance, or instrument or caveat affecting the title appears to have been recorded; or if he is not the original grantee, and all the original title deeds are produced, and no person other than the applicant is in actual possession of the land, and no caveat has been registered, the registrar, if he entertains no doubt as to the title of the applicant, shall grant a certificate of title as herein provided. 57-58 V., c. 28, s. 42.

58. If there is any mortgage or encumbrance against the land at the date of the application, the filing with the registrar of the original mortgage or the instrument creating the encumbrance, or a copy of such mortgage or instrument, having endorsed thereon or attached thereto a receipt, which may be in form R, for the payment of the amount thereby secured, signed by the mortgagee or encumbrancee, attested by an affidavit of the witness, shall operate as a discharge of such mortgage or encumbrance. 57-58 V., c. 28, s. 42.

59. If any person other than the applicant appears by admission or otherwise to be interested in the land, and,—
(a) the applicant desires to have his title registered subject to the interest of such other person; and,
(b) such interest is by virtue of a mortgage, encumbrance, or lease, or is a charge created by any other instrument; and,
(c) such instrument is at the time of the application of record in the office of the registrar to whom the application is made, or, if not so of record, is then produced to the registrar;
the registrar may, if he entertains no doubt as to the extent and nature of such interest, or as to the title of the applicant, register the title and grant a certificate of title and issue a duplicate certificate subject to such interest. 57-58 V., c. 28, s. 42.

60. In any case where the person who appears to be interested in land is a consenting party to an application, the registrar may, if he entertains no doubt as to the title of the applicant, grant a certificate of title subject to the terms of the consent, provided that such consent shall be in writing signed by the consenting party in presence of a witness, and attested in the manner required by this Act, for the attestation of instruments not under seal. 57-58 V., c. 28, s. 42.

61. In all cases other than those provided for in the last four preceding sections, the registrar shall forthwith, on giving the applicant 114 1/2 days 1811 other cases to be referred to judge. R.S., 1906.
applicant a certificate of the filing of his application, transmit the application, with all evidence supplied, to the judge to be dealt with as hereinafter provided. 57-58 V., c. 28, s. 43.

62. The judge shall examine, without delay, all titles which are submitted to him, and for such purpose shall, when necessary, hear all persons interested, or claiming to be interested, and shall hear and consider the claims as against the applicant, of any person who is in possession of the land; and he shall have and exercise all the powers for compelling the attendance of persons and the production of documents, which usually appertain to courts of civil justice and the judges thereof in civil actions brought therein. 57-58 V., c. 28, s. 44.

63. Any person having an adverse claim, or a claim not recognized in the application for registration may, at any time before the judge has approved of the applicant's title, file with the registrar a short statement of his claim, verified by affidavit, and a copy of such statement shall be served on the applicant, or his advocate or his agent. 57-58 V., c. 28, s. 45.

64. If any adverse claim is filed, the judge shall proceed to examine into and adjudicate thereon, and no certificate of title shall be granted until such adverse claim has been disposed of. 57-58 V., c. 28, s. 46.

65. In any case before him, the judge may direct that notice of the application be published in some newspaper or newspapers in such form and for such period as he thinks expedient, and no order for registration shall be granted by him until after the expiration of at least four weeks from the first publication of the notice, if he has directed the same to be published. 57-58 V., c. 28, s. 47.

66. The judge, if satisfied with the applicant's title, shall thereupon make an order directing the registrar, after the expiration of four weeks from the date thereof, unless in the meantime the order is appealed from, to register the same. 57-58 V., c. 28, s. 48.

67. After registration of a title the registrar upon application by the owner or his duly authorized agent, shall make out, sign, officially seal and deliver to him a duplicate of the certificate of title in the register on which shall be entered all memoranda endorsed on or attached to the certificate of title. 57-58 V., c. 28, s. 49.

**EFFECT OF REGISTRATION.**

68. In every instrument transferring, encumbering or charging any land for which a certificate of title has been granted, 1812

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granted, there shall be implied the following covenant by the transferrer or encumbrancer, that is to say: That the transferrer or encumbrancer will do such acts and execute such instruments as, in accordance with the provisions of this Act, are necessary to give effect to all covenants, conditions and purposes expressly set forth in such instrument, or by this Act declared to be implied against such person in instruments of a like nature. 57-58 V., c. 28, s. 53.

69. In every instrument transferring land, for which a certificate of title has been granted, subject to mortgage or encumbrance, there shall be implied the covenant by the transferee, that the transferee will pay the principal money, interest, annuity or rent charge secured by the mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferrer from and against the principal sum or other moneys secured by the instrument creating such mortgage or encumbrance, and from and against the liability in respect of any covenant therein contained or under this Act implied, on the part of the transferrer. 57-58 V., c. 28, s. 65.

70. After a certificate of title has been granted for any land, no instrument, until registered under this Act, shall, as against any bona fide transferee of the land under this Act, be effectual to pass any estate or interest in such land except a leasehold interest not exceeding three years, or to render such land liable as security for the payment of money. 57-58 V., c. 28, s. 54.

71. Upon the registration of any instrument in manner herein prescribed, the estate or interest specified therein shall pass, or the land shall become liable as security, in manner and subject to the covenants, conditions and contingencies set forth and specified in such instrument, or by this Act declared to be implied in instruments of a like nature. 57-58 V., c. 28, s. 54.

72. The owner of land for which a certificate of title has been granted, except in case of a fraud wherein he has participated or colluded, shall hold such land subject, in addition to the incidents implied by virtue of this Act, to such encumbrances, liens, estates or interests as are notified on the folio of the register which constitutes the certificate of title, but absolutely free from all encumbrances, liens, estates or interests whatsoever, except the estate or interest of an owner claiming the same land under a prior certificate of title granted under the provisions of this Act.

2. Such priority shall, in favour of any person in possession of land, be computed with reference to the grant or earliest certificate of title under which he or any person through whom he R.S., 1906.
he derives title, has held such possession. 57-58 V., c. 28, s. 55.

73. The title to the land mentioned in any certificate of title granted under this Act shall, by implication, and without any special mention in the certificate, unless the contrary is expressly declared, be subject to,—

(a) any subsisting reservations or exceptions contained in the original grant of the land from the Crown;
(b) all unpaid taxes;
(c) any public highway or right of way or other public easement, howsoever created, upon, over or in respect of the land;
(d) any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of the land under the same;
(e) any decrees, orders or executions against or affecting the interest of the owner in the land, which have been registered and maintained in force against the owner;
(f) any right of expropriation which may, by statute or ordinance, be vested in the Crown or in any person or body corporate;
(g) any right of way or other easement granted or acquired under the provisions of the Irrigation Act. 57-58 V., c. 28, s. 56; 61 V., c. 32, ss. 7 and 8.

74. The registrar shall have power to decide whether any instrument which is presented to him for registration is substantially in conformity with the proper form in the schedule to this Act, or not, and to reject any instrument which he may decide to be unfit for registration. 57-58 V., c. 28, s. 59.

75. No memorandum or entry shall be made upon a certificate of title or upon the duplicate thereof of any notice of trusts, whether expressed, implied, or constructive.

2. The registrar shall treat any instrument containing any such notice as if there was no trust; and the trustees therein named shall be deemed to be the absolute and beneficial owners of the land for the purposes of this Act. 57-58 V., c. 28, s. 60.

76. Every instrument shall become operative according to the tenor and intent thereof, so soon as registered, and shall thereupon create, transfer, surrender, charge or discharge, as the case may be, the land or estate or interest mentioned in such instrument. 57-58 V., c. 28, s. 36.

77. Instruments registered in respect of or affecting the same land shall be entitled to priority the one over the other according to the time of registration and not according to the date of execution. 57-58 V., c. 28, s. 36.
78. When land for which a certificate of title has been granted, is intended to be transferred, or any right of way or other easement affecting such land is intended to be created or transferred, the owner may execute a transfer in form I which transfer shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such description as is sufficient to identify the same, and shall contain an accurate statement of the estate, interest or easement intended to be created or transferred, and a memorandum of each lease, mortgage and other encumbrance to which the land is subject. 57-58 V., c. 28, s. 61.

79. No words of limitation are necessary in any transfer of any land in order to transfer all or any title therein, but every instrument transferring land shall operate as an absolute transfer of all such right and title as the transferrer has therein at the time of its execution, unless a contrary intention is expressed in the transfer; Provided that nothing herein contained shall preclude any transfer from operating by way of estoppel.

2. The introduction of any words of limitation into any transfer or devise of any land, shall have the like force and meaning, as the same words of limitation would have if used by way of limitation of any personal estate. 57-58 V., c. 28, s. 4.

80. Whenever any easement or any incorporeal right in or over any land for which a certificate of title has been granted is created for the purpose of being annexed to or used and enjoyed together with other land for which a certificate of title has also been granted, the registrar shall make a memorandum of the instrument creating such easement or incorporeal right upon the folio of the register which constitutes the existing certificate of title of such other land and upon the duplicate thereof. 57-58 V., c. 28, s. 62.

81. If a transfer purports to transfer the transferrer's interest in the whole or part of the land mentioned in any certificate of title, the transferrer shall deliver up the duplicate certificate of title of the land, and the registrar shall make a memorandum setting forth the particulars of the transfer upon the duplicate certificate of title and upon the certificate of title in the register, cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the interest of the transferrer in the said land. 57-58 V., c. 28, s. 63.

82. Upon every transfer of the land mentioned in a certificate of title, the certificate of title to be granted shall be granted on every certificate of title by R.S., 1906.
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by the registrar, and a duplicate shall be issued to the transferee on application. 57-58 V., c. 28, s. 50.

Plans may be required by registrar.

83. The registrar may require the owner of any land within his registration district desiring to transfer or otherwise to deal with the same under the provisions of this Act, to furnish the registrar with a map or plan of the land, having the several measurements marked thereon, certified by a Dominion land surveyor, and prepared upon one of the following scales:

(a) If the land proposed to be transferred or dealt with is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains;

(b) If the land is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains;

(c) If the land is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.

Attestation.

2. The owner shall sign the plan and attest the accuracy of the same in the manner herein provided for the attestation of all instruments.

3. If the owner neglects or refuses to comply with the requirements aforesaid, the registrar shall not proceed with the registration of the transfer or dealing until the requirements are complied with.

4. Subsequent subdivisions of the same land may be delineated upon a duplicate of the map or plan of the same so furnished, if such map is upon a sufficient scale, in accordance with the provisions herein contained; and the correctness of the delineation of each such subdivision shall be attested in the manner prescribed for the attestation of an original map.

5. Where parts of different subdivisions authorized under the Dominion lands system of survey are included in the same transfer, the map shall represent the whole of each of such subdivisions, and shall indicate the location of the land to be transferred: Provided that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered. 57-58 V., c. 28, s. 66.

84. Any plan which has been prepared in accordance with the provisions of any Act of the Parliament of Canada, and which has been lodged or filed with the registrar under or in accordance with the said provisions, shall be dealt with and recognized by him, in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of this Act. 61 V., c. 32, s. 21.

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85. Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as Indian lands in the Indian Act, shall be dealt with and recognized in accordance with the provisions of this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the Indian Act does not expressly authorize the said map or plan to be so lodged or filed. 62-63 V., c. 17, s. 2.

86. Any owner subdividing land, and laying the same out as a town-plot, for the purpose of selling the same in allotments, shall deposit with the registrar a map of such town-plot, whether or not a certificate of title has been granted for such lands or any part thereof.

2. Such map shall be made on a scale of not less than one inch to four chains, and shall show,—

(a) the number of the section, township and range, or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies;
(b) the number of the meridian west of which such range, river lot, district or reservation, is situated;
(c) all boundary lines within the limits of the land shown on the map of sections, river lots, districts or reservations;
(d) all roads, streets, passages, thoroughfares, squares or reservations appropriated or set apart for public use, with the courses and widths thereof respectively;
(e) the length and width of all lots;
(f) the courses of all division lines between lots within the town-plot; and,
(g) the courses of all streams or waters within the limits of the land included in the map.

3. The lots shall be marked with distinct numbers or symbols.

4. Every such map shall be signed by every owner or his agent, and certified in form K by a Dominion land surveyor, whose respective signatures shall be duly witnessed and attested in the manner herein provided for the attestation of instruments to be registered under this Act. 57-58 V., c. 28, s. 121; 62-63 V., c. 17, s. 1.

87. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale, mortgage, encumbrance or lease has been made according to such plan or survey.

2. At the instance of the person filing or registering the same, or of any person deriving title through him to any land shown on any of the said plans and surveys, the plan or survey shall be examined and attested by the registrar, and the attestation made out in duplicate. The attestation and the duplicate shall be filed with the plan or survey, and shall be a part thereof. 62-63 V., c. 17, s. 1.

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on any such plan or survey, cancellation in whole or in part, or amendments or alterations of such plan or survey may be made upon the order of a judge, if, on application for the purpose duly made, and upon hearing all parties concerned, it is thought fit and just so to order, and the order may be upon such terms and conditions as to costs and otherwise as may be deemed expedient. 57-58 V., c. 28, s. 121; 61 V., c. 32, s. 17.

**LEASES.**

**88.** When any land for which a certificate of title has been granted is intended to be leased or demised for a life or lives, or for a term of more than three years, the owner shall execute a lease in form L, and every such instrument shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such other description as is necessary to identify the land.

2. A right for the lessee to purchase the land therein described may be stipulated in the instrument.

3. In case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in the instrument, the lessor shall be bound to execute a transfer to such lessee of the land, and to perform all necessary acts by this Act prescribed for the purpose of transferring the land to the purchaser.

4. No lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or encumbrancee, unless the mortgagee or encumbrancee consents to the lease prior to the same being registered, or subsequently adopts the same. 57-58 V., c. 28, s. 67.

**89.** In every lease, unless a contrary intention appears therein, there shall be implied covenants by the lessee,—

(a) that he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised land during the continuance of the lease;

(b) that he will, at all times during the continuance of the lease, keep and, at the termination thereof, yield up the demised land in good and tenantable repair, accidents and damage to buildings from fire, storm and tempest or other casualty, and reasonable wear and tear excepted. 57-58 V., c. 28, s. 68.

**90.** In every lease, unless a different intention appears therein, there shall also be implied powers in the lessor,—

(a) that, by himself or his agents, he may enter upon the demised land and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised land, a notice in writing of any defect,
defect, requiring him within a reasonable time, to be therein mentioned, to repair the same, in so far as the tenant is bound so to do;

(b) that in case the rent or any part thereof is in arrear for the space of two calendar months, or in case default is made in the fulfilment of any covenant in such lease on the part of the lessee, whether expressed or implied, and is continued for the space of two calendar months, or in case the repairs required by such notice as aforesaid are not completed within the time therein specified, the lessor may enter upon and take possession of the demised land. 57-58 V., c. 28, s. 69.

91. In any such case, the registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, or his transferee by a legal proceeding, shall make a memorandum of the same upon the certificate of title, and upon the duplicate thereof when presented to him for that purpose, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in the lease, expressed or implied.

2. The registrar shall cancel the lease, if delivered up to him for that purpose. 57-58 V., c. 28, s. 70.

92. Whenever, in any lease made under this Act, the forms of words in column one of form M, and distinguished by any number therein, are used, the lease shall be taken to have the same effect, and shall be construed as if there had been inserted therein the form of words contained in column two of the said form and distinguished by the same number: Provided that it shall not be necessary in any such lease to insert any such number.

2. Every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees.

3. There may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column. 57-58 V., c. 28, s. 71.

93. Whenever any lease or demise which is required to be registered by this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, upon the production of the surrender, in form N, to the registrar, he shall make a memorandum of the surrender upon the certificate of title in the register and upon the duplicate certificate: Provided that no surrender is to be made: Provided that no surrender is to be made in such form. R.S., 1906.
land subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancer.

2. When the memorandum has been so made, the estate or interest of the lessee in the land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the land would have vested if the lease had never been executed. 57-58 V., c. 28, s. 72.

MORTGAGES AND ENCUMBRANCES.

94. Whenever any land, for which a certificate of title has been granted, is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mortgage in form O, or to the like effect.

2. Whenever any such land is intended to be charged with or made security for the payment of an annuity, rent, charge, or sum of money, in favour of any encumbrancer, the encumbrancer shall execute an encumbrance in form P, or to the like effect.

3. Every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be dealt with, refer to the certificate of title on which the estate or interest is held, or shall give such other description as is necessary to identify the land, together with all mortgages or encumbrances affecting the same, if any.

4. A memorandum of the mortgage or encumbrance shall be made upon the certificate of title in the register and upon the duplicate thereof. 57-58 V., c. 28, s. 73.

95. There may be filed in the office of the registrar any mortgage or other encumbrance created by any person rightfully in possession of land prior to the issue of the grant from the Crown, or prior to the issue of the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagor in form Q, and also, in the case of lands mortgaged prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagor is entitled to a transfer in fee simple therefor from the company.

2. The registrar shall, on registering the grant of lands so mortgaged, enter in the register and endorse upon the duplicate certificate of title, before issuing it, a memorandum of the mortgage or encumbrance. 1820
3. When so entered the mortgage or encumbrance shall be as valid as if made subsequent to the issue of the grant, or to the issue of the transfer as aforesaid.

4. If more than one mortgage or encumbrance are filed they shall be registered in the order of time in which they have been filed in the office. 4 E. VII., c. 19, s. 2.

96. Nothing in this Act contained shall entitle a settler who is entered for a homestead or homestead and pre-emption, under the provisions contained in the Dominion Lands Act, to mortgage the land entered for by him as a homestead or pre-emption prior to issue of a patent to him therefor or until he has been recommended for patent by the local agent and has received a certificate of recommendation in accordance with the provisions of the said Act; and notwithstanding anything contained in this Act any such mortgage shall be deemed an assignment or transfer prohibited by the Dominion Lands Act.

2. For the purpose of preventing the acceptance and registration of any such mortgage, the registrar is hereby empowered to refuse to register any mortgage for land for which the patent is not of record in the land titles office, unless the applicant for the registration of such mortgage first satisfies the registrar that he is entitled to execute such mortgage, by an affidavit, in form Q, and to be filed by the registrar with the mortgage if the latter is accepted and filed or registered by him. 61 V., c. 32, s. 9.

97. A mortgagor shall be entitled to the possession of the duplicate certificate after the registrar has entered thereon a memorandum of the mortgage, but upon the sale under the mortgage or foreclosure under this Act he shall forthwith deliver it up to the registrar to be dealt with under this Act.

2. The registrar shall, if desired, furnish to the mortgagee or his assignee a certified copy of the certificate of title. 57-58 V., c. 28, s. 136.

98. A mortgage or encumbrance under this Act shall have effect as security, but shall not operate as transfer of the land thereby charged. 57-58 V., c. 28, s. 74; 61 V., c. 32, s. 10.

99. Proceedings to enforce payment of moneys secured by mortgage or encumbrance, or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or encumbrance, or for the sale of the lands mortgaged or encumbered, or to foreclose the estate, interest or claim of any person in or upon the land mortgaged or encumbered, as also proceedings to redeem or discharge any land from any such mortgage or encumbrance, shall be had and taken in the Northwest Territories before a stipendiary magistrate.
magistrate and in the Yukon Territory in the Territorial Court; Provided that any such proceedings commenced prior to the seventh day of July, one thousand nine hundred, may be continued under the provisions of the Acts in force at the time such proceedings were commenced. 61 V., c. 32, s. 11; 63-64 V., c. 21, s. 1.

Registration of discharge.

100. Upon the production of any mortgage or encumbrance having endorsed thereon or attached thereto a receipt or acknowledgment in form R, signed by the mortgagee or encumbranceree, and proved by the affidavit of an attesting witness, discharging the whole or any part of the land comprised in such instrument from the whole or any part of the principal sum or annuity secured thereby, or upon proof being made to the satisfaction of a judge of the payment of all or part of the moneys due on any mortgage or encumbrance, and the production to the registrar of a certificate signed by the judge to that effect, the registrar shall make an entry on the certificate of title noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case requires.

2. Upon such entry being so made, the land, or the estate or interest in the land or the portion of the land mentioned, or referred to in such endorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof mentioned in such entry as discharged. 57-58 V., c. 28, s. 79.

Extinction of an annuity, etc., and registration thereof.

101. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any encumbrance, the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied or discharged, the registrar shall, upon the order of a judge, make a memorandum upon the certificate of title in the register, that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument.

2. Upon such memorandum being made, the land shall cease to be subject to or liable for such annuity or sum of money.

3. The registrar shall, in any such case, endorse on the duplicate certificate of title a similar memorandum whenever such duplicate certificate of title is presented to him for that purpose. 57-58 V., c. 28, s. 80.

Order for payment into a chartered bank in case of absence, etc., of mortgagee.

102. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the Territories and there is no person authorized by registered power of attorney to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of

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any mortgage, the judge, on application to him and proof of
the facts and of the amount due for principal and interest upon
the mortgage, may direct the payment into a chartered bank
having a branch or agency in the registration district, of the
mortgage money, with all arrears of interest then due thereon,
to the credit of the mortgagee or other person entitled thereto;
and thereupon the interest upon the mortgage shall cease to run
or accrue.
2. If there is no branch or agency of any chartered bank in
the district, the order may direct payment into a chartered bank
having a branch or agency in the Territories. 57-58 V., c. 28,
s. 81.

103. The registrar shall, upon presentation of the judge's
order and of the receipt of the manager or agent of the bank
for the amount of the mortgage money and interest, make a
memorandum upon the certificate of title in the register dis-
charging the mortgage, stating the day, hour and minute on
which such memorandum is made.
2. Such memorandum shall be a valid discharge of the Effect.
mortgage.
3. The registrar shall, when such order and receipt are
presented to him, send a notice of the fact to the mortgagee by
letter addressed by mail to his last known place of abode.
4. The registrar shall endorse on the duplicate certificate of
title and also on the mortgage whenever those instruments are
produced to him, the several particulars to be endorsed upon
each of such instruments respectively.
5. After payment as aforesaid of any mortgage money and
interest, the mortgagee shall not recover any further sum in
respect of such mortgage than the amount so paid. 57-58 V.,
c. 28, s. 81.

104. Mortgages, encumbrances and leases of land for which
a certificate of title has been granted may be transferred by a
transfer executed in form S.
2. The transfer shall be registered in the same manner as
mortgages, encumbrances and leases are registered.
3. Transferees shall have priority according to the time of Priority.
registration. 57-58 V., c. 28, s. 82.

105. Any mortgagee may transfer a part of the sum secured
by the mortgage by a transfer executed in form T, and the
part so transferred shall continue to be secured by the mortgage,
and may be given priority over the remaining part or may be
defered, or may continue to rank equally with it under the
security of the original mortgage, as stated in the transfer.
2. The registrar shall enter on the certificate of title a memo-
randum of the amount of the mortgage so transferred, the name
of the transferee, and how the sum so transferred is to rank,
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and shall notify the mortgagor of the facts. 57-58 V., c. 28, s. 82.

106. Upon the registration of a transfer of any mortgage, encumbrance or lease, the estate or interest of the transferrer, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferee, and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument. 57-58 V., c. 28, s. 83.

107. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity or damages thereunder, and all interest at the time of such transfer in any such debt, sum of money, annuity or damages, shall be transferred so as to vest the same in law in the transferee thereof: Provided that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity or damages, in case the said transferee shall hold the same as trustee for any other person. 57-58 V., c. 28, s. 84.

108. In every mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the mortgagee may at all convenient times, until the mortgage is redeemed, be at liberty, with or without surveyors or others, to enter into or upon the land to view and inspect the state of repair of the buildings or improvements. 57-58 V., c. 28, s. 85.

109. Whenever, in a mortgage made under this Act, the form of words in column one of form U, and distinguished by any number therein, are used, such mortgage shall be taken to have the same effect, and be construed as if there had been inserted therein the form of words contained in column two of the said form, and distinguished by the same number; but it shall not be necessary in any such mortgage to insert any such number.

2. Every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column. 57-58 V., c. 28, s. 86.
POWERS OF ATTORNEY.

110. The owner of any land may authorize and appoint any person to act for him or on his behalf with respect to the transfer or other dealing with such land or with any part thereof, in accordance with the provisions of this Act, by executing a power of attorney in form V, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the land is not specifically mentioned and described, but is mentioned and referred to in general terms, any of which forms of power of attorney the registrar shall register.

2. If the land referred to in any form of power of attorney is specifically and properly described, the registrar shall make a memorandum upon the certificate of title and upon the duplicate certificate of the particulars therein contained and of the time of its registration.

3. Until such power of attorney in which the land referred to is so specifically described is revoked by a revocation in form W, the right of the owner to transfer or to otherwise deal with the land shall be suspended.

4. The execution or registration of a general power of attorney shall not in any way affect the right of the owner to transfer or otherwise deal with his land. 2 E. VII., c. 17, s. 1.

111. The registrar is hereby empowered to recognize, for the purpose for which it was executed, in so far as it concerns any land in his district belonging to the person by whom it is executed, any power of attorney which is in the general form referred to in the last preceding section and which has heretofore been or shall hereafter be deposited, filed or registered in any land titles office in any registration district of the Territories.

2. Where an original power of attorney in any form mentioned in the last preceding section has heretofore been or shall hereafter be deposited, filed or registered in one land titles office, a copy thereof, certified as such by the registrar in whose office it is of record, may be accepted by any other registrar in lieu of the original, and be recognized by him for the purpose for which the original power of attorney was executed, in so far as it affects any land in the district of the last mentioned registrar belonging to the person who executed it. 60-61 V., c. 30, s. 1.

112. The registrar shall keep a book in convenient form in which shall be entered according to the respective dates of receipt in his office, a record of all powers of attorney or duly certified copies of powers of attorney, deposited, filed, or received in his office.

2. Such books shall be kept in alphabetical order, so as to show the names of all persons whose lands are or are intended to R.S., 1906.
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to be affected by such powers, and the day, hour and minute of their receipt by him. 60-61 V., c. 30, s. 1.

113. Any such power of attorney may be revoked by a revocation in form W.

2. The registrar shall not give effect to any transfer or other instrument, signed pursuant to any power of attorney after the registration of a revocation of such power, unless under any registration abstract outstanding at the time. 57-58 V., c. 28, s. 88.

TRANSMISSION.

114. Whenever the owner of any land, for which a certificate has been granted, dies, such land shall, subject to the provisions of this Act, vest in the personal representative of the deceased owner.

2. The personal representative shall, before dealing with such land, make application; in writing, to the registrar to be registered as owner, and shall produce to the registrar the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing him to administer the estate of the deceased owner, or a duly certified copy of the said probate, letters of administration or order, as the case may be; and thereupon the registrar shall enter a memorandum thereof upon the certificate of title.

3. For the purposes of this Act the probate of a will granted by the proper court of any province of Canada, or of the United Kingdom of Great Britain and Ireland, or an exemplification thereof, shall be sufficient. 63-64 V., c. 21, s. 4.

115. Upon such memorandum being made, the executor or administrator, as the case may be, shall be deemed to be the owner of the land.

2. The registrar shall note the fact of the registration by a memorandum under his hand on the probate of the will, letters of administration, order or other instrument. 57-58 V., c. 28, s. 89.

116. The title of the executor or administrator to the land shall relate back and take effect as from the date of the death of the deceased owner. 57-58 V., c. 28, s. 89.

117. The duplicate certificate of the title issued to the deceased owner at the time of the making of the application shall be delivered up to be cancelled if not proved to have been lost or destroyed, and the registrar shall grant to the executor or administrator as such a new certificate of title, and issue to him a duplicate certificate. 57-58 V., c. 28, s. 89.
118. If the certificate of title for the land has not been granted to the deceased owner, the personal representative, before being entitled to be registered under the last four preceding sections, shall bring the land under this Act in the ordinary way. 57-58 V., c. 28, s. 89.

119. Whenever any mortgage, encumbrance or lease affecting land, for which a certificate of title has been granted, is transmitted in consequence of the will or intestacy of the owner thereof, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration, or order, as the case may be, accompanied by an application in writing from the executor or administrator, or such other person as aforesaid, claiming to be registered as owner in respect of such estate or interest, shall be produced to the registrar, who shall thereupon make a memorandum upon the certificate of title and upon the duplicate thereof of the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, the date, hour and minute of the production of the same to him, and of such other particulars as he deems necessary. 57-58 V., c. 28, s. 90.

120. Upon such memorandum being made, the executor, or administrator, or such other person, as the case may be, shall be deemed to be the owner of the mortgage, encumbrance or lease.

2. The registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order. 57-58 V., c. 28, s. 90.

121. Any person registered in place of a deceased owner, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased owner held the same; but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute and beneficial owner thereof. 57-58 V., c. 28, s. 91.

122. Any person beneficially interested in any such land, may apply to a court or judge having jurisdiction, to have the same taken out of the hands of the trustee having charge by law of such land, and transferred to some other person or persons; and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as owner of the land; and upon the person or persons so named accepting the ownership and giving approved security for the due fulfilment of the trusts, the court or a judge may order the registrar to change trustees.

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to cancel the certificate of title to the trustee, and to grant a new certificate of title to the person or persons so named. 57-58 V., c. 28, s. 91.

123. The registrar, upon the production of such order, shall cancel the certificate of title to the trustee after making thereon and upon the duplicate thereof a memorandum of the appointment by order of the court or judge of such person or persons as owners, and shall grant a new certificate of title to such new trustee and issue to him a duplicate certificate of title. 57-58 V., c. 28, s. 91.

EXECUTIONS.

124. The sheriff, or other duly qualified officer, after the delivery to him of any execution or other writ then in force affecting land, if a copy of such writ has not already been delivered or transmitted to the registrar, shall, on payment to him of fifty cents by the execution creditor named therein, forthwith deliver or transmit by registered letter to the registrar a copy of the writ and of all endorsements thereon certified under his hand and seal of office, if any.

2. No land shall be bound by any such writ until the receipt by the registrar for the registration district in which such land is situated, of a copy thereof.

3. From and after the receipt by the registrar of such copy no certificate of title shall be granted and no transfer, mortgage, encumbrance, lease or other instrument executed by the execution debtor of such land, shall be effectual except subject to the rights of the execution creditor under the writ while the same is legally in force.

4. The registrar, on granting a certificate of title and on registering any transfer, mortgage, or other instrument executed by the execution debtor affecting such lands, shall by memorandum upon the certificate of title in the register and on the duplicate issued by him express that such certificate, transfer, mortgage, or other instrument is subject to such rights.

5. Every writ shall cease to bind or affect land at the expiration of two years from the date of the receipt thereof by the registrar of the district in which the land is situated, unless before the expiration of such period of two years a renewal of such writ is filed with the registrar in the same manner as the original is required to be filed with him. 57-58 V., c. 28, s. 92; 63-64 V., c. 21, s. 2.

125. The registrar shall keep a book in convenient form in which shall be entered according to the dates when respectively received a record of all copies of writs received by him from the sheriff or other officer; and such book shall be kept indexed, showing, in alphabetical order, the names of the persons whose...
whose lands are affected by such writs with the day and hour and minute of such receipt. 57-58 V., c. 28, s. 92.

126. Upon the satisfaction or withdrawal from his hands of any writ, the sheriff or other duly qualified officer shall forthwith transmit to the registrar a certificate under his official seal, if any, to the effect that such writ has been satisfied or withdrawn; and upon the production and delivery to the registrar of such a certificate, or of a judge's order, showing the expiration, satisfaction or withdrawal of the writ as against the whole or any portion of the land so bound, the registrar shall make a memorandum upon the certificate of title to the effect so certified or shown, if the land has been brought under the provisions of this Act, and if not brought under the provisions of this Act, then upon or opposite to the entry of the writ in the book to be kept under the provisions of the next preceding section.

2. Thenceforth such land or portion of land shall be deemed to be absolutely released and discharged from the writ. 63-64 V., c. 21, s. 3.

SHERIFF'S SALES.

127. No sale by a sheriff or other officer as aforesaid, under process of law, of any land, for which a certificate of title has been granted, shall be of any effect until the same has been confirmed by the court or a judge.

2. When any land is sold under process of law, the registrar, upon the production to him of the transfer of the same in form X, with proof of the due execution thereof, and with an order of the confirmation of the sale endorsed upon the transfer or attached thereto, shall, after the expiration of four weeks after receiving the same, unless such registration is in the meantime stayed by the order of the court or judge, register the transfer, cancel the existing certificate of title wholly, or in part if less than the whole of the land comprised therein be sold, grant a certificate of title to the transferee, and issue to him a duplicate in the prescribed form.

3. In case the registration shall have been so stayed, the registration shall not be made except according to the order and direction of the court or judge. 57-58 V., c. 28, s. 94.

128. A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall be registered within a period of two months of the date of the order of confirmation, unless in the meantime this period be extended by order filed with the registrar of the court or a judge.

2. Such transfer, if not registered within that period, or within the time fixed by such order, shall cease to be valid as against the owner of the land so sold, and any person or persons

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persons claiming by, from or through him. 57-58 V., c. 28, s. 95.

129. The application for confirmation of a sale of such land so made under any process of law, may be made by the sheriff or other officer making the sale, or by any person interested in the sale, on notice to the owner, unless the judge to whom the application is made, dispenses with such notice.

2. If the sale is confirmed the costs of confirmation shall be borne and paid out of the purchase money, or as the judge directs.

3. In case the sale is not confirmed, the purchase money paid by him shall be refunded to the purchaser, and the judge may make such order as to the costs of all parties to the sale and of the application for its confirmation as he thinks just. 57-58 V., c. 28, s. 96.

SALE FOR TAXES.

130. When any land for which a certificate of title has been granted, is sold for taxes, the purchaser may at any time after the sale lodge a caveat against the transfer of the land.

2. Upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form for tax sales in form X, with proof of the due execution thereof by the proper officer, and a judge's order confirming such sale, the registrar shall, after the expiration of four weeks from the delivery to him of the transfer and judge's order of confirmation, register the transferee as absolute owner of the land so sold, and shall cancel the certificate of title in whole or in part, as the case requires, grant a new certificate of title to the transferee, and shall issue to the purchaser a duplicate certificate, unless the registration has in the meantime been stopped by order of a judge.

3. The procedure for obtaining a judge's order confirming such sale shall be the same as hereinbefore provided in case of a sheriff's sale. 57-58 V., c. 28, s. 97.

CAVEATS.

131. Any person claiming to be interested in any land under any will, settlement or trust deed, or under any instrument of transfer or transmission, or under any unregistered instrument, or under an execution, where the execution creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person, or otherwise, may lodge a caveat with the registrar to the effect that no registration of any transfer or other instrument affecting the said land shall be made, and that no certificate of title therefore shall be granted, until such caveat has been withdrawn or has lapsed as hereinafter provided,
provided, unless such instrument or certificate of title is expressed to be subject to the claim of the caveator as stated in such caveat. 61 V., c. 32, s. 14.

132. A caveat shall be in form Y, and shall be verified form. by the oath of the caveator or his agent, and shall contain an address within the registration district at which notices may be served. 57-58 V., c. 28, s. 99.

133. Upon the receipt of a caveat, the registrar shall enter Entry, etc. the same in the day-book, and shall make a memorandum thereof upon the certificate of title of the land affected by such caveat and shall forthwith send a notice of the caveat through the post office or otherwise to the person against whose title the caveat has been lodged.

2. In the case of a caveat before registration of a title under Idem. this Act the registrar shall on receipt thereof enter the same in the day-book. 57-58 V., c. 28, s. 99.

134. So long as any caveat remains in force the registrar Registration suspended. shall not enter in the register any memorandum of any transfer or other instrument purporting to transfer, encumber, or otherwise deal with or affect the land in respect to which such caveat is lodged except subject to the claim of the caveator. 57-58 V., c. 28, s. 99.

135. The owner or other person claiming such land may, Summons of caveator by owner or claimant. by summons, call upon the caveator to attend before a judge to show cause why the caveat should not be withdrawn; and the said judge may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the judge requires, make such order in the premises as to the said judge seems fit. 57-58 V., c. 28, s. 99.

136. Unless proper proceedings in a court of competent Lapse of jurisdiction have been taken to establish the caveator’s title to the estate or interest specified in the caveat, and an injunction or order has been granted restraining the registrar from granting a certificate of title or otherwise dealing with the land, a caveat shall lapse after the expiration of twenty-one days from the service on the caveator or at his address for service, proved to the satisfaction of the registrar, of a notice that such caveat shall lapse; or, if no such notice is meanwhile served, then such caveat shall lapse after the expiration of three months from the receipt by the registrar of such caveat. 61 V., c. 32, s. 15.

137. The caveator may, by notice in writing to the registrar, With- draw his caveat at any time; but notwithstanding such withdrawal the court or judge may order the payment by the caveator of the fees of the registrar. 1831 R.S., 1906.
caveator of the costs of the caveatee incurred prior to such withdrawal. 57-58 V., c. 28, s. 99.

138. A memorandum shall be made by the registrar, upon the certificate of title and upon the duplicate certificate, of the withdrawal, lapse or removal of any caveat or of any order made by the court or a judge in connection therewith.

2. After such withdrawal, lapse or removal, it shall not be lawful for the same person, or for any one on his behalf, to lodge a further caveat in relation to the same matter, unless by leave of the judge. 57-58 V., c. 28, s. 99.

139. Any person lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who has sustained damage thereby.

2. Such compensation, with costs, may be recovered by proceedings at law if the caveator has withdrawn such caveat and no proceedings have been taken by the caveatee, as herein provided.

3. If proceedings have been taken by the caveatee, then the compensation and costs shall be determined by the court or judge acting in the same proceedings. 57-58 V., c. 28, s. 99.

ATTESTATION OF INSTRUMENTS.

140. Every instrument executed within the limits of the Territories, except instruments under the seal of any corporation, caveats, orders of a court or judge, executions, or certificates of any judicial proceedings, attested as such, requiring to be registered under this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and who shall appear before the Inspector, or the registrar or deputy registrar of the registration district in which the land is situated, or before a judge, stipendiary magistrate, notary public, commissioner for taking affidavits, or a justice of the peace in or for the Territories, and make an affidavit in form Z. 57-58 V., c. 28, s. 100.

141. Every instrument, executed without the limits of the Territories, except grants from the Crown, orders in council, instruments under the seal of any corporation, or caveats required to be registered under the provisions of this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and who shall appear and make an affidavit in form Z, before one of the following persons:

(a) If made in any province of Canada, before a judge of any court of record, any commissioner authorized to take affidavits in such province for use in any court of record in the Territories, or before any notary public under his official seal; or,
(b) If made in Great Britain or Ireland before a judge of the Supreme Court of Judicature in England or Ireland, or a judge of the Court of Sessions or of the Judiciary Court in Scotland, or a judge of any of the county courts within his district, or the mayor of any city or incorporated town under the common seal of such city or town, or before any commissioner in Great Britain or Ireland, authorized to take affidavits therein, for use in any court of record in the Territories, or a notary public under his official seal; or,

(e) If made in any British colony or possession, out of Canada, before a judge of any court of record, the mayor of any city or incorporated town under the common seal of such city or town, or a notary public under his official seal; or,

(d) If made in any foreign country, before the mayor of any city or incorporated town, under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before a judge of a court of record, or a notary public under his official seal. 57-58 V., c. 28, s. 101.

EJECTMENT.

142. No action of ejectment or other action for the recovery of any land for which a certificate of title has been granted shall lie or be sustained against the owner thereof under this Act, except in the case of,—

(a) a mortgagee as against a mortgagor in default;

(b) an encumbrancer as against an encumbrancer in default;

(c) a lessor as against a lessee in default;

(d) a person deprived of any land by fraud as against the owner of such land through fraud, or as against a person deriving otherwise than as a transferee bona fide for value, from or through such owner through fraud;

(e) a person deprived of or claiming any land included in any grant or certificate of title of other land by mis-description of such other land or of its boundaries, as against the owner of such other land;

(f) an owner claiming under an instrument of title prior in date of registration under this Act, in any case in which two or more grants, or two or more certificates of title, or a grant and certificate of title, are registered under this Act in respect to the same land.

2. In any case, other than as aforesaid, the production of the certificate of title or a certified copy thereof shall be an absolute bar and estoppel to any such action against the person named in such certificate of title as owner or lessee of the land therein described. 57-58 V., c. 28, s. 102.

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DAMAGES.

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Indemnification of person deprived of land by fraud, etc.

143. After a certificate of title has been granted for any land, any person deprived of such land in consequence of fraud, or by the registration of any other person as owner of such land, or in consequence of any fraud, error, omission or misdescription in any certificate of title or in any memorandum thereon or the duplicate thereof, or otherwise, may,—

(a) if the land has been included in two or more grants from the Crown; and,

(b) in any other case;

bring and prosecute an action at law for the recovery of damages against the person upon whose application the erroneous registration was made, or who acquired title to the land in question through such fraud, error, omission or misdescription.

2. Except in the case of fraud, or of error occasioned by any omission, misrepresentation or misdescription in the application of such person to be registered as owner of such land, or in any instrument executed by him, such person shall, upon a transfer of such land bona fide for value, cease to be liable for the payment of any damages, which but for the transfer, might have been recovered from him under the provisions hereinbefore contained.

3. Such damages, with costs, may, in such last-mentioned case, be recovered out of the assurance fund herein provided for, by action against the registrar as nominal defendant. 57-58 V., c. 28, s. 103.

Assurance fund.

144. Except in the case of misdescription of the land or its boundaries any thing in this Act to the contrary notwithstanding, no bona fide purchaser or mortgagee under this Act of land for valuable consideration shall be subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of land in respect of which he is registered as owner, on the ground that his transferrer or mortgagee has been registered as owner through fraud or error, or has derived from or through a person registered as owner through fraud or error. 57-58 V., c. 28, s. 104.

Protection of bona fide purchasers or mortgagees.

145. If the person against whom the action for damages is directed to be brought as aforesaid, is dead, or cannot be found within the Territories, an action for damages may be brought against the registrar as nominal defendant, for the purpose of recovering the amount of the said damages and costs against the said assurance fund.

2. In any such case if final judgment is recovered, and also in any case in which damages are awarded in any action as aforesaid, and the sheriff makes a return of nulla bona, or certifies that any portion thereof, with costs awarded, cannot be recovered from such person, the Minister of Finance upon receipt

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receipt of a certificate of the judge before whom the action was tried, shall pay the amount of such damages and costs as are awarded, or the unrecovered balance thereof, as the case may be, and shall charge the same to the account of the assurance fund. 57-58 V., c. 28, s. 105.

146. Any person sustaining loss or damage through any omission, mistake or misfeasance of the Inspector, or a registrar, or any of his officers or clerks, in the execution of their respective duties under the provisions of this Act, and any person deprived of any land, by the registration of any other person as owner thereof, or by any error, omission or misdescription in any certificate of title, or in any memorandum upon the same or upon the duplicate certificate thereof, and who, by the provisions of this Act, is barred from bringing an action of ejectment or other action for the recovery of the land, may, in any case in which remedy by action for recovery or damages, hereinbefore provided, is barred, bring an action against the registrar as nominal defendant, for the recovery of damages.

2. If the plaintiff recovers final judgment against such nominal defendant, the judge before whom such action is tried shall certify to the fact of such judgment and the amount of the damages and costs recovered, and the Minister of Finance shall pay the amount thereof out of the assurance fund to the person entitled on production of an exemplification or certified copy of the judgment rendered.

3. Notice in writing of every such action, and the cause thereof, shall be served upon the Attorney General of Canada and also upon the registrar, at least three calendar months before the commencement of such action. 57-58 V., c. 28, s. 106.

147. If in any such action, judgment is given against the plaintiff, or the plaintiff discontinues or becomes non-suited, he shall be liable to pay the full costs of defending the action; and the same, when taxed, shall be levied in the name of the nominal defendant, by the like process of execution as in ordinary civil cases. 57-58 V., c. 28, s. 107.

148. No action for recovery of damages sustained through deprivation of land, shall lie or be sustained against the registrar, or against the assurance fund, unless the same is commenced within the period of six years from the date of such deprivation: Provided that any person under the disability of infancy, lunacy or unsoundness of mind, may bring the action within six years from the date on which the disability ceases. 57-58 V., c. 28, s. 108.

149. The plaintiff in any such action at whatever time it is brought, and the plaintiff in any action for the recovery of land,
land, shall be non-suited in any case in which it appears to the satisfaction of the judge before whom such action is tried, that the plaintiff or the person through or under whom he claims title had notice by personal service, or otherwise was aware of delay, and wilfully or collusively omitted to lodge a caveat or allowed the caveat to lapse. 57-58 V., c. 28, s. 108.

150. Whenever any amount has been paid out of the assurance fund on account of any person, the amount may be recovered from him, or if dead, from his estate, by action against his personal representatives, in the name of the registrar.

2. Upon such suit, a certificate signed by the Minister of Finance of the payment out of the assurance fund shall be sufficient proof of such debt. 57-58 V., c. 28, s. 109.

If debtor is not in the Territories.

151. Whenever any amount has been paid out of the assurance fund on account of any person who has absconded, or who cannot be found within the Territories, and who has left any real or personal estate within the same, upon the application of the registrar, and upon the production of a certificate signed by the Minister of Finance that the amount has been paid in satisfaction of a judgment against the registrar as nominal defendant, and on proof of service of the writ in any of the modes provided by the ordinary procedure in the Territories, a judge may allow the registrar to sign judgment against such person forthwith for the amount so paid out of the assurance fund, together with the costs of the application.

2. Such judgment shall be final subject only to the right to have such judgment opened up as may be provided in relation to ordinary procedure in the Territories in cases of judgment by default.

3. The judgment shall be signed in like manner as a final judgment by default in an adverse suit, and execution may issue immediately.

4. If the person has not left real or personal estate within the Territories, sufficient to satisfy the amount for which execution has issued as aforesaid, the registrar may recover such amount, or the unrecovered balance thereof, by information against such person at any time thereafter in the Exchequer Court of Canada at the suit of the Attorney General of Canada. 57-58 V., c. 28, s. 109.

PROCEEDINGS BEFORE THE JUDGE.

152. If any person is dissatisfied with any act, omission, refusal, decision, direction or order of a registrar, such person may require the registrar to set forth, in writing under his hand, the grounds of such act, omission, refusal, decision, direction or order, and such person may then apply to the judge.
judge by petition, setting forth the grounds of his dissatisfaction.

2. The judge, having caused the registrar to be served with a copy of the petition, shall have jurisdiction to hear the said petition, and to make such order in the premises, and as to the costs of the parties appearing upon the petition, as the circumstances of the case require. 57-58 V., c. 28, s. 110.

153. The registrar may,—

(a) whenever a question arises with regard to the performance of any duty, or the exercise of any function by this Act conferred or imposed upon him; or,—

(b) whenever in the exercise of any duty of a registrar, a question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or as to the extent or nature of the estate, right or interest, power or authority of any person or class of persons; or,—

(c) whenever a question arises as to the mode in which any entry or memorandum ought to be made in the day-book, or register, or upon any certificate of title or duplicate thereof; or,

(d) whenever a question arises as to any doubtful or uncertain right or interest stated, or claimed to be dealt with by a registrar;

form the same in form AA to the judge.

2. The judge may, upon the same being referred, allow any of the parties interested to appear before him and summon any other of such persons to appear and show cause either personally or by counsel, attorney-at-law, or advocate, in relation thereto.

3. The judge, having regard to the persons appearing before him, whether summoned or not, shall decide the question or direct any proceedings to be instituted for that purpose, and direct the particular form of entry or memorandum to be made as under the circumstances appears to be just. 57-58 V., c. 28, s. 111.

154. If, under any of the provisions of this Act, the registrar requires a duplicate certificate for the purpose of making any memorandum thereon, or for the purpose of wholly or partially cancelling the same, or if it appears to the satisfaction of the registrar,—

(a) that any duplicate certificate or other instrument has been issued in error, or contains any misdescription of land, or boundaries; or,

(b) that any entry, memorandum or endorsement has been made on or omitted from any duplicate certificate or other instrument in error; or,

(c) that any such duplicate certificate, instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained; or,

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(d) that any such duplicate certificate or instrument is fraudulently or wrongfully retained; he may by written demand in form BB to be served upon such person, or to be mailed to his last known post office address within the Territories, require the person to whom such duplicate certificate or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same, for the purpose of being cancelled, corrected or completed, as the case requires.

2. In case such person refuses or neglects to comply with such requisition, or cannot be found, the registrar may apply to a judge to issue a summons for such person to appear before him and show cause why such duplicate certificate or other instrument should not be delivered up to be cancelled, corrected or completed as aforesaid.

3. If such person, when served with the summons personally or in the mode directed in such summons, neglects or refuses to attend before the judge at the time therein appointed, the judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before him for examination. 57-58 V., c. 28, s. 112.

155. Upon the appearance before him of any person summoned or brought up by virtue of a warrant as aforesaid, the judge may examine such person upon oath, and in case it appears right so to do, may order such person to deliver up the duplicate certificate or other instrument as aforesaid.

2. Upon refusal or neglect by such person to deliver up the same, pursuant to the order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, the judge may commit such person to the nearest common gaol for any period not exceeding six months, unless the duplicate certificate or other instrument is sooner delivered up, or sufficient explanation is made why the same cannot be done.

3. In such case, or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, or in case a period of three months from the time of mailing the said demand in form BB to such person has elapsed before the duplicate certificate or other instrument has been returned to the registrar, the judge may direct the registrar to cancel, or correct, or complete the duplicate certificate or other instrument in his possession, or any memorandum thereon relating to the land, and to substitute and issue, if necessary, a duplicate certificate or other instrument, or make such memorandum as the circumstances of the case require, and the registrar shall obey such order. 57-58 V., c. 28, s. 113.

156. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any
any instrument, caveat, memorandum or entry affecting land, the judge, by decree or order, may direct the registrar to cancel, correct, substitute or issue any duplicate certificate, or make any memorandum or entry thereon or on the certificate of title, and otherwise to do every act necessary to give effect to the decree or order. 57-58 V., c. 28, s. 114.

ASSURANCE FUND AND FEES.

157. Before the registrar shall perform any duty to be by him performed under any of the provisions of this Act he shall, except as herein otherwise provided, demand and receive the proper fee or fees therefor as fixed and settled by tariff made from time to time by the Governor in Council, and demand and receive for the assurance fund upon the registration of every grant of encumbered land, and upon every absolute transfer of land after the issue of the first certificate of title therefor, where the land was not encumbered at the time of registering the grant, one-fifth of one per centum of the value of the land transferred if such value amounts to, or is less than, five thousand dollars, and one-tenth of one per centum on the additional value if such value exceeds five thousand dollars.

2. Upon every subsequent transfer he shall demand and receive upon the increase of value since the granting of the last certificate of title one-fifth of one per centum of the increase up to five thousand dollars, and one-tenth of one per centum of any excess over five thousand dollars. 57-58 V., c. 28, s. 115.

158. The value shall be ascertained by the oath or affirmation of the applicant, owner or person acquiring such land, or of such other person as the registrar believes to be acquainted with the value of the land, and whose oath or affirmation the registrar is willing to accept.

2. If the registrar is not satisfied as to the correctness of the value so sworn to or affirmed, he may require such applicant, owner or person acquiring the land to produce a certificate of the value, under the hand of a sworn valuator appointed by a judge, which certificate shall be received as conclusive evidence of the value for the purpose aforesaid. 57-58 V., c. 28, s. 115; 61 V., c. 32, s. 16.

159. Each registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the Minister of Finance at such times and in such manner as are directed by the Governor in Council. 57-58 V., c. 28, s. 116.

160. The assurance fund now existing shall be continued as the assurance fund, and the Minister of Finance shall enhance such fund by investing from time to time in Canadian 1839 Government R.S., 1906.
Government securities for the purpose of an assurance fund, all moneys so received and returned by all the registrars, together with all interest and profits accruing on the funds so enhanced. 57-58 V., c. 28, s. 117.

161. The assurance fund shall not, under any circumstances, be liable for compensation for any loss, damage or deprivation occasioned,—

(a) by the breach by the owner of any trust, whether expressed, implied or constructive; or,
(b) by the same land having been included in two or more grants from the Crown; or,
(c) by any land having been included in the same certificate of title with other land, through misdescription of the boundaries or parcels of any land;

unless it is proved that the person liable for compensation and damages is dead, or has absconded from the Territories, or has been adjudged insolvent, or the sheriff has certified that he is not able to realize the full amount and costs awarded in any action for such compensation.

2. The said fund shall be liable for such amounts only as the sheriff fails to recover from the person liable as aforesaid. 57-58 V., c. 28, s. 118.

CANCELLATION OF CERTIFICATE OF TITLE.

162. Upon the application of an owner of several parcels of land held under separate certificates of title, or under one certificate of title, and the delivery up of the duplicate certificates therefor to him, the registrar may cancel the existing certificate or certificates of title granted, as also the duplicate certificates so delivered up, and grant to the owner a single certificate of title for all the parcels of land, or several certificates of title, each applying to one or more of the parcels, in accordance with the application.

2. Upon each of such respective certificates of title so granted shall be entered a memorandum of each and every encumbrance, lien, charge, mortgage, or other instrument affecting such parcel or parcels of land, setting forth the occasion of the cancellation and referring to the certificate of title so granted.

3. The registrar shall issue to the applicant one or more duplicate certificates, as the case requires. 57-58 V., c. 28, s. 119.

163. The registrar, upon cancelling any certificate of title, either wholly or partially, pursuant to any transfer, shall grant to the transferee a certificate of title of the land mentioned in the transfer and issue to the transferee a duplicate thereof; and the registrar shall retain every transfer and cancelled duplicate certificate of title; but in the case of a partially cancelled certificate of title, the registrar shall return the 1840 duplicate...
duplicate to the transferrer after the memorandum partially cancelling the same has been made thereon and upon the certificate of title in the register: Provided that, whenever required there to by the owner of an unsold portion of land in any partially cancelled certificate of title, or where such a course appears to the registrar more expedient, he may grant to such owner a certificate of title for such portion, of which he is the owner, upon the delivery of the partially cancelled duplicate certificate of title to the registrar, to be cancelled and retained. 57-58 V., c. 28, s. 64.

LOST OR DESTROYED CERTIFICATES OF TITLE.

164. Upon production to the registrar of satisfactory proof by statutory declaration of the person to whom a duplicate certificate has been issued, or some one having knowledge of the facts, of the accidental loss or destruction of the duplicate certificate so issued, the registrar may, after having entered in the register the facts so proven, issue a fresh duplicate certificate in lieu of the one so lost or destroyed, noting upon the same why it is so issued: Provided that, unless the registrar is satisfied as to the loss or destruction of the duplicate certificate so issued, and that such notice is unnecessary, no such fresh duplicate certificate shall be issued until the registrar has for four weeks,

(a) published a notice of his intention to issue such fresh certificate in the newspaper published nearest to the land described in the register, or, if more newspapers than one are published in the same locality, then in one of such newspapers; and,

(b) posted up such notice in a conspicuous place in the land titles office. 57-58 V., c. 28, s. 120; 2 E. VII., c. 17, s. 2.

INFANTS, IDIOTS, LUNATICS.

165. Whenever any person, who, if not under disability might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot or lunatic, the guardian or committee of the estate, respectively, of such person may make such application, give such consent, do such act, or be party to such proceeding as such person if free from disability might have made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

2. Whenever there is no guardian or committee of the estate of any such person aforesaid, being an infant, idiot or lunatic, or whenever any person, the committee of whose estate if he were an idiot or lunatic would be authorized to act for and represent such person under this Act, is of unsound mind and incapable of managing his affairs but has not been found an idiot R.S., 1906.
idiot or lunatic under inquisition, a court or judge may appoint a guardian of such person for the purpose of any proceedings under this Act, and may from time to time change such guardian.

3. The court or a judge, may when deemed expedient, appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and may from time to time remove or change such next friend. 57-58 V., c. 28, s. 124.

166. The judge, on application for that purpose, on behalf of any person who is under the disability of infancy, lunacy, unsoundness of mind or absence from the Territories, may, by order directed to the registrar, prohibit the transfer of or any dealing with land belonging to such person. 57-58 V., c. 29, s. 99.

NOTICE.

167. No person contracting or dealing with or taking or proposing to take a transfer, mortgage, encumbrance or lease from the owner of any land for which a certificate of title has been granted, shall, except in case of fraud by such person, be bound or concerned to inquire into or ascertain the circumstances in or the consideration for which the owner or any previous owner of the land is or was registered, or to see to the application of the purchase money or of any part thereof, nor shall he be affected by notice direct, implied or constructive of any trust or unregistered interest in the land, any rule of law or equity to the contrary notwithstanding.

2. The knowledge that any trust or unregistered interest is in existence shall not of itself be imputed as fraud. 57-58 V., c. 28, s. 126.

JOINT OWNERSHIP.

168. Upon the transfer to two or more persons as joint owners, of any land, for which a certificate of title has been granted, to be held by them as trustees, it shall be lawful for the transferrer to insert in the transfer or other instrument the words No survivorship; and the registrar shall, in such case, include such words in the duplicate certificate issued to such owners pursuant to the transfer and in the certificate of title.

2. Any two or more persons so registered as joint owners of any land held by them as trustees may, by writing under their hand, authorize the registrar to enter the words No survivorship upon the duplicate certificate, and also upon the certificate of title.

3. In either case aforesaid, after such entry has been made and signed by the registrar, it shall not be lawful for any less number of joint owners than the number so entered to transfer or otherwise deal with the land, without obtaining the sanction
of the court or of a judge, by an order on motion or petition. 57-58 V., c. 28, s. 128.

169. Before making any order as aforesaid, the court or judge shall, if it seems requisite, cause notice of intention of making such order to be properly advertised, and in such case appoint a period of time within which any person interested may show cause why the order should not be made; and thereupon the said court or judge may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make such order in the premises as the court or a judge thinks just, for the protection of the persons beneficially interested in the land or in the proceeds thereof.

2. Upon such order being deposited with the registrar, he shall make a memorandum thereof upon the certificate of title and upon the duplicate certificate, when the same is produced to him; and thereupon the person or persons named in the order shall be the owner or owners of the land. 57-58 V., c. 28, s. 129.

SUBMISSION TO JUDGE.

170. Whenever any matter is, under this Act, submitted to a judge by a registrar or by any other person or authority and the judge deems it advisable that parties interested should be notified of the time and place when and where a hearing of the matter so submitted should be held, and no special provisions are made therefor in this Act, or if there are any such special provisions and the judge shall be of opinion that the notice required thereby to be given is not sufficient, he may direct,—

(a) that notice of such time and place be given; or,

(b) that such notice shall be served personally upon such persons as he may direct, or be left at their usual place of abode; or,

(c) that such notice shall be posted at such place or places and for such periods as he may name; or,

(d) that such notice be published in such newspaper or newspapers as he may designate, and for such time as he may direct; or,

(e) that such notice may be given in any one or more, or in all the methods above specified. 57-58 V., c. 28, s. 135.

171. Whenever this Act directs that persons interested shall be heard or shall receive notice, and such parties are not within the jurisdiction or cannot be found so as to be personally served, the judge may direct that any party without the jurisdiction may be served personally, or in either case may direct substitutional service within or without the jurisdiction in such manner as he deems expedient, or that publication of notice R.S., 1906.
notice in such manner as he may direct may be sufficient service. 57-58 V., c. 28, s. 135.

EVIDENCE AND PROCEDURE.

172. Every covenant and power declared to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument.

2. In any action for an alleged breach of any such implied covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege precisely in the same manner as if the covenant had been expressed in words in the transfer or other instrument, any law or practice to the contrary notwithstanding, that the party against whom the action is brought did so covenant.

3. Every such implied covenant shall have the same force and effect, and be enforced in the same manner as if it had been set out at length in the transfer or other instrument.

4. When any transfer or other instrument in accordance with this Act, is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly. 57-58 V., c. 28, s. 122.

173. The owner of any land for which a certificate of title has been granted, or of any lease, mortgage or charge affecting the same, shall, on application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding which it may be necessary or proper to bring or institute in the name of such owner concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary or person: Provided that such owner shall, in any case, be entitled to be indemnified in like manner as a trustee would, before the first day of January, one thousand eight hundred and ninety-five, have been entitled to be indemnified in a similar case of his name being used in any such action, suit or proceeding in his name by his cestui que trust. 57-58 V., c. 28, s. 123.

174. Every certificate of title granted under this Act shall, except:

(a) in case of fraud wherein the owner has participated or colluded; and,

(b) as against any person claiming under a prior certificate of title granted under this Act in respect of the same land; and,

(c) so far as regards any portion of the land, by wrong description of boundaries or parcels included in such certificate of title, so long as the same remains in force and uncancelled under this Act;
be conclusive evidence in all courts as against His Majesty and all persons whosoever, that the person named therein is entitled to the land included in the same, for the estate or interest therein specified, subject to the exceptions and reservations implied under the provisions of this Act. 57-58 V., c. 28, s. 57.

175. In any suit for specific performance brought by an owner of any land, for which a certificate of title has been granted, against a person who has contracted to purchase the land, without notice of any fraud or other circumstances which, according to this Act, would affect the right of the transferrer, the duplicate certificate of title of the owner shall be evidence that the owner has a good and valid title to the land, for the estate or interest therein, mentioned or described. 57-58 V., c. 28, s. 127.

176. Proceedings under this Act shall not abate or be suspended by any death, transmission or change of interest, but in any such event a judge may make such order for carrying on, discontinuing or suspending the proceedings, upon the application of any person interested, as under the circumstances he thinks just, and may for such purpose require the production of such evidence, and such notices to be given, as he thinks necessary. 57-58 V., c. 28, s. 132.

177. Whenever in any action, suit or other proceeding affecting land, for which a certificate of title has been granted, it becomes necessary to determine the fact whether the transferee, mortgagee, encumbrance or lessee is a purchaser or transferee, mortgagee, encumbrance or lessee for valuable consideration or not, any person who is a party to the action, suit or other proceeding may give in evidence any transfer, mortgage, encumbrance, lease or other instrument affecting the land in dispute, although the same is not referred to in the certificate of title, or has been cancelled by the registrar. 57-58 V., c. 28, s. 125.

178. Whenever by virtue of this Act a judge is required or authorized to hold an inquiry, proof of the matters relevant to the inquiry may be made before him by affidavit: Provided that the judge may, whenever he deems it expedient, require the personal attendance of any person before him to testify as to the matter of such inquiry, or of the deponent to any affidavit to be cross-examined upon his affidavit. 57-58 V., c. 28, s. 138.

179. The judge may issue a summons under his hand and seal requiring such person or deponent to appear before him at 1845 R.S., 1906.
at a time and place to be specified to testify as to what he may know concerning the matters in question, or to be cross-examined as the case may be.

2. If such person or deponent fails to attend at the time and place specified, then upon due proof under oath that such person or deponent has been duly served with the said summons and that proper conduct money according to the tariffs of fees provided for the attendance of witnesses at trials in civil causes in the court and the laws in force in the respective Territories, has been paid or tendered to him, the judge may issue his warrant directed to the sheriff of any judicial district, or, in the Northwest Territories to any peace officer, directing him to apprehend such person or deponent and bring him before the said judge for examination and to keep him in his custody until he is so examined.

3. The sheriff or such peace officer shall obey the said warrant according to the tenor thereof and shall be entitled to the same fees for executing such warrant as he would be entitled to for executing a process issued out of the said court.

4. The costs incidental to any such inquiry shall be in the discretion of the judge, and shall be taxed by the clerk of the court in which the inquiry was held as nearly as may be according to the tariff provided for civil causes in the said court.

5. Judgment shall be signed in such court for such costs in favour of the party to whom they are awarded by the judge, and execution may be issued for the recovery thereof out of the said court as upon an ordinary judgment therein. 57-58 V., c. 28, s. 138.

180. Whenever any proceeding is taken under this Act, whether by motion or summons, or by the filing with or the delivery to the registrar of a caveat, mechanics' lien, or copy of an execution against lands, or other such proceeding, and any party to such proceeding or the person in whose behalf or against whose interest such caveat, lien, execution or proceeding has been so filed or delivered is not a resident in the Territories, a judge may, upon the application of a party to such proceeding or interested therein, or affected by such caveat, lien, execution or proceeding, grant an order requiring such non-resident to give security for the costs of the applicant of such order, in prosecuting or resisting such proceedings, or in removing or maintaining such caveat, lien, execution or proceeding

2. It may be a term of such order that in default such proceeding may be deemed granted or dismissed, or such caveat, lien, execution or proceeding may be deemed removed or maintained.

3. Such order may also provide for a stay of proceedings.

4. The practice and procedure for obtaining such order and giving such security shall be as nearly as may be the same as upon
upon an application for security for costs in civil causes in the said court.

5. The judge may order the costs incident to such application or order to be taxed and recovered as is provided for costs in subsections four and five of the last preceding section. 61 V., c. 32, s. 18.

181. The court or judge may order costs to be paid by or to any person party to any proceeding under this Act: Provided that any applicant under this Act shall be deemed liable prima facie to pay all costs, charges and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or when any costs, charges or expenses are incurred unnecessarily or improperly. 57-58 V., c. 28, s. 141.

182. The judge may, by order directed to the registrar, prohibit the dealing with any land in any case in which it appears to him that an error has been made by misdescription of such land or otherwise in any certificate of title or other instrument, or may make an order directed to the registrar for the prevention of any other improper dealing. 57-58 V., c. 28, s. 99.

183. Any order of the court or a judge may be enforced in the same manner and by the same officials and process as orders are usually enforced by the procedure and practice of the court, and shall be obeyed by every registrar and acting registrar when directed to him. 57-58 V., c. 28, s. 142.

Affidavits.

184. Affidavits for use in applications to register title, or in any matter other than the execution of instruments, may be made before any person authorized to take affidavits for use in the court.

2. In all matters before the court or a judge where proof is required the same may be taken by affidavit sworn as aforesaid or by viva voce evidence as may be ordered by the court or a judge. 57-58 V., c. 28, s. 133.

185. Affidavits shall be subject to the practice governing affidavits in the court. 57-58 V., c. 28, s. 133.

Appeal.

186. An appeal shall lie by the Inspector, a registrar, or person directly interested therein, from any order or decision of a judge made or given under the provisions of this Act,—

R.S., 1906.
(a) in the Northwest Territories, to the court authorized to entertain appeals in civil matters from the stipendiary magistrates; and,

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

within the prescribed time, in the same manner and with the same incidents in and with which judgments and orders of that court by a single judge may be appealed from.

2. The practice and proceedings relating to appeals in the said court including costs and payment thereof and the enforcement of judgments on appeal, shall, adapted to the circumstances, apply. 57-58 V., c. 28, s. 139.

187. Such courts of appeal may, by order, provide and from time to time change tariffs of costs payable for all services and proceedings under this Act applicable to their respective jurisdictions.

2. Unless and until so provided for, the tariffs of costs herefofore applicable shall continue to apply. 57-58 V., c. 28, s. 143.

FORMS.

188. The Governor in Council may from time to time, whenever it is necessary so to do, add to or otherwise vary any of the forms in the schedule to this Act, or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act. 57-58 V., c. 28, s. 145.

GENERAL.

189. Where there has been granted for the purposes of any work authorized or licensed under the Irrigation Act, a right of way through, or any other right affecting, lands of His Majesty, and such right is expressed to be granted for so long as the right of the grantee, his representatives or assigns, to maintain and operate such work continues, or to be subject to forfeiture in case such last-mentioned right ceases or determines, or in case of failure to construct or complete such work, or to maintain or operate it, a declaration, signed by the Minister or his deputy, that the right so granted has determined or been forfeited, either entirely or in part, shall be final and conclusive for the purposes of this Act, and shall operate as a cancellation, in whole or in part, of such grant.

2. If such grant has been registered, the registrar shall, upon receipt of such declaration, cancel, in whole or in part, as the case may be, the registration of such grant and any certificate of title issued for the right granted thereby. 4-5 E. VII., c. 18, s. 2.

R.S., 1906.
190. No petition, order, affidavit, certificate, registration or other proceedings under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceedings. 57-58 V., c. 28, s. 133.

191. If, in any matter before a judge under this Act, the judge considers proper, he may refer the same to the court in banc, and such court may either dispose of the matter or refer it back to the judge with such direction as the court in banc may think fit. 57-58 V., c. 28, s. 140.

192. Every owner or mortgagee of any land for which a certificate of title has been granted shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it shall be sufficient to mail all notices that, under this Act, are required to be sent to an owner or mortgagee.

2. Every owner shall, if required by the registrar so to do, before the delivery of any duplicate, sign a receipt thereof in his own handwriting, or otherwise furnish the registrar with his signature, so as to prevent personation as far as possible.

3. Every owner or mortgagee shall from time to time notify the registrar of any change in his post office address. Provided that the registrar may proceed without such memorandum of address. 57-58 V., c. 28, s. 51.

193. A purchaser, mortgagee or encumbrancer for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof. 57-58 V., c. 28, s. 58.

194. The Governor in Council may, in cases herein unprovided for, make such rules and regulations as he may deem necessary for giving effect to this Act, and carrying out the provisions thereof, according to its intent and meaning. 57-58 V., c. 28, s. 131.

195. The registrar may require evidence that any person making a transfer, mortgage, encumbrance or lease is of the full age of twenty-one years. 57-58 V., c. 28, s. 137.
FORM OF INSPECTOR'S, REGISTRAR'S AND DEPUTY REGISTRAR'S
OATH OF OFFICE.

Northwest Territories of Canada,
(or as the case may be)
District of
To Wit:

I (name and describe deponent), having been appointed to the office of inspector of land titles office (or registrar or deputy registrar) in and for the (name of registration district, etc.), do swear (or affirm as the case may be) that I will well, truly and faithfully perform and execute all duties required of me, relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before me at the
of
in the
of
day of
A.D. 19

(Signature of inspector, registrar or deputy registrar.)

57-58 V., c. 28, sch. form A.

FORM B.

FORM OF BOND OF INSPECTOR, REGISTRAR AND DEPUTY
REGISTRAR.

Northwest Territories of Canada,
(or as the case may be)
District of
To Wit:

Know all men by these presents that I (insert name and addition of the principal), of the
of
, in the
of
and
of the
hereinafter called the sureties, are respectively held and firmly bound unto our Sovereign Lord the King, his heirs

R.S., 1906.
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 jointly and severally, 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 Land Titles Act.

Now the condition of this obligation is, that if the principal faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, this obligation shall be void, otherwise the same shall remain in full force and effect.

Signed, sealed and delivered in the presence of (Signatures and seals.)

57-58 V., c. 28, sch. form B.

FORM C.

AFFIDAVIT OF JUSTIFICATION BY A SURETY.

Northwest Territories of Canada, (or as the case may be) District of To Wit: I, , one of the sureties in the above (or within) named bond or obligation named make oath (or affirm, as the case may be) and say as follows:

1. I am seized and possessed to my own use of real (or real and personal) estate, in the of of in Canada, of the actual value of dollars, over and above all charges upon or encumbrances affecting the same.

1851

2. R.S., 1906.
2. My post office address is as follows: (insert it).

Sworn before me at the
of in the of
this day of (Signature.)
, A.D. 19 .

57-58 V., c. 28, sch. form C.

Form D.

AFFIDAVIT OF ATTESTATION OF BOND.

Northwest Territories of Canada,
(or as the case may be)
District of

To Wit: I, of the of , in
 , the of ,

make oath and say, that I was personally present, and did see (one of, or as the case may be) the obligors in the above (or within) bond or obligation named, duly execute the said instrument by signing, sealing, and, as his act and deed or their respective acts and deeds, (as the case may be), delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at the
of , in the
of , this day (Signature.)
, A.D., 190 .

(A separate affidavit in this form will be made by a witness to the execution by such obligor, if the same person does not witness the execution by all of them.)

57-58 V., c. 28, sch. form D.

Form E.

CERTIFICATE OF TITLE.

CANADA—TERRITORIES (or YUKON TERRITORY), REGISTRATION DISTRICT.

This is to certify that A.B., of is now the owner of an estate (describe the estate) of and in (describe the property), subject to the encumbrances, liens and interests notified by memorandum underwritten or endorsed hereon, or which may hereafter be made in the register.

1852

In

R.S., 1906.
In witness whereof, I have hereunto subscribed my name and affixed my official seal this day of , A.D. 19 .

(And if subject to a mortgage)

The title of A.B., is subject to mortgage, dated the day of , made by A.B. to W.B., to secure (here state the amount secured, the rate of interest per centum per annum and the respective dates from which the principal and interest are secured) payable as therein mentioned. (If mortgage is discharged, say:) The above mortgage No. , is discharged this day of , A.D. , (here state the distinguishing letter or number of the register and the number of the folio therein.)

(And if subject to a lease,)

The title of A.B., is subject to a lease, dated the day of , made by A.B. to Y.Z., for the term of years.

(When the transfer is absolute,)

This certificate of title is cancelled and a new certificate of title No. , issued this day of A.D. 19 .

(Signature).

57-58 V., c. 28, sch. form E.

FORM F.

APPLICATION TO BRING LAND UNDER THE OPERATION OF THE LAND TITLES ACT.

To the registrar of registration district.

I, (insert name and addition), hereby apply to have the land hereinafter described brought under the operation of the Land Titles Act. And I declare:—

1. That I am the owner (or agent for , the owner) of an estate in fee simple in possession (or of an estate of freehold in possession for my life, or otherwise as the case may require) in all that piece of land, being (here describe the land).

2. That such land, including all buildings and other improvements thereon, is of the value of dollars, and no more.

3. That there are no documents or evidences of title affecting such land in my possession, or under my control, other than those included in the schedule thereto.

4. That I am not aware of any mortgage or encumbrance affecting the said land, or that any other person has any estate or interest therein at law or in equity, in possession, remainder, reversion

R.S., 1906.
reversion or expectancy (if there be any add: other than as follows, and set the same forth).

5. That the said land is now occupied (if unoccupied, prefix un to occupied: if occupied, add by whom, and state the name and addition of the occupant and the nature of his occupancy).

6. That the names and addresses, so far as known to me, of the occupants of all lands contiguous to the said land, are as follows:—

7. That the names and addresses, so far as known to me, of the owners of all lands contiguous to the said land, are as follows:—

[If the certificate of title is not to be granted to the applicant, add: And I direct the certificate of title to be granted in the name of (insert name and addition).]

Dated this day of , 19.
Made and subscribed at, in the presence of

(Signature.)

57-58 V., c. 28, sch. form F.

FORM G.

AFFIDAVIT OF APPLICANT.

Northwest Territories of Canada, (or as the case may be) of District of

To Wit: make oath and say:—

1. That I am the applicant named in the application hereto annexed.

2. That the several statements contained in the said application are true, to the best of my knowledge and belief.

Sworn before me at the of in the of , this day of A.D. 19.

(Signature.)

57-58 V., c. 28, sch. form G.

FORM II.

AFFIDAVIT CONCERNING THE HUDSON'S BAY COMPANY'S LANDS.

Northwest Territories of Canada, (or as the case may be) of District of

To Wit: make oath and say:—

1854

R.S., 1906.
1. I am an officer of the Hudson's Bay Company, entitled to make this affidavit by the authority and under the approval of the Minister of the Interior of Canada.

2. Title to the lands mentioned in the accompanying application now produced and shown to me, and marked with the letter A, passed to the said company by notification under the provisions of the Dominion Lands Act (or by letters patent issued on—stating date—as the case may be).

3. The said company are, at the date of this affidavit, absolutely entitled to the said lands in fee simple and have not encumbered the same in any way whatsoever.

4. And the said lands are not subject to any execution, and are not chargeable with any arrears of municipal taxes, rates or assessments.

Sworn before me at the of , in the of this A.D. 19 .

57-58 V., c. 28, sch. form H.

Form I.

TRANSFER.

I, A. B., being registered owner of an estate (state the nature of estate), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed thereon), in all that certain tract of land containing acres, more or less, and being (part of) section , township , range , in the (or as the case may be), (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land and if the land dealt with contains all included in the original grant refer thereto for descriptions of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram), do hereby, in consideration of the sum of dollars paid to me by E. F., the receipt of which sum I hereby acknowledge, transfer to the said E. F., all my estate and interest in the said piece of land. (When a lesser estate describe such lesser estate.)

In witness whereof, I have hereunto subscribed my name this day of , 19 .

Signed by said A. B., in the presence of .

57-58 V., c. 28, sch. form J.

Form R.S., 1906.
Form K.

I, Dominion land surveyor, do solemnly declare that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of the Land Titles Act.

Dated at 19.

Signed in the presence of A. B.,
Dominion Land Surveyor.

Form L.

Lease.

I, A. B., being registered as owner, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), of that piece of land described as follows:— (here insert description) containing acres, more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by metes and bounds) do hereby lease to E. F., of (here insert description), all the said land, to be held by him, the said E. F., as tenant, for the space of years, from (here state the date and term), at the yearly rental of dollars, payable (here insert terms of payment of rent), subject to the covenants and powers implied (also set forth any special covenants or modifications of implied covenants).

I, E. F., of (here insert description), do hereby accept this lease of the above described land, to be held by me as tenant, and subject to the conditions, restrictions and covenants above set forth.

Dated this day of , 19.

Signed by the above named A. B., as lessor, and E. F., as lessee, in the presence of (Signature of lessor.) (Signature of lessee.)

(Here insert memorandum of mortgages and encumbrances.)

57-58 V., c. 28, sch. form K.

R.S., 1906. Form 1856
LAND TITLES.

CHAP. 110. 59

FORM M.

SHORT COVENANTS IN LEASE.

COLUMN ONE.

1. Will not, without leave as-sign or sublet.

2. Will fence.

3. Will cultivate.


5. Will not carry on offensive trade.

COLUMN TWO.

1. The covenantor, his executors, administrators, or transferees, will not, during the said term, transfer, assign or sublet the land and premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said land and premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.

2. The covenantor, his executors, administrators, or transferees, will during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.

3. The covenantor, his executors, administrators, or transferees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage, and will not impoverish or waste the same.

4. The covenantor, his executors, administrators, or transferees, will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being upon the said land, without the consent in writing of the said lessor or his transferees.

5. The covenantor, his executors, administrators, or transferees, will not, at any time during the said term, use, exercise, or carry on, or permit or suffer to be used, exercised or carried on, in or upon the said premises, or any part thereof any noxious, noisome or offensive art, trade, business, occupation or calling; and no act, matter or thing whatsoever shall, at any time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

57-58 V., c. 28, sch. form L.

FORM N.

SURRENDER OF LEASE.

In consideration of dollars to me paid by (lessee or his assigns, as the case may be) I do hereby surrender and yield up from the day of the date hereof...
unto the lease (describe the lease fully) and the term therein created.

Dated the day of A.D. 19

Signed by the above named in the presence of (Signature.)

57-58 V., c. 28, sch. form M.

Form O.

Mortgage.

I, A. B., being registered as owner of an estate (here state nature of interest), subject, however, to such encumbrances, liens and interests, as are notified by memorandum underwritten (or endorsed hereon) in that piece of land described as follows:—(here insert description) containing acres, be the same more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant, refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram), in consideration of the sum of dollars lent to me by E. F. (here insert description), the receipt of which sum I do hereby acknowledge, covenant with the said E. F.:

Firstly. That I will pay to him, the said E. F., the above sum of dollars, on the day of .

Secondly. That I will pay interest on the said sum at the rate of on the dollar, in the year, by equal payments on the day of , and on the day of in every year.

Thirdly. (Here set forth special covenants, if any.) And for the better securing of the said E. F., the repayment, in manner aforesaid, of the principal sum and interest, I hereby mortgage to the said E. F., my estate and interest in the land above described.

In witness whereof, I have hereunto signed my name this day of 19.

Signed by the above-named A. B. as mortgagor, in the presence of (Signature of mortgagor.)

(Insert memorandum of mortgages and encumbrances.) (For form of transfer of mortgage, see form S.)

57-58 V., c. 28, sch. form N.

1858 Form R.S., 1906.
Form P.

ENCUMBRANCE.

I, A. B., being registered as owner of an estate (state nature of estate), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), in that piece of land described as follows:— (here insert description) containing acres, more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany the description by a diagram), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (description) the (sum of money, annuity or rent charge) hereinafter mentioned: do hereby encumber the said land for the benefit of the said C.D., with the (sum, annuity or rent charge) of , to be paid at the times and in the manner following, that is to say: (here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events in which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrancee by this Act): And subject as aforesaid, the said C.D. shall be entitled to all powers and remedies given to an encumbrancee by the Land Titles Act.

Signed by the above named , in the presence of . (Signature of encumbrancer.)

(Insert memorandum of mortgages and encumbrances.)

57-58 V., c. 28, sch. form O.

Form Q.

AFFIDAVIT TO BE FILED WITH A MORTGAGE OR ENCUMBRANCE.

I, (name of mortgagor or encumbrancer, as the case may be) of the of in the of make oath and say:—

(1) I am the mortgagor (or encumbrancer, as the case may be), named in the hereunto annexed instrument, bearing date the and made in favour of against (describe the lands mortgaged or encumbered).

117½ 1859 (2) R.S., 1906.
(2) The grant from the Crown of the said land has not yet been issued, but I claim to be the party rightfully in possession of the said land and to be entitled to create the said mortgage (or encumbrance) and that particulars of my possession and title to the said land are as follows:—(here must be given such information as will satisfy the registrar as to the mortgagor’s or encumbrancer’s right to create the mortgage or encumbrance, and, in the case of such mortgagor or encumbrancer of land entered for by him as a homestead or pre-emption under the provisions in that behalf contained in the Dominion Lands Act, that he has been recommended for patent and received his certificate of recommendation in accordance with the said provisions).

Sworn before me at the of in the of this day of , 19.

(Signature.)

61 V., c. 32, s. 24.

Form R.

RECEIPT OR ACKNOWLEDGMENT OF PAYMENT OF MORTGAGE OR OTHER ENCUMBRANCE.

I, C. D., the mortgagee (encumbrancee or assignee as the case may be) do acknowledge to have received all the moneys due or to become due under the within written mortgage (or encumbrance, as the case may be) and that the same is wholly discharged.

In witness whereof I have hereunto subscribed my name this day of , 19.

Signed by the above named C. D., in the presence of

(Signature.)

57-58 V., c. 28, sch. form I.

Form S.

TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE.

I, C. D., the mortgagee, (encumbrancee or lessee as the case may be), in consideration of dollars this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage (encumbrance or lease, as the case may be, describe the instrument fully), together with all my rights, powers, title, and interest therein.

R.S., 1906.
In witness whereof, I have hereunto subscribed my name this day of , 19.

Signed by the said in presence of

C. D., Transferrer.
Accepted X. Y., Transferee.

57-58 V., c. 28, sch. form P.

FORM T.

TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE.

I, C. D., the mortgagee (or encumbrancee, or as the case may be), in consideration of dollars this day paid to me by X. Y., of dollars of the mortgage (or encumbrance, as the case may be, describe the instrument fully), together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred (or deferred or rank equally, as the case may be), to the remaining sum secured by the mortgage (or encumbrance).

In witness whereof, I have hereunto subscribed my name this day of , 19.

Signed by the said in presence

C. D., Transferrer.
Accepted X. Y., Transferee.

57-58 V., c. 28, sch. form Q.

FORM U.

SHORT COVENANTS IN MORTGAGE.

COLUMN ONE.  COLUMN TWO.

1. Has a good title to the said land.  1. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indestructible estate of inheritance, in fee-simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every part of their appurtenances and of and in every part and parcel thereof, without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown, or any other matter or thing to alter, charge, change, encumber or defeat the same.

1861

R.S., 1906.
2. Has the right to mortgage the land.

3. And that on default the mortgagee shall have quiet possession of the land.

4. Free from all encumbrances.

5. Will execute such further assurances of the land as may be requisite.

R.S., 1906.
conveyances and assurances in the law for the further, better and more perfectly and absolutely conveying the said lands, tenements, hereditaments and premises, with the appurtenances, unto the said mortgagor, his heirs, executors, administrators and assigns, as by the said mortgagee, his heirs, executors, or his or their counsel learned in the law, shall or may be lawfully and reasonably devised, advised or required, so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

6. Has done no act to encumber the land.

6. And also that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate, or otherwise howsoever.

57-58 V., c. 28, sch. form R.

FORM V.

POWER OF ATTORNEY.

I, A. B., being registered owner of an estate (here state nature of the estate or interest), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed hereon), (here refer to schedule for description and contents of the several parcels of land intended to be affected, which schedule must contain reference to the existing certificate of title or lease of each parcel) do hereby appoint C. D. attorney on my behalf to (here state the nature and extent of the powers intended to be conferred, as to sell, lease, mortgage, etc.), the land in the said schedule described, and to execute all such instruments, and do all such acts, matters and things as may be necessary for carrying out the powers hereby given and for the recovery of all rents and sums of money that may become or are now due, or owing to me in respect of the said lands, and for the enforcement of all contracts, covenants or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage or trespass.

In witness whereof, I have hereunto subscribed my name this day of 19.

Signed by the above named A. B., in the presence of (Signature.)

57-58 V., c. 28, sch. form S.

1863

FORM R.S., 1906.
Chap. 110.  Land Titles.

Form W.

REVOCATION OF POWER OF ATTORNEY.

I, A. B., hereby revoke the power of attorney given by me to [insert name of person to whom power was given], dated the [insert date], and recorded in the Land Titles Office at [insert Land Registration district], on the [insert date], as Number [insert number].

In witness whereof I have hereunto subscribed my name this [insert date], 19.

Signed by the above named A. B., in the presence of [Signature.]

61 V., c. 32, s. 22.

Form X.

TRANSFER OF LAND UNDER PROCESS OF LAW.

I, [insert name of person appointed to execute the process], of [insert place], the person appointed to execute the process hereinafter mentioned in pursuance of a writ dated the [insert date], one thousand nine hundred and [insert number], and issued out of [insert name of court], a court of competent jurisdiction, in an action wherein [insert name of plaintiff] is the plaintiff, and [insert name of defendant] is the defendant, which said [insert name of plaintiff] was registered as the owner of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of [insert amount] paid to me, as aforesaid, by E. F., (insert addition) transfer to the said E. F. all that piece of land (here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant).

Dated the [insert date], one thousand nine hundred and [insert number].

Signed by the above named [insert name], in the presence of [Signature with official seal.]

Mortgages and encumbrances referred to. (State them.)

57-58 V., c. 28, sch. form U.  1864  Or,
Land Titles.

Or,

FORM X.

TRANSFER OF LAND ON SALE FOR TAXES.

I, , of , by virtue of authority vested in me to sell lands for arrears of taxes by do hereby, in consideration of the sum of paid to me by E. F. (insert addition) transfer to the said E. F., all that piece of land, being (here insert a sufficient description of the land, and refer to the certificate of title).

Dated the day of one thousand nine hundred and .

Signed by the above named , in the presence of

(Signature with official seal.)

57-58 V., c. 28, sch. form U.

Or,

FORM X.

TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I, (insert name), in pursuance of a decree (or order) of (insert name of court), a court of competent jurisdiction, dated the day of one thousand nine hundred and , and entered in the register, vol. , fol. hereby transfer to E. F. (insert addition), subject to the mortgages and encumbrances, notified hereunder, all that piece of land being (here insert a sufficient description of the land and refer to the certificate of title or grant).

Dated the day of , one thousand nine hundred and .

Signed by the above named , in the presence of

(Signature with official seal.)

Mortgages and encumbrances referred to. (State them.)

57-58 V., c. 28, sch. form U.

1865 Or.

R.S., 1906.
TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE, UNDER DECREED OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I, (insert name), in pursuance of a decree or order of (insert name of court), a court of competent jurisdiction, dated the day of , one thousand nine hundred and , and entered in the register, vol. fol. hereby transfer to E. F. (insert addition), subject to the mortgages and encumbrances notified hereunder, the lease (or mortgage or encumbrances, as the case may be) granted by in favour of of (or upon) all that piece of land (here insert description of the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument).

Dated the day of , one thousand nine hundred and

Signed by the above named , in the presence of

(Signature with official seal.)

Mortgages and encumbrances referred to. (State them.)

57-58 V., c. 28, sch. form U.

Or

TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER, PROCESS OF LAW.

I, , of , the person appointed to execute the writ hereinafter mentioned (or otherwise, as the case may be), in pursuance of a writ of fieri facias, tested the day of , one thousand nine hundred and , and issued out of (insert name of court), a court of competent jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the owner of a lease (mortgage or encumbrance, as the case may be) numbered of (or upon) the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me as aforesaid, by E. F. (insert addition) transfer 1366 to
to the said E. F. the lease (mortgage or encumbrance) granted by
and in favour of , dated the
day of , to, in and over (here describe the land
according to the description in the lease, mortgage or encum-
brance, and refer to the registered instrument).

Dated the day of , one
thousand nine hundred and

Signed by the above
named , in the
presence of

(Signature with official seal.)

57-58 V., c. 28, sch. form U.

FORM Y.

CAVEAT.

To the registrar district.

Take notice that I, A. B., of (insert description) claiming
(here state the nature of the estate or interest claimed, and
the grounds upon which such claim is founded) in (here
describe land and refer to certificate of title) forbid the regis-
tration of any transfer affecting such land or the granting of
a certificate of title thereto except subject to the claim herein
set forth.

My address is:—

Dated this day of , 19

(Signature of caveator or his agent.)

I, the above named A. B., (or C. B., agent for the above
A. B.) of (residence and description) make oath (or affirma-
tion, as the case may be) and say, that the allegations in the
above caveat are true in substance and in fact (and, if there is
no personal knowledge, add) as I verily believe.

Sworn, etc.,

(Signature.)

(If the affidavit is by an agent, a copy of the authority or
power under which he claims to act is to be annexed.)

61 V., c. 32, s. 23. 1867

FORM R.S., 1906.
Land Titles.

Form Z.

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT.

I, A. B., of , in the , make oath and say:—

1. I was personally present and did see named in the (within or annexed) instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein;

2. That the same was executed at the , and that I am the subscribing witness thereto;

3. That I know the said and he is in my belief of the full age of twenty-one years.

Sworn before me at

this day

of , A. D., 19 .

(Signature.)

57-58 V., c. 28, sch. form W.

Form AA.

REFERENCE BY REGISTRAR TO THE JUDGE.

(Place and Date.)

In the matter of the registration of transfer (or as the case may be) A. B. to C. D.

The registrar, under the provisions of the Land Titles Act, hereby refers the following matter to the judge, to wit:—

(Here state briefly the difficulty which has arisen.)

The parties interested, so far as the registrar knows or has been informed, are:— (Here give the names.)

(Signature.)

Registrar.

57-58 V., c. 28, sch. form X.

Form BB.

DEMAND TO RETURN CERTIFICATE OF TITLE.

To (name of owner or whoever is custodian of certificate):

You are hereby required to forward to the land titles office, certificate of title No. , in favour of (insert owner's name) 1868 for

R.S., 1906.
for *(description of land)* as the same is required by me, pursuant to the provisions of the Land Titles Act, for the purpose *(purpose for which certificate is required and whether or not by direction of a judge)*.

Your attention is called to the provisions of sections one hundred and fifty-four and one hundred and fifty-five of the said Act, and the penalty therein provided for neglect or refusal to comply with this demand.

A. B.,

*Registrar, District.*

57-58 V., c. 28, sch. form V.

*OTTAWA:* Printed by *Samuel Edward Dawson*, Law Printer to the King’s most Excellent Majesty.
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