













# ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

# GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN

EIGHTH AND NINTH YEARS OF THE REIGN  
OF HIS MAJESTY

KING GEORGE V.



OTTAWA

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

ANNO DOMINI 1919





## 8 · 9 GEORGE V.

### CHAP. 30.

An Act to amend the Law relating to Naval Prize of War. A.D. 1918.

[8th August, 1918.]

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

**1.** (1) If His Majesty is pleased by Proclamation or Order in Council to signify his intention to make a grant of prize money out of the proceeds of prize captured in the present war, the sums which have been or may be received in respect of ships and goods captured during the present war specified in Part I. of the schedule to this Act shall (subject as respects money in any prize court to the assent of that court) be paid as and when the Treasury and Admiralty jointly direct into a separate fund to be called the Naval Prize Fund, and there shall be charged on and payable out of the Naval Prize Fund all such costs, charges, expenses, and claims as are mentioned in Part II. of the said schedule, and any question whether any sum is payable into or out of that fund shall be determined by the Tribunal hereinafter constituted.

Application  
of proceeds  
of prizes  
being the  
droits of the  
Crown.

(2) Subject to the payment of such costs, charges, expenses, and claims as aforesaid, such sum as may be required for the payment of prize money under this Act shall be a first charge on the Naval Prize Fund, and such prize money shall be of such amounts and payable to such members of His Majesty's Naval and Marine forces as hereinafter defined, or in the case of their death their representatives, and in such manner, as His Majesty may by Proclamation or Order in Council determine.

(3) The residue of the said Fund may be applied towards any of the purposes for which provision may be made by Greenwich Hospital, and also, subject to regulations made by the Admiralty, may be applied for the benefit of members and dependants of members of forces raised and provided by the Governments of parts of His Majesty's dominions outside the United Kingdom.

(4) Section seventeen of the Naval Agency and Distribution Act, 1864 (which requires forfeited and unclaimed shares and balances of prize money, and a percentage of the proceeds of prize and prize money to be carried to the naval prize cash balance) shall not apply to sums payable into the Naval Prize Fund or to any prize money payable out of that Fund, but any forfeited and unclaimed shares and balances of such prize money may be applied for the purposes for which the residue of the said Fund is applicable, without prejudice, however, to

27 & 28 Vict.  
c. 24.

the rights of any person who may subsequently establish a claim thereto, and no ship's agent shall be entitled to any share in the money so distributed, anything in section nineteen of the Naval Agency and Distribution Act, 1864, to the contrary notwithstanding; but, save as aforesaid, and subject to the provisions of this Act with respect to the investment of funds standing to the credit of the Naval Prize Fund, the Naval Agency and Distribution Act, 1864, shall so far as applicable apply to the sums distributable out of the Naval Prize Fund and the distribution of those sums.

(5) The Naval Prize Fund shall be under the control of the Admiralty, and payments into and out of that fund and all matters relating to the fund shall be made and regulated in such manner as the Admiralty direct, and any sum standing to the credit of the Fund may be temporarily invested in such manner as the Treasury may authorize, and the accounts of the receipts and expenditure of the fund shall be made up at such times, in such form, and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor General as public accounts in accordance with such regulations as the Treasury may make and shall be laid before Parliament together with his report thereon.

27 & 28 Vict.  
c. 25.

(6) For the purposes of this Act the expression "goods" has the same meaning as in the Naval Prize Act, 1864, and the expression "members of His Majesty's Naval and Marine Forces" includes persons who are or have been members of His Majesty's Naval and Marine forces, and officers and members of the crews of His Majesty's ships of war, and the expressions "His Majesty's Naval and Marine Forces" and "His Majesty's ships of war," include forces and ships raised and provided by the Governments of any part of His Majesty's Dominions outside the United Kingdom, and the latter expression further includes any ship or vessel engaged in the naval service of His Majesty whether belonging to His Majesty or not, which the Admiralty declare is a ship of war for the purposes of this section, either generally or during such period or whilst engaged on such service as may be specified by the Admiralty.

Constitution  
of tribunal.

2. (1) For the purposes of this Act there shall be constituted a tribunal, in this Act referred to as the tribunal, consisting in the first instance of the following persons, namely, the Right Honourable Walter George Frank Baron Phillimore of Shiplake (who shall be chairman), Admiral of the Fleet, Sir George Astley Callaghan, G.C.B., G.C.V.O., and the Right Honourable Sir Guy Douglas Arthur Fleetwood-Wilson, G.C.I.E. K.C.B., K.C.M.G., and if any vacancy occurs amongst the members of the tribunal it shall be lawful for His Majesty to appoint a person to fill the vacancy :

Provided that in the case of a vacancy in the chairmanship the person appointed to fill the vacancy shall be a person who holds or has held high judicial office within the meaning of the Appellate Jurisdiction Act, 1876, as amended by the Appellate Jurisdiction Act, 1887, and provided that at least one member of the tribunal shall be an officer of the Royal Navy or Royal Marines.

39 & 40 Vict.  
c. 59.  
50 & 51 Vict.  
c. 70.

(2) The tribunal may act by two of its members notwithstanding a vacancy in its members, and may make rules regulating its own procedure and shall have a seal which can be judicially noticed.

(3) The tribunal may appoint a clerk who shall receive such salary or other remuneration as the Treasury may determine.

(4) The tribunal shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof, on the occasion of any action, in respect of the following matters:—

(a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) The compelling the production of documents; and

(c) The punishing persons guilty of contempt;

and a summons signed by the chairman of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

**3.** (1) The percentage of the sums distributable as prize bounty payable to ships' agents by way of remuneration shall be such percentage not exceeding one per cent. as the Prize Court may having regard to the expense and trouble involved determine to be just.

Provisions  
as to prize  
bounty

(2) The persons entitled to share in the distribution of any prize bounty under section forty-two of the Naval Prize Act, 1864, shall include and shall be deemed as from the commencement of the present war to have included the officers and crew of such of His Majesty's aircraft, operating under the directions of the Admiralty, as are determined by the Prize Court to have been actually present at, and to have assisted in, the taking or destroying of an armed ship of any of His Majesty's enemies.

**4.** Where, in pursuance of the Navy and Marines (Property of Deceased) Act, 1865, on the death of any person being or having been an officer seaman or marine, the amount to the credit of the deceased in the books of the Admiralty in respect of moneys payable by the Admiralty, being an amount not exceeding one hundred pounds, has been disposed of without representation to the deceased being taken out, and subsequently in consequence of an award of prize money or prize bounty there becomes payable to the estate of the deceased an amount less than one hundred pounds, the amount of such money or bounty may be disposed of by the Admiralty if they think fit in accordance with the said Act without requiring representation to the deceased to be taken out, notwithstanding that the amount of the money or bounty is such that when added to the other sums previously paid by the Admiralty the aggregate exceeds one hundred pounds.

Payment of  
prize money  
and prize  
bounty in  
certain  
cases.  
28 & 29 Vict.  
c. 111.

**5.** (1) This Act may be cited as the Naval Prize Act, 1918.

(2) Nothing in this Act shall be construed as prejudicing or affecting any prerogative or right of His Majesty to grant

Short title  
and savings.

or release any ship or goods subject to prize jurisdiction, or the proceeds of sale thereof, or money representing the same, or to grant or release any droits of the Crown.

## SCHEDULE.

Section 1 (1).

### PART I.

#### PAYMENTS INTO THE NAVAL PRIZE FUND.

(1) Any money in court paid in respect of any ship or goods condemned by any prize court, whether in the United Kingdom or elsewhere, being droits of the Crown, together with any accumulations of interest accrued on any such money.

(2) Where any ship or goods condemned by any prize court, being droits of the Crown, have, whether before or after the condemnation, been delivered to the Crown with or without the payment of any money into court or any undertaking to pay any money into court, a sum equal to the value of the ship or goods at the date of delivery together with interest from the date of such delivery, after deducting any money which has been paid into court, or which may be payable under any such undertaking in respect of the ship or goods in question.

(3) Any sum paid in pursuance of any bond agreement or undertaking executed or given in favour of the Crown in respect of any ship or goods subject to prize jurisdiction which are droits of the Crown or which if condemned would have been droits of the Crown or in respect of the proceeds of sale or money representing any such ship or goods, or in consideration for any money paid out of the Naval Prize Fund.

(4) Any sums received from any of His Majesty's Allies under any convention relating to prizes captured during the present war.

(5) Any other sums received in respect of ships and goods subject to prize jurisdiction which the tribunal consider may reasonably be treated, having regard to the principles and practice heretofore observed by prize courts, as being sums to which, had there been a grant of prize to captors, captors would have been entitled.

### PART II.

#### CHARGES OF NAVAL PRIZE FUND.

(1) All expenses (not otherwise recovered) incurred by any prize court, or incurred in connection with, or with a view to prize proceedings (other than legal expenses), in relation to ships and goods in the custody of the court which are droits of the Crown or which if condemned would have been droits of the Crown, whether the same are condemned or are released, and whether such expenses were incurred before or after condemnation, except where, having regard to the special circumstances of the case, the tribunal may otherwise direct.

(2) Any reward or remuneration awarded to any officer or person seizing or taking any ship or goods or part thereof which

are droits of the Crown or which if condemned would have been droits of the Crown, or giving information in relation thereto, or leading to the condemnation thereof.

(3) Any sum payable to any of His Majesty's Allies under any convention relating to prizes captured during the present war.

(4) Any claims in respect of any ship or goods subject to prize jurisdiction, which are droits of the Crown or which if condemned would have been droits of the Crown or of the proceeds of sale of, or money representing, any such ship or goods which the Treasury on the recommendation of the Prize Claims Committee may have paid or may hereafter pay, being claims of a nature that had they been established in prize proceedings would have been ordered by a prize court to be paid by the persons entitled to the ship or goods, or out of the money representing the same.

(5) Any other costs, charges, expenses and claims which the tribunal consider may reasonably be treated, having regard to the principles and practice heretofore observed by prize courts, as being costs, charges, and claims which, had there been a grant of prize to captors, captors would have been liable to pay.

(6) The remuneration of the clerk of the tribunal and any other expenses of the tribunal to such amount as the Treasury may sanction.

#### CHAP. 38.

An Act to amend the British Nationality and Status of Aliens Act, 1914. A.D. 1918.

[8th August, 1918.]

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

**1.** The following sections shall be substituted for section seven of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as "the principal Act"), which relates to the revocation of certificates of naturalization:—

Substitution of provisions for section 7 of the principal Act. 4 & 5 Geo. 5. c. 17.

"**7.** (1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

Revocation of certificate of naturalization.

"(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or all institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

"(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1) or paragraph (a), (c), or (e) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

"(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

"Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

"A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

"(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions

is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

“(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

“7A. (1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Effect of revocation of certificate of naturalization.

“ Provided that—

“(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

“(b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

“(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

“(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted.”

2. The following amendments shall be made in the principal Act:—

Minor amendments of the principal Act.

(1) In paragraph (b) of subsection (1) of section one (which defines natural-born British subjects) after the words “ had been granted ” there shall be inserted the words “ or had become a “ British subject by reason of any annexation of territory, or “ was at the time of that person's birth in the service of the “ Crown ”; and at the end of that section the following subsection shall be inserted:—

“(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.”

(2) At the end of section two (which relates to the grant of certificates of naturalization) the following subsection shall be inserted:—

“(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.”

(3) In subsection (2) of section five “whether or not” shall be substituted for “although” and “not” shall be omitted, and in subsection (3) of section five “Act” shall be substituted for “section.”

(4) In subsection (1) of section eight (which relates to the grant of certificates of naturalization in British possessions) after the words “United Kingdom” there shall be inserted the words “and of a High Court or superior court of the possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor,” and after the words “any certificate proposed to be granted” there shall be inserted the words “and any proposal to revoke any certificate.”

(5) In section ten (which relates to the national status of married women) at the end of the section there shall be added the words “and provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.”

(6) In subsection (1) of section twenty-seven (which contains definitions) at the end of the definition of “British subject” after the words “has been granted” there shall be inserted the words “or a person who has become a subject of His Majesty by reason of any annexation of territory,” and for subsection (2) of that section the following subsection shall be substituted:—

“(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.”

**3.** (1) Where a certificate of naturalization has been granted in the United Kingdom during the present war to a person who at, or at any time before, the grant of the certificate was the subject of a country which at the date of the grant was at war with His Majesty, the Secretary of State shall refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked, and if such question shall be answered in the affirmative shall revoke the certificate, but this provision shall not apply to a person who at birth was a British subject.

Provisions  
as to naturalization  
certificate.



(2) No certificate of naturalization shall, before the expiration of a period of ten years after the termination of the present war, be granted in the United Kingdom to any subject of a country which at the time of the passing of this Act was at war with His Majesty, but this provision shall not apply to a person who—

- (a) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty ; or
- (b) is a member of a race or community known to be opposed to the enemy governments ; or
- (c) was at birth a British subject.

4. (1) This Act may be cited as the British Nationality and Status of Aliens Act, 1918, and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 and 1918.

Short title  
and printing.

(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act; and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act" in the principal Act or this Act shall be construed accordingly.

(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

## CHAP. 59

An Act to make provision for determining the date of the termination of the present war, and for purposes connected therewith. A.D. 1918.

[21st November, 1918.]

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

1. (1) His Majesty in Council may declare what date is to be treated as the date of the termination of the present war, and the present war shall be treated as having continued to, and as having ended on that date for the purposes of any provision in any Act of Parliament, Order in Council, or Proclamation, and, except where the context otherwise requires, of any provision in any contract, deed, or other instrument referring,

Power to  
determine  
date of  
termination  
of the present  
war.

expressly or impliedly and in whatever form of words, to the present war or the present hostilities :

Provided that in the case of any such Act conferring powers on any Government Department, or any officer of any Government Department, exerciseable during the continuance of the present war, if it appears to His Majesty that it is expedient that the powers shall cease before the date so fixed as aforesaid, His Majesty in Council may fix some earlier date for the termination of those powers.

(2) The date so declared shall be as nearly as may be the date of the exchange or deposit of ratifications of the treaty or treaties of peace:

Provided that, notwithstanding anything in this provision, the date declared as aforesaid shall be conclusive for all purposes of this Act.

(3) His Majesty in Council may also similarly declare what date is to be treated as the date of the termination of war between His Majesty and any particular State.

Short title.

**2.** This Act may be cited as the *Termination of the Present War (Definition) Act, 1918.*

PROCLAMATIONS  
AND  
ORDERS IN COUNCIL  
OF THE  
IMPERIAL GOVERNMENT



OTTAWA  
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LAW PRINTER (FOR CANADA) TO THE KING'S MOST EXCELLENT MAJESTY  
ANNO DOMINI 1919



# ORDERS IN COUNCIL AND DESPATCHES

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## THE STATUTES OF THE DISTINGUISHED SERVICE ORDER.

(REVISED EDITION.)

*GEORGE, R.I.*

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

To all to whom these presents shall come, GREETING:

WHEREAS Her late Majesty Our Beloved Grandmother Queen Victoria by a warrant dated the 6th day of September, 1886, did institute and create a new Naval and Military Order of Distinction designated the Distinguished Service Order for the purpose of rewarding individual instances of meritorious or distinguished service in war;

And whereas the said Royal warrant was subsequently amended by Royal warrants dated 24th July, 1902, 2nd July, 1903, 15th October, 1903, and 23rd August, 1916;

And whereas it is Our Royal will and pleasure that the officers of Our recently constituted Air Force shall be eligible for appointment to Our said Distinguished Service Order;

And whereas We deem it expedient that all amendments to the statutes of Our said Order heretofore promulgated, or now to be promulgated, shall be incorporated in a Royal warrant under Our sign manual;

Now therefore We do hereby declare that the rules and ordinances heretofore in force for the government of Our said Order shall be abrogated, cancelled and annulled, and We are graciously pleased to make, ordain and establish the following rules and ordinances in substitution for the same, which shall henceforth be inviolably observed and kept:—

Firstly: It is ordained that this Order shall henceforth be styled and designated the “Distinguished Service Order.”

Secondly: It is ordained that the Order shall consist of the Sovereign, and of such Members or Companions as We, Our heirs or successors shall appoint.

Thirdly: It is ordained that We, Our heirs and successors, Kings and Queens Regnant of the United Kingdom of Great Britain and Ireland, Emperors and Empresses of India, are and for ever shall be sovereigns of this Order.

Fourthly: It is ordained that no person shall be eligible for this distinction who doth not actually hold, at the time of his nomination, a Commission in Our Navy, in Our Land Forces or Marines, in Our Air Force or in Our Indian or Colonial Naval or Military Forces, or a Commission in one of the Departments of Our Navy, Army or Air Force, the holder of which is entitled to honorary or relative Navy, Army or Air Force rank, nor shall any person be nominated unless his services shall have been marked by the especial mention of his name, by the Admiral or Senior Naval Officer Commanding a Squadron or Detached Naval Force, or by the Commander-in-Chief of the Forces in the Field, in despatches for meritorious or distinguished service in the Field, or before the enemy.

Fifthly: It is ordained that foreign officers who have been associated in Naval, Military or Aerial operations with Our forces shall be eligible to be Honorary Members of this Order.

Sixthly: It is ordained that when We, Our heirs and successors, shall be pleased to appoint any person to be a member of this Order, such appointment shall be made by warrant under Our sign manual, and countersigned by one of Our Principal Secretaries of State.

Seventhly: It is ordained that any one who, after having performed services for which this Order is awarded, subsequently performs an approved act of gallantry which, if he had not received the Order, would have entitled him to it, shall be awarded a Bar to be attached to the riband by which the Badge is suspended, and for every additional such act an additional Bar may be added.

Eighthly: It is ordained that an officer shall be appointed to this Order, that is to say, a Secretary and Registrar.

Ninthly: It is ordained that the Secretary and Registrar of this Order shall be appointed by Us, Our heirs and successors, and shall have the custody of the archives of the Order. He shall attend to the service of the Order and shall execute such directions as he may receive from our Principal Secretary of State for War.

Tenthly: It is ordained that this Order shall rank next to and immediately after Our Order of the British Empire, and that the Companions thereof shall in all places and assemblies whatsoever have place and precedency next to and immediately after the Commanders of Our said Order of the British Empire and shall rank among themselves according to the date of their respective nominations.

Eleventhly: It is ordained that the Badge of the Order shall consist of a gold cross, enamelled white, edged gold, having on one side thereof in the centre, within a wreath a laurel enamelled green, the Imperial Crown in gold upon a red enamelled ground and on the reverse, within a similar wreath and on a similar red ground, the Royal Cypher, and shall be suspended from the left breast by a red riband, edged blue, of one inch in width.

Twelfthly: It is ordained that the names of those whom We may be pleased to admit to membership of this Order shall be published in the *London Gazette*, and a registry thereof kept in the office of Our Secretary of State for War.

Thirteenthly: In order to make such additional provision as shall effectively preserve pure this honourable distinction, it is ordained that if any person admitted to membership of this Order shall be convicted of treason, cowardice, felony, or of any infamous crime, or if he be accused of any such offence and doth not after a reasonable time surrender himself to be tried for the same, his name shall be erased, by an Order under the Royal sign manual, from the register of Members of the said Order. And it is hereby declared that We, Our heirs and successors, shall be the sole judge of the conduct which may require the erasure from the register of the name of the offending person, and that it shall at all times be competent for Us, Our heirs and successors, to restore the name if such restoration should be justified by the circumstances of the case.

Lastly: We reserve to Ourselves, Our heirs and successors full power of annulling, altering, abrogating, augmenting, interpreting or dispensing with these regulations or any part thereof by a notification under the sign manual of the Sovereign of the Order.

Given at Our Court at St. James's this first day of April, in the eighth year of our Reign, and in the year of Our Lord one thousand nine hundred and eighteen.

MILNER.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE.

3rd June, 1918.

The following list shows the order in which Orders, Decorations and Medals should be worn, *but it in no way affects the precedence conferred by the Statutes of certain Orders upon the Members thereof*:—

## VICTORIA CROSS.

## (1) British Orders of Knighthood, etc.

Order of the Garter.  
 Order of the Thistle.  
 Order of St. Patrick.  
 Order of the Bath.  
 Order of Merit (immediately after Knights Grand Cross of the Order of the Bath).  
 Order of the Star of India.  
 Order of St. Michael and St. George.  
 Order of the Indian Empire.  
 Order of the Crown of India.  
 Royal Victorian Order (Classes I, II and III).  
 Order of the British Empire (Classes I, II and III).  
 Order of the Companions of Honour (immediately after Knights and Dames Grand Cross of the Order of the British Empire).  
 Distinguished Service Order.  
 Royal Victorian Order (Class IV).  
 Order of the British Empire (Class IV).  
 Imperial Service Order.  
 Royal Victorian Order (Class V).  
 Order of the British Empire (Class V).

## (2) Decorations.

Royal Red Cross (Class I).  
 Distinguished Service Cross.  
 Military Cross.  
 Distinguished Flying Cross.  
 Air Force Cross.  
 Royal Red Cross (Class II).

## (3) Orders given only in India.

Order of British India.  
 \*Indian Order of Merit (Military).  
 Kaiser-i-hind Medal.  
 Order of St. John of Jerusalem in England.  
 Albert Medal.

## (4) Jubilee Coronation and Durbar Medals.

Queen Victoria's Jubilee Medal, 1887 (Gold, Silver and Bronze).  
 Queen Victoria's Police Jubilee Medal, 1887.  
 Queen Victoria's Jubilee Medal, 1897 (Gold, Silver and Bronze).  
 Queen Victoria's Police Jubilee Medal, 1897.  
 Queen Victoria's Commemoration Medal, 1900 (Ireland).  
 King Edward's Coronation Medal.  
 King Edward's Police Coronation Medal.  
 King Edward's Durbar Medal (Gold, Silver and Bronze).  
 King Edward's Police Medal (Scotland).  
 King's Medal, 1903 (Ireland).  
 King George's Coronation Medal.

\*The Indian Order of Merit (Military and Civil) is distinct from the Order of Merit instituted in 1902.

- King George's Police Coronation Medal.  
 King's Visit Police Commemoration Medal, 1911 (Ireland).  
 King George's Durbar Medal (Gold, \*\*Silver and Bronze).
- (5) Medal for Distinguished Conduct, *i.e.*, for Gallantry.  
 Medal for Distinguished Conduct in the Field.  
 Conspicuous Gallantry Medal.  
 Distinguished Service Medal.  
 Military Medal.  
 Distinguished Flying Medal.  
 Air Force Medal.
- (6) War Medals (in order of date).
- (7) Polar Medals.  
 Arctic Medal, 1815-1855.  
 Arctic Medal, 1876.  
 Antarctic Medal, 1901-1903.
- (8) Medals for Saving Life.  
 Constabulary Medal (Ireland).  
 Board of Trade Medal for Saving Life at Sea.  
 †Indian Order of Merit (Civil).  
 Edward Medal.  
 Indian Distinguished Service Medal.  
 King's Police Medal.
- (9) Efficiency and Long Service Medals.  
 Long Service and Good Conduct Medal.  
 Naval Long Service and Good Conduct Medal.  
 Medal for Meritorious Service.  
 Indian Long Service and Good Conduct Medal (for Europeans of Indian Army).  
 Indian Meritorious Service Medal (for Europeans of Indian Army).  
 Royal Marine Meritorious Service Medal.  
 Indian Long Service and Good Conduct Medal (for Native Army).  
 Indian Meritorious Service Medal (for Native Army).  
 Volunteer Officers' Decoration.  
 Volunteer Long Service Medal.  
 Volunteer Officers' Decoration (for India and the Colonies).  
 Volunteer Long Service Medal (for India and the Colonies).  
 Colonial Auxiliary Forces Officers' Decoration.  
 Colonial Auxiliary Forces Long Service Medal.  
 Medal for Good Shooting (Naval).  
 Militia Long Service Medal.  
 Imperial Yeomanry Long Service Medal.  
 Territorial Force Efficiency Medal.  
 Territorial Decoration.  
 Special Reserve Long Service and Good Conduct Medal.  
 Decoration for Officers of the Royal Naval Reserve.  
 Decoration for Officers of the Royal Naval Volunteer Reserve.  
 Royal Naval Reserve Long Service and Good Conduct Medal.  
 Royal Naval Volunteer Reserve Long Service Medal.  
 Union of South Africa Commemoration Medal.
- (10) Medals belonging to Orders:  
 Royal Victorian Medal (Gold and Silver).  
 Imperial Service Medal.  
 Medal of the Order of the British Empire.  
 Medal of the Order of St. John of Jerusalem in England.  
 Badge of the Order of the League of Mercy.  
 Royal Victorian Medal (Bronze).
- Foreign Orders (in order of date).  
 Foreign Decorations (in order of date).  
 Foreign Medals (in order of date).

†The Indian Order of Merit (Military and Civil) is distinct from the Order of Merit instituted in 1902.

\*\*King George's Durbar Medal in Gold can be worn in the United Kingdom by Ruling Chiefs of India only.

*Vide Canada Gazette*, vol. lii, p. 1007.



## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W.,

July 9, 1918.

## AMENDED STATUTES OF THE ORDER OF THE BRITISH EMPIRE.

## GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas King, Defender of the Faith, Emperor of India,—to all to whom these Presents shall come,—

Greeting:

WHEREAS by letters patent under the Great Seal of the said United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourth day of June, 1917, in the eighth year of Our Reign, We have thought fit and been pleased to institute, erect, constitute and create an Order of Knighthood, to be called and known for ever hereafter by the name, style and designation of "The Most Excellent Order of the British Empire," whereof We, Our heirs and successors for ever shall be Sovereigns;

And whereas by Our aforesaid letters patent We did ordain that the said Order should be governed by statutes and ordinances and that the statutes to be observed within the said Order should be established by Us and sealed by the seal of the said Order which statutes so given and in future to be given by Us, Our heirs and successors, to which the said seal shall be affixed, should be of the same validity and taken and read as if the same and every article of them had been verbatim recited in the said letters patent and passed under the Great Seal of Our said United Kingdom of Great Britain and Ireland;

And whereas in conformity with the said letters patent of the fourth day of June, 1917, We did enact and issue certain statutes and ordinances to be observed within the said Order bearing the same date wherein a power was reserved to Us, Our heirs and successors of annulling, altering, augmenting, interpreting or dispensing with these statutes and regulations or any part thereof by a notification under the sign manual of the Sovereign of the Order;

And whereas We deem it expedient that alterations should be made in the existing statutes of the said Order:

Now know ye that in pursuance of the power vested in Us by the said letters patent We have abrogated and annulled and do hereby abrogate and repeal the said statutes:

And further know all ye to whom these presents shall come that We have made, ordained and established, and by these presents, sealed with the seal of the said Order, do make, ordain and establish the following statutes and ordinances, namely:

1. It is ordained and enjoined that this Order of Chivalry shall be styled and designated in all acts, proceedings and pleadings The Most Excellent Order of the British Empire as in Our said letters patent is directed, and by no other designation.

2. It is ordained that the said Order shall consist of the Sovereign and a Grand Master and of five several classes:—I. "Knights Grand Cross" and "Dames Grand Cross." II. "Knights Commanders" and "Dames Commanders." III. "Commanders." IV. "Officers." V. "Members."

3. It is ordered that We, Our heirs and successors, Kings or Queens Regnant of Our said United Kingdom, are and for ever shall be Sovereigns of this Order, to whom doth and shall belong all power of annulling, interpreting, explaining, or augmenting these and every part of these statutes.

4. We do hereby ordain, direct and appoint that a Prince of the Blood Royal or such other exalted personage as We, Our heirs and successors shall hereafter appoint shall be Grandmaster of the said Order, and shall in virtue thereof be the First or Principal Knight Grand Cross of the said Order, to whose custody shall be confided the Great Seal of the Order, which he shall affix

to all statutes, ordinances and instruments according to the regulations touching the issue of every of the said instruments; and it is further ordained that it shall be his special duty to enforce the due observance of the statutes and ordinances of this Order, and that he shall likewise direct the issue of all letters of summons whenever the Sovereign shall be pleased to command an investiture of the said Most Excellent Order.

5. It is ordained that the persons to be admitted to this Order shall be such persons, male or female, as may have rendered or shall hereafter render important services to Our Empire, and that foreign persons upon whom We may think fit to confer the honour of being received into this Order shall be deemed to be, and described as Honorary Knights Grand Cross or Honorary Dames Grand Cross, Honorary Knights Commanders or Honorary Commanders, Honorary Officers, and Honorary Members, according to the classes in the Order to which they belong.

6. It is ordained that when We, Our heirs or successors shall be pleased to nominate and appoint any person to this Order such appointment shall be made by warrant under Our Royal sign manual sealed with the seal of this order and countersigned by the Grand Master of the said Order.

7. It is ordained that this Order shall rank next to and immediately after Our Royal Victorian Order, that in all solemn ceremonies, places and assemblies the Knights Grand Cross of this Order shall have place and precedence next to and immediately after the Knights Grand Cross of the Royal Victorian Order, that the Dames Grand Cross of this Order shall have place and precedence next to and immediately before the wives of Knights Grand Cross of the Most Honourable Order of the Bath, and may on all occasions have, use and enjoy the appellation and style of Dame before their Christian or first names, that the Knights Commanders of this Order shall have place and precedence next to and immediately after the Knights Commanders of the Royal Victorian Order, that the Dames Commanders of this Order shall have place and precedence next to and immediately before the wives of Knights Commanders of the Most Honourable Order of the Bath, and may on all occasions have, use and enjoy the appellation and style of Dame before their Christian or first names, that the men who are Commanders of this Order shall have place and precedence next to and immediately after the Members of the Third Class of the Royal Victorian Order and the women who are Commanders of this Order shall have place and precedence next to and immediately before the Wives of Companions of the Most Honourable Order of the Bath, that the men who are Officers of this Order shall have place and precedence next to and immediately after the Members of the Fourth Class of the Royal Victorian Order and the women who are Officers of this Order shall have place and precedence next to and immediately before the wives of Members of the Fourth Class of the Royal Victorian Order, that the men who are Members of this Order shall have place and precedence next to and immediately after the Members of the Fifth Class of the Royal Victorian Order and that the women who are Members of this Order shall have place and precedence next to and immediately before the wives of Members of the Fifth Class of the Royal Victorian Order.

8. It is ordained that the Insignia of the Sovereign of this Order shall be of the same material and fashion as are hereinafter appointed for the Knights Grand Cross, save only those alterations which distinguish Our Royal dignity.

9. It is ordained that the Grand Master shall wear the Insignia of a Knight Grand Cross, the badge of which for the Grand Master shall be augmented in accordance with the commands of the Sovereign.

10. It is ordained that the Knights and Dames Grand Cross of this Most Excellent Order shall upon all great and solemn occasions wear the badge of the Order which shall consist of a cross patonce, enamelled pearl, fimbriated or surmounted by a gold medallion with a representation of Britannia seated within a circle gules inscribed with the motto, "For God and the Empire," in letters of gold ensigned with the Imperial Crown or, the whole suspended from a purple riband of the breadth of three inches and three-quarters, passing from the right shoulder to the left side and they shall wear on the left side of their coats or outer garments an oval star composed of eight points and charged with a medallion as above.

11. It is ordained that the Knights Commanders shall wear around their necks a riband of the same colour and pattern as that of the Knights Grand Cross of the breadth of one inch and three-quarters and pendent therefrom the badge of the Knights Commanders of the Order which shall be of similar form and pattern to that appointed for the Knights Grand Cross, but of a smaller size, and also that they shall wear on the left side of their coats or outer garments a silver Star composed of four equal points and four lesser, charged with a medallion as before, and it is ordained that the Dames Commanders shall wear a badge of similar form and pattern as that appointed for Knights Commanders, attached to a riband, also similar to that worn by Knights Commanders, but tied in a bow and worn on the left shoulder, and that they shall wear a like Star.

12. It is ordained that the Commanders shall in the same manner wear the like riband and badge as that appointed for the Knights or Dames Commanders of the Most Excellent Order, but that they shall not be entitled to wear the Star.

13. It is ordained that the Officers shall wear a badge of similar form and pattern as that appointed for the Commanders of the Orders, but of a smaller size and silver gilt, attached to a riband of the same colour and pattern of the breadth of one inch and a half, attached to the left breast of their coats or outer garments by men, and tied in a bow on the left shoulder by women.

14. It is ordained that the Members shall wear in like manner the same riband and badge as that appointed to Officers of the Order except that the badge shall be in silver.

15. It is ordained that upon the nomination of any person to be a Knight Grand Cross, Dame Grand Cross, Knight Commander, or Dame Commander of this Order, he or she shall be invested with the insignia of his or her dignity in the Order by Us, Our heirs and successors if he or she be resident at the time in this country, but if he or she be in India by Our Viceroy of India in Our name and on Our behalf, and if he or she be in Canada, Australia, New Zealand or South Africa by Our Governors General of Canada, Australia, New Zealand or South Africa respectively in Our name and on Our behalf; and that on the day of the investiture the person to be invested shall be introduced into the presence of the Sovereign, the Viceroy of India, or the Governor General of Canada, Australia, New Zealand or South Africa, as the case may be, by the officer of the Order, or other officer deputed to be in attendance bearing the proper insignia of the Order, when the Sovereign, Viceroy or Governor General having in the case of Knights Grand Cross and Knights Commanders conferred the Honour of Knighthood upon the person so nominated if he have not previously received the said honour, will then proceed to invest him or her with the ensigns of the said Order in the following manner:—The Sovereign, Viceroy or Governor General will invest the new Knight Grand Cross, Dame Grand Cross, Knight Commander or Dame Commander with the riband and badge and will deliver or place on his or her left side the star of the said Order appertaining to his or her dignity.

16. It is further ordained that it shall be competent for Us, Our heirs and successors by a warrant or warrants under Our sign manual countersigned by the Grand Master and sealed with the seal of this Order to authorize some distinguished person in Our Service or other person to perform in Our name and on Our behalf the ceremony of investing Knights Grand Cross, Dames Grand Cross, Knights Commanders, or Dames Commanders with the insignia of their respective dignities or to permit the ceremony of investiture to be dispensed with. And We reserve to Ourselves, Our heirs and successors, by Our or their warrant or warrants as aforesaid, full power and authority to permit and authorize the person or persons not invested by Us to wear the insignia and enjoy the privileges appertaining to their respective dignities in as full and ample a manner as if they had been invested by Us, Our heirs and successors.

17. It is ordained that on the promotion of a person to a higher class of this Order the insignia of the class theretofore worn by him or her shall be returned to the Secretary of the Order for the service of the Order, and that on the resignation or decease of an official of the Order his Badge of Office shall be restored for the service of the Order.

18. It is ordained that for the greater honour and dignity of the Knights Grand Cross and Dame Grand Cross of this Order it shall and may be lawful for them upon all occasions to bear Supporters to their Arms; and We do by these presents direct and command Our Garter Principal King of Arms for the time being to grant Supporters to such Knights Grand Cross and Dames Grand Cross of this Order as shall not otherwise be entitled thereto and it shall also be lawful for Knights Grand Cross and Dames Grand Cross of this Order to surround their Armorial Bearings with the circle and motto of the Order and to suspend therefrom a representation of their riband and badge and for Knights Commanders, Dames Commanders, and Commanders of this Order to surround their Armorial Bearings with the circle and motto of the Order and to suspend therefrom a representation of their riband and badge and for the Officers and Members of the Order to suspend a representation of their riband and respective badges from the bottom of the escocheon containing their Armorial Bearings.

19. It is ordained that the Seal of the Order shall have engraved thereon as follows (that is to say) a representation of Britannia surrounded by a circle containing the motto of the Order "For God and the Empire," and that the statutes of the Order shall be sealed by and with the same.

20. It is ordained that it shall be competent for Us, Our heirs and successors by an ordinance signed by the Sovereign and sealed with the seal of the Order to cancel and annul the appointment of any person to this Order, and thereupon his or her name in the register shall be erased. But that it shall be competent for the Sovereign to restore to the Order any person whose appointment may have been so cancelled and annulled when circumstances render it just and expedient so to do.

21. It is ordained that a medal in connection with the said Most Excellent Order shall be awarded to persons, not being members of the five classes of the said Most Excellent Order, whose services to Our Empire would warrant such mark of Our Royal appreciation.

22. It is ordained that the medal of the Most Excellent Order of the British Empire for men and for women shall consist of a circular medal in silver, having on the obverse a representation of Britannia within the circle and motto of the Order and on the reverse Our Royal and Imperial Cypher, and shall be worn on the left side suspended by a ring to a purple riband of one inch and one-sixteenth of an inch in width.

23. It is ordained that it shall be competent for Us, Our heirs and successors by a warrant under Our Royal sign manual to cancel and annul the award of any Medal of the Most Excellent Order of the British Empire, and that thereupon the name of the recipient in the register shall be erased, but it shall be competent for the Sovereign to restore the medal to any person whose name may have been so erased, when circumstances render it just and expedient so to do.

24. It is ordained that the 24th day of May every year shall henceforth be taken and deemed to be the anniversary of the institution of this Order.

25. It is ordained that the following officials shall be appointed to this Order, that is to say a Prelate, King of Arms, Registrar, Secretary, Gentleman Usher of the Purple Rod.

26. It is ordained that the Prelate of this Order shall wear around his neck pendent to a riband similar to that which is assigned to the Knights Grand Cross an escocheon of gold enamelled on a field purpure the badge within the circle and motto of the Order, the whole surmounted by an Imperial Crown. Moreover, it shall be lawful for the Prelate to surround his Armorial Bearings with the circle and motto of this Order.

27. It is ordained that the King of Arms of this Order shall be nominated by Us, Our heirs and successors, and that he shall sedulously attend the Service of the Order. And further it is ordained that he shall wear around his neck pendent to a purple riband an escocheon of gold enamelled on a field purpure a representation of Britannia impaling the Arms of the Sovereign surrounded with the circle and motto of the Order and surmounted by an Imperial Crown, that he shall carry the Rod of this Order, which shall have on the two greater squares the Arms of the Order impaled with those of the Sovereign, and on the lesser squares the Arms of the Order, the whole surmounted by an Imperial Crown, and that at all Coronations he shall precede the Knights Grand Cross and shall carry and wear a Crown as Our other Kings of Arms are accustomed to do, which badge, rod and crown shall be of the same materials with those used and borne by Our Garter Principal King of Arms.

28. It is ordained that the Registrar of this Order shall be the person for the time being holding the office of registrar and secretary of the central chancery of the orders of knighthood, that he shall record all proceedings connected with this Most Excellent Order in a register to be appropriated for that purpose and shall, under the directions of the Grand Master, prepare all warrants and other instruments to be passed under the seal of the Order and engross the same, that he shall summon the Knights Grand Cross to attend the Sovereign at all investitures of this Order, that he shall wear around his neck pendent to a purple riband an escocheon of gold enamelled on a field purpure the cross of the Order surmounted by a representation of a closed book Gules, clasps Or, within the circle and motto of the Order, the whole surmounted by an Imperial Crown.

29. It is ordained that the Secretary of this Order shall be the person holding for the time being the office of Permanent Under Secretary of State for the Home Department, that he shall collect and tabulate the names of those persons who are to be submitted to Us for admission to this Order or to be awarded the Medal of this Order, that he shall wear around his neck pendent to a purple riband an escocheon of gold enamelled on a field purpure the badge of the Order with two pens saltirewise between the angles in pearl enamel within the circle and motto of the Order, the whole surmounted by an Imperial Crown.

30. It is ordained that the Gentleman Usher of the Purple Rod of this Most Excellent Order shall be appointed by Us, Our heirs and successors, shall wear around his neck pendent to a purple riband an escocheon of gold enamelled on a field purpure a representation of Britannia surrounded by the circle and motto of the Order and surmounted by an Imperial Crown, and that he shall carry the Purple Rod of the Order, having at the top an esrol thereon the motto of the Order surmounted by a representation of Britannia.

31. It is ordained that all and every of the officials of this Order shall over and above the duties more specially imposed by the foregoing statutes execute diligently whatever the Sovereign or Grand Master may be pleased to command touching the interests of the said Order, and that the said Offices of Prelate, King of Arms, Registrar, Secretary, and Gentleman Usher shall be held during good behaviour.

Lastly.—We reserve to Ourselves, Our heirs and successors, full power of annulling, altering, abrogating, augmenting, interpreting or dispensing with these statutes and regulations or any part thereof by a notification under the sign manual of the Sovereign of the Order.

Given at Our Court at Saint James's the twelfth day of April, nineteen hundred and eighteen, in the eighth year of Our Reign.

By His Majesty's Command,

GEO. CAVE.

*Vide Canada Gazette*, vol. lii, p. 811.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

27th December, 1918.

THE KING has been graciously pleased to institute a Military Division of the Most Excellent Order of the British Empire to date from the creation of the Order, i.e., the 4th June, 1917.

The following classes of persons will be eligible for appointment to the Military Division of the Order:—

All commissioned, warrant and subordinate Officers subject to the *Naval Discipline Act* or employed under the Order of the Admiralty, and all commissioned and warrant Officers recommended by any Commander-in-Chief in the field or elsewhere, or by the General Officer Commanding, Independent

Force, Royal Air Force, or employed under the War Office or Air Ministry, or under the Administrative Headquarters of Dominions or Overseas Forces, or employed under the Ministry of Munitions or the Ministry of National Service on work which, but for the creation of those departments, would have been performed by the War Office; and all members of the Naval, Army, Dominions, or Overseas Nursing Services or officials of the Women's Royal Naval Service, Queen Mary's Army Auxiliary Corps, or the Women's Royal Air Force, and such commandants of the Women's Legion or similar organizations as are under contract with or employed by the Admiralty, War Office or Air Ministry.

Persons already appointed to the Order who are qualified for the Military Division will, on the recommendation of the First Lord of the Admiralty, the Secretary of State for War or the Secretary of State for the Royal Air Force, as the case may be, be transferred to the Military Division.

The insignia for both Military and Civil Divisions will be the same, but the ribbon of the Military Division will be distinguished by a vertical red stripe in the centre of the existing ribbon.

*Vide Canada Gazette*, vol. lii, p. 2929.

DOWNING STREET, 14th March, 1919.

MY LORD DUKE,

I have the honour to transmit to Your Excellency copies of a memorandum which has been issued by the Central Chancery of the Orders of Knighthood with regard to wearing the Insignia and Riband of the Order of the British Empire with morning dress. This being optional as regards both the Insignia and the Riband, the memorandum should not be considered as a regulation but only as a guide to those interested.

2. Certain other points with regard to the wearing of Decorations in the Dominion, Colonies and Protectorates have recently been raised and I think it desirable to communicate to you the decisions which have been reached:

(a) It is His Majesty's pleasure that the full sized badge of the Orders and Decorations below that of Commander of the Order of the British Empire may be worn with plain clothes (morning dress) on ceremonial occasions by civilians who are not in possession of civil uniform or court dress, in plain clothes (evening dress) on occasions when Orders, Decorations and Medals are worn, the miniature sized badge should be worn.

(b) In cases where military full dress is field service dress, with open collar, the badge of a companion or a Commander of an Order should be worn round the neck with the riband under the shirt collar and the badge over the tie, hanging just below the knot.

In the case of more than one badge, the second should be worn with the riband emerging from the top button hole of the coat, and showing very slightly, certainly not more than an inch. Additional badges should be worn below the second, but without any interval between the bottom of the second badge and the riband of the third.

(c) In morning dress the riband from which the badge of Companion or Commander of an Order is suspended is worn under the tie, which should be a bow, the badge hanging about three-quarters of an inch below the bow.

(d) Ladies may wear their Insignia in day dress on all official occasions.

(e) Both in day dress and evening dress, ladies should wear full size Insignia, miniatures should not be worn by ladies.

I have the honour to be,

My Lord Duke,

Your Grace's most obedient humble servant,

Governor General  
His Excellency

MILNER.

The Duke of Devonshire, K.G., G.C.M.G., G.C.V.O., etc., etc., etc.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W., 1.

## ORDER OF THE BRITISH EMPIRE.

Ladies and gentlemen who have been appointed to the Order of the British Empire may, should they wish to do so, wear the Insignia of the order with morning dress on official occasions and at public functions.

The ribbon of the order may be worn on all occasions, at the discretion of the holder.

The method of wearing the Insignia with morning dress is as follows:—

Knights Grand Cross, Dames Grand Cross, Knights Commanders, and Dames Commanders, should wear the star only on the left breast of the coat or in a corresponding place on the dress as the case may be.

In the case of gentlemen who are Commanders, the ribbon from which the badge is suspended is worn under the tie, which should be a bow, the badge hanging about three-quarters of an inch below the bow.

Ladies who are Commanders, and officers and members, both ladies and gentlemen, should wear the badge on the left breast of the coat or in a corresponding place on the dress as the case may be.

The method of wearing the Ribbon of the Order, which will be the same for all five classes, both for ladies and gentlemen, is as follows:—

A piece of the ribbon of the Order one-and-a-half inches wide and half-an-inch in depth, mounted on a bar of metal in the form of a brooch, to be worn on the left lapel of the coat or in a corresponding place on the dress as the case may be.

18th November, 1918.

*Vide Canada Gazette*, vol. lii, p. 3009.

DOWNING STREET, 5th May, 1919.

MY LORD DUKE,

With reference to Mr. Bonar Law's despatch No. 789 of 19th August, 1915, I have the honour to transmit to Your Excellency, copies of revised regulations respecting Foreign Orders and Medals.

Regulations A and B, December 31st, 1918.—It will be observed that "Private Permission" as indicated in the previous regulations is now designated "Restricted Permission."

I have the honour to be,

My Lord Duke,

Your Grace's most obedient humble servant,

MILNER.

Governor General

His Excellency

The Duke of Devonshire, K.G., G.C.M.G., G.C.V.O., etc., etc.

A

REGULATIONS RESPECTING FOREIGN ORDERS AND MEDALS APPLICABLE TO PERSONS IN THE SERVICE OF THE CROWN.

*Orders.*

1. It is the King's wish that no subject of His Majesty in the service of the Crown shall accept and wear the insignia of any Foreign Order without having previously obtained His Majesty's permission to do so, signified either:

(a) By warrant under the Royal sign manual, or

(b) By restricted permission conveyed through His Majesty's Private Secretary.

2. Permission given by warrant under the Royal sign manual will enable the insignia of the Foreign Order to be worn at all times and without any restriction.

Restricted permission will only enable the insignia to be worn on the occasions specified in the terms of the letter from the King's Private Secretary conveying the Royal sanction.

3. Full and unrestricted permission by warrant under the Royal sign manual is contemplated in the following cases:—

For a decoration conferred:—

On an officer in His Majesty's Naval or Military Forces lent to a Foreign Government; on an officer in His Majesty's Naval or Military Forces attached by his Government to a Foreign Navy or Army during hostilities; or on any British official lent to a Foreign Government and not in receipt of any emoluments from British public funds during the period of such loan.

Red Cross and kindred services will only be regarded as "valuable" for the purposes of these regulations when they have been rendered in a war in which the Empire has itself been engaged, and when the decoration for the wearing of which permission is sought has been conferred by an Allied State.

4. Restricted permission is contemplated for decorations which have been conferred in recognition of personal attention to the head of a Foreign State, and which are therefore of a more or less complimentary character, and will, as a rule, only be given on exceptional occasions when in the public interest and for political reasons it is deemed expedient that the acceptance of a foreign decoration should not be declined. Restricted permission will generally be given in the following cases:—

For a decoration conferred—

(1) On British Ambassadors or Ministers abroad when the King pays a State visit to the country to which they are accredited;

(Note.—A state visit is defined as one on which the King is accompanied by a minister or high official in attendance.)

(2) On members of deputations of British regiments to Foreign heads of States;

(3) On members of Special missions when the King is represented at a Foreign Coronation, Wedding, or Funeral; or on any Diplomatic representative when specially accredited to represent His Majesty on such occasions; and such members of his staff who actually attend the ceremonies in their official capacity;

(4) On Naval and Military Attachés only after completion of five years service at the post to which they are appointed in that capacity.

5. Restricted permission will *not* be given to—

(1) British Ambassadors or Ministers abroad when leaving;

(2) Members of British Missions announcing the accession of a Sovereign;

(3) British officers attending Foreign manœuvres;

(4) Naval officers of British Squadrons visiting foreign waters.

6. The desire of the head of a foreign state to confer upon a British subject in the service of the Crown the insignia of an order must be notified to His Majesty's Principal Secretary of State for Foreign Affairs either through the British diplomatic representative accredited to the head of the foreign state, or through his diplomatic representative at the Court of St. James.

7. When His Majesty's Principal Secretary of State for Foreign Affairs shall have taken the King's pleasure on any such application, and shall have obtained His Majesty's permission for the person in whose favour it has been made to wear the insignia of a foreign order, he shall signify the same to His Majesty's Principal Secretary of State for the Home Department, in order that he may cause a warrant, if it be a case for the issue of a warrant as defined in Rule 2, to be prepared for the Royal sign manual.

When such warrant shall have been signed by the King, a notification thereof shall be inserted in the *Gazette*, stating the service for which the Foreign Order has been conferred.

Persons in whose favour such warrants are issued will be required to pay to His Majesty's Principal Secretary of State for the Home Department a stamp duty of 10s.

8. The warrant signifying His Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms. Every such warrant as aforesaid shall contain a clause providing that His Majesty's license and permission does not authorize the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of His Majesty's Realm.

9. When a British subject in the service of the Crown has received the Royal permission, full or restricted, to accept and wear the decoration of a Foreign Order, he will not be allowed to accept and wear the decoration of a higher class of the same Order without His Majesty's approval, which will only be given if the higher honour is being conferred in circumstances contemplated by these Regulations.

#### *Medals.*

10. Medals conferred by the head or government of a Foreign State for saving or attempting to save life at sea or on land may be accepted and worn without His Majesty's special permission.

11. Other medals, with the exceptions specified below, are subject to the regulations in the same manner as Orders, but permission is given by letter and not by Royal warrant.

12. In the case of medals for Red Cross services, permission will only be granted in the conditions laid down in Rule 3 above.

13. Applications for His Majesty's permission to wear medals conferred by private societies or institutions and commemorative medals cannot be entertained.

14. The King's unrestricted permission to accept and wear a Foreign War Medal will only be given to (1) officers of His Majesty's Military or Naval Forces if serving with a Foreign Army or Navy with His Majesty's license, and (2) Military or Naval Attachés or other officers officially attached to Foreign Armies or Navies during hostilities.

15. In exceptional cases, when for special reasons it is deemed expedient that the acceptance of the medal should not be declined, His Majesty will grant restricted permission. Such cases will be judged on their merits, and the circumstances in which the medal may be worn will be specified in the letter conveying His Majesty's permission.

*General.*

16. The term "person in the service of the Crown" includes persons in receipt of a salary or pension from public funds, or holding a Royal Commission in any part of His Majesty's Dominions, Protectorates, or Possessions.

17. Ladies are subject to the regulations in all respects in the same manner as men.

Foreign Office, December 31, 1918.

B

REGULATIONS RESPECTING FOREIGN ORDERS AND MEDALS APPLICABLE TO PERSONS NOT IN THE SERVICE OF THE CROWN.

*Orders.*

1. It is the King's wish that no subject of His Majesty shall wear the insignia of any Foreign Order without having previously obtained His Majesty's permission to do so, signified either:

- (a) By warrant under the Royal sign manual, or
- (b) By restricted permission conveyed through His Majesty's Private Secretary.

2. Permission given by warrant under the Royal sign manual will enable the insignia of the Foreign Order to be worn at all times and without any restriction.

Restricted permission will only enable the insignia to be worn on the occasions specified in the terms of the letter from the King's Private Secretary conveying the Royal sanction.

3. The full and unrestricted permission by warrant under the Royal sign manual is designed to meet cases where the Decoration may be said to have been earned by some valuable service rendered to the head of the State conferring it, or to the state itself. Application will be made to His Majesty for full permission by His Majesty's Principal Secretary of State for Foreign Affairs on behalf of any person who, not being at the time in the service of the Crown, is either in the salaried employment of a Foreign State or has rendered valuable services within the period of two years immediately preceding the notification of the decoration to His Majesty's Government as prescribed under Rule 5.

The expression "valuable services" must be construed as meaning some service rendered to a foreign head of state or government specifically, and must be indisputably valuable in the strict sense of the word. Though such services need not necessarily be gratuitous, as in the case of a person actually in the employ of a foreign government, they must be unconnected with any transaction of a commercial or financial character brought about in the ordinary course of business. The term "valuable services" does not therefore, as a general rule, apply to services connected with the fulfilment of government or municipal contracts, the financing of government or municipal loans. It also does not include the presentation of objects of value to public museums and institutions, pecuniary donations or endowments, personal performances, services in connection with exhibitions and industrial congresses, services in the domain of arts, literature, science, education, and agriculture, services rendered by British subjects in the capacity of honorary foreign consular officers.

Red Cross and kindred services will only be regarded as "valuable" for purposes of these regulations when they have been rendered in a war in which the Empire has itself been engaged and when the decoration for the wearing of which permission is sought has been conferred by an Allied State.

4. Restricted permission is contemplated for decorations which have been conferred in recognition of personal attention to the head of a Foreign State or member of a reigning house, and which are therefore of a more or less complimentary character. Restricted permission is as a rule only given on exceptional occasions, when in the public interest and for political reasons it is deemed expedient that the acceptance of a Foreign Decoration should not be declined.

5. Both in the case of full and in that of restricted permission the matter will be submitted to the King by His Majesty's Principal Secretary of State for Foreign Affairs.

The desire of the head of a Foreign State to confer upon a British subject the insignia of an Order, or the fact that he has done so, must be notified to His Majesty's Principal Secretary of State for Foreign Affairs either through the British Diplomatic Representative accredited to the head of the Foreign State, or through the diplomatic representative of the latter at the Court of St. James. His Majesty's Principal Secretary of State for Foreign Affairs shall be under no obligation to consider claims that are not brought to his notice through one of these channels.

6. When His Majesty's Principal Secretary of State for Foreign Affairs shall have taken the King's pleasure on any such application, and shall have obtained His Majesty's permission for the person in whose favour it has been made to wear the insignia of a Foreign Order, he shall signify the same to His Majesty's Principal Secretary of State for the Home Department, in order that he may cause a warrant, if it be a case for the issue of a warrant as defined in Rule 2, to be prepared for the Royal sign manual.



When such warrant shall have been signed by the King, a notification thereof shall be inserted in the *Gazette*, stating the service for which the Foreign Order has been conferred.

Persons in whose favour such warrants are issued will be required to pay to His Majesty's Principal Secretary of State for the Home Department, a stamp duty of 10s.

7. The warrant signifying His Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms. Every such warrant as aforesaid shall contain a clause providing that His Majesty's license and permission does not authorize the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of His Majesty's realms.

8. When a British subject has received the Royal permission, full or restricted, to accept and wear the decoration of a Foreign Order, he will not be allowed to accept the Decoration of a higher class of the same Order without His Majesty's approval. His Majesty will in such cases grant permission only if the promotion in the Order is conferred for fresh services which come within these regulations.

9. These regulations apply only to Orders of Chivalry. Decorations conferred by private societies and decorations of a purely academic nature, and all decoration not being Orders of Chivalry, may be accepted without His Majesty's permission, but must not be worn.

Exception is made in the case of a few foreign orders, which, though not in strictness Orders of Chivalry, yet are of such a high distinction that, for the purpose of these regulations, they are to be considered and treated as Orders of Chivalry.

*Medals.*

10. Medals, with the exceptions specified below, are subject to the regulations in the same manner as Orders, but permission to wear is given by letter and not by Royal warrant. No permission is needed to accept a foreign medal if it is not to be worn.

11. Medals for saving or attempting to save life at sea or on land conferred on behalf of the head or government of a Foreign State may be accepted and worn without His Majesty's special permission.

12. In the case of medals for Red Cross services, permission will only be granted in the conditions laid down in Rule 3, paragraph 3, above.

13. Applications for His Majesty's permission to wear medals conferred by private societies or institutions and commemorative medals cannot be entertained.

14. His Majesty will not grant permission to wear any Foreign War Medal if the person on whom it is to be or has been conferred was during the war acting in contravention of the *Foreign Enlistment Act*.

*General.*

15. Ladies are subject to the regulations in all respects in the same manner as men.

Foreign Office, December 31, 1918.

*Vide Canada Gazette*, vol. lii, p. 3611.

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W., 25th April, 1919.

With reference to the notification in the *London Gazette* of the 27th December, 1918, that persons already appointed to the Order of the British Empire who are qualified for the Military Division of the Order will be transferred thereto, the Registrar and Secretary of the Central Chancery of the Orders of Knighthood, St. James's Palace, S.W., 1, hereby notifies all persons who have been so transferred, as follows:—

The cost of fitting the ribbon of the Military Division to their insignia will be met free of charge to the following extent:—

	s.	d.
Knights Grand Cross.....	4	0
Dames Grand Cross.....	3	6
Knights Commanders, Dames Commanders and Commanders.....	2	0
Officers and Members.....	1	6

The Registrar and Secretary are prepared to receive bills from jewellers, up to the above amounts, for alterations they have made. These bills must bear the signed authority of the person for whom the alteration is made.

*Vide Canada Gazette*, vol. lii, p. 3677.



PROCLAMATIONS AND ORDERS

OF THE

GOVERNOR GENERAL IN COUNCIL

HAVING FORCE OF LAW



OTTAWA

PRINTED BY JOSEPH de LABROQUERIE TACHÉ  
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

ANNO DOMINI 1919



# CANADIAN ORDERS IN COUNCIL.

## Soldiers' Civil Re-Establishment.

*P.C. 387—February 24, 1919*—Whereas the Minister of Soldiers' Civil Re-Establishment reports:—

That under Order in Council (P.C. 1366) dated June 22, 1918, certain powers were conferred upon the Department of Soldiers' Civil Re-Establishment in respect to former members of the Naval and Military Forces of Canada, His Majesty's Forces other than those of Canada, and His Majesty's Allies in the present war;

That experience has shown that it is necessary to modify certain of these powers, and to extend others;

That the question of providing re-treatment for former members of the forces in cases where the disability is not clearly due to service, has been considered by the department, and the following ruling has been made:—

“When any ex-soldier applies for re-treatment, and it is questionable whether his disability is due to, or aggravated by service, the unit medical director should give the ex-soldier the benefit of the doubt, if in his opinion, the general resistive power of the ex-soldier against disease has been lowered by war service to such a degree that it has induced the disability from which he suffers when he presents himself for re-treatment;”

That on the return of a member of the forces from overseas, it has been found in many cases that there is a lowered physical resistance, which sometimes results in a disability not directly attributable to war service, but which undoubtedly is indirectly caused thereby. It is considered that this lowered resistance will prevail for some time after the retirement or discharge of the former member of the forces and that the department should be empowered to grant treatment and medicines only, to all former members of the forces who fall ill during the twelve months following the date of their retirement or discharge, when such treatment or medicine is not necessitated by a war disability;

That it may be pointed out that in Great Britain, either through the Ministry of Pensions or through National Health Insurance, provision is made for the grant of free treatment for all disabilities, when such incapacitate a man for work;

And whereas it is expedient to authorize the Department of Soldiers' Civil Re-Establishment, hereinafter called the department, as hereinafter set forth, such authority to supersede the authority granted under the Order in Council (P.C. 1366) dated June 22, 1918;

Therefore, His Excellency the Governor General in Council, under the powers vested in His Excellency by the *War Measures Act, 1914*, or by any other enabling authority, is pleased to order and it is hereby ordered as follows:—

1. The provisions of the Order in Council of the 21st February, 1918, (P.C. 432), with respect to treatment and training, shall extend and apply to all persons who have served in the Canadian Naval or Military Forces of His Majesty during the present war and who have been retired or discharged therefrom and who may now or hereafter be resident in Canada, and may in the discretion of the department be extended to all persons who have served in the Naval or Military Forces of His Majesty or any of His Majesty's Allies, during the present war and who have been retired or discharged therefrom and who may now or hereafter be resident in Canada and who were bona fide resident in Canada at the outbreak of the present war, (hereinafter referred to as former members of the forces), subject as follows:—

(a) Any former member of the forces suffering from a disability, which in the opinion of a naval or military medical board or of a medical officer of the department is due to or was aggravated by service, and which disability in the opinion of such board or officer prevents such former member of the forces from obtaining or continu-

Treatment  
and training—  
persons eligible  
for.

ing employment, shall be entitled to medical or surgical treatment and to such allowances as are provided herein for former members of the forces suffering from a disability preventing employment.

(b) Any former member of the forces within twelve (12) months after retirement or discharge from the forces, or in the case of a former member of the forces transferred to the Department by the Department of Militia and Defence, or the Department of the Naval Service, for further continuance of treatment, within twelve (12) months of the completion of such treatment, shall be entitled to medical or surgical treatment, whether such disability is the result of service or not, provided that the granting of such treatment shall not be deemed in any way to entitle such former member of the forces to pension in respect of any disability not due to or aggravated by service.

(c) Any former member of the forces suffering from a disability which in the opinion of a naval or military medical board, or of a medical officer of the department is due to or was aggravated by service, and which in the opinion of the director of vocational training of the department prevents such former member of the forces from returning to his previous trade or principal occupation, shall be entitled to re-training for a new occupation in accordance with the regulations of the department, and to such allowances as are provided herein for former members of the forces undergoing re-training.

Treatment and training provisions of H.M. Forces other than Canadian.

2. The department may, from time to time, and in its discretion, make arrangements through the officer paying Imperial pensions at Ottawa, or with the Government of any of His Majesty's Dominions for the treatment and training of all persons who have served in the Naval and Military Forces of His Majesty other than those of the Canadian Forces during the present war, and who have been retired or discharged therefrom and who may now or hereafter be resident in Canada, whether bona fide resident in Canada at the outbreak of the present war or not, and may render accounts for the cost of such treatment or training and may, subject to such arrangements, and to the provisions of clause 1, during the period of such treatment or training pay such persons and their dependents the allowances hereinafter set out.

Treatment and training arrangements for ex-members C.E.F., outside of Canada.

3. The department may, from time to time, and in its discretion, make arrangements for the treatment and training of all persons who have served in the Canadian Naval and Military Forces of His Majesty during the present war, and who have been retired or discharged therefrom and who may now or hereafter be stationed or resident outside of Canada, and may pay the cost of such treatment or training and may, subject to such arrangements and to the provisions of clause 1, during the period of such treatment or training, pay such persons and their dependents the allowances hereinafter set out.

Treatment and training provisions regarding ex-members Allied Forces.

4. The department, with the approval of the Governor in Council, may from time to time, and in its discretion make arrangements with the Governments of His Majesty's Allies for the treatment and training of all persons who have served in the Naval or Military Forces of His Majesty's Allies during the present war, and who have been retired or discharged therefrom and who may now or hereafter be resident in Canada, whether bona fide resident in Canada at the outbreak of the present war or not, and may render accounts for the cost of such treatment or training and may, subject to such arrangements and to the provisions of clause 1, during the period of such treatment or training pay such persons and their dependents the allowances hereinafter set out.

Training allowances to men without dependents.

5. The allowances payable while he is undergoing training by the department for a former member of the forces who is without dependents shall be sixty dollars (\$60) a month.

Training allowances to men with partial dependents.

6. The allowances payable, while he is undergoing training by the department, for a former member of the forces, who has neither a wife nor any children, but who has a person or persons partially dependent upon him, shall be sixty dollars per month, and the department may in its discretion pay to such partially dependent person or persons such allowances as may, in the opinion of the department, be deemed necessary, provided that the total allowances paid to or on account of such partially dependent person or persons shall not exceed an amount of twenty-five dollars (\$25) per month.

Training allowances to married men.

7. The allowances payable, while he is undergoing training by the department, for a former member of the forces, who has a wife, or a wife and child, or a wife and children, and for such dependent or dependents, shall be as follows:—

(a) for such former member of the Forces.....	\$85 00	a month
(b) for one child.....	10 00	“
(c) for two children.....	18 00	“
(d) for three children.....	25 00	“
(e) for more than three children \$25 per month, plus \$6 per month for each child in excess of three;		

provided that the department shall pay direct to the wife the sum of \$40 out of the amount payable to the former member of the forces plus the allowances for children.

8. The allowances payable, while he is undergoing training by the department, for a former member of the forces who is a widower with a child or children and for such dependent or dependents, shall be as follows:—

Training allowances to widowers with children.

(a) for such former member of the forces and one child, an amount not exceeding \$80 a month.

(b) for such former member of the forces and two children, an amount not exceeding \$88 a month.

(c) for such former member of the forces and three children, an amount not exceeding \$95 a month.

(d) for such former member of the forces and more than three children, \$95 per month plus \$6 per month for each child in excess of three; provided that the department may in its discretion pay to a guardian or other person having charge of any such child or children, such portion of the amounts set forth in this clause as it may deem necessary and may deduct the amount so paid from the allowances payable to the former member of the forces.

9. The allowances payable, while he is undergoing training by the department, for a former member of the forces who has neither a wife nor any children, but who has a parent or parents, or a person or persons in the place of a parent or parents, or a brother or a sister or brothers or sisters, any of whom are wholly or mainly dependent upon him for support, and for such dependent or dependents shall be as follows:—

Training allowances to men with dependents other than wife and children.

(a) for such former member of the forces.....	\$60 00	a month
(b) for such parent, an amount not exceeding.....	25 00	“
(c) for such parent and one such brother or sister an amount not exceeding.....	35 00	“
(d) for such parent and two such brothers or sisters, an amount not exceeding.....	43 00	“
(e) for such parent and three such brothers or sisters, an amount not exceeding.....	50 00	“
(f) for such parent and more than three such brothers or sisters, \$50 per month, plus \$6 per month for each of such brothers or sisters in excess of three.		
(g) for one such orphan brother or sister an amount not exceeding.....	20 00	“
(h) for two such orphan brothers or sisters an amount not exceeding.....	28 00	“
(i) for three such orphan brothers or sisters an amount not exceeding.....	35 00	“
(j) for more than three such orphan brothers or sisters, \$35 per month, plus \$6 per month for each of such orphan brothers or sisters in excess of three;		

provided that if such former member of the forces has two parents wholly or mainly dependent upon him for support, one of them shall, for the purpose of estimating the allowances payable in respect of such dependents be regarded as a brother or sister.

10. The allowances set out in clauses (8) and (9) for children of widowers or for parents, or for brothers or sisters, shall, subject to the provisions of clause 13 be the maximum allowances payable for such dependents, but if in the discretion of the department, less amounts are sufficient for the maintenance of such persons, the department may award such less amounts.

Training allowances are maximum.

11. No allowances shall be payable, while he is undergoing training by the department, for a former member of the forces or for his dependent or dependents under more than one of clauses (5), (6), (7), (8) and (9), but any person or persons to whom a former member of the forces who is undergoing treatment or training by the department stands in loco parentis shall, at the discretion of the department for the purpose of estimating the allowances payable to such former member of the forces and for such dependent or dependents, be regarded as his child or children.

Training limitation of payment under one clause only—what children may be included.

12. No allowances shall be payable, while he is undergoing treatment or training by the department, for any dependent or dependents of a former member of the forces other than those mentioned in clauses (6), (7), (8), (9) and (11), and the decision whether or not a person is dependent upon a former member of the forces shall rest with the department, and any allegation of dependency shall be corroborated by such evidence as may from time to time be required by the department.

Treatment and Training—limitation of dependents Department to decide dependency.

13. (a) In cases where a former member of the forces while undergoing training by the department is subsisted by the department the sum of \$30 per month (to cover cost of such subsistence) shall be deducted from the pay and allowances of such former member of the forces, provided that when such former member of the forces has a dependent or dependents for whom allowances are payable under this

Training deduction for subsistence.

Order in Council, and with whom he is residing at the commencement of his training by the department and owing to his undergoing training is unable to continue to reside with such dependent or dependents, or finds it necessary, with the approval of the department to remove such dependent or dependents to another place of residence, the sum of twenty-two dollars only shall be deducted, and the allowances payable to or on account of such dependent or dependents may in the discretion of the department be increased by \$8 per month.

Training—  
additional  
allowances in  
special cases.

(b) In cases where a former member of the forces who while undergoing training is not subsisted by the department, and who has a dependent or dependents for whom allowances are payable under this Order in Council with whom he was residing at the commencement of his training, is, owing to his undergoing training, unable to continue to reside with such dependent or dependents, or, finds it necessary, with the approval of the department to remove such dependent or dependents to another place in order to continue to reside with them, the allowances payable for such former member of the forces under this Order in Council shall be increased by an amount of eight dollars per month, and the allowances payable to or on account of such dependent or dependents shall also be increased by an amount of eight dollars a month.

Treatment and  
training—  
manner of  
payment.

14. The allowances payable, while he is undergoing treatment or training by the department, for a former member of the forces or for the wife of a former member of the forces shall be paid direct to him or her unless in the discretion of the department, it is deemed advisable to pay such allowances to such other person as the department may determine, and the allowances payable while he is undergoing treatment or training by the department, for the dependent or dependents of a former member of the forces other than his wife, shall be paid to such person as the department may determine.

Training—  
men married  
during.

15. If a former member of the forces is unmarried or a widower at the time his training is approved by the department and marries during the progress of his training, the allowances for a married former member of the forces, shall be paid to him from the date of his marriage, or in the event of the interruption of his training on account of his marriage, from the date of the resumption of his training instead of the allowances he or his dependents, if any, were receiving prior to his marriage.

Treatment—  
pay and  
allowances in lieu  
of Patriotic  
Fund.

16. (a) The allowances payable while he is undergoing treatment by the department for a former member of the forces passed immediately on discharge by the Department of Militia and Defence, or by the Department of the Naval Service to the department for further treatment which prevents him from obtaining employment and for a former member of the forces who is accepted by the department for treatment for a recurrence of disability due to or aggravated by service which prevents him from obtaining or continuing employment and for his dependent or dependents shall be equivalent to the amount of the pay and allowances paid by the Department of Militia and Defence or by the Department of the Naval Service, for the rank held by the former member of the forces at the time of his retirement or discharge less subsistence allowance but with the addition of the following allowances for the dependent or dependents, of such former member of the forces who held a rank below commissioned rank in lieu of the Patriotic Fund allowances if such dependents are residing in Canada:

Wife only.....	\$10 00	per month.
Wife and one child.....	19 00	“
Wife and two children.....	26 00	“
Wife and three children.....	31 00	“

For each child in excess of 3 children \$5 per month with a maximum allowance of \$45 per month for wife and children.

Provided that the allowance in lieu of Patriotic Fund allowances or such lesser amounts as may be determined by the department, may be payable to, or in respect of other dependents of a former member of the forces below commissioned rank, than a wife or children if such dependents would be entitled to the same had the former member of the forces been re-attested as a member of the forces.

(b) There shall be deducted from the allowances payable to such former member of the forces the sum of twenty dollars per month or such sum as he had while on active service assigned to his dependent or dependents whichever be the greater, and this sum together with an amount equivalent to the amount of separation allowance to which, but for his retirement or discharge, he would be entitled under the pay and allowance regulations of the Department of Militia and Defence or the Department of the Naval Service, shall, subject to clause 14 hereof, be paid direct to such dependent or dependents.

(c) In the event of such former member of the forces being granted out-patient treatment provided that in the opinion of the department his disability is such as to prevent him from obtaining or continuing employment, there shall be added to the allowances payable to him under the authority of this clause, an amount equivalent to the subsistence allowance to which, but for his retirement or dis-



charge he would have been entitled under the pay and allowance regulations of the Department of Militia and Defence or the Department of the Naval Service.

(d) No former member of the forces, who is undergoing in-patient treatment by the department and is entitled to the allowances payable under this clause, shall unless specially authorized by the department be paid, for his personal use, a larger sum than \$10 per month, out of such allowances and the balance of his allowances shall be retained by the department to his credit and paid to him on the conclusion of his treatment.

17. (a) When a former member of the forces not in receipt of allowances under any of clauses 6, 7, 8, 9 or 16, is directed by an officer of the department, or by a medical practitioner, acting under the authority of the department, to report at an institution for examination or observation or for treatment for a period not exceeding one week or when a former member of the forces is directed by an officer of the department authorized in that behalf to report to an institution or other place for repairs to or replacement of an artificial limb or other orthopaedic appliance provided that the time occupied shall not be longer than fourteen days, he shall be entitled to receive the following allowances:—

Treatment allowances for men called in for medical examination and renewals orthopaedic appliances.

Return transportation, first-class, with sleeping berths, if necessary, \$1 per day for the time absent from his home plus \$1.50 for every night, spent at a hotel or lodgings at his own expense, and 50 cents for every meal (3 meals a day) purchased by him, while absent from home.

(b) When the institution or other place to which such former member of the forces, not undergoing treatment or training is required to report is in the same town as, or contiguous to his place of residence, he shall be paid at the rate of \$3 per day, in lieu of the allowances set forth in section (a) of this clause provided that the time occupied shall not be longer than fourteen days.

(c) When it is necessary for a former member of the forces not in receipt of allowances under any of clauses 6, 7, 8, 9 or 16, to remain at an institution for observation or for repairs to his artificial limb or other orthopaedic appliance or should the repairs to his artificial limb or other orthopaedic appliance take such time as to keep him from his home or prevent him following any remunerative occupation for longer than fourteen days he shall after the fourteenth day be paid the allowances set forth in clause (16) hereof, less the amount of pension, if any, paid to or in respect of himself or his dependents.

(d) When a former member of the forces who is undergoing training is directed by an officer of the department to report at an institution or other place for examination or for treatment or for repairs to or replacement of an artificial limb or other orthopaedic appliance, his allowances, subject to clause 21, shall continue and he shall not be entitled to receive the allowances set forth in subsections a and b of this clause, but any reasonable expenses which he may incur shall be paid by the department provided that such expenses were authorized and approved by an officer of the department authorized in that behalf prior to their being incurred.

18. When a former member of the forces not in receipt of allowances under any of clauses 6, 7, 8, 9 or 16, whose disability does not prevent him from obtaining or continuing employment, requires out-patient treatment, he shall be entitled to receive such treatment from the department and to receive such medicine, as he may need. He shall not be entitled to receive the allowances set forth in clause 16 hereof, but if attendance for such treatment or medicine causes such former member of the forces a monetary loss he shall be entitled in the discretion of the department, to be reimbursed for such loss provided that the amount shall not exceed one dollar (\$1) for each attendance for treatment together with reasonable travelling expenses.

Treatment—out-patients class 2.

19. When a former member of the forces commences training by the department no further payment or payments of pension and allowances by the Board of Pension Commissioners or the Pension and Claims Board other than the payment or payments of such pension and allowances to the date of the commencement of training shall be made to such former member of the forces, and the allowances payable under the authority of this Order in Council shall commence from the date of such commencement of training, provided that if a payment or payments of pension is or are received by a man during his period of training, the department shall have authority to deduct the amount of such payment under the authority of this Order in Council, and provided also that at the conclusion of his training by the department, the Board of Pension Commissioners shall continue pension allowance or gratuity, if any, at such rate as they may then determine as from the day following the day on which the training of such former member of the forces was concluded.

Training—stoppage and continuation of pension.

20. When a former member of the forces is accepted for treatment by the department and is entitled to the allowances set forth in clause 16 hereof, there shall be deducted from each payment of such allowances the amount of pension, if any to which he or his dependents may be entitled from the Board of Pension Commissioners or the Pension and Claims Board for the period for which he is undergoing

Treatment—pension to continue.

treatment, such deduction being made from the amounts payable to the man himself or his dependents, or both, in the discretion of the department, provided that if the amount of pension is higher than the allowances under clause 16 hereof, pension shall continue and no payment of allowances shall be made by the department.

Treatment and training—  
institutional  
treatment for  
men undergoing  
training.

21. If a former member of the forces who is undergoing training by the department requires institutional treatment during the period of his training, his training allowances and the allowances of his dependent or dependents shall continue during the period of such institutional treatment, provided that the payment of such allowances by the department during the period of such treatment shall be suspended if the treatment is made necessary by misconduct, provided also that at any time the former member of the forces may be transferred from training allowances to treatment allowances at the discretion of the department.

Treatment—  
men refusing  
to undergo  
treatment,  
misconduct.

22. If a Naval or Military Medical Board or a medical officer of the department reports that a former member of the forces shall undergo treatment, and such former member of the forces unreasonably refuses to undergo such treatment or if by any reason of the misconduct of such former member of the forces while undergoing treatment it is necessary in the discretion of the department to discontinue such treatment, the pension to which he or his dependents would otherwise be entitled may, in the discretion of the Board of Pension Commissioners for Canada, be reduced or refused and any post discharge pay or war service gratuity to which former member of the forces and his dependents at the time such report is received, or such treatment is discontinued by the department may be entitled, may be withheld until the department has certified to the officer *i. e.* of post discharge pay that such former member of the forces has undergone and completed to the satisfaction of the department the treatment so recommended or that such misconduct has been excused. The decision as to what under the provisions of this clause constitutes unreasonable refusal or misconduct shall rest with the department and its decision shall be final.

Treatment  
and training—  
post-treatment  
and training  
allowances.

23. (1) The payment of allowances authorized by this Order in Council may be continued for one month after the completion of training of a former member of the forces provided that (a) in the opinion of the department his conduct while undergoing training has been satisfactory, (b) his training has occupied a longer period than two months, (c) in the opinion of the department such continuation of payment is necessary to assist him in obtaining employment or to tide him over a period of temporary difficulty.

(2) The payment of allowances authorized by this Order in Council may be continued for one month after the completion of treatment of a former member of the forces, provided that (a) in the opinion of the department his conduct, while undergoing treatment, has been satisfactory (b) his treatment has occupied a longer period than two months (c) he is not entitled to any payment of war service gratuity (d) in the opinion of the department such continuation of payment is necessary to assist him in obtaining employment or to tide him over a period of temporary difficulty.

Department's  
requirements  
to be observed  
in discharges.

24. In carrying out the retirement or discharge of any person who has served in the Canadian Naval or Military Forces of His Majesty during the present war the requirements of the Department of Soldiers' Civil Re-Establishment shall so far as possible be complied with.

Treatment and  
training—  
department's  
disciplinary  
powers and  
regulations.

25. The department shall have power to make regulations respecting the administration and discipline of, and allowances payable for, a former member of the forces while undergoing treatment or training by the department and the allowances payable for his dependent or dependents and all deductions from or cancellations of such allowances for the purpose of discipline, and to require that before becoming entitled to treatment or training by the department, a former member of the forces shall sign a document agreeing while undergoing treatment or training to submit to all such regulations.

Treatment and  
training—  
age limit child  
dependents.

26. No allowances shall be paid under authority of this Order in Council for any child or brother or sister of any former member of the forces who, if a boy is over the age of 16, or, if a girl, is over the age of 17 years, provided that if the child or brother or sister is unable owing to physical or mental infirmity to provide for its maintenance the allowances may be continued until such child or brother or sister has attained the age of 21 years. Provided also that no allowances shall be paid in respect of a child or brother or sister after the marriage of such child or brother or sister.

Cancellation  
of previous  
Orders in  
Council.

27. The provisions of the Order in Council, P.C. 1366, dated the 22nd June, 1918, are hereby rescinded as from the first day of March, 1919, but the allowances which at the date of this Order in Council are being paid under the provisions of P.C. 976, dated the 12th April, 1917, to a former member of the forces undergoing training and to his dependent or dependents may in the discretion of the department continue to be paid until his training has been completed.

28. The decision of a Naval or Military Medical Board or of a medical officer of the department under the provisions of clause (1), and the decision of the department under the provisions of clauses (1), (6), (10), (11), (12), (13), (14), (16), (18), (20), (21), (22), (23), (27), (29), and (30), and the decision of the Board of Pension Commissioners for Canada under the provisions of clause (22), shall be final.

Treatment and training—departmental decision final.

29. The provisions of this Order in Council shall not apply to any former member of the forces who is certified by a Naval or Military Medical Board or a medical officer of the department to be insane, provided that an out-patient of a hospital for the insane may in the discretion of the department be paid the allowances set forth in clause 16 hereof.

Insane former members of the forces.

30. The provisions of this Order in Council and of the Order in Council of the 21st February, 1918, (P.C. 432), shall not unless the department otherwise directs extend and apply to any person who has served in the Naval and Military Forces of His Majesty during the present war who,—

Treatment and training to whom Order in Council does not apply.

(a) has been cashiered or dismissed the service by sentence of court martial;

(b) has been deprived of his commission or warrant by reason of misconduct;

(c) has been called upon to retire or to resign his commission or warrant by reason of misconduct;

(d) has been discharged having been sentenced to be discharged with ignominy or in the Naval Forces with or without disgrace;

(e) has been discharged having been sentenced to penal servitude or having been sentenced by court martial to imprisonment for two years or more.

(f) has been discharged during his service having been convicted by the civil power of an offence punishable by imprisonment for more than two years committed either before or after enlistment, or

(g) has been discharged for misconduct, or to any person who has served in the Naval or Military Forces of any of His Majesty's Allies during the present war, who has been retired or discharged on any like ground.

31. The provisions of this Order in Council shall be operative from the 1st day of March, 1919, and the allowances hereby authorized shall continue until the Governor in Council shall by Order in Council otherwise provide, provided that the provisions of subsection 1 of clause 23 shall be made retroactive to the 1st July, 1918.

*Vide Canada Gazette*, supplement, 15th March, 1919.

## Soldier Settlement Land Regulations.

*P.C. 1158—May 14, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, is pleased to approve and doth hereby approve the following regulations for the granting of free entries on Dominion lands to settlers under the authority of the *Soldier Settlement Act, 1917*:—

### SOLDIER SETTLEMENT LAND REGULATIONS—CANADA, 1918.

#### AUTHORITY.

1. These regulations are made and approved under the provisions of the *Soldier Settlement Act, 1917*, being *An Act to assist Returned Soldiers in settling upon the land and to increase agricultural production*.

#### INTERPRETATION

2. In these regulations, unless the context otherwise requires,—

Definitions.

(a) "Act" means the *Soldier Settlement Act, 1917*;

(b) "Board" means the Soldier Settlement Board;

(c) "Settler" means any person who comes within the meaning of that term as defined in the Act;

(d) "Agent" or "agent of Dominion lands" means a person acting as such under the provisions of the *Dominion Lands Act*;

(e) "Sub-agent" means a sub-agent under the *Dominion Lands Act*;

(f) "Local representative" means any person appointed by the Soldier Settlement Board to act in the capacity of a representative of the board in any particular district, and having such duties and powers as may be assigned to him by the board;

(g) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada to which these regulations apply;

(h) "Soldier entry" means a free entry on Dominion lands granted by the minister to a settler recommended by the board.

(i) "Entry" may mean a soldier entry or an entry granted under the *Dominion Lands Act*;

(j) "Soldier grant" means the Dominion land for which a soldier entry has been granted under the provisions of these regulations.

(k) "Homestead," "purchased homestead," "pre-emption" means land held under homestead, purchased homestead, or pre-emption entry, respectively, under the *Dominion Lands Act*.

"SETTLER" DEFINED.

3. Entry on Dominion lands under the provisions of these regulations may be granted to any person recommended by the board who is a "settler" as defined by the Act.

4. The following persons are "settlers" within the meaning of the Act:—

(a) Any person who has served in the naval or military expeditionary forces of Canada during the present war and who has left the forces with an honourable record or who has been honourably discharged;

(b) Any person who has been engaged in active service during the present war in the naval or military forces of the United Kingdom or of any of the self-governing British dominions or colonies and who has left the forces with an honourable record or who has been honourably discharged;

(c) Any person who, being a British subject resident in Canada before the war, has been engaged in active service at one of the seats of war in either the naval or military forces of any of His Majesty's allies in the present war and who has left the forces with an honourable record or who has been honourably discharged;

(d) The widow of any such person described in items (a), (b) or (c) above who died on active service.

ESTABLISHING RIGHT AS "SETTLER."

Preliminary information form.

5. Any person deeming himself qualified as a settler, and wishing to obtain the benefit of these regulations shall submit to the board such information as will enable the board to determine that he is one to whom the Act applies. This information must be given on the preliminary information form supplied by the board, blank copies of which may be obtained on application to the Soldier Settlement Board, Ottawa, or to any of its local representatives, who, if so desired, will assist the applicant in filling out the form.

Discharge papers.

6. In the case of an applicant who has served in the Canadian Expeditionary Forces, the board will consult the Militia Department concerning his standing; in all other cases the applicant must forward his certificate of honourable discharge (registered mail only is advised for this purpose), or a copy thereof duly certified by the local representative or by a notary public, or such other evidence as may be necessary in order that the board may pass upon applicant's status.

Attestation as to right.

7. Upon the applicant's right as a settler being satisfactorily established, a statement in the form of an "attestation" of such right signed by the chairman of the board shall be issued to the applicant. Such attestation shall not be transferable and shall be surrendered when formal application for entry is made under these regulations.

RESERVATION OF LANDS.

Reservation of lands.

8. The board may request reservation of available Dominion lands for the purposes of the Act.

Lands especially set apart.

9. In the event of any parcel of land reserved under the Act being required for some specific purpose in connection with soldier settlement, or being particularly valuable on account of its location or otherwise, or with respect to which it is ascertained that some person has a right the existence of which was not known at the time the land was reserved for soldier settlement, the board may withhold such parcel of land from general disposition under soldier entry, whether before or after such parcel has been made available for entry, and set apart the same for such disposal as may be deemed proper.

Cancellation of reservation.

10. If in the opinion of the board any parcel of land which has been reserved under the Act is not suitable for the purposes of soldier settlement, the board may request the cancellation of such reservation.

Lapse of all reservations.

11. All reservations of lands under the Act shall lapse three years after the close of the present war.

Timbered lands not open to entry.

12. A quarter-section containing more than twenty-five acres of "merchantable timber" is not open to entry, and if entry is obtainable for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the entry may be cancelled provided that in the case an entry is so cancelled

no compensation shall be made to the entrant for the value to him of the timber on the land.

13. No land shall be open for entry under the provisions of these regulations until it has been surveyed in accordance with the provisions of the *Dominion Lands Survey Act*, and until notice that it is to be open for entry upon a date to be set forth in the notice has been posted for at least thirty days in the land office of the district in which the land is situated, and has been published in at least one newspaper in that district and in one newspaper in the provincial capital; and the printing and publication of the notice shall be made in such manner as is determined by the board.

Surveying and advertising.

Thirty days' notice in case of new surveys.

It shall be the duty of the agent, when requested to do so by the board, to advertise any newly surveyed land reserved under the Act, and to post notices promptly in his office and in each of the offices of the sub-agents in his district.

14. In the case of other then newly surveyed lands, the agent shall, when notified by the board to make any land available for entry under these regulations, advertise such land for ten clear days, unless otherwise directed by the board, by posting a notice in his office, available for public inspection, giving date and hour of the posting and the date on which the land will become available. Such notice shall be in the form prescribed by the board, and a copy of same shall be promptly mailed by the agent to each of the sub-agents and to the representatives of the board in his district, and to the postmaster nearest the land, to be posted in their respective offices.

Ten days' notice in all other cases.

15. Lands reserved under the Act which in the opinion of the board are of a class suitable for the general purposes of soldier settlement, shall, except as herein provided, or as otherwise determined by the board, be made available for soldier entry from time to time to any settler who is eligible to make such entry under these regulations.

Soldier entry on reserved lands.

16. Except as herein otherwise provided, any land reserved under the Act which is available for soldier entry, shall not be deemed reserved as against any person who, being a settler or a member of any body or force serving with the forces of Great Britain or of any of her allies during the present war, is desirous of exercising his homestead right thereon under the provisions of the *Dominion Lands Act*.

Homestead entry on reserved lands.

17. The right of soldier entry may be exercised by any settler qualified as such under the Act on any parcel of land which although not reserved for the purposes of the Act at the time, is open to homestead entry under the provisions of the *Dominion Lands Act*. An application for soldier entry on such land by any person eligible shall *ipso facto* reserve the same for the purpose of the Act.

Soldier entry on lands not reserved.

18. General information concerning lands for soldier settlement may be obtained by any prospective settler on application to the Soldier Settlement Board, Ottawa, or to any representative of the board elsewhere.

Information as to lands.

Precise information as to whether any particular parcel of land is open to soldier entry may be secured on application to the agent of Dominion lands for the district within which the land is situated.

#### APPLICATION FOR ENTRY.

19. Application for a soldier entry may be made in the form prescribed by the board by the holder of an attestation under the Act at the office of the agent of Dominion lands for the district within which the land is situated which shall be the office of record for soldier entries for such district.

Office of record.

20. Application for a soldier entry may be made also before any agent or sub-agent of Dominion lands or before a local representative of the board or any other person authorized by the board to receive such application for transmission to the office of record, but any application so made shall have no force or effect until received at the office of record;

Application made elsewhere.

Provided that where an application for a soldier entry is so made, the person receiving the same may, at the expense of the applicant, wire notice of receipt of the application to the office of record, whereupon, if the land is available, it shall be held for the applicant until the application papers are received.

Notice may be wired.

21. Where an application for soldier entry is made at any place other than the office of record, the person receiving the application shall not receive another application for entry on the same land until first application has been disposed of by the office of record.

No second application.

22. Every application for a soldier entry shall, except as hereinafter provided, be made by the settler in person.

Personal application.

23. Application for entry by proxy is permitted only in the case of a person making entry on behalf of a husband, wife, father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed, or in the case of a person who, for special reasons, has been given permission by the board to make entry on behalf of a settler.

Application by proxy.

The proxy must appear before the agent of Dominion lands for the district; sub-agents and local representatives are not authorized to accept applications or entry by proxy.

The settler on whose behalf such entry is made must, before the expiration of six months from the date of the entry, appear personally before the agent and satisfy him by declaration that he is already in residence or on his way to commence such residence, and in the latter case that he will be in residence before the end of the six months. Should he fail to make appearance, the agent shall, unless otherwise determined by the board, cancel the entry without notice at the end of six months from the date of entry.

Time.

24. Application for soldier entry shall be made only during the regular office hours on every day except Sunday and statutory holidays.

Declaration by applicant.

25. Every applicant for a soldier entry shall make a declaration in the form prescribed by the board that to the best of his knowledge and belief the land with respect to which his application is made is of the class open to entry and that there is no one in residence thereon, and shall state the improvements on the same, if any, and the value thereof; provided that where such declaration is subsequently found incorrect in any material particular, the entry shall be liable to cancellation.

No fees.

26. No fees shall be charged in connection with a soldier entry, but the applicant may be required to pay the value of the improvements, if any, on the land, and any charge or indebtedness against the land.

Application for lands not available.

27. An application for entry on land which is not available for entry at the time the same is made shall not give the applicant any priority of right in the event of the land becoming available.

#### CERTIFICATE OF ENTRY.

What constitutes entry.

28. When application is made in the manner hereinbefore described for land open to entry under the provisions of these regulations, the agent or officer acting for him shall accept it and issue to the applicant a certificate of entry, and the acceptance by the agent, or officer acting for him, of the said application and the issue of the certificate of entry shall constitute a soldier entry under the provisions of these regulations.

Certificate.

29. The certificate of entry shall entitle the recipient to take, occupy, use and cultivate the land entered for, and to hold possession thereof to the exclusion of any other person, and to bring and maintain actions for trespass committed on the said land; and the land shall not be liable to be taken in execution before the issue of letters patent therefor; provided that occupancy, use and possession of land so entered for shall be subject to the provisions of the Act, or regulations thereunder or amendments thereto.

#### PRIOR RIGHT OF ENTRY.

##### *Squatter and Adjoining Settler.*

Squatter before survey.

30. A person who has bona fide settled and made improvements on agricultural land before the survey thereof and was in occupation of and ordinarily resident on the land at the time of survey shall, if eligible to make entry for a soldier grant under these regulations, have a prior right to obtain entry for the land so settled on; Provided that this right is exercised within six months after notice in writing that the land is open for entry has been given by the agent to such settler, or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a soldier grant.

Squatter after survey.

31. The occupation of land after the survey thereof, without entry as provided by these regulations, gives the occupant no right thereto, and the occupant may be ejected as a trespasser, and his improvements forfeited to the Crown.

One day priority to adjoining settler.

32. On the day on which any land is to be made available for entry after being advertised or posted in the manner hereinbefore described, the privilege of entry thereon shall be restricted to a settler eligible to make entry who holds an adjoining quarter-section under homestead or soldier entry, or who obtained homestead patent for such quarter-section and is still the owner thereof, or who was a squatter before survey on such quarter-section.

##### *Conflicting Claims.*

Determining priority.

33. In the event of their being more than one applicant claiming the prior right to entry under the preceding section, the priority of their claims shall be determined by the priority of the dates of their respective entries, or the commencement of residence in the case of squatters before survey.

34. To ensure due consideration being given to the rights of all persons claiming priority, the agent shall receive all applications for entry offering under the pre-

ceding section, if requested to do so, but shall issue no certificate of entry for such land until the close of the office hours of the day on which the prior right of entry is considered; or until the morning of the following day;

Provided that if the agent is advised by wire or otherwise on such day by a sub-agent or a local representative of the receipt by him of an application for entry from a person claiming a prior right of entry for the land affected, and it is evident from the records that such person, by reason of the priority of date of his entry for or commencement of residence on the adjoining homestead has a better claim than any of the other applicants appearing in person, the agent shall hold the land until such application made before the sub-agent or local representative has been received;

Application before sub-agent.

Provided further that if on account of sickness or other satisfactory reason shown to the agent, a settler who according to the records has a prior right of entry over all other applicants is unable to appear in person on such day, the agent may hold the land for such settler for a reasonable length of time, reporting immediately all the circumstances of the case to the board;

Sickness of applicant.

Provided also that if the agent is in doubt as to the priority of any applicant, he shall not grant entry on the land affected, but refer the matter to the board for consideration.

Doubtful cases.

35. Any land which, after having been posted in the manner hereinbefore described, has not been entered for by an adjoining settler on the first day on which such land became available for entry, or if it has not been reserved for any of the reasons above mentioned, it shall be open for entry on the following day to any settler eligible to make entry under these regulations.

Land available to any settler.

*Conditions of Entry.*

36. A soldier entry shall be for not more than a quarter-section of one hundred and sixty acres more or less.

Area.

37. A soldier entry shall convey no right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by such entry or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream or other body of water within or bordering or passing through the land covered by the entry.

Mineral and water right.

38. Entry for land on which there are improvements may be granted only subject to payment by the entrant of the value of such improvements, as determined by the board. Should the entrant fail to pay such value, his entry may be cancelled.

Improved lands

39. Entry for land against which there is a charge in favour of the Crown may be granted only subject to the payment by the entrant of such indebtedness.

Seed grain and other charges.

40. Every soldier entry shall be granted subject to the right of the province to take without compensation at any time prior to the issue of letters patent any land which may be required for road purposes, not exceeding four acres in a quarter-section.

Reservation for roads.

41. Every entry shall be for the sole use and benefit of the holder of the same and not for the use or benefit of any other person or persons whomsoever.

Entry for the sole use of settler.

42. The board may, if it is deemed necessary, require the holder of a soldier entry to furnish proof, by declaration or otherwise, that he is duly performing his settlement duties in each year subsequent to the date of his entry.

Declaration as to duties.

43. A quarter-section of land upon which there is not more than twenty-five acres of "merchantable timber," but upon which there is more than twenty-five acres of timber suitable for cord-wood or fence poles is not open for entry, unless such entry is granted on the condition that it will be subject to the issue of permits upon the remainder of the quarter-section after the entrant has selected, subject to approval, twenty-five acres for his own use.

No compensation for timber.

44. If, after an entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water-power, the board may, at any time before the issue of letters patent, cancel the entry or withdraw from its application, any portion of the land entered for, but where the land is required for the location or construction of works necessary for the development of any water-power, only in so far as the land is necessary for that purpose; provided, however, that no entry shall be cancelled under the provisions of this paragraph until the entrant has been compensated for any improvements made by him upon the land, the amount of such compensation to be fixed by arbitration if the entrant refused to accept the compensation allowed by the board.

Lands required for water supply, etc.

SETTLEMENT DUTIES.

*General Requirements.*

45. Every holder of a soldier entry shall, except as hereinafter otherwise provided, be required before the issue of letters patent,—

General requirements.

- (a) to have held the land for his own exclusive use and benefit for three years;
- (b) to have resided thereon or in the vicinity thereof as hereinafter provided for at least six months in each of three years from the date of entry, or the date of commencement of residence;
- (c) to have cultivated in each year such area of the land entered for as is satisfactory to the board;
- (d) to have erected a habitable house;
- (e) to have paid in full the loan, if any, and interest thereon made to him on the land entered for under the provisions of the Soldier Settlement Loan regulations, and other charges if any;
- (f) to be a British subject, except as otherwise provided.

*Residence.*

Perfecting entry.

46. Every entrant shall be required to perfect his entry within six months from the date thereof by taking possession in his own person of the land, and by beginning residence thereon, and if the entry is not so perfected within that period, it shall be liable to cancellation;

Provided that on cause shown the board may extend the time for perfecting an entry for an additional six months.

Residence.

47. "Residence" for the purpose of these regulations shall be by the settler in person upon the land entered for or in the vicinity thereof as hereinafter provided. Such residence shall be in a dwelling house which is the actual home of the settler during such period of residence. Residence by a member of the settler's family or by any other person as proxy on his behalf will not be accepted.

Vicinity.

48. The entrant may perform the required residence duties by living on a farm of an area of at least eighty acres, situated within a distance of nine miles from the land entered for, in a direct line, exclusive of the width of road allowance crossed in the measurement of the following cause:—

- (a) if he is the sole owner of such farm;
- (b) if such farm is held by him under homestead entry or otherwise under the provisions of the *Dominion Lands Act*;
- (c) if such farm is owned solely and occupied by the father, mother, wife, husband, son, daughters, brother or sister of the entrant, or if it is held and occupied by such relative under provisions of the *Dominion Lands Act* or of these regulations.

Concurrent residence not counted.

49. Any period of residence claimed by a settler towards obtaining patent for any land held by him under the *Dominion Lands Act*, cannot at the same time be counted as residence in connection with his soldier grant.

CULTIVATION DUTIES.

If residence on grant.

50. Where the settler is residing on the land entered for under these regulations, he shall be required to bring a total of at least thirty acres of the land under cultivation, twenty of which must be cropped.

If residence in vicinity.

51. If residence is performed elsewhere as provided the entrant is required to bring at least fifty acres under cultivation, thirty of which must be cropped.

A reasonable portion of cultivation is required to be done in each year.

Rough and wooded lands.

52. Where owing to the character of the land the requirements with respect to cultivation as stated would appear to be excessive, the board may reduce the area required to be cultivated, after the land has been inspected by an officer of the board.

STOCK.

Stock.

53. Where the land entered for is not suitable for cultivation but is adapted for stock raising, the board may, on application from the entrant and after inspection of the land, allow the entrant to substitute stock in lieu of cultivation duties.

The entrant who has been granted the privilege of substituting stock in lieu of cultivation shall keep on the land in each of three years, either for summer grazing or for winter feeding, the following stock which would be solely owned by him:

- (a) in the first year, five head;
- (b) in the second year, ten head;
- (c) in the third year, and in each subsequent year until he obtains patent, sixteen head.

The entrant keeping stock will have the entire land entered for enclosed with a substantial fence to the satisfaction of the board.

Buildings for stock.

54. Suitable buildings for the accommodation of the number of stock kept by the settler in any year shall be erected on the soldier grant, but if his residence duties are being performed under the vicinity provisions, such buildings may be upon land on which he is residing.



## DECEASED ENTRANTS.

55. In the event of the death of any person holding entry under these regulations before the completion of the requirements for obtaining patent, the requirements as to residence shall be waived. The requirements other than residence and naturalization shall be completed by the legal representative of such deceased entrant.

Completion of duties by legal representative.

56. If the entrant dies before perfecting the entry in the manner prescribed by these regulations, his entry shall be liable to cancellation. The board may, however, on satisfactory assurance being furnished that the estate will be administered, and that the requirements of the regulations will be complied with extend the time for the performance of duties.

Unperfected entries.

## INSANE ENTRANTS.

57. In the event of an entrant becoming insane or mentally incapable, and by reason of such insanity or mental incapacity unable to complete the requirements for obtaining patent, the requirements as to residence and naturalization are waived. The requirements other than residence may be completed by his guardian, or committee, or any other person who in the event of his death, would be his legal representative.

Insane entrants.

## PATENT.

58. After the completion of the settlement duties hereinbefore prescribed, the settler may file proof of the completion thereof. Such proof shall be in the form of a sworn statement by the entrant, corroborated by the sworn statement of two disinterested parties resident in the vicinity. The statement of the applicant and his witnesses shall be given before an officer duly authorized by the board to receive such evidence.

Proof of completion of duties.

59. In the event of the death of an entrant, or in the event of an entrant becoming insane or mentally incapable, the proof of the performance of the conditions of the grant shall be made by such person or persons, and in such manner as may be satisfactory to the board.

Deceased and insane entrants.

60. If the proof of the completion of the conditions of entry has not been furnished as herein prescribed, within five years from the date of entry, the right of the entrant in connection with the land entered for shall be liable to forfeiture on the order of the board.

Forfeiture of right on failure to submit proof.

61. If the proof of the fulfilment of the conditions of entry has been submitted as herein prescribed, and such proof is satisfactory to the board, the board will, if there is no charge against the land by reason of a loan granted under the Soldier Settlement Loan regulations, recommend the issue of patent to the entrant, or in the event of the death of the entrant, in the name of his legal representative, or in the name of the deceased direct, if the law of the province within which the land is situated makes no provision for the appointment of a personal representative.

Patent.

62. If the proof of the performance of the settlement duties has been accepted by the board, but there is a charge against the land for advances made under the Act, the board will withhold the issue of patent for such land until such time as the charge has been removed.

No patent until loan repaid

63. In the cases mentioned in the preceding section the entrant, or in the event of his death, such person as would be entitled to receive patent had all the conditions been completed, may receive a certificate from the board setting forth that the requisite settlement duties have been completed, and that upon the indebtedness incurred under the Act being discharged, patent shall issue in the name of the person entitled to receive the same under these regulations.

Certificate as to proof.

## INTERCHANGE OF ENTRIES.

64. For cause shown any two entrants whose entries are in good standing may be granted permission by the board to interchange their respective entries, provided the board is satisfied that the security furnished by a settler who has obtained a loan under the Act will not be impaired by such interchange.

When two settlers may interchange.

## ABANDONMENT OF ENTRY.

65. An entrant may, in the discretion of the board, be granted permission to abandon the land entered for by him upon executing a declaration in the form prescribed by the board and obtain permission to make another entry for any land available for the purpose.

Abandonment and re-entry.

66. Where the entrant, having secured a loan from the board, has created a charge or lien on the land entered for which has not been discharged, the privilege of abandonment and re-entry may be granted only subject to the transfer of such indebtedness to the land on which re-entry is to be made and only where the board is satisfied that the security for the loan will not be impaired by the transaction.

Abandonment  
in favour of  
a relative.

67. Where an entry is in good standing the entrant may in the discretion of the board be granted permission to abandon the land held under entry in favour of a father, mother, sister, daughter, brother, wife, or husband, if eligible to make a soldier entry under these regulations subject to such terms and conditions as the board may prescribe.

#### CANCELLATION OF ENTRY.

Reason for  
cancellation.

68. An entry may be cancelled for any of the following reasons:

(a) If the entrant fails in any year to perform the prescribed settlement duties;  
(b) If an entry has been obtained or granted through error, or misrepresentation, or other fraud;

(c) If an entrant, being one who has obtained a loan from the Soldier Settlement Board fails to pay the instalments of principal and interest at the times when they are payable, or fails to comply with any term or conditions subject to which the loan is made.

(d) If he fails to pay for improvements or any charge outstanding against the land in connection with seed grain, relief, or other liability of any previous entrant or holder of the land;

(e) If an entrant has assigned, mortgaged, or transferred, or agreed to assign, mortgage, or transfer the land held by him under entry, unless otherwise provided;

69. Where an entry has been cancelled for any reason, all the rights of the entrant with respect to the land held by him, shall thereupon cease and determine; but the board may, at its discretion, refund to the person responsible for the improvements, in whole or in part, the money collected on account of such improvements from any subsequent holder or occupant of the land.

#### ADMINISTRATION.

Effect of  
cancellation.

70. In respect of such of the foregoing regulations as have reference to the reservation of lands, and the cancellation of such reservations, the classes of lands open to entry, the advertising of posting of lands, the granting of entry, the settlement of conflicting claims to land, the performance of the conditions of entry, the proof of the completion of duties, the issue of patent, the interchange of entries, the abandonment of entries either unconditionally or in favour of a relative and the cancellation of entries, wherever it is provided that action is to be taken by the board, such action will be carried out through the Department of the Interior.

#### *Effective Date.*

71. These regulations shall become effective on a date to be fixed by the board.

*Vide Canada Gazette*, vol. lii, p. 229.

*P.C. 1621—July 2, 1918*—Whereas the *Dominion Lands Act* (chapter 20 of the statutes of 1908) provides that every application for entry for a homestead shall be made by the applicant in person, unless otherwise provided by regulations made by the Governor in Council;

And whereas under regulations approved by Orders in Council dated the 26th of August, 1908, and the 11th of January, 1915, homestead entry may be made by proxy on behalf of a husband, father, mother, son, daughter, brother or sister.

And whereas it is represented that cases are likely to arise where a number of soldiers eligible for soldier grant entry under the terms of the *Soldier Settlement Act, 1917*, and eligible also to make ordinary homestead entry, desire to send one of their number in advance to select and enter for land on their behalf;

And whereas authority has already been taken under section 23 of the *Soldier Settlement* regulations to meet a case of this kind in so far as the soldier grant entry is concerned, but there is no corresponding provision in the case of an application for ordinary homestead entry by proxy on behalf of a "settler," as defined by the *Soldier Settlement Act*;

Therefore His Excellency the Governor General in Council, in view of the above, is pleased, on the recommendation of the Acting Minister of the Interior, to make the following regulation and the same is hereby made and established accordingly:—

In the case of a "settler" as defined by the *Soldier Settlement Act, 1917*, who is eligible to make ordinary homestead entry, application for entry by proxy may be permitted not only in the case of a person making entry on behalf of a husband, father, mother, son, daughter, brother or sister, but also in the case of a person who for special reasons has been authorized by the Department of the Interior to make entry on behalf of such "settler."

*Vide Canada Gazette*, vol. lii, p. 124.

*P.C. 1805—July 19, 1918*—This Order in Council grants free entries on Dominion lands in the Forty-Mile Railway Belt of the province of British Columbia to settlers under the authority of the *Soldier Settlement Act, 1917*. See ante, p. xxxvii, *P.C. 1158*, May 14, 1918.

*Vide Canada Gazette*, vol. lii, p. 468.

*P.C. 123—January 17, 1919*—Whereas it is provided by section 6 of the regulations passed under the authority of the *Soldier Settlement Act*, concerning the granting of loans to settlers, approved by Council on the 5th of April, 1918, and by section 7 of the regulations under the said Act concerning the granting of free entries on Dominion lands, approved by Council on the 14th of May, 1918, that "Upon the applicant's right as a settler being satisfactorily established, a statement in the form of an attestation of such right signed by the chairman of the board, shall be issued to such applicant."

And whereas qualification Committees are being appointed in each province of the Dominion under the Soldier Settlement Board to determine the qualifications of applicants to benefit according to the provisions of the Act and to convey their findings on each case to the provincial Supervisor of the board;

And whereas it is desirable in order to deal promptly with cases that the provincial supervisors shall have authority to issue certificates that applicants are qualified to benefit under the Act without reference to the board at Ottawa, and it is desirable to amend the regulations accordingly;

And whereas the benefits of the Act are limited to members of the Expeditionary Forces specified in the Act who have left the forces with honourable record or have been honourably discharged, and doubt exists as to what service constitutes honourable record and what is meant by being discharged honourably, and the Soldier Settlement Board has recommended that a definition be made of those members who are entitled to benefit under the Act,—

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, and of the Soldier Settlement Board, is pleased to make and prescribe the following regulations to be the "qualification regulations" of the Soldier Settlement Board and the same are hereby made and prescribed accordingly:—

#### *Qualification regulations.*

1. Pending amendment by statute defining eligibility, the members of the expeditionary forces specified in the *Soldier Settlement Act, 1917*, eligible to benefit thereunder as "settlers" are those members who have been discharged or left the forces after having served in an actual theatre of war or outside the country in which they enlisted, or in the case of the Canadian Expeditionary Forces, after having served in Canada only and having received injury or disability due to service for which pension has been granted; or the widows of any members who died on such service; provided that no member shall be entitled to the benefits of the Act if the discharge certificate or certificate of service granted him by the Department of Militia and Defence, or other military authorities as the case may be, shows dishonourable conduct or record.

2. Qualification committees shall be appointed in advisory capacities under the Soldier Settlement Board in each province to determine the qualifications of applicants. The committee

shall be satisfied that each applicant is qualified as to (a) military service, (b) physical and personal fitness to farm, (c) capital or assets, and (d) farming experience.

3. Any applicant wishing to make application under the Act shall be required to fill up a preliminary information form which shall be in the form provided by the board. The same shall be forwarded to the provincial supervisor. Unless found disqualified without further examination, the applicant may be required by the supervisor to appear in person before a qualification committee.

4. All applicants shall be required before their applications can be dealt with to produce certificates of discharge or other documentary evidence from the Department of Militia and Defence, or other proper military authorities as the case may be, establishing their military service and the character and the termination thereof as required by the *Soldier Settlement Act* and regulations thereunder, and the responsibility shall be upon all applicants of having in their possession and producing the official documents from the proper military authorities establishing their military service. In all cases where such evidence is not satisfactory, the qualification committee or supervisor may reserve decision until the applicant has obtained the necessary evidence. The best assistance of the Soldier Settlement Board shall be given when required to obtaining from the proper military authorities or Pension Boards the information required.

5. Any applicant holding an "attestation" issued by the board certifying to his eligibility so far as military service is concerned, subject to his ability to farm being approved, may be required to appear before a qualification committee before an application from him for loan is dealt with.

6. The qualification committee shall convey to the provincial supervisor its decision respecting each applicant, whether he is a person qualified as above, or is disqualified on one or more of the above-mentioned grounds, or is recommended for training at an agricultural school or with a practical farmer or otherwise. The record of the decision shall be signed by the chairman of the qualification committee or person acting for him.

7. In each case where the applicant is approved as qualified to benefit under the Act, the provincial supervisor shall issue to the applicant a "qualification certificate" which shall be in a form prescribed by the board. In other cases the applicant shall be notified of the training required, or other decision of the committee.

8. Such qualification certificate shall entitle the holder thereof to be dealt with as an applicant for soldier grant entry on available Dominion lands, or as an applicant for a loan on the security of land, as provided in the Act and the regulations thereunder.

9. Pending examination and decision by a qualification committee, the supervisor may, if the applicant is eligible by reason of military service to benefit under the Act, recommend such applicant for entry on Dominion lands under the *Soldier Settlement Act* and regulations thereunder, subject to confirmation after a decision of the qualification committee is given. Application for such entry shall be made in the prescribed manner, and the agent of Dominion lands shall reserve the land, if available, without issuing a certificate of entry pending examination by a qualification committee and pending agricultural training of the applicant, until notified of the final decision of the board. The applicant in the meantime shall not take possession of the land and shall have no rights in respect thereto.

10. Pending appointment of qualification committees, or in the event of qualification committees not meeting within reasonable time, the supervisor may in special cases of urgency, if satisfied that the applicant is qualified, issue a qualification certificate, or may prescribe agricultural training to be taken by the applicant before appearance before a qualification committee, or render such decision as is appropriate to the case.

11. The Soldier Settlement Board shall make such further provisions and regulations as to procedure and otherwise in determining the qualifications of the applicants as are deemed by the board necessary and which are not inconsistent with these regulations.

*Vide Canada Gazette*, vol. lii, p. 2658.

*P.C. 299—February 11, 1919*—Whereas the Minister of the Interior, as such, is charged with responsibility for the administration of the *Soldier Settlement Act*, through the Soldier Settlement Board;

And whereas many applications have been made, and many others will be made, to said board for land for soldier settlement;

And whereas Dominion owned lands available and suitable and within reasonable distance of marketing facilities will fall short of sufficient to satisfy such applications, and it is, therefore, inevitable, that Parliament should be asked to provide, as speedily as possible, authority and money for the acquirement of additional lands for soldier settlement;

And whereas conditions, the result of the granting to the enemy of the existing armistice—which produced an unexpectedly sudden and seemingly final cessation of actual warfare and rendered possible the now rapidly proceeding return and demobilization of the Canadian Forces—render the making by the

Governor General in Council, in anticipation and advance of action by Parliament, of effective provision for the acquirement of such lands and of live stock, equipment and building materials sufficient for disposition to soldier settlers intending to commence farming operations during this year, a matter of present urgent necessity,—

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, and under the authority of section 6 of the *War Measures Act, 1914*, or any other enabling authority, is pleased to enact and order and doth hereby enact and order as follows:—

1. For so long as, pursuant to the provisions of the *War Measures Act, 1914*, this order may lawfully endure, or until the Parliament of Canada shall otherwise provide, the Soldier Settlement Board of Canada, hereinafter referred to as the board have, and is hereby granted and invested with power and authority, in addition to such power and authority as it now has, to acquire by purchase, at prices which to said board, shall seem reasonable or otherwise to acquire, from all governments, departments of governments, persons and corporations, such suitable lands, situate in any part of Canada, and such live stock, equipment and building materials, as the board, for the purposes of soldier settlement, may decide to acquire, but not exceeding in aggregate cost the amount provided under authority of this order.

2. The board may sell to settlers, as in this order defined, any lands so acquired, or any other lands which, apart from the terms of this Order, the board now has or may acquire, or may have or may secure power to sell or dispose of to settlers, but subject, in every case of sale of lands acquired by the board, pursuant to the terms of this Order, to the following provisions:—

(a) Where the individual parcel of land to be sold has been separately acquired, the sale price shall be the cost of the parcel to the board.

(b) Where the individual parcel of land to be sold has been acquired as portion of one or more other parcels, the sale price shall be such amount as, in the opinion of the board, bears the same proportion of the cost of the entire parcel or parcels so acquired as the value of the parcel to be sold bears to the value of the parcel or parcels so acquired.

(c) The terms of payment shall be all cash down, or, at the option of the settler, not less than ten per cent cash down and the balance to be payable in twenty-five or less equal consecutive annual instalments, with interest at five per cent per annum, on the amortization plan, with full privilege of pre-payment. Provided that the board may, in the case of a settler who has had adequate and successful farming experience in Canada, and who is otherwise, in the opinion of the board, possessed of qualifications or equipment specially fitting him for success as a farmer, dispense the settler from the making of the whole or of any portion of the cash down payment, in which case the full, or the remaining portion of the sale price shall be paid, in manner hereinbefore provided with respect to a balance of price by instalments.

(d) No sale shall be made of a larger area than three hundred and twenty acres, nor, except in the case of a settler who is within the terms of the proviso in the next preceding paragraph of this section, shall the balance of purchase price left unpaid to the board at the time of sale exceed four thousand five hundred dollars, nor in the excepted case shall the balance or amount left unpaid exceed five thousand dollars.

3. The board may sell to such settler the live stock and equipment so acquired, but subject in every case of sale to the following provisions:—

(a) The sale price shall be such sum as, according to the calculations of the board, is the cost to it of the live stock or equipment to be sold.

(b) The terms of payment shall be all cash down, or, at the option of the settler, payment in four equal, consecutive, annual instalments, commencing at a date to be fixed by the board, not sooner than two years, and not later than three years from the date of the sale, with interest at five per cent per annum, on the amortization plan, said interest to begin to accrue two years from the date of the sale; the amount owing to the board upon such sale shall be a charge on the settler's land and the title, ownership and right of possession of the live stock and of the increase thereof and of the equipment so sold shall, until the sale price is paid remain in the board; the settler to have full privilege of pre-payment;

(c) The balance of sale price left unpaid to the board at the time of sale shall not exceed two thousand dollars.

4. The board may from time to time advance to any settler to provide or for application to permanent improvements, including buildings, on the settler's land, amounts in money or its equivalent not exceeding in the aggregate one thousand dollars, inclusive of the cost price of the board of building or other materials supplied by the board.

(a) Such advance shall be a charge on the settler's land and shall be repayable in twenty-five equal, consecutive, annual instalments, with interest at five per cent per annum on the amortization plan.

(b) The settler shall have full privilege of pre-payment.

5. All agreements, liens or charges shall be made in such form as is satisfactory to the board.

6. If the board determines, as respects any property, real, personal or other, acquired by it pursuant to the terms of this Order, or as respects any part of such property, that the same cannot or ought not to be sold subject, whether as to sale price or otherwise, to the provisions of this Order, the Board shall report to the Governor General in Council the circumstances, including a statement of the cost to it of such property or part thereof, and shall recommend another sale price, or other terms of sale, as the case may be, whereafter any sale of such property or of such part thereof shall be made for such sale price or upon such other terms as the Governor General in Council may direct.

7. All sales of property, real, personal or other, made pursuant to the provisions of this Order and whereon any balance of the sale price shall remain payable by instalments, shall be evidenced by agreement of sale, which shall fully set forth the terms of sale. If any instalment mentioned in any such agreement of sale is not punctually made, or if default is made in respect to any other provision of such agreement of sale, the board shall be at liberty, without any formal re-entry or retaking and without resort to proceedings in equity or at law, to rescind such agreement, to cancel such agreement of sale and to resell the property, real, personal or other, to another settler. The effect of such rescission and cancellation shall be to vest such property in the board absolutely free and discharged of all rights and claims of the settler and of all persons claiming or entitled to claim through or under him for an estate in, or lien, charge or encumbrance upon or against such property. If and when such property is resold by the board any surplus remains in its hands beyond the amount owing to it as balance of the sale price and interest at five per cent per annum and expenses of taking over and reselling the property, the board may pay such surplus to the settler, but if, instead, a deficiency arises, that deficiency shall be paid by the settler to the board, which shall have a right of action against him therefor. Before exercising the rights by this section given, the board shall give to the settler notice of its intention so to do, which notice shall be deemed duly given if mailed in any post office by registered letter addressed to the settler at his last address known to the board, thirty clear days before the board acts hereunder.

8. Notwithstanding any law, whether statute or otherwise, in force in any province, authorizing or requiring the registration, recording, or filing of deeds, mortgages, certificates or judgments, attachments, bills of sale or other documents which effect title to, or evidence the existence of liens or charges upon property, real, personal or other, or which authorize the levy upon, or sale under, attachments, execution, or other process, or the expropriation or seizure of, property, real, personal or other, unless the board shall otherwise consent in writing, (a) the lands of a settler, and (b) his live stock and equipment, which was sold to him pursuant to the provisions of this Order from the board, and the increase of any live stock which was sold to him as aforesaid, or the settler's interest in such lands, live stock and equipment, shall, for so long as the sale price or any part thereof or any interest thereon remain unpaid to the board, be and remain exempt from and not within the operation of such provincial laws.

9. Notwithstanding any law, whether statute or otherwise, in force in any province, unless the board shall otherwise consent in writing—

- (a) No deed, mortgage or other instrument executed by or for the settler, and no judgment recovered, or attachment, execution or other process issued, against the settler shall, as against the board bind or affect (i) the lands of the settler, or (ii) his live stock and equipment, which was sold to him by the board pursuant to the provisions of this order from the board, or the increase of any live stock which was sold to him as aforesaid, for so long as the sale price of said lands, live stock or equipment, or any part thereof or any interest thereon, remains unpaid to the board.
- (b) The wife of any settler shall not, for so long as the sale price, or any part thereof or any interest thereon, or any charge in favour of the board, remains unpaid upon any lands which were sold to a settler pursuant to the provisions of this Order by the board, have in priority of any claims or charge of the board against or upon such lands any estate of dower in such lands, nor, during the same period, shall the husband of any settler have in priority as aforesaid any estate of curtesy in such lands, nor shall the *Mechanics' Lien Acts* or other lien Acts or the dower or homestead laws of any province extend or apply in priority as aforesaid to said lands.
- (c) No sale, gift, delivery, barter, exchange, pledge, charge, lien or other transaction by or for the settler to or with any person, corporation or body other than the board, and purporting to affect or bind any of such lands, live stock or equipment or any part thereof, so sold, or the increase of any live stock so sold, shall, while the sale price of such lands, live stock and equipment, or of any part thereof, or any interest on such price thereof, remains unpaid, have as against the board any effect whatever, it being the object, intent and purpose of this Order, that for so long as any sum shall remain unpaid upon the aggregate advances or payments made from time to time by the board to or on behalf of a settler, and secured by or charged upon the properties, real, personal or other, upon which advances and payments have been made and so secured or charged by the board, shall be a continuing security for such sum or sums as shall at any time remain unpaid upon any of such advances and payments, and that none of such properties, on or by which such advances and payments are secured or charged, nor any interest of the settler therein, shall be capable of being voluntarily or involuntarily alienated or charged or encumbered to the prejudice of the claims or charges of the board, whether

subsequently to the security or charge of the board or otherwise, without the consent of the board, but all lawful transactions by or with and all lawful proceedings against the settler, and all provincial laws affecting him or his property or his property interests, shall, as respects any property, real, personal or other, sold to him by the board, have full effect otherwise, saving and excepting that if the produce or crop of the settler's lands sold to him by the board is seized or taken in execution or under any other process, whether the settler shall or shall not have fully paid for said lands, and whether said produce or crop is seized or taken standing, or out, or in barn, or otherwise, such produce or crop shall stand charged with a claim in favour of the board for payment of all instalments due or overdue at the time of seizure or taking, by the settler to the board in respect of the settler's land, live stock, equipment and permanent improvements, and as well all such instalments as will mature within twelve calendar months thereafter.

10. The word "settler" where used in this order shall mean "settler" as defined in the *Soldier Settlement Act, 1917*, and the expression "his land" and similar expressions throughout this order, having reference to the settler shall be deemed to refer to property, real, personal or other, according to the context, which was sold to the settler by the board, pursuant to the provisions of this order, whether such property is or is not fully paid for.

11. For enabling such acquirement of lands, live stock, equipment and building materials, the amount appropriated by Parliament for the purposes of the *Soldier Settlement Act, 1917*, may be used, and in the event of such appropriation being insufficient, the Minister of Finance shall, out of the War Appropriation, 1918-19, provide to the credit of the Soldier Settlement Board of Canada, the sum of two million dollars.

*Vide Canada Gazette*, vol. lii, p. 2659.

*P.C. 925—May 3, 1919*—Whereas the Minister of the Interior reports that it is provided under the regulations of the Soldier Settlement Board affecting Dominion lands, established by the Order in Council of the 14th day of May, 1918, that upon the applicant's right to obtain the benefit of the said regulations by reason of his military service being satisfactorily established, a statement in the form of "attestation" of such right, signed by the chairman of the Soldier Settlement Board, shall be issued to the applicant;

And whereas it is deemed desirable by the Soldier Settlement Board that authority be granted to the provincial superintendents of the board to issue in certain cases to the applicant a statement in the form of "attestation" as aforesaid, such statement to have the same force and effect as if signed by the chairman of the board; also that in the absence of the chairman that another commissioner of the board be authorized to sign,—

Therefore, His Excellency the Governor General in Council, is pleased to order and it is hereby ordered that section 9 of the qualification regulations of the Soldier Settlement Board, established by the Order in Council of the 17th day of January, 1919, shall be and the same is hereby repealed, and the following substituted therefor:—

9. If the applicant is qualified with respect to his military service, and is desirous of securing a soldier grant entry on Dominion lands, a statement in the form of "Attestation" of his right by reason of his military service may be issued to him by the Chairman or other Commissioner of the Soldier Settlement Board, or by a provincial superintendent of the board, which shall have the same force and effect as an "attestation" issued under the provisions of section 7 of the Soldier Settlement Board regulations affecting Dominion lands, as established by the Governor in Council on the 14th day of May, 1918.

*Vide Canada Gazette*, vol. lii, p. 3619.

### War Service Gratuity.

*P.C. 3165—December 21, 1918*—Whereas the Minister of Militia and Defence and the Minister of the Naval Service report that by Order in Council, (P.C. 2032), dated the 17th day of August, 1918, certain regulations respecting payment of post discharge pay to officers, warrant officers and men of the Naval and Land Forces of Canada were enacted.

That in view of the signing of the Armistice in the European War and the consequent demobilization thereafter, a "War Service Gratuity" should be paid to the officers, warrant officers and men of the Naval and Land Forces in place of post discharge pay, and, further that it is desirable that the regulations hereinafter set forth should be made effective from the beginning of the war as regards officers, warrant officers and men of the Naval Forces who have served in a ship of the Royal Navy, and such officers, warrant officers, and men of the Land Forces as have served at the front in an actual theatre of war; and from the 11th November, 1918, as regards officers, warrant officers and men who have not served as above.

Therefore, His Excellency the Governor General in Council is pleased to order, and it is hereby ordered that the said Order in Council of the 17th day of August, 1918, shall be and the same is hereby cancelled, and that the following regulations shall be and they are hereby enacted in lieu thereof:—

1. In these regulations, unless the context otherwise requires:—
  - (a) "Officer," "warrant officer," and "man" shall have the same meanings as are given to the said words in the King's Regulations and Admiralty Instructions or in the *Militia Act*, as the case may be; and "officer" shall include "nursing sister";
  - (b) "retirement" shall include the return to his Militia Unit of an officer who ceases to be actively employed and paid;
  - (c) "discharge" shall include the return to his non-permanent Militia Unit not on active service of a man belonging to any such unit;
  - (d) "overseas" means on the strength for pay and allowances,
    - (I) of a general or administrative staff,
    - (II) of one of the administrative services or departments,
    - (III) of a unit of the Canadian Expeditionary Force, which was out of Canada or the United States, when such pay and allowances were issuable,
    - (IV) of the Clearing Services Command, having been at any time on duty out of Canada or the United States;
  - (e) "at the front in any actual theatre of war" shall not include service in Canada, United States, the British Isles, St. Lucia, Bermuda or the Highseas.
  - (f) "pay and allowances" includes the pay and allowances receivable in money by the officer, warrant officer or man concerned or by his dependents by reason of his service, except allowances in lieu of rations and quarters of subsistence allowance or messing allowance.
2. Except as in these regulations otherwise provided, every officer, warrant officer or man who has served or may hereafter serve in the naval or in the land forces of Canada on active service, as set out in the first column of the schedule of these regulations, who was on the strength of the naval or land forces of Canada on active service on the 11th November, 1918, and who on or after the 11th November, 1918, retires or is retired or is discharged during the present war or during demobilization thereafter, and his dependents shall be entitled to receive a war service gratuity equal in amount to the pay and allowances he and his dependents would have received if he had remained in the service for 31, 61, 92, 122, 153, or 183 days after his retirement or discharge, as specified in the second column of the said schedule, at the same rate of pay and allowances as he and his dependents were receiving or were entitled to receive at the time of his retirement or discharge, or in the case of the Naval Service at the rate of pay and allowances which he and his dependents would have received but for the fact that he was in receipt of any form of lodging allowance or allowances in lieu of provisions, or if he reverted or was reduced overseas to rank lower than the temporary substantive rank held by him on his arrival overseas, unless such reversion or reduction was in consequence of misconduct or inefficiency, than at the rate of pay and allowances to which he and his dependents would have been entitled if he had not so reverted or been reduced, provided that:
  - (a) In the case of an officer, warrant officer, or man with dependents who are entitled or who, if he had immediately prior to his retirement or discharge been in receipt of ordinary Canadian Expeditionary Force rates of pay and allowances, would have been entitled to receive a portion of the gratuity equal to separation allowance; if the amount of the gratuity to which he and his dependents are entitled as above, for a 31-day period, is less than \$100, a consolidated rate of \$100 will be paid in lieu of every payment of 31 or 30 days' pay and allowances, to which he and his dependents are or would have been entitled, as above.
  - (b) In the case of an officer, warrant officer or man without dependents such as are described in clause (a), above, if the amount of the gratuity to which he is entitled, as above, for a 31-day period is less than \$70, a consolidated rate of \$70 will be paid in lieu of every 31 or 30 days' pay and allowances, to which he is entitled, as above.
3. Where separation allowance has been paid or was payable during the service of any officer, warrant officer or man to any dependent or dependents of his, and also in the case of the Naval Service, where separation allowance would have been payable to any dependent or depend-



ents of his but for the fact that he was in receipt of any form of lodging allowance or allowances in lieu of provisions, a portion of the gratuity payable under the preceding paragraph, equal to the separation allowance for the period by reference to which the gratuity is calculated will be paid to the dependent or dependents of such officer, warrant officer or man, who would have been entitled to it if the service of the officer, warrant officer or man had continued, and to the extent of the amount thereof shall be deemed to be a payment in part of the gratuity aforesaid.

4. No officer and no warrant officer of the naval forces or his dependents, and no officer of the land forces or his dependents shall be entitled to the gratuity aforesaid, if—

- (a) He is cashiered or dismissed the service by sentence of a court-martial,
- (b) He is deprived of his commission or warrant by reason of misconduct,
- (c) He is called upon to retire or to resign his commission or warrant by reason of misconduct,
- (d) His resignation from the Canadian Expeditionary Force is accepted by reason of misconduct.

5. No man of the Naval or Land Forces of Canada or his dependents shall be entitled to the gratuity aforesaid if he has been discharged:

- (a) Having been sentenced to be discharged with ignominy, or in the Naval Forces with or without disgrace,
- (b) Having been sentenced to penal servitude or having been sentenced by court-martial to imprisonment for two years or more,
- (c) During his service having been convicted by the civil power of an offence punishable by imprisonment for more than two years, committed either before or after enlistment,
- (d) For misconduct,
- (e) At his own request or at the request of his parents or guardians on the ground that he was under age (unless the Director of Naval Service or the Paymaster General, Militia and Defence, otherwise determines).

6. Any overpayment made to any officer, warrant officer or man or to his dependents may be deducted from the gratuity hereby authorized.

7. If any officer, warrant officer or man, before he and his dependents have received any part of the whole of the gratuity to which they have become entitled under these regulations, is notified as having joined and has been in receipt of pay from any Canadian Naval or Land Force, other than that from which he is retired or discharged, the gratuity or the part thereof which at the time remains unpaid shall not be paid but such officer, warrant officer or man and his dependents, upon his subsequent retirement or discharge, shall, if then otherwise eligible to receive the gratuity, be entitled to receive the same or the part thereof which has not theretofore been paid, by reference either to the pay and allowances of which they were in receipt or to the pay and allowances of which they are in receipt at the time of such subsequent retirement or discharge, whichever were the higher, and he shall, for the purpose of determining the amount of the gratuity by reference to the length and the character of his service, be entitled to count his service in both forces.

8. No officer, warrant officer or man of the Naval or Land Forces, entitled to receive any gratuity in the nature of post discharge pay from the Imperial Government or his dependents shall receive the gratuity herein provided for unless the gratuity allowed under these regulations exceeds the amount of the gratuity granted by the Imperial Government, in which case the difference will be paid.

9. If any officer, warrant officer or man brought forward for retirement or discharge is entitled, pursuant to the recommendation of a Medical Board or a medical officer to receive pay and allowances (other than pension) from the Department of Soldiers' Civil Re-establishment he and his dependents shall not be paid the gratuity until he has submitted to such treatment as the Department of Soldiers' Civil Re-establishment direct and has ceased to receive full pay and allowances from such department. The gratuity when no longer not payable as above, shall be paid in alternate monthly instalments of 31 and 30 days' pay and allowances.

10. If a Naval or Military Medical Board or a Medical Officer of the Department of Soldiers' Civil Re-establishment reports that an officer, warrant officer or man should undergo treatment, and such officer, warrant officer or man unreasonably refuses to undergo such treatment, or if by reason of the misconduct of such officer, warrant officer or man, while undergoing treatment, it is necessary in the discretion of such department to discontinue treatment, the gratuity aforesaid or any part thereof, to which such officer, warrant officer or man and his dependents, at the time such report is received or such treatment is discontinued by the said department may be entitled, may be withheld until the said department has certified that such officer, warrant officer or man has undergone and completed to the satisfaction of the said department the treatment so recommended, or that such misconduct has been excused. Upon the gratuity, being no longer withheld as above, the payments of same shall be made in alternate monthly instalments of 31 and 30 days' pay and allowances. The decision as to what under the provisions of this paragraph constitute unreasonable refusal or misconduct shall rest with the said department, and its decision shall be final.

11. If any officer, warrant officer or man, before he and his dependents have received any part of the whole of the gratuity herein provided for, is reported as being entitled to or in receipt of full pay and allowances from the Department of Soldiers' Civil Re-establishment the gratuity or the part thereof which, at the time, remains unpaid, shall not be paid, but the officer, warrant officer or man and his dependents, upon his subsequent ceasing to be entitled to or to receive

such pay and allowances, shall, if then otherwise eligible to receive the gratuity, be entitled to receive the same or the part thereof which remains unpaid in alternate monthly instalments of 31 and 30 days' pay and allowances.

12. (a) If any officer, warrant officer or man dies before he and his dependents have received any part or the whole of the gratuity herein provided for and if there survive him dependents who would have been entitled under paragraph 3, above, to a portion of the gratuity equal to separation allowance, or who would have been so entitled had the officer, warrant officer or man been in receipt of ordinary Canadian Expeditionary Force rates of pay and allowances immediately before his retirement or discharge, the portion of the gratuity unpaid at the time of his death shall be payable to such dependents.

(b) Except as provided in clause (a), above, if any officer, warrant officer or man dies before he has received any part or the whole of the gratuity herein provided for, the portion of the gratuity unpaid at the time of his death shall not become payable.

13. No officer, warrant officer or man and his dependents shall, irrespective of the length or character of his service in one or several forces, except as provided in paragraph 2, clauses (a) and (b), above, be entitled to receive in all a gratuity equal to more than 183 days' pay and allowances, calculated by reference to the highest rate of pay and allowances to which they were entitled at the time of any retirement or discharge, or calculated by reference to paragraph 2, above.

14. The gratuity herein provided for, except as in these regulations otherwise provided, shall be payable to any officer, warrant officer or man and his dependents, as follows:

31 days' pay and allowances on the day of his retirement or discharge and the remainder, if any, in alternate monthly payments thereafter of 30 and 31 days' pay and allowances.

15. Where it appears that an officer, warrant officer or man, has while in the service, omitted to make proper provision for his wife and children, whether legitimate or illegitimate, or in any case in which the circumstances seem to him to so require, the Director of the Naval Service in the case of the naval forces, or the Paymaster General, Militia and Defence, in the case of the land forces, may direct the gratuity hereby authorized to be applied in or towards the making of provision so far as possible for the said wife and children or as the circumstances may demand.

16. Nothing in these regulations shall adversely affect the rights of any officer, warrant officer or man heretofore retired or discharged under the Order in Council cancelled hereby and his dependents; and in any case where an officer, warrant officer or man of the Naval Forces has served on active service in a ship of the Royal Navy, or where an officer, warrant officer or man of the Land Forces has served on active service at the Front in any actual theatre of war, and was entitled under the Regulations in force at the time of his retirement or discharge to no gratuity or to a gratuity smaller than the gratuity to which he would have been entitled had these regulations been in force at the time of such retirement or discharge, the gratuity provided for by these regulations, less the amount of post discharge pay paid, will be paid to the officer, warrant officer or man and his dependents.

SCHEDULE.

Column 1, Service.	Column 2, Period.
1. (a) In the Canadian Naval Service for three years, six months of which service were in a sea-going ship. . . . .	183 days.
(b) In the Canadian Naval Service for two years and under three years, six months of which service were in a sea-going ship. . . . .	153 "
(c) In the Canadian Naval Service for one year and under two years, six months of which service were in a sea-going ship. . . . .	122 "
(d) In the Canadian Naval Service for less than one year, six months of which service were in a sea-going ship. . . . .	92 "
2. (a) In the Royal Naval Canadian Volunteer Reserve (Overseas Division) in a ship of the Royal Navy for three years. . . . .	183 "
(b) In the Royal Naval Canadian Volunteer Reserve (Overseas Division) in a ship of the Royal Navy for two years and under three years. . . . .	153 "
(c) In the Royal Naval Canadian Volunteer Reserve (Overseas Division) in a ship of the Royal Navy for one year and under two years. . . . .	122 "
(d) In the Royal Naval Canadian Volunteer Reserve (Overseas Division) in a ship of the Royal Navy for less than one year. . . . .	92 "
3. (a) In the Canadian Expeditionary Force for three years, any part of which service was Overseas. . . . .	183 "
(b) In the Canadian Expeditionary Force for two years and under three years, any part of which service was Overseas. . . . .	153 "
(c) In the Canadian Expeditionary Force for one year and under two years, any part of which service was Overseas. . . . .	122 "
(b) In the Canadian Expeditionary Force for less than one year, any part of which service was Overseas. . . . .	92 "
4. In any Canadian Naval or Land Force for three years or over. . . . .	92 "
5. In any Canadian Naval or Land Force for two years and under three years. . . . .	61 "
6. In any Canadian Naval or Land Force for one year and under two years. . . . .	31 "

*Vide Canada Gazette*, vol. lii, p. 2188.

## Separation Allowance

*P.C. 3173—December 24, 1918*—Whereas the Minister of Militia and Defence reports that by Order in Council (P.C. 2375), dated 25th of August, 1917, certain regulations governing separation allowance for the Canadian Expeditionary Force were approved, and by Order in Council (P.C. 3257), dated 29th November, 1917, and by Order in Council (P.C. 2753), dated 7th November, 1918, certain amendments were made thereto, regarding the rates of separation allowance to be paid;

And whereas it is desirable to extend the provisions of the above regulations with respect to dependents who shall be eligible to receive separation allowance, and to revise the regulations in certain other respects,—

Therefore, His Excellency the Governor General in Council, is pleased to approve and doth hereby approve the accompanying regulations governing separation allowance for the Canadian Expeditionary Force, the same to have force and effect from the first day of January, 1919.

### REGULATIONS GOVERNING SEPARATION ALLOWANCE, CANADIAN EXPEDITIONARY FORCE.

#### SECTION 1.—EXPLANATIONS.

1. Separation allowance is a grant made by the Government of the Dominion of Canada to dependents of members of the Canadian Expeditionary Force, while such members in respect of whom it is paid remain on the strength of that force.

2. The object of the allowance is to assist members of the force, while serving therein, to provide and maintain a home for their respective dependents.

3. "Allowance" within the text of these regulations means "separation allowance".

4. "Dependents" within the meaning of these regulations includes:—

(a) Wife.

(b) Motherless legitimate children of an officer or soldier, in the case of boys, under the age of 16, and, in the case of girls, under the age of 17.

(c) Adopted children of an officer or soldier, in the case of boys, under the age of 16, and, in the case of girls, under the age of 17, provided such children have been regularly supported by the officer or soldier.

(d) Widowed mother, if the officer or soldier is her "sole support" and is unmarried within the meaning of these regulations.

(e) Mother, whose husband has deserted her and has not been supporting her for a reasonable length of time, if the officer or soldier is her "sole support" and is unmarried within the meaning of these regulations.

(f) Mother, whose husband is alive but totally incapacitated from earning a living, if the officer or soldier is her "sole support" and is unmarried within the meaning of these regulations.

(g) Mother, such as described in (d), (e) or (f), above, who is mainly dependent on two unmarried sons, both of whom are members of the Canadian Expeditionary Force. If one of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of the other son so long as he is main support.

(h) Mother, such as described in (d), (e) or (f), above, who is dependent on three or more unmarried sons three of whom are members of the Canadian Expeditionary Force. If one or more of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of one of the other sons.

(i) Father, whose wife is dead and who is totally incapacitated from earning a living, if the officer or soldier is his "sole support" and is unmarried within the meaning of these regulations.

(j) Father, whose wife is dead and who is totally incapacitated from earning a living and mainly dependent on two unmarried sons, both of whom are members of the Canadian Expeditionary Force. If one of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of the other son so long as he is main support.

(k) Father, whose wife is dead and who is totally incapacitated from earning a living and dependent on three or more unmarried sons, three of whom are members of the Canadian Expeditionary Force. If one or more of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of one of the other sons.

(l) Woman, with whom an unmarried officer or soldier was living in domestic relations and publicly representing as his wife and regularly supporting on a *bona fide* domestic basis for a reasonable period prior to enlistment.

5. "Officers" within the meaning of these regulations includes all officers and nursing sisters appointed to the Canadian Expeditionary Force.

6. "Soldiers" within the meaning of these regulations includes all ranks, except officers, properly attested and serving on the strength of the Canadian Expeditionary Force.

7. "Unmarried officers and soldiers" within the meaning of these regulations includes widowers without children and married officers and soldiers, provided no separation allowance is issuable to their wives or legitimate children.

8. "Mother" within the meaning of these regulations includes foster-mother and step-mother.

9. "Children" within the meaning of these regulations includes step-children.

#### SECTION 2.—GENERAL INSTRUCTIONS.

10. These regulations will be effective from the 1st day of January, 1919, and supersede all other regulations and enactments previously issued in respect of separation allowance. They will have no retroactive effect other than to confirm decisions already given and action taken in accordance with them.

#### RATES OF ALLOWANCE.

11. The rates of allowance shall be as follows:—

Rank and file, \$30 per month.

Sergeants and higher rank below that of W.O. (1st Class), \$30 per month.

Warrant officers (1st Class), \$35 per month.

Lieutenants, \$40 per month.

Captains, \$40 per month.

Majors, \$50 per month.

Officers of rank higher than that of major, \$60 per month.

12. No person shall receive more than one allowance for his or her own benefit.

13. Separation allowance shall not be issued in respect of a nursing sister who is herself in receipt of separation allowance as a dependent.

14. Only the one allowance may be issued on account of any officer or soldier, and that will be paid to or for his dependent. In exceptional cases, however, as for instance when there is a wife in one locality and children by a former wife in another, the allowance may be divided.

15. If the officer or soldier is in receipt of a salary from the Dominion or a Provincial Government during his service with the Canadian Expeditionary Force, no separation allowance will be paid on his account, unless the salary in question is less than the rate of separation allowance, in which case the difference will be paid.

16. Officers on whose account separation allowance is issuable on the ground of "sole support" and soldiers on whose account separation allowance is issuable or on whose account separation allowance would be issuable, except for the fact that pay from the Dominion or a Provincial Government is issuable, must assign to their dependents not less than 15 days' pay of rank (working pay and field allowance excluded). Such soldiers as above in receipt of working pay will be required to make a remittance of fifty per cent of their working pay to such dependents, in addition to the above compulsory assignment; such soldiers in the Forestry Corps in receipt of consolidated rates of technical pay will be required to remit 50 per cent of such consolidated pay to their dependents. In cases where no such assignment or remittance has been made, a compulsory assignment of 15 days' pay of rank (working pay and field allowance excluded) and a compulsory remittance of 50 per cent of working pay or consolidated pay, above described, may be put in force against the account of the officer or soldier. In cases where a compulsory assignment or remittance is put in force against an officer or soldier, the officer or soldier will be notified forthwith of the action taken. Should he object and submit reasons for his objections, it will be decided whether the compulsory assignment or remittance shall be continued or not.

#### SECTION 3.—CASUALTIES TO THE OFFICER OR SOLDIER.

17. In the case of an officer and in the case of a non-commissioned officer promoted to warrant officer (class one). Separation allowance will increase automatically with promotion, provided such promotion has been confirmed and published in Part II, Daily Orders, quoting competent authority.

18. Promotion to acting rank will also carry with it an increase of separation allowance, provided the officer or acting warrant officer is authorized to draw the pay and allowances of such higher acting rank; or if in receipt of consolidated rate of pay, the rate applicable for any higher acting rank which he holds, instead of the rate authorized for his temporary substantive rank.

19. Increase of separation allowance in the above cases will take effect from the date on which such promotion occurred.

20. The rate of separation allowance will not be reduced when an officer or soldier reverts or is reduced overseas to rank lower than the temporary substantive rank held by the officer or soldier on his arrival overseas, unless such reversion or reduction is in consequence of misconduct or inefficiency. If the rate of separation allowance is reduced in consequence of reversion or reduction to lower rank, such decrease will take effect from date of reversion or reduction.

21. In the cases of officers and soldiers who die while serving and whose dependents are in receipt of separation allowance, separation allowance and assigned pay will continue to be paid until the end of the month in which the casualty is reported.

22. In the cases of officers and soldiers who are reported missing and whose dependents are in receipt of separation allowance, separation allowance will continue to be paid monthly thereafter and assigned pay will continue as from the first day of the month following that in which the casualty is reported begin to be paid monthly thereafter at a rate equal to 15 days' pay of rank of the officer or soldier (working pay and field allowance excluded) until the end of the month in which the officer or soldier is officially reported dead. In cases where Permanent Force allowances have been paid to a dependent in lieu of separation allowance, the assignment in force will continue to the end of the month in which the casualty is reported, and a sum equal to separation allowance and 15 days' pay of rank of the officer or soldier (working pay and field allowance excluded) will be paid from the 1st day of the month following that in which the officer or soldier was officially reported missing until the end of the month in which the officer or soldier is officially reported dead.

23. In the cases of officers and soldiers who die while serving or are reported missing and whose dependents are in receipt of assigned pay only, assigned pay will be continued to the end of the month in which the casualty is first reported.

#### SECTION 4.—WITHDRAWAL, CESSATION AND SUSPENSION.

24. The allowance will be discontinued to a dependent who is, owing to serious misconduct, unworthy to receive it.

25. Except as provided in para. 26, the allowance, if otherwise issuable, will not be withheld for periods in which the officer or soldier forfeits pay.

26. Payment of the allowance and assigned pay will be suspended upon an officer or soldier being reported absent without leave. The account will be closed from the date on which it was suspended, upon the officer or soldier having been absent without leave for 21 days. If the officer or soldier rejoins within seven days, payments suspended under the above provision will be resumed from the date suspended, but if he is absent without leave for more than seven days the allowance will be resumed only from the date upon which he rejoins, and assigned pay not exceeding fifteen days' pay of rank per month will be paid dependents from the date the allowance was resumed.

27. Dependents of officers and soldiers reported "prisoners of war" will continue to draw the allowance as if the officer or soldier were still on active service.

28. When an officer is struck off strength or a soldier is discharged without post discharge pay, or war service gratuity separation allowance will be continued to the end of the month in which the officer or soldier is struck off strength or discharged. When an officer is dismissed the service or a soldier is discharged with ignominy, the allowance will cease on the date of the promulgation of the sentence.

#### SECTION 5.—WIVES AND LEGITIMATE CHILDREN.

29. The allowance will not be granted for motherless children of an officer or soldier if it appear that the officer or soldier has not supported such children for a reasonable period.

30. When the allowance is claimed by an officer or a soldier for his motherless children, a guardian of the children should be named in writing by the officer or soldier for the purpose of receiving the allowance.

31. The allowance will not be issued for dependents who are maintained in a Dominion or Provincial Institution at the expense of the Dominion or a Provincial Government.

32. Where a wife is separated from her husband by divorce, written separation agreement, judicial decree of separation from bed and board, or other similar judicial decree parting her from her husband, and is entitled under such agreement or by order of a competent court to payments from her husband, she will be eligible to receive only the amount of such payments. Such payments will be made from separation allowance issued to her, and if the separation allowance does not equal the amount so agreed upon or ordered to be paid by the court, a compulsory assignment of pay, equivalent to the difference between separation allowance and such payments, but not exceeding 15 days' pay of rank (working pay and field allowance excluded) of the officer or soldier, may be put into effect against the officer or soldier.

33. Where a wife is separated from her husband, as set out in para. 32 above, and is living apart from the children and is not charged with their care, separation allowance or assigned pay or a portion thereof, subject to any valid claim of the wife by virtue of separation agreement or judicial decree, may be issued to the guardian of the children.

34. If a wife has been separated from her husband by divorce, written separation agreement or judicial decree, and it does not appear that the husband is absolved from supporting her, and if the wife furnishes satisfactory explanations for not having obtained a judgment for alimony, separation allowance may be issued to the wife.

35. Where the separation is by virtue of divorce, written separation agreement or judicial decree, and the wife for a reasonable time prior to the enlistment of the officer or soldier was separated from him and was not in receipt of any payments from him or entitled to any payments under an order for maintenance, no issue of separation allowance will be made, unless the officer

or soldier assigned to her 15 days' pay of rank (working pay and field allowance excluded). If the wife is entitled to payments from her husband under an order for maintenance, such payments may be made as prescribed by Order in Council (P.C. 186), dated 24th January, 1918.

#### SECTION 6—OTHER DEPENDENTS.

36. In case where the allowance is issuable under para. 4, clause (1), and the officer or soldier marries after enlistment, if the dependent under para. 4, clause (1), has one or more children of the officer or soldier, the allowance will continue to be paid to her as the guardian of such children, but assigned pay may be transferred to the legal wife. If such dependent has no children of the officer or soldier and the legal wife of the soldier is eligible to receive the allowance, the allowance will be discontinued to the dependent above mentioned and be paid to the legal wife.

37. Any material improvement in the financial condition of a mother receiving the allowance as a mother, must be at once communicated to the officer issuing separation allowance, and the withholding of such information whereby payments have been obtained shall be deemed to constitute fraudulent action.

38. The allowance to a widowed mother will cease upon her remarriage or upon the marriage of her son in respect of whom the allowance has been granted.

#### SECTION 7.—DEATH OF DEPENDENT.

39. In cases where a dependent who is in receipt of separation allowance dies, separation allowance and assigned pay must be paid for the month in which the dependent dies, in trust to be applied towards the funeral expenses of the dependent.

#### SECTION 8.—PROCEDURE FOR MAKING CLAIMS ON ENLISTMENT.

40. On appointment, every officer, and, on enlistment, every soldier claiming separation allowance for a dependent will make application for same to the paymaster of his unit. All applications for the allowance on the ground of "sole support" and as "guardian" must be accompanied by statutory declarations and such other documentary evidence as may be required to substantiate the claim.

41. A soldier who has a dependent, but considers such dependent not eligible for separation allowance under these regulations, will be required to deliver to the paymaster of his unit a statement under oath of the reason he considers such dependent not eligible for the allowance. Otherwise, if such dependent make a claim for separation allowance, it will be assumed that the officer or soldier knows no valid reason why the allowance should not be granted and a compulsory assignment put in force against him.

42. Where the claim for separation allowance under para. 40 is refused as inadmissible, the amount of pay assigned by the soldier will be paid to the person named, unless it appear that the soldier has a dependent eligible for separation allowance, in which case separation allowance may be granted to such dependent and action taken in accordance with para. 16 above.

#### CLAIMS AFTER ENLISTMENT.

43. An officer or soldier intending to marry must inform his paymaster of such intention a sufficient length of time in advance of the marriage to allow steps to be taken to discontinue the issue of any separation allowance or assigned pay previously authorized for another dependent on his account. He will, at the same time, state whether such issue of separation allowance or assigned pay has been authorized and, if so, to whom.

44. As soon as the marriage has taken place upon the production to the paymaster of the marriage certificate, notification, showing the date and place of marriage and the wife's full name and address, will appear in Part II Orders, and an application for separation allowance will be completed by the officer or soldier and delivered to the paymaster. The latter will satisfy himself that the wife of the soldier is of good character before any action in respect of payment is taken. If there is any doubt in the matter, the fullest inquiry is to be made by the paymaster and a report sent to the officer issuing the separation allowance and assigned pay.

45. In cases of dependents other than wives and legitimate children unless the application for separation allowance is made within sixty days of appointment or enlistment, no arrears of the allowance will be issued for the period prior to the first day of the month in which application was made.

*Vide Canada Gazette*, vol. lii, p. 2190.

### Military and Naval Decorations.

*P.C. 2161—September 5, 1918.*—Whereas the provisions with regard to the improper wearing of uniforms require certain amendments for the purpose of extending them to uniforms of forces of His Majesty's allies; of permitting the

wearing of uniforms on certain occasions to which the existing provisions do not extend; of increasing the penalty for a breach of the regulations, and for other purposes;

Therefore His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Militia and Defence, and with the concurrence of the Minister of the Naval Service is pleased, under and by virtue of the powers conferred on the Governor in Council by the *War Measures Act, 1914*, and otherwise, to order and it is hereby ordered as follows:—

The Orders in Council (P.C. 17) dated 4th January, 1918, and (P.C. 1072) dated 2nd May, 1918, making Regulations with regard to the wearing of military and naval uniforms, decorations and medals by persons not authorized or entitled to wear the same are hereby cancelled and the following regulations are hereby made, enacted and substituted therefor:—

1. Except as hereinafter provided no person who is not an officer, warrant officer, man, soldier or air-man of His Majesty's naval, land or air forces shall wear the uniform of any of the said forces, or any uniform of which any part is so similar to the uniform of any of the said forces as to be likely to cause any person to believe that such person is an officer, warrant officer, man, soldier or air-man of any of the said forces.

2. The next preceding paragraph shall not apply,

(a) To any person being an officer or warrant officer of any of the said forces who has been honourably retired therefrom, or a man, soldier or air-man of any of the said forces who has been discharged therefrom otherwise than with disgrace as defined by section 32 of the *Army Act*, who wears the uniform of the rank or grade which he held at the time of his retirement or discharge.

(i) Within one month from the date of his retirement or discharge; or,

(ii) On occasions of ceremony approved by the Senior Naval Officer or the District Officer Commanding, or,

(iii) When permission in writing has been obtained from the Senior Naval Officer or the District Officer commanding the district in which said uniform is worn.

(b) To any officer or man of the Mercantile Marine who wears a uniform authorized by custom or otherwise for the use of such officers or men.

3. Any person not an officer, warrant officer, soldier or man of any of the naval or land forces of His Majesty, who wears uniform in violation of the provisions of paragraph 1 or pursuant to paragraph 2 (a) of these regulations shall, if the uniform is that or similar to that of any land force, be subject to military law as if he were a man on the strength of any corps in the district in which the uniform is worn, or if the uniform worn is that or similar to that of any naval force shall be subject to the *Naval Discipline Act* and the King's Regulations and Admiralty Instructions as if he were borne on the books of any one of His Majesty's Canadian ships.

4. Any such person shall, if he wears uniform in violation of the provisions of these regulations, be liable as for an offence under section 40 of the *Army Act*, or for an offence under section 43 of the *Naval Discipline Act*, as the case may be.

5. No person in Canada shall wear the uniform of any of the naval, land or air forces of any of His Majesty's Allies, or any uniform of which any part is so similar to the uniform of any of the said forces as to be likely to cause any person to believe that such person is an officer or man of any of the said forces, unless he is authorized to wear such uniform in Canada by the law and regulations in force in the country of that one of His Majesty's allies the uniform of one of the naval, land or air forces of which the uniform worn is or appears to be.

6. No person shall wear any distinctive mark relating to wounds received or service performed in war or any military medal, ribbon, decoration, badge or chevron which he is not by law entitled to wear or to wear anything in the same way as or so similar to any such mark, medal, ribbon, decoration, badge or chevron, as to cause any person to believe that the person wearing the same is by law entitled to wear such mark, medal, ribbon, decoration, badge or chevron.

7. No officer or man of the militia shall wear uniform except on occasions upon which he is authorized so to do by the *Militia Act*, or upon such other occasions as may be permitted by any order or regulation in force from time to time.

8. No officer or man of the Royal Canadian Navy shall wear his uniform unless he is borne on the books of one of His Majesty's Canadian ships or other ship of war, and no officer or man of the Royal Canadian Naval Volunteer Reserve shall wear his uniform unless borne on the books of one of His Majesty's Canadian ships or other ship of war or unless he is called up for drill, unless he has special permission in writing from the Director of the Naval Service.

9. In any prosecution under these regulations the onus shall be upon the accused of showing that the wearing of the uniform, mark, medal, ribbon, decoration, badge or chevron with respect to which the charge is laid, was justified in the circumstances.

10. Any person guilty of a violation of any of these regulations shall, whether or not he is liable to any other punishment be liable on summary conviction to a fine of three hundred dollars (\$300) or to six months' imprisonment, or to both fine and imprisonment.

*Vide Canada Gazette*, vol. lii, p. 1106.

## War Badges for Naval Service.

*P.C. 269—February 8, 1919*—Whereas the Minister of the Naval Service reports, on the advice of the technical officers of the Department of the Naval Service, that the regulations for the issue of War Badges to the members of the Royal Canadian Navy and Royal Naval Canadian Volunteer Reserve, authorized by Orders in Council (P.C. 3072), dated 6th November, 1917, and (P.C. 2626), dated 26th October, 1918, require additions and alterations;

Therefore, His Excellency the Governor General in Council is pleased to order as follows:—

The above-mentioned Orders in Council (P.C. 3072), dated 6th November, 1917, and (P.C. 2626), dated 26th October, 1918, are hereby cancelled, and the following are substituted therefor:—

### CLASSIFICATION.

#### *Section 1.*

The following two classes shall, subject to the provisions hereinafter mentioned, be entitled to War Badges, provided that not more than one badge shall be issued to any one person.

*Class "A"*: (i) Members of the R.C.N. or R.N.C.V.R. who served on shore in the British Isles or on any front or at sea in any part of the world during the Great War and who on account of old age, or wounds or physical infirmity (for which they were not themselves directly responsible), and such as would render them unfit for further naval service, have, in the case of officers been honourably retired or relinquished their commissions or in the case of men have been honourably discharged, provided their claims are duly approved. (ii) Members of the R.C.N. or R.N.C.V.R. who have not served otherwise than in a harbour or depot ship, or shore establishment, and who on account of wounds or injuries received as a direct result of an act of the enemy, have, in the case of officers been honourably retired or relinquished their commissions or in the case of men been honourably discharged provided their claims are duly approved. (iii) Members of the R.C.N. or R.N.C.V.R. who served on shore in the British Isles, or on any front or at sea in any part of the world during the Great War and whose service abroad or at sea has been terminated on account of old age, or wounds or physical infirmity for which they were not themselves directly responsible, provided their claims are duly approved.

*Class "B"*: Members of the R.C.N. or R.N.C.V.R. who served during the Great War, but who did not serve on shore in the British Isles, or on any front or at sea in any part of the world and who on account of old age, or wounds or physical infirmity for which they were not themselves directly responsible, such as would render them unfit for further naval service, have, in the case of officers, been honourably retired or have relinquished their commissions, or in the case of men, have been honourably discharged, provided their claims are duly approved.

*Proviso*: The following officers and men are ineligible for the badges issued under classes "A" and "B".

1. Those with less than seven day's service.
2. Those invalidated for disabilities for which they are certified as being themselves directly responsible, e. g. alcoholism, and those who refuse treatment which might reasonably be expected to remove disabilities.
3. Those discharged as a result of venereal disease.
4. Those invalidated for disabilities to which they were subject before entering into the service but the existence of which was specifically denied by them, e. g. fits, etc.
5. Naval cadets.
6. Those discharged on account of alien or enemy connection.
7. Those discharged for inefficiency or incompetency.

*NOTE*.—The claims of those allowed to resign or retire or take their discharge at their own request will be considered only if the grounds of the request are age or ill-health properly certified.

### FORM OF BADGES.

#### *Section 2.*

Badge for Class "A"—The silver badge issued by the Imperial authorities.

Badge for Class "B"—Metal button with shank and back; in the centre of the button a Tudor crown with the inside red enamel; below, the word "Canada"; on a circle surrounding the crown, the words "Honourable Service"; below the crown a cluster of maple leaves; the space between the circle to be filled with white enamel; the back to be soldered on the button; a space on the back of the button for a number and the following words: "Penalty for misuse five hundred dollars (\$500) or six (6) months."



Badges are to be worn on the right breast or right lapel of the jacket, and may now be worn with naval or military uniform by those to whom they have been issued in respect of previous service.

*Section 3.*

1. All badges so approved shall be distributed in such a manner as directed by the Minister of the Naval Service of Canada.

2. Every application shall be made on a form supplied for that purpose containing particulars as to the applicant, and as to the nature of the application accompanied by such proof as may be required from time to time by the authorities by whom such badges are distributed.

3. Unless otherwise directed, such proof may be made by the production of service certificate showing date and cause of discharge and, when required, of further proof of fulfilment of the requisite conditions.

4. The decision of the authorities by whom such badges are distributed upon any application for a badge, shall be final.

5. Every badge so issued shall bear a serial number for purposes of identification.

6. A register shall be kept for each class of badge, in which shall be entered the number of the badge, the reason and date of issue, and particulars of identification of the person to whom it is issued.

7. A certificate signed by the authority issuing the badge and containing the same information and particulars as are entered in the register aforesaid shall be given to each person receiving a badge.

8. Every one now in possession of a button issued by the Canadian Patriotic Fund, must, within one month after the date hereof, apply to the authorities charged with the issue of badges under these regulations for the purpose of registration and obtaining a certificate. Failure to do this will render the offender liable under section 15 hereof.

9. Every person to whom a badge has been issued, shall, at all times, when wearing the badge or having it in his possession, carry with him the certificate, and on the request of any naval officer, police constable or peace officer, produce such certificate.

10. No person, other than the person to whom such badge has been duly issued, shall wear any badge so approved, or any badge so nearly resembling the same as to be calculated to deceive, or any badge purporting to show that the wearer comes within any of the two classes aforesaid.

11. Any person who makes any false representations or in any way illegally or fraudulently attempts to obtain the issue of any such badge or certificate, or any person who is a party to such representation or attempts, shall be guilty of an offence and liable to the penalty provided by paragraph 15 hereof.

12. No person shall, without lawful authority, supply any such badge to any person not authorized to wear the same.

13. In case any person shall lose either his badge or his certificate, he shall forthwith report the loss to the authority by whom the badge was issued, who, in his discretion, may issue a new badge to such person.

14. No person shall manufacture, sell, purchase or wear any badges other than those hereby authorized which purport to show that any person comes within either of the two classes mentioned in section 1 of these regulations.

15. Any person violating or infringing any of the provisions of these regulations shall be liable, upon summary conviction under the provisions of Part XV of the *Criminal Code*, to a fine not exceeding five hundred dollars (\$500), or to imprisonment for a period not exceeding six (6) months.

16. Upon the prosecution of any person for illegally wearing any of the badges herein approved the production of the certificate mentioned in paragraph 7 hereof shall be *prima facie* proof that the accused is entitled to wear the same, but in the absence of such certificate the onus of proof shall be upon the accused.

17. The Governor General in Council may from time to time make further or other regulations for carrying these regulations into effect.

*Vide Canada Gazette*, vol. lii, p. 2586.

### Intoxicating Liquors.

*P.C. 274—February 8, 1919*—Whereas the Minister of Militia and Defence reports as follows:—

That the provisions of the laws in the various provinces of Canada, with regard to the sale of liquor to soldiers in uniform are not sufficiently effective in many cases, especially in the case of civilians purchasing or procuring liquor from licensed dealers and delivering it to soldiers outside the premises without the sale thereof;

That in view of the great number of troops now returning to Canada, it is necessary, in the interests of military discipline and efficiency and for the pro-

tection of soldiers generally, that further restrictions be made in regard to the furnishing of liquor to soldiers in uniform and not on duty. Considerable difficulty has been experienced on account of liquor being supplied to soldiers on troop trains proceeding from the point of disembarkation;

That by Order in Council of the 4th December, 1916 (P.C. 2989) certain regulations were made prohibiting the furnishing of liquor to any member of His Majesty's Forces, while performing certain military duties therein enumerated,—

Therefore His Excellency the Governor General in Council, under the powers conferred upon him by the *War Measures Act, 1914*, is pleased to order and it is hereby ordered that the said Order in Council of the 4th December, 1916 (P.C. 2989), be cancelled, and that the following regulations be substituted therefor:—

1. The sale, gift or delivery of intoxicating liquor to officers and men in uniform, whether members of the C.E.F. or otherwise, and whether on duty or on leave, and under any circumstances save in the course of regular medical treatment administered by or under the direction of medical officers of the C.A.M.C. on active service, or otherwise, in the course of lawful medical or hospital treatment by or under the direction of legally qualified physicians or surgeons, is expressly forbidden.

2. Every person other than medical officers and physicians and surgeons as provided for in the next preceding paragraph, even if licensed for the sale of intoxicating liquor, who sells, gives or delivers intoxicating liquor to officers and men in uniform in violation of these regulations, or of any other regulations in that behalf, shall be guilty of an offence under section 40 of *The Army Act*, and may be apprehended and detained as if subject to military law and tried by general or district court martial, as the circumstances may demand in the opinion of officer commanding the district in which the offence was committed.

3. Any person guilty of a violation of any of these regulations shall, whether or not he is liable to any other punishment, be liable on summary conviction under the provisions of Part XV of the *Criminal Code* to a fine not exceeding \$300 or to imprisonment for any term not exceeding twelve months, or to both fine and imprisonment.

4. In any prosecutions under these regulations the onus shall be upon the accused of proving that the sale, gift, or delivery of such intoxicating liquor to soldiers in uniform was not in contravention of these or any other regulations on this behalf.

*Vide Canada Gazette*, vol. lii, p. 2767.

*P.C. 413—February 24, 1919*—Whereas on the 22nd day of December, 1917, the Prime Minister announced that the importation of intoxicating liquor into Canada would be prohibited thereafter, that the transportation of such liquor into any part of Canada wherein the sale of intoxicating liquor was illegal would be prohibited on and after 1st April, 1918, and that the manufacture of intoxicating liquor within Canada would be prohibited on and after a date to be determined upon further investigation and consideration of the actual conditions of the industry; and

Whereas on the recommendation of the War Committee in order to give full effect to such declaration of policy, and in order to prevent waste, to promote thrift, to conserve resources and to increase national efficiency, certain Orders of His Excellency in Council have been made, prohibiting the importation of intoxicating liquor into Canada, the manufacture of such liquor in Canada, and forbidding the transportation of such liquor into any part of Canada wherein the sale of such liquor is by law prohibited, and the sale of such liquor for delivery in any such part of Canada, and the delivery in any such part of Canada of liquor sold in any other part of Canada; and

Whereas it is expedient to consolidate the said Orders,—

Therefore, His Excellency the Governor General in Council, under and by virtue of the *War Measures Act, 1914*, and all other powers vested in His Excellency in Council, is pleased to make and enact the following regulations, and the same are hereby made and enacted accordingly:—

1. In these regulations:—

(a) "person" includes any body, corporate and politic;

(b) "Province" means any province of Canada, and also includes the Northwest Territories and the Yukon Territory;

- (c) "Prohibited area" means any province, territory, municipality, district, country or other area wherein the sale of intoxicating liquor is under or by any law, federal or provincial, prohibited, and shall include any such area wherein the sale of native wine is prohibited;
- (d) "Licensee" means a person authorized by the law of a province to sell within that province intoxicating liquor for use within that province;
- (e) "Manufacturer" means a person licensed by the Minister of Inland Revenue of Canada to manufacture intoxicating liquor for sacramental, industrial, mechanical, artistic, scientific or medicinal purposes;
- (f) "Intoxicating liquor" means and includes any liquor or beverage which contains more than two and one-half per centum of proof spirits.

2. (1) No intoxicating liquors shall be imported or brought into Canada on or after the twenty-fourth day of December, one thousand nine hundred and seventeen, unless actually purchased for importation into Canada before that day, and actually shipped by the vendor or consignor on or before the thirty-first day of January, one thousand nine hundred and eighteen, and unless evidence satisfactory to the Minister of Customs of the purchase and shipment having been so made is submitted to the said Minister.

(2) The provisions of this regulation shall not apply (a) to wine for use in Divine Service; (b) to intoxicating liquor for medicinal purposes; or (c) to intoxicating liquor for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage; provided that in any such case a special license permitting the importation into Canada of such wine or intoxicating liquor for such purpose has been granted by the Minister of Customs, based upon a formal written evidence of permission, granted by the competent provincial authority to the importer, to possess and use or deal in such wine or intoxicating liquor for such purpose, or if the Government of the province to which such wine or intoxicating liquor is destined has made no provision for such formal procedure, upon other evidence of such purpose satisfactory to the said Minister.

3. (1) No person shall make or manufacture intoxicating liquor or cause intoxicating liquor to be made or manufactured within the Dominion of Canada after the first day of April, one thousand nine hundred and eighteen: provided that in case the sale of intoxicating liquor of any class for beverage purposes is permitted in any province; this regulation shall not apply to the manufacture of such intoxicating liquor in such province until the thirty-first day of December, one thousand nine hundred and eighteen.

(2) Nothing in these regulations shall prevent a manufacturer from making or manufacturing intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes in accordance with the terms of his license.

(3) No person after the first day of April, 1918, shall send, take, transport into, or deliver in any prohibited area any intoxicating liquor, or cause any intoxicating liquor to be so sent, transported or delivered. Provided that any intoxicating liquor actually shipped before the first day of April, 1918, may be delivered in such prohibited area by a common carrier within such period of time as is required for such delivery under the ordinary and usual conditions governing the business of such common carrier, but not later than the first day of May, A.D. 1918. Provided that this regulation shall not apply to the sending, taking, transporting or delivering of native wines in the province of Ontario until the thirtieth day of April, 1919.

(4) No person after the first day of April, 1918, shall either directly or indirectly sell or contract or agree to sell any intoxicating liquor which is in, or which is to be delivered within any prohibited area.

(5) Nothing in this regulation contained shall prevent a licensee or manufacturer from selling, sending, taking or transporting intoxicating liquor to a licensee in any prohibited area, or prevent a common carrier by water or by railway, from transporting or carrying intoxicating liquor from any licensee or manufacturer to a licensee in a prohibited area, or prevent any intoxicating liquor from being so carried through a prohibited area, nor prevent a licensee in a prohibited area from selling and delivering intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes, in accordance with the terms of his license.

(6) The Governor in Council may, in any prohibited area, authorize one or more persons to receive, sell and deliver intoxicating liquors for sacramental purposes only, and if in any prohibited area there should be no licensee authorized to receive, sell and deliver intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes, the Governor in Council may authorize one or more persons in any such prohibited area to receive, sell and deliver intoxicating liquor for such purposes, and any person authorized under this paragraph shall be deemed a licensee within the meaning of this regulation.

(7) The carriage of intoxicating liquor from a licensee or manufacturer to a licensee in a prohibited area, and carriage through any prohibited area shall be only by means of a common carrier by water or by railway, and not otherwise.

(8) During the time any intoxicating liquor is being transported or carried into or through, a prohibited area as aforesaid, no person shall open, or break, or allow to be opened or broken, any package or vessel containing it, or drink, or use, or allow to be drunk or used, any intoxicating liquor therefrom.

4. (1) The burden of proving the right to import, make or manufacture intoxicating liquor, or cause intoxicating liquor to be imported, made or manufactured, or to send, carry or deliver

intoxicating liquor, or cause intoxicating liquor to be sent, carried or delivered into or in a prohibited area, shall be on the person accused.

(2) Every person who violates any of the provisions of these regulations shall be guilty of an offence, and shall be liable on summary conviction to a penalty for the first offence of not less than \$200 and not more than \$1,000 and in default of immediate payment, to imprisonment for not less than three, nor more than six months, and for a second offence to imprisonment for not less than six months nor more than twelve months.

(3) If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power of authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is being imported, taken, transported or carried in violation of these regulations, or is in any premises or place, and that such intoxicating liquor has been imported, manufactured or dealt with contrary to the provisions of these regulations, such officer may grant a warrant to search premises, or place, including any government railway, vehicle or steamship, for such intoxicating liquor and if the same or any part thereof is there found, to seize and bring the same before him; and when any person is convicted of any offence against any of the provisions of these regulations, the officer or officers so convicting shall adjudge and order, in addition to any other penalty, that the intoxicating liquor in respect of which the offence was committed, and which has been seized under a search warrant as aforesaid, and all kegs, barrels, cases, boxes, bottles, packages, and other receptacles of any kind whatsoever, found containing the same, be forfeited to the Crown, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant, or by such other person as may be thereunto authorized by the officer or officers who have made such conviction.

5. After the first day of May, 1918, the Yukon Territory shall be a prohibited area within the meaning of these regulations, provided that any intoxicating liquor actually shipped before the first day of May, 1918, may be delivered in the Yukon Territory by a common carrier within such period of time as is required for such delivery, under the ordinary and usual conditions governing the business of such common carrier, but not later than the first day of June, 1918; provided further that nothing in these regulations shall prevent the sale or other disposal within the Yukon Territory of intoxicating liquor by any person under a license issued under the authority of any ordinance of the Governor in Council relating to the Yukon Territory.

6. These regulations shall be construed as supplementary to the prohibitory laws now in force, or that may be hereafter in force in any province or territory, and shall continue in force during the continuance of the present war, and for twelve months thereafter.

7. The following Orders in Council and the regulations by them enacted are hereby repealed and rescinded:—

P.C. 3473, dated December 22, 1917; P.C. 3484, dated December 26, 1917; P.C. 134, dated January 19, 1918; P.C. 224, dated January 26, 1918; P.C. 589, dated March 11, 1918; P.C. 733, dated March 22, 1918; P.C. 830, dated April 8, 1918; P.C. 1096, dated May 7, 1918; P.C. 1418, dated June 10, 1918; P.C. 3209, dated December 31, 1918.

8. The provisions of sections six and seven of an Act respecting the Revised Statutes, 1906, 6-7 Ed. VII, cap. 43, shall, in so far as applicable, apply *mutatis mutandis* to this consolidation, as if the word "regulations" were therein substituted for the words "Acts" or "Statutes" where the latter words therein respectively occur.

*Vide Canada Gazette*, vol. lii, p. 2660.

*P.C. 805—April 12, 1919*—Whereas the President of the Privy Council reports that subsection 3 of section 4 of the Order in Council of the 24th February, 1919 (P.C. 413), whilst authorizing any of the judicial officers therein mentioned, on information proved upon oath, to issue a warrant requiring any intoxicating liquor imported, manufactured, or dealt with contrary to any of the provisions of the regulations to be seized and brought before him, provides for the forfeiture of such liquor to the Crown, only in the event of a person being convicted of an offence against the regulations in respect of such liquor. That the result of this condition is that where intoxicating liquor has been seized and brought before judicial officers in execution of warrants issued in pursuance of the provisions above mentioned, but no person has been convicted of an offence against the regulations in respect of such liquor by reason of the absence of information as to the identity of the consignor or consignee of such liquor, the presiding judicial officer or officers have been powerless to make any order or direction or declaration for the disposition of such liquor; and the Minister is informed that large quantities of intoxicating liquor which could not be condemned as forfeited to the Crown, on account of the defect in the regulations above described, are presently

held by local authorities pending direction by competent authority as to the disposition to be made of the same;

Therefore, with a view to providing by the regulations for the forfeiture to the Crown of intoxicating liquor seized and held as aforesaid, and also for the disposition of all quantities of liquor forfeited to the Crown under the provisions of the regulations, His Excellency the Governor General in Council, under and in virtue of the powers conferred upon His Excellency in Council by the *War Measures Act, 1914*, or otherwise existing in that behalf, is pleased to make the following regulations, and the same are hereby made and enacted accordingly:—

1. The regulations established by Order in Council of 24th February, 1919 (P.C. 413), with relation to the manufacture, importation and interprovincial shipment of intoxicating liquors within the Dominion of Canada are hereby amended as follows:—

Section 4 is amended by adding thereto the following subsection:—

(4) (a) If in the case of any intoxicating liquor which is seized and brought before any judicial officer or officers in pursuance of the provision of the next preceding subsection, the consignor or consignee or the owner thereof, or the person entitled thereto or claiming the same, cannot be ascertained, and no person establishes a claim to the possession of such intoxicating liquor within a period of fifteen days after the seizure thereof as aforesaid, or within such extended time as the judicial officer or officers may allow, or as may otherwise be allowed by any competent tribunal, then the judicial officer or officers who issued the warrant in execution of which such intoxicating liquor was seized, or, in the case of the death, absence or inability to act of such judicial officer or officers, any other judicial officer or officers having the like jurisdiction, may adjudge and declare such intoxicating liquor, together with all kegs, barrels, cases, boxes, bottles, packages, containers and other receptacles of any kind whatever found containing the same, to be forfeited to the Crown.

(b) The provisions of this subsection may be invoked for the forfeiture to the Crown of any intoxicating liquor, together with the receptacles of whatever description found containing the same, which heretofore has been seized and brought before any judicial officer or officers in pursuance of subsection 3 of this section, but which, in the absence of a conviction of any person for an offence in respect of such intoxicating liquor, could not be forfeited as aforesaid, and is presently held subject to such judicial officer's or officers' direction; provided that the powers conferred by this subsection shall not in any case be exercised before the expiry of fifteen days after the publication of these regulations in the *Canada Gazette*.

(5) As soon as any intoxicating liquor and the receptacles containing the same are forfeited to the Crown, the judicial officer or officers by whom such forfeiture is adjudged and declared, shall immediately transmit to the Minister of Customs and Inland Revenue a notice, in writing, specifying the quantities and descriptions of the intoxicating liquor so forfeited, and shall order that such intoxicating liquor shall immediately be deposited in a customs bonding warehouse within the province wherein such intoxicating liquor is forfeited as aforesaid, to be disposed of as the Minister of Customs and Inland Revenue may direct.

*Vide Canada Gazette*, vol. lii, p. 3186.

### Enemy Debts Committee.

*P.C. 2785—November 11, 1918*—The Committee of the Privy Council have had before them a report, dated 7th November, 1918, from the Secretary of State, representing that the Enemy Debts Committee, established by the Treasury of the United Kingdom on the 13th of November, 1916, has by its preliminary report dated the 4th of April, 1917, and reiterated in a further report dated the 23rd of January, 1918, recommended as follows:

(1) By agreement between the belligerent governments, embodied in the treaty of peace, an arrangement should be made for the settlement by the intervention of the governments of all the indebtedness arising out of commercial, banking and financial transactions which were not completed owing to the outbreak of war. The principle of such a scheme would be that each government should be responsible for collecting the sums ascertained to be due from its own nationals, and would pay the sums ascertained to be due to its nationals the balance being settled between governments.

(2) The agreement should cover other matters, incidental to the settlement on which at present we do not make detailed recommendations. All settlement of indebtedness otherwise than through the agency thus provided by the governments should be prohibited.

(3) The existing prohibitions of payments to enemies and of the restoration of enemy property should be maintained until a satisfactory arrangement has been concluded, including adequate assurance, in the form of tangible security or otherwise, for its execution.

(4) The scheme to be adopted should apply to the British Empire as a whole, and should if possible be concerted with our Allies.

These reports state that there are serious objections to leaving creditors to recover their debts to recourse to the courts of an enemy country, and that enemy debtors would be in a position to use the settlement of their debts as a means of bringing pressure to bear upon creditors to resume commercial relations. It was recommended that immediate steps should be taken to consult the Governments of the Dominions, of India, and of the other portions of the Empire, with the object of obtaining their concurrence in the proposals of the committee. The report further shows that no statement of enemy indebtedness to and claims against Canadians has been submitted, although a request therefor was made, and though similar statements have been received from all other parts of His Majesty's Dominions.

The Minister states that the Consolidated Orders respecting trading with the Enemy, 1916, are administered by the Department of the Secretary of State in so far as investigations of enemy trading and all enemy property are concerned, and that under these Orders the Minister of Finance and Receiver General is the Custodian receiving all payments which, but for the war, would have been made to persons who are now alien enemies, and that to some extent the divided administration of the Orders has prevented such action from being taken in Canada as that taken and reported upon by the Enemy Debts Committee in the United Kingdom.

The Minister, therefore, recommends that a committee be appointed consisting of the Secretary of State of Canada, the Under Secretary of State, an officer of the Department of Finance named by the Minister of Finance, and an officer of the Department of Justice named by the Minister of Justice, for the following purposes:—

To consider and report on the arrangements to be adopted for the liquidation of the commercial, banking and other financial transactions between Canadian and enemy persons the completion of which was prevented by the outbreak of the war;

To consider the reports of the Enemy Debts Committee of the United Kingdom and to report upon the feasibility of action in Canada similar to that recommended by the said committee;

To consider and report upon such steps as may be necessary in Canada to carry on an investigation of claims owing by alien enemies to Canadians and of alien enemy claims against Canadians, for the purpose of taking uniform action in the matter, if the report of the Enemy Debts Committee is acted upon;

To consider and recommend such action as may be necessary to correlate the administration of the government departments in administering the consolidated orders respecting trading with the enemy, and

To take such action as may be considered advisable and necessary to vest in the custodian enemy debts as provided by the aforesaid orders.

*Vide Canada Gazette*, vol. lii, p. 1977.

### Trading with the Enemy Orders.

*P.C. 593—March 19, 1919*—Whereas the Secretary of State reports that the Enemy Debts Committee, appointed by Order in Council dated the 11th November, 1918, for the purpose of considering certain matters therein referred to, has had under consideration the subject of the resumption of payment to, and commercial intercourse with, persons residing or carrying on business in those parts of Belgium, France and Luxembourg formerly occupied by the enemy, and the said committee recommend that there should be no further restriction of the payment of moneys to persons in such territory or upon dealings by such persons with their property in Canada;

That the said Enemy Debts Committee has further had under consideration the provisions of the Consolidated Orders respecting trading with the enemy in so far as they relate to the powers conferred upon the Secretary of State, to order a company being wound up, and the said committee report that such powers are limited so as to hinder appropriate action in certain cases,—

Therefore, His Excellency the Governor General in Council is pleased to order and it is hereby ordered that the Consolidated Orders respecting Trading with the Enemy, 1916, shall be and the same are hereby amended by inserting therein the following, as Order 39A:—

39A. Notwithstanding anything in these orders, where territory of France, Belgium or Luxembourg formerly occupied by a state or sovereign at war with His Majesty, has ceased to be so occupied,

(a) Every one may trade and deal with persons residing or carrying on business in such territory, and may pay money to or for the benefit of such persons, and may deal with property real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal), belonging to or held or managed for or on behalf of such persons or in which such persons are interested, in all respects as though such persons had never been enemies or treated as enemies.

Provided, however, that no debt which was due when such occupation began or which has since become due on account of dealings had before such occupation began, shall be paid to any such person without the written permission of the custodian.

(b) The custodian may pay or transfer to or to the order of any person residing or carrying on business in such territory any money paid to the custodian which, but for such occupation would have been payable or paid to such person, and any property real or personal (including any rights, whether legal or equitable, in or arising out of property, real or personal), belonging to such person or in which such person is interested which has become vested in the custodian pursuant to these Orders.

Nothing in this Order shall affect any rights or liabilities arising from any prohibition by statute, proclamation, these orders and regulations or the common law against trading or dealing during such occupation with persons residing or carrying on business in such territory during such occupation.

And His Excellency in Council is further pleased to order that paragraph 1 of the 17th Order of the Consolidated Orders respecting Trading with the Enemy, 1916, shall be and the same is hereby amended by striking out the word "mainly" and substituting therefor the words "in part," so that the said Order shall read as follows:—

17. (1) Where it appears to the Secretary of State that the business carried on within Canada by any person, firm or company is, by reason of the enemy nationality or enemy association of that person, firm or company, or of the members of that firm or company, or any of them, or otherwise carried on wholly or *in part* for the benefit of or under the control of enemy subjects, the Secretary of State shall, unless for any special reason it appears to him inexpedient to do so, make an order either—

- (a) prohibiting the person, firm or company from carrying on the business, except for the purposes and subject to the conditions, if any, specified in the order; or
- (b) requiring the business to be wound up.

*Vide Canada Gazette*, vol. lii, p. 2935.

*Proclamation—March 29, 1919*—Whereas by Our Proclamation (Imperial) dated the 9th day of September, 1914, called the Trading with the Enemy Proclamation No. 2, certain prohibitions therein specified and set forth as regards trading or having commercial or financial transactions with persons resident or carrying on business in the German Empire or Austria-Hungary were imposed upon persons resident, carrying on business or being in Our Dominions, and it was therein provided that nothing in such Proclamation should be taken to prohibit anything which should be expressly permitted by Our license;

And whereas by the terms of the Armistice agreed upon between the Associated Governments and the German Empire the territory of Alsace-Lorraine, part of the German territory, is now in the occupation of the armies of the Associated Governments, and it is expedient to allow trade and commercial and financial transactions with persons resident or carrying on business in the said territory of Alsace-Lorraine;

And whereas by Our said Proclamation authority was given to allow trade and commercial and financial transactions with persons resident or carrying on business in the said territory of Alsace-Lorraine upon such conditions as in such proclamation appears,—

Now therefore We by and with the advice of Our Privy Council for Canada give and grant full license and authority unto and do hereby permit all persons resident, carrying on business or being in Our Dominion of Canada to trade and have commercial and financial transactions with any person resident or carrying on business in the territory of Alsace-Lorraine (other than and except any persons with whom the President of the French Republic shall order persons resident in France not to trade or have commercial or financial transactions) in as full and ample a manner as if the said territory did not form part of the German Empire, but formed part of the territory of the Republic of France;

Provided always that any license which may be necessary in respect of any transactions under any prohibition of export or prohibition of import for the time being in force in Our Dominion of Canada, is first obtained;

Provided also that the license hereby given shall not permit any person to pay to or for the benefit of any person resident or carrying on business in the said territory any sum of money which by the terms of the Consolidated Orders respecting Trading With the Enemy, 1916, is required to be paid and should still be paid to the custodian thereunder;

Provided also that the license hereby given shall not permit any person to pay or deliver to or on behalf of any person resident or carrying on business in the said territory any sum of money or property of which by the terms of the said Consolidated Orders respecting Trading with the Enemy, 1916, notice has been or ought to have been given prior to the date hereof.

*Vide Canada Gazette*, vol. lii, p. 3177.

*Proclamation—April 2, 1919*—Whereas by Our Proclamation (Imperial) dated the 9th day of September, 1914, called the Trading with the Enemy Proclamation No. 2 certain prohibitions therein specified and set forth as regard trading or having commercial or financial transactions with persons resident or carrying on business in the German Empire or Austria-Hungary were imposed upon persons resident, carrying on business or being in Our Dominions, and it was therein provided that nothing in such Proclamation should be taken to prohibit anything which should be expressly permitted by Our license;

And whereas by the terms of the Armistice agreed upon between the Kingdom of Italy and Austria-Hungary certain territories of Austria-Hungary are now in the occupation of the armies of the Associated Governments, and it is expedient to allow trade and commercial and financial transactions with persons resident or carrying on business in the said territories occupied as aforesaid;

And whereas by Our said Proclamation authority was given to allow trade and commercial and financial transactions with persons resident or carrying on business in the said territories upon such conditions as in such Proclamation appears,—

Now therefore We by and with the advice of Our Privy Council for Canada give and grant full license and authority unto, and do hereby permit, all persons resident, carrying on business or being in Our Dominion of Canada to trade and have commercial and financial transactions with any person resident or carrying on business in the said territories so occupied as aforesaid in as full and ample a manner as if the said territories so occupied did not form a part of Austria-Hungary but formed a part of the territory belonging to Governments with which Our Government is associated;

Provided always that any license which may be necessary in respect of any transactions under any prohibition of export or prohibition of import for the time being in force in the Dominion of Canada, is first obtained;



Provided also that the license hereby given shall not permit any person to pay to or for the benefit of any person resident or carrying on business in the said territories so occupied as aforesaid any sum of money which by the terms of the Consolidated Orders respecting Trading with the Enemy, 1916, is required to be paid and should still be paid to the custodian thereunder;

Provided also that the license hereby given shall not permit any person to pay or deliver to or on behalf of any person resident or carrying on business in the said territories any sum of money or property of which by the terms of the said Consolidated Orders respecting Trading with the Enemy, 1916, notice has been or ought to have been given prior to the date hereof.

*Vide Canada Gazette*, vol. lii, p. 3178.

### Censorship and Enemy Publications.

*P.C. 1241—May 22, 1918*—His Excellency the Governor General in Council, on the recommendation of the Secretary of State, and under the provisions of the *War Measures Act, 1914*, and under all other powers vested in the Governor General in Council, is pleased to amend and doth hereby amend the existing Consolidated Orders respecting Censorship, which were approved by Order in Council of the 17th day of January, 1917, by making and enacting the following orders and regulations respecting censorship and the same are hereby made and enacted accordingly.

#### CONSOLIDATED ORDERS RESPECTING CENSORSHIP.

##### ORDER 1.

*(Cable, Radiotelegraph, Telegraph and Telephone Companies.)*

1. (1) Whenever in this Order the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a persons or persons, firm or partnership and a body corporate or politic.

(2) Whenever in this Order the expression "proper Minister" is used, it shall, with reference to the operations, offices, works or property of any cable company be deemed to refer to the Minister of Militia and Defence; with reference to the operations, offices, works or property of any radiotelegraph company, be deemed to refer to the Minister of the Naval Service; and with reference to the operations, offices, works or property of any telegraph company or any telephone company, be deemed to refer to the Secretary of State of Canada.

2. The proper Minister may by warrant under his hand direct and cause the whole or part of such portion of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company as are within Canada, to be entered and possessed in the name of His Majesty and on his behalf, and to be used for His Majesty's service, and subject thereto, for such ordinary service as to the proper Minister may seem fit.

3. Every person commissioned pursuant to the immediately preceding regulation to enter and take possession of any offices, works or property or part thereof shall and may enter, take possession and use the same as in and by this Order and any warrant issued thereunder authorized, and not otherwise.

4. The proper Minister may, if and when he considers it expedient, direct and authorize such persons as he deems fit that they, either instead of or in addition to taking possession of any such offices, works and property, or any part thereof, assume, in such manner as he may direct, entire or partial control of the transmission of messages by the cables, apparatus or wires of any such company as aforesaid.

5. Every person directed and authorized pursuant to the immediately preceding regulation, to assume control of the transmission of messages by the cables, apparatus or wires of any company, shall and may enter upon the premises of such company and assume control as in and by this Order and any directions issued thereunder authorized, and not otherwise.

6. The proper Minister may direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radiotelegraph apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; and said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

7. The proper Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages, pursuant to any regulation of this Order, and also any person employed by or connected with any such company as is mentioned in regulation No. 2 of this Order, to subscribe to the oath appearing as Schedule "A" to these Orders.

8. All persons who, pursuant to any regulation of this Order have entered, gone into possession or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in regulation No. 2 of this Order, shall obey and conform to all such directions with reference to the transmission and reception of cablegrams, radiotelegraph, telegraph and telephone messages, as the proper Minister may prescribe.

## ORDER II.

### *(Prevention of Circulation of Objectionable Matter.)*

1. Whenever in this Order the expression "objectionable matter" is used, it shall be construed to mean and include:—

- (a) Any adverse or unfavourable statement, report or opinion concerning the causes of the present war or the motives or purposes for which Canada or the United Kingdom of Great Britain and Ireland or any of the allied nations entered upon or prosecutes the same, which may tend to arouse hostile feeling, create unrest or unsettle or inflame public opinion;
- (b) Any adverse or unfavourable statement, report or opinion concerning the action of Canada, the United Kingdom of Great Britain and Ireland or any allied nation in prosecuting the war;
- (c) Any false statement or report respecting the work or activities of any department, branch or offices of the public service or the service or activities of Canada's military or naval forces, which may tend to inflame public opinion and thereby hamper the Government of Canada or prejudicially affect its military or naval forces in the prosecution of the war;
- (d) Any statement, report or opinion which may tend to weaken or in any way detract from the united effort of the people of Canada in the prosecution of the war;
- (e) Any report of, or description of or reference to the proceedings at any secret session of the House of Commons or Senate held in pursuance of a resolution passed by the said House or Senate, except such report thereof as may be officially communicated through the Director of Public Information.
- (f) Any information with respect to the movements, numbers, description, condition or disposition of any of the forces, ships or air craft of His Majesty or any of His Majesty's allies, or with respect to the plans or conduct or supposed plans or conduct of any naval or military operations by any such forces, ships or aircraft, or with respect to the supply, description, condition, transport or manufacture or storage or war materials, or with respect to any works or measures undertaken for or connected with or intended for the fortification of any place, or any information of such a nature as is calculated to be or might be directly or indirectly useful to the enemy.
- (g) Any photograph, sketch, plan, model or other representation of any naval or military work or any dock or harbour work, of such a nature that such representations thereof are calculated to be or might be, directly or indirectly, useful to the enemy;
- (h) Any report or statement intended to likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of His Majesty's allies by land or sea, or to prejudice His Majesty's relations with foreign powers;
- (i) Any report or statement intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces or the operation or administration of any Act or Order in Council concerning National Service;
- (j) Any report or description or purported report or description of the proceedings at any meeting of the Cabinet of Canada;
- (k) The contents of any confidential document belonging to or any confidential information obtained from any government department or any person in the service of His Majesty;
- (l) Any leaflet or pamphlet relating to the present war or to the making of peace which has not printed thereon the true name and address of the author and of the printer thereof;
- (m) Any talking machine record which is calculated to arouse or to foster hostile national sentiment among people of enemy country origin resident in Canada, or is calculated to arouse antagonism towards any of the measures taken for the successful prosecution of the war;
- (n) Any abstract of or extract from a publication the possession of which has been prohibited under this Order in Council; and
- (o) Any advertisement or announcement intended or likely to promote the circulation in Canada of any publication, picture or talking machine record the possession of which has been prohibited under this Order in Council.

2. (1) No person shall, unless with lawful excuse or authority, the proof of which shall lie on him, speak, utter, write, print, publish, post, deliver, receive or have in his possession or on premises in his occupation or under his control, any statement, opinion and report or any letter or other writing or any newspaper, tract, periodical, book, circular or other printed publication or any photograph, sketch, plan, model, record or other representation, containing or consisting of objectionable matter.

(2) No person shall produce any performance on any stage or exhibit any picture or cinematograph film, or perform any act, which is intended or likely to

(a) cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any of His Majesty's allies by land or sea or to prejudice His Majesty's relations with foreign powers; or

(b) prejudice the recruiting, training, discipline or administration of any of His Majesty's forces; or the operation or administration of any act or Order in Council concerning National Service, or

(c) have the effect or the probable effect of objectionable matter as above defined.

(3) Every such speaking, uttering, writing, printing, publishing, posting, delivering, receiving, having, producing, exhibiting or performing shall be deemed an offence against these orders.

3. The Postmaster General or any one authorized by him, may for the purpose of preventing the publication, circulation or distribution of objectionable matter, ascertain the contents of any newspaper, tract, periodical, book, circular or other printed matter, or of any written matter or of any photograph, sketch, plan or other representation which may be passing through or dealt with in any manner in the mails of Canada.

4. The Postmaster General may appoint a Chief Mail Censor for Canada, who shall have charge under the said minister of the carrying out of the provisions of such of the regulations of this order as apply to the post office service.

5. (1) The Secretary of State of Canada, whenever he shall be satisfied that any newspaper, tract, periodical, book, circular, or other printed publication contains or has contained objectionable matter, may by warrant under his hand prohibit the possession within Canada of any issue or copy of such newspaper, tract, periodical, book, circular or other printed matter. Such warrant may limit such prohibition to the possession of one or more numbers, issues or editions of such newspaper, tract, periodical, book, circular or other printed matter, or in case the said Secretary of State shall determine that special circumstances so warrant, he may extend such prohibition to the possession of past and future numbers, issues or editions as well.

(2) From and after publication by the Secretary of State of Canada in the *Canada Gazette* of a notice of the issue of such warrant and of its term conformably to such notice, every number, issue, or copy of such newspaper, tract, periodical, book, circular or other printed matter so prohibited shall for all purposes and by all courts and authorities be conclusively deemed to contain objectionable matter.

6. The Secretary of State of Canada, may, if he considers it expedient so to do, appoint a person to be censor of the writings, copy or matter printed, or the publication issued at any printing house, printing establishment or works, and any person so appointed shall have the right to enter and visit the premises with any assistant or assistants from time to time and to remain there for such time or times as may be reasonably necessary, and to examine, consider, approve or reject any writing, copy or matter printed or proposed to be printed at or issued for publication from the said premises, and after the appointment of any such person and the notification thereof to the proprietor, manager or person in charge of the said premises no writing, copy or other matter shall be printed there or issued for publication therefrom which is not approved by the person so appointed as censor, and any such printing or issue for publication without such approval shall be deemed an offence against these orders.

7. In any prosecution or proceeding brought, had or taken under this order by or on behalf or by the direction or under the authority of the Attorney General of Canada all matters alleged in the information, charge or indictment shall be without proof rebuttably presumed to be true.

8. The Governor General in Council, on the recommendation of the Secretary of State of Canada, may direct all copies of any newspaper, tract, periodical, book, circular or other printed publication, printed, issued, circulated or published in contravention of this Order, in whomsoever's possession they are found, to be seized and destroyed by any peace officer, and the printing presses, plant and machinery used in the printing, publication and circulation of publications containing objectionable matter or published in contravention of this Order shall be seized and the premises where the same are found may be closed indefinitely or for such period as the Secretary of State of Canada may direct.

9. For the purpose of carrying the above provision into effect the Secretary of State of Canada may issue his warrant to any such person under his hand and seal of office, directing any such publication to be seized or destroyed and any such presses, plant, machinery, and material to be seized and the premises wherein the same are printed or published to be closed.

10. Any person so authorized as hereinbefore provided, may require the assistance of such persons and make use of such force as he may deem necessary for the execution of such warrant.

11. Nothing in the present Order and regulation shall be deemed to affect the absolute privilege of members of Parliament or any statement made by any such member as such, in the Senate or House of Commons of Canada.

ORDER III.

(Prosecution and Interpretation.)

1. (1) Any person contravening or failing to observe, abide by or perform any of the provisions of these Orders, or, being a director or other officer of an incorporated company contravening or failing to observe, abide by or perform any of the provisions of these Orders, to the knowledge or with the consent of such director or other officer, shall be guilty of an offence against these Orders.

(2) In any prosecution or proceedings against any such director or officer, the onus of showing that he did not know of or consent to such contravention or failure to observe, abide by and perform shall be upon him.

2. When any objectionable matter shall have been printed, published, produced, exhibited or performed on any premises, the proprietor or other person actually controlling the said premises and the operations carried on therein shall be guilty of an offence against these orders; and in case such offender is an incorporated company every director or officer thereof who shall fail to establish that such offence was committed without his knowledge or despite his protest shall be guilty of an offence against these orders severally and cumulatively with such company.

3. (1) Any person guilty of an offence against these Orders shall be liable to a penalty not exceeding five thousand dollars or imprisonment for any term not exceeding five years, or to both such fine and such imprisonment.

(2) Such penalty may be recovered or enforced either by indictment or by summary proceedings and conviction under the provisions of Part XV of the *Criminal Code*.

4. Sections 629, 630 and 631 of the *Criminal Code* shall be applicable *mutatis mutandis* to an offence under these Orders.

5. For the purposes of the trial of any person for any offence against any of these Orders the offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in which the offender may be.

6 The powers conferred by these Orders are in addition to and not in derogation of, any powers exercisable by members of His Majesty's naval and military forces and other persons to take such steps as may be necessary for securing the public safety and the defence of Canada, and nothing in these Orders shall affect the liability of any person to trial or punishment for any offence or war crime otherwise than in accordance with these Orders.

7. The *Interpretation Act*, Chapter 1 of the Revised Statutes of Canada, 1906, applies for the purpose of the interpretation of these Orders except where inconsistent therewith, in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

ORDER IV.

(Revocation of Orders Consolidated.)

The Order in Council mentioned in Schedule "B" to these Orders are hereby, to the extent indicated in such schedule, revoked,—Provided that the revocation of any such Order in Council shall not:

(a) affect the previous operation of any Order so revoked or anything duly done or suffered under any Order so revoked, or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any Order so revoked, or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Order so revoked, or

(d) affect any proceedings or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid:

and any permission or direction given, or order or requirement made or other action taken under any Order so revoked shall be deemed to have been given, made or taken under the corresponding provision in these Orders.

SCHEDULE "A."

*In the matter of the War Measures Act, 1914.*

AND

*In the matter of the Consolidated Orders respecting Censorship, 1918.*

I,.....of the.....of.....in the.....  
of.....(occupation) do solemnly swear that I will not, until relieved of this  
obligation by notice in writing from the Minister of.....transmit or permit

to be transmitted any message (by cable, wireless, telegraph apparatus, ordinary telegraph or telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada unless I am satisfied on good and reasonable grounds that said message contains no matter giving information such as is calculated to be or might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to.....

Sworn before me at the.....of.....in the.....  
of.....this.....day of.....A.D. 191 ,

## SCHEDULE "B."

(Revoked Orders in Council.)

Number	Date.	Extent of Revocation.
P.C. 146.....	January 17, 1917.....	The whole.
P.C. 915.....	April 16, 1918.....	The whole.

*Vide Canada Gazette*, vol. lli, p. 1683.

*P.C. 2381—September 25, 1918*—His Excellency the Governor General in Council is pleased, under and in virtue of the powers conferred by the *War Measures Act, 1914*, or otherwise vested in the Governor General in Council, to make the following regulations and the same are hereby made and enacted accordingly:—

1. These regulations may be cited as the Order respecting Enemy publications.

2. In and for the purposes of this order:—

(a) "publication" means any book, newspaper, magazine, periodical, pamphlet, tract, circular, leaflet, handbill, poster or other printed matter;

(b) "enemy language" means the language of any country or people for the time being at war with Great Britain or any of her Allies or the language of any country (not belonging to Great Britain or any of her Allies) in whole or in part in occupation or under the control of the armed forces of any State or Sovereign for the time being at war with Great Britain or any of her Allies, and without restricting the generality of the foregoing terms, includes specifically the following languages: German, Austrian, Hungarian, Bulgarian, Turkish, Roumanian, Russian, Ukrainian, Finnish, Estonian, Syrian, Croatian, Ruthenian and Livonian;

For the purpose of the foregoing definition, the certificate of the Secretary of State of Canada that the territory of any country (not belonging to Great Britain or any of her Allies) is in whole or in part in occupation or under the control of the armed forces of a State or Sovereign for the time being at war with Great Britain or any of her Allies shall be deemed to be conclusive evidence of the fact.

(c) "objectionable matter" shall be construed to extend and include the same matters and things as the expression extends to and includes under Order IL, clause 1, exclusive of paragraph (m) thereof, of the Consolidated Orders respecting Censorship, dated May 21, 1918, which shall extend, apply, be construed and have effect with reference to this order as if it had been enacted as part thereof.

(d) "person" shall extend to and include any body of persons, corporate or unincorporate.

3. (1) Any person who, unless thereunto duly licensed by the Secretary of State, imports or brings into Canada, or after the 1st October, 1918, prints, publishes, posts, delivers, receives or has in his possession or on premises in his occupation or under his control within Canada, any publication in an enemy language shall be guilty of an offence and liable to a fine not exceeding \$5,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment, recoverable or enforceable either by indictment or by summary proceedings and conviction under the provisions of Part XV of the *Criminal Code*: Provided, however, that it shall be no offence under this section for any person to import or bring into Canada, or to print, publish, post, deliver, receive or have in his possession or on premises in his occupation or under his control within Canada any publication in an enemy language which is merely of a literary, scientific, religious or artistic character and does not contain any objectionable matter, or which under the authority of the law of any province, is prescribed in the curriculum of, or forms part of a course of instruction in, any university, college, seminary, academy, school or other institution for education or for training in any vocation, but any such publication shall nevertheless be subject to the powers of the Secretary of State of Canada under this order.

(2) If in any prosecution for an offence under this section the person charged claims the benefit of the foregoing proviso the certificate of the Secretary of State of Canada that any publication in any enemy language is not of a literary, scientific, religious or artistic character, or that it contains objectionable matter shall be deemed to be conclusive evidence of the fact.

4. In any prosecution or proceedings brought, had or taken, under this order by or on behalf, or by direction or under the authority of the Attorney General of Canada or of the Attorney General of a province, all matters alleged in the information, charge or indictment shall be without proof rebuttably presumed to be true.

5. (1) The Postmaster General, or any one authorized by him, may, for the purpose of preventing the importation or the circulation or distribution of any publication in an enemy language in contravention of this order, open, examine and ascertain the contents of any newspaper, periodical, letter, circular, pamphlet, parcel or package which may be passing through the post or dealt with in any manner in the mails of Canada; and the like power is hereby conferred upon the Minister of Customs in relation to goods passing through the Customs of Canada.

(2) Any publication in any enemy language found in the mails or Customs of Canada in contravention of this order, shall be seized and held subject to the direction of the Secretary of State of Canada who may order the publication so seized to be destroyed or otherwise disposed of.

6. (1) The Secretary of State may, if he has reason to suspect that any land, building, or place, vehicle, receptacle, or other thing or anything therein or connected therewith has been or is being or is about to be used, constructed, or kept for the purpose of importing into Canada or printing, publishing, storing, delivering or distributing within Canada, any publication in an enemy language, in contravention of this order, or that there is in, on or about the same any publication in an enemy language imported or printed, published, issued, posted, delivered, received or possessed in contravention of this order, issue his warrant to any peace officer or constable directing him to enter, if need be by force, such land, building, or place, vehicle, receptacle, or other thing, at any time of the day or night, and examine and search and inspect the same or any part thereof, and to seize anything found therein or in or about the same or therewith connected, which he has reason to suspect has been or is being used or is intended to be used for any of the purposes aforesaid, including any type or other plant used or capable of being used for the printing or production of any such publication, and all copies of any such publication, or the printer's written copy thereof, and to close the premises used for any of the purposes aforesaid; and the Secretary of State may order anything so seized to be destroyed or otherwise disposed of, and the premises so closed to remain closed for such period as he may direct.

2. Any peace officer, police or constable, so authorized as in this or the next following section provided, may require the assistance of such persons and make use of such force as he may deem necessary for the execution of such warrant.

7. (1) Any judge of a Superior or County Court, or any police or stipendiary magistrate who is satisfied by information in writing upon oath that there is reasonable ground for believing that any land, building, or place, vehicle, receptacle or other thing, has been or is being or is about to be used, constructed or kept for the purpose of importing into Canada or printing, publishing, storing, delivering or distributing within Canada, any publication in an enemy language in contravention of this order, or that there is in, on or about the same any publication in an enemy language imported or printed, published, issued, posted, delivered, received or possessed in contravention of this order, may at any time issue a warrant under his hand, authorizing any constable or other person named therein to enter, if need be by force, such land, building, or place, vehicle, receptacle or other thing; at any time of the day or night, and to examine, search and inspect the same or any part thereof, and to seize and carry before the judge or magistrate issuing the warrant or a justice of the peace for the same territorial division, anything found therein which he has reason to suspect has been or is being used or is intended to be used for any of the purposes aforesaid, including any type or other plant used or capable of being used for printing or production of such publication, and all copies of any such publication.

(2) The judge, magistrate or justice before whom any publication in an enemy language, article or thing so seized is brought, may issue a summons requiring the owner to show cause why such publication, article or thing should not be destroyed, and if the owner does not appear in obedience to the summons, or if upon appearance, he does not satisfy the judge, magistrate or justice that such article or thing had not been used or was not being or intended to be used for any of the purposes in this section hereinbefore mentioned, or that such publication was not imported into Canada, or printed, published, issued, posted, delivered, received or possessed in contravention of this order, the judge, magistrate or justice may order them to be destroyed or otherwise disposed of, and in any other case shall order them to be restored on the expiration of seven clear days to the owner.

(3) For the purposes of this section a summons shall be deemed to be duly served if addressed to the owner of the property seized without further name or description and left at or sent by registered post to the premises on which the property was seized.

(4) If the prosecutor or complainant or any person who has appeared to show cause upon any such summons as aforesaid feels aggrieved by an order made in pursuance of this section, he may have the same remedy by way of appeal as he would have if the the proceedings under this section were brought or taken under Part XV of the *Criminal Code*.

*Vide Canada Gazette*, vol. lii, p. 1277.

*P.C. 703—April 2, 1919*—Whereas the Acting Minister of Justice reports that he has had under consideration the advisability of modifying the regulations established by Order in Council of 25th September, 1918, (P.C. 2381), and its amending orders, entitled “The Order respecting Enemy Publications.” That Canada having ceased to be actively engaged in war, the Minister is disposed to think that the definition of “enemy language” in the order above mentioned may, compatibly with the due safeguard of the public interests, be modified so as to relieve publications in the foreign languages embraced by such definition, other than publications in the German, Bulgarian and Turkish languages, from the special prohibitory provisions enacted by such Order, subject, however, to a provision enjoining the delivery to the Chief Press Censor, for the purpose of censorship, of a copy of every publication in any language other than the English or French printed or published in Canada or imported or brought into Canada. That any such publication, so delivered, which is found to contain “objectionable matter” within the scope of the definition of this term contained in the Consolidated Orders respecting Censorship, may be appropriately dealt with under the regulations established by that Order; Therefore His Excellency the Governor General in Council, under and in virtue of the powers conferred by the *War Measures Act, 1914*, or otherwise existing in that behalf, is pleased to make the following regulations, and the same are hereby made and enacted accordingly:—

1. The regulations established by Order in Council of the 25th September, 1918, (P.C. 2381) as amended by Order in Council of the 15th October, 1918 (P.C. 2521), and by Order in Council of the 13th November, 1918 (P.C. 2693), entitled Order respecting Enemy Publications are hereby amended as follows:—

Section 2 is repealed, and the following substituted therefor:—

- (a) “Publication” means any book, newspaper, magazine, periodical, pamphlet, tract, circular, leaflet, handbill, poster or other printed matter;
- (b) “Enemy language” means the German, Bulgarian, Turkish or Hungarian language;
- (c) “Foreign language” means any language other than English or French;
- (d) “Objectionable matter” shall be construed to extend to and include the same matters and things as the expression extends to and includes under Order II, Clause 1, exclusive of paragraph (m) thereof, of the Consolidated Orders respecting Censorship, dated May 21, 1918, which shall extend, apply, be construed and have effect with reference to this Order, as if it had been enacted as part thereof;
- (e) “Person” shall extend to and include any body of persons, corporate or unincorporate.

Subsection 1 of section 3, as amended by the Order in Council, of 15th October 1918, is repealed and the following substituted therefor:—

3. (1) Any person who, unless thereunto duly licensed by the Secretary of State, imports or brings into Canada, or after the 1st October, 1918, prints, publishes, posts, delivers, receives or has in his possession or on premises in his occupation or under his control within Canada, any publication in an enemy language, shall be guilty of an offence and liable to a fine not exceeding \$1,000, or to imprisonment not exceeding two years, or to both such fine and imprisonment, recoverable or enforceable either by indictment or by summary proceedings and conviction under the provisions of Part XV of the *Criminal Code*; provided, however, that it shall be no offence under this section for any person to import or bring into Canada, or to print, publish, post, deliver, receive or have in his possession or on premises in his occupation or under his control within Canada, any publication in an enemy language (not being newspaper), which is merely of a literary, scientific, legal, religious or artistic character, and does not contain any objectionable matter, or which under the authority of any province is prescribed in the curriculum of or forms part of the course of instruction in any university, college, seminary, academy, school or vocation; but any such publication shall, nevertheless, be subject to the powers of the Secretary of State of Canada under this order.

Section 3 is amended by the addition thereto of the following subsection:

3. (4) Every person who prints or publishes, within Canada, or who imports or brings into Canada for sale or distribution, any publication in a foreign language a true copy whereof has not been delivered to the Chief Press Censor, shall immediately after such publication is printed or published or brought into Canada, deliver a true copy thereof to the Chief Press Censor at Ottawa for his consideration; and the Chief Press Censor may, as to any such publication, a true copy of which has not been delivered to him within a reasonable time (measured by considerations of distance and the available facilities for making delivery), after the printing or publication within Canada, or the importation into Canada, of such publication, by order under his hand published in the *Canada Gazette*, and subject

to revocation in like manner, prohibit the printing, publication, importation, delivery, receiving, posting, distribution, or possession of such publication within Canada, and so long as any such prohibition by the Chief Press Censor is in force, any such publication so prohibited, and any person who imports or brings into Canada, or prints, publishes, posts, delivers, receives, or has in his possession or in premises under his occupation or under his control within Canada, any such publication so prohibited, shall be deemed to be subject to all the provisions of this Order, as if the publications so prohibited had been printed in an enemy language; and the person responsible for the omission to deliver any publication in a foreign language so prohibited to the Chief Press Censor, shall be guilty of an offence and liable to a fine not exceeding \$1,000, or to imprisonment not exceeding two years, or to both such fine and imprisonment, recoverable or enforceable either by indictment or summary proceedings and conviction under the provision of Part XV of the *Criminal Code*.

*Vide Canada Gazette*, vol. lii, p. 3093.

### Pension Regulations.

*P.C. 3070—December 21, 1918*—Whereas the Special Committee appointed to consider and report upon the Pension Board, the pension regulations and the sufficiency or otherwise of the relief afforded thereunder, the pension lists in force in Canada for disabled and other soldiers and the dependents of those killed while on active service and any other matters relating thereto or connected therewith, presented their third and final report to Parliament on the 20th day of May, 1918, which report contained recommendations with regard to the administration of pensions and to amendments in the Pension Regulations which it was considered were necessary to be made;

And whereas it is deemed expedient to make the legislative changes in the pension regulations which were recommended by the Special Parliamentary Committee,—

Therefore, His Excellency the Governor General in Council is pleased to approve and doth hereby approve of amendments and additions to the Pension Regulations as follows:—

1. That in accordance with recommendations Nos. 3 and 4 of the report of the said Parliamentary Committee the following sentences be added to section 1 of Order in Council P.C. 1334 of June 3rd, 1916:

The Commissioners shall devote the whole of their time to the performance of their duties. The approval of the commission to the award of any pension shall be evidenced by the personal signature of at least one of the commissioners.

2. That in accordance with recommendation No. 9 of the report of the said Parliamentary Committee the following section be added, to be known as section 7a to Order in Council P.C. 1334 of June 3, 1916:

7a. No deduction shall be made from the pension of any member of the forces who has served in a theatre of actual war other than the United Kingdom on account of any disability or disabling condition existing prior to enlistment provided that the pre-enlistment disability or disabling condition had not been wilfully concealed by the said member of the forces or was not obviously apparent in the said member of the forces at the time of enlistment. The words "theatre of actual war" as used in this section and in section 7b shall mean any country in which Canadian Naval or Military forces are in contact with the enemy on land or in the case of Naval forces any navigable water.

3. That in accordance with recommendation No. 10 of the report of the said Parliamentary Committee following section be added, to be known as section 7b to Order in Council P.C. 1334 of June 3rd, 1916:

7b. A pension shall be awarded for disability in accordance with the rank or acting rank of the member of the forces at the time the disability was incurred. No variation in rank after such disability was incurred shall affect any pension. The word "disability" as used in this section means such a disability as unfits a member of the forces for service in a theatre of actual war other than the United Kingdom. Any award heretofore made shall be reviewed and determined for the purpose of future payments in accordance with the provisions of this section.



4. That in accordance with recommendation No. 11 of the report of the said Parliamentary Committee the following section be added, to be known as section 9a to Order in Council P.C. 1334 of June 3rd, 1916:

9a. A pension shall be discontinued upon the re-enlistment of a pensioner as a member of the forces in the Expeditionary or Naval Forces. His case, upon re-discharge, shall be considered anew as if his service had been continuous from his first enlistment, provided, however, that after re-discharge no pension shall be awarded in respect of any disability which is not the result of service incurred while the member of the forces was in civil life.

5. That partially in accordance with recommendation No. 12 of the report of the said Parliamentary Committee the following section be added, to be known as section 9b to Order in Council P.C. 1334 of June 3rd, 1916:

9b. If a member of the force should undergo medical or surgical treatment in a sanitarium, hospital, convalescent home or otherwise for any purpose, for the period during which such treatment is necessary and in his interest, and the said member of the forces unreasonably refuses to undergo such treatment, the pension awarded or to be awarded may be reduced or discontinued in the discretion of the commission.

6. That in accordance with recommendation No. 13 of the report of the said Parliamentary Committee the following section be added, to be known as section 9c to Order in Council P.C. 1334 of June 3rd, 1916:

9c. Whenever a pensioner is required to be medically re-examined he shall be entitled to be paid a reasonable amount for travelling expenses and subsistence or loss of wages.

7. That in accordance with recommendation No. 14 of the report of the said Parliamentary Committee the following section be added, to be known as section 9d to Order in Council P.C. 1334 of June 3rd, 1916:

9d. The commission shall have discretion to refuse to award a pension whenever a member of the forces has been dismissed from the service or has been discharged dishonourably or for bad conduct.

8. That in accordance with recommendation No. 15 of the report of the said Parliamentary Committee the following section be added, to be known as section 14a to Order in Council P.C. 1334 of June 3rd, 1916:

14a. Pensioners above the rank of Lieutenant who are totally disabled and who, in addition, are helpless so far as attending to their physical wants is concerned, may, in the discretion of the commission, be awarded a total sum by way of pension and allowance not in excess of that which a totally disabled and helpless lieutenant might be awarded.

9. That in accordance with recommendation No. 16 of the report of the said Parliamentary Committee the following section be added, to be known as section 15a to Order in Council P.C. 1334 of June 3rd, 1916:

15a. In the discretion of the commission a pensioner need not be paid any instalment of his pension which has remained unclaimed by or for him for more than six years from the date such instalment became due. The balance of any pension payable to or for a deceased person shall not be deemed to form part of the assets of the estate of such deceased person but may be paid to the widow, children or dependents of such deceased person as the commission may direct. The commission shall also have authority to apply such money or a portion thereof toward the payment of the expenses of the deceased pensioner's last sickness and burial.

10. That in accordance with recommendation No. 18 of the report of the said Parliamentary Committee the following section be added, to be known as section 15b to Order in Council P.C. 1334 of June 3rd, 1916:

15b. When a member of the forces is married and his wife does not live with him and is not maintained by him the additional allowance for a married member of the forces may, in the discretion of the commission, be refused or, if awarded, may be paid to the wife of the member of the forces.

11. That in accordance with recommendation No. 19 of the report of the said Parliamentary Committee the following section be added, to be known as section 15c to Order in Council P.C. 1334 of June 3rd, 1916:

15c. When a member of the forces has no wife but is wholly or to a material extent maintaining one or both of his parents, an amount equivalent to the additional allowance for a married member of the forces may be paid to him.

12. That in accordance with recommendation No. 17 of the report of the said Parliamentary Committee the following section be added, to be known as section 16a to Order in Council P.C. 1334 of June 3rd, 1916:

16a. A woman who has been divorced or legally separated from a deceased member of the forces and who, at the time of her divorce or separation, was granted alimony or an alimentary allowance shall, if she is without sufficient resources to provide for her own maintenance, be entitled to the same recognition for pension as his widow would have received but in no case shall a pension be awarded to her in excess of the amount of alimony or alimentary allowances which was granted her.

13. That in accordance with recommendation No. 20 of the report of the said Parliamentary Committee the following section be added, to be known as section 16b to Order in Council P.C. 1334 of June 3rd, 1916:

16b. The commission shall have authority to refuse a pension to the widow of a deceased member of the forces who has been separated from him and who was not supported by him for a reasonable time prior to his enlistment and during his service.

14. That in accordance with recommendation No. 21 of the report of the said Parliamentary Committee the following section be added, to be known as section 16c to Order in Council P.C. 1334 of June 3rd, 1916:

16c. The commission shall have authority to suspend or cancel the pension of any female pensioner who is a common prostitute or who openly lives with any man as his wife without being married to him.

15. That in accordance with recommendation No. 22 of the report of the said Parliamentary Committee the following section be added, to be known as section 17a to Order in Council P.C. 1334 of June 3rd, 1916:

17a. The commission may, in its discretion award a pension not in excess of the rate for an orphan child to any child of a member of the forces who is not being maintained by and does not form part of the family cared for by the person who is pensioned as the widow, divorced wife, unmarried wife or parent of the member of the forces. Any such award shall be subject to review at any time and the pension may be continued at the rate provided for children who are not orphans.

16. That in accordance with recommendation No. 23 of the said Parliamentary Committee, section 19 to Order in Council P.C. 1334 of June 3rd, 1916, be struck out and be replaced by the following section:—

19. No allowance shall be paid to or in respect of a child who, if a boy, is over the age of sixteen years, or, if a girl, is over the age of seventeen years except when such child and those responsible for its maintenance are without resources and the child is unable owing to physical or mental infirmity, to provide for its maintenance, in which case the allowance may be continued until such child has attained the age of twenty-one years. No allowance shall be paid in respect of a child after the marriage of such child.

17. That in accordance with recommendation No. 24 of the report of the said Parliamentary Committee the following section be added, to be known as section 22a to Order in Council P.C. 1334 of June 3rd, 1916:

22a. The pension to any parent or person in the place of a parent shall be subject to review from time to time and shall be awarded in amounts necessary to provide maintenance for such parent or person, but in no case shall such pension exceed the amount of pension provided for parents in Schedules C and D appended hereto.

18. That in accordance with recommendation No. 25 of the report of the said Parliamentary Committee the following section be added, to be known as section 22*b* to Order in Council P.C. 1334 of June 3rd, 1916:

22*b*. A parent or person in the place of a parent who was not wholly or materially maintained by a member of the forces at the time of his death but who at a subsequent time falls into a dependent condition may be awarded a pension provided he or she is incapacitated either mentally or physically from earning a livelihood and the commission is of opinion that the member of the forces would wholly or to a material extent have maintained such parent or person had such member of the forces not died.

19. That in accordance with recommendation No. 26 of the report of the said Parliamentary Committee the following section be added, to be known as section 22*c* to Order in Council P.C. 1334 of June 3rd, 1916:

22*c*. A parent or person in the place of a parent shall not be entitled to pension when the widow or any children of a member of the forces are alive and entitled to a pension or allowances provided that when a widow of a member of the forces is not alive or is not entitled to a pension and his children have been living with and in the care of his parents or the person who has been in the place of a parent to him, and such parent or person has been acting in the place of a parent with respect to such children, such parent or person shall be entitled to a pension provided the conditions contained in section 22 of these regulations have been fulfilled. So long as the relationship between such children and such parent or person continues the children shall only be entitled to the allowance prescribed for children who are not orphans.

20. That in accordance with recommendation No. 27 of the report of the said Parliamentary Committee the following section be added, to be known as section 22*d* to Order in Council P.C. 1334 of June 3rd, 1916:

22*d*. The commission shall have discretion to apportion a pension among several applicants of the same relationship to the deceased member of the forces.

21. That the provisions of this Order in Council be deemed to have come into force on the first day of January, 1919, and that they be retroactive only to confirm decisions given and action taken by the commission. That all cases affected by the provisions of this Order in Council be reviewed and future payments made at the rates and in accordance with the provisions set forth therein.

22. That the following additional section be added, to be known as section 32*a* to Order in Council P.C. 1334 of June 3rd, 1916:

32*a*. In special cases of hardship which are not covered by the Pension Regulations and in cases in which special relief should be given, the commissioners shall have exclusive authority to make a recommendation to the Governor in Council and the Governor in Council shall have authority upon such recommendation to award a pension or to afford relief.

*Vide Canada Gazette*, vol. lii, p. 2101.

### Unlawful Associations.

P.C. 2384—September 25, 1918—His Excellency the Governor General in Council, on recommendation of the Minister of Justice, and under the powers conferred by the *War Measures Act, 1914*, or otherwise existing in that behalf, is pleased to sanction and doth hereby sanction the following regulations:—

1. In and for the purposes of these regulations, or of any amending or further regulations relating to the matters herein provided for, unless there be something repugnant in the subject matter or context

(a) "Minister" means the Minister of Justice, and includes the Deputy Minister of Justice.

(b) Where it is provided that any offence shall be punishable by fine and imprisonment it shall be competent to the court adjudging the punishment to impose either fine and imprisonment or both fine and imprisonment within the limits specified according to the discretion of the convicting magistrate.

(c) The provisions of *The Interpretation Act*, Revised Statutes of Canada, 1906, chapter 1, shall apply.

2. The following associations, organizations, societies or groups are hereby declared to be and shall while Canada is engaged in war be deemed to be unlawful associations, viz:—

- (a) The Industrial Workers of the World;
- The Russian Social Democratic Party;
- The Russian Revolutionary Group;
- The Russian Social Revolutionists;
- The Russian Workers Union;
- The Ukrainian Revolutionary Group;
- The Ukrainian Social Democratic Party;
- The Social Democratic Party;
- The Social Labour Party;
- Group of Social Democrats of Bolsheviki;
- Group of Social Democrats of Anarchists;
- The Workers International Industrial Union;
- Chinese Nationalist League;
- Chinese Labour Association;

(b) Any association, organization, society or corporation, one of whose purposes or professed purposes is to bring about any governmental, political, social, industrial, or economic change within Canada by the use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, or physical injury to person or property or threats of such injury in order to accomplish such change or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend while Canada is engaged in war;

(c) Any association which the Governor in Council by notice published in the *Canada Gazette* declares to be an unlawful association or within the description of the last preceding paragraph.

3. Any person who, while Canada is engaged in war, shall act, or profess to act as an officer of any such unlawful association, or who shall sell, speak, write or publish anything, as the representative or professed representative of any such unlawful association or become or continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues, or otherwise to it or to any one for it, or who shall solicit subscriptions or contributions therefor, shall be guilty of an offence against these regulations, punishable by imprisonment for not less than one year and not more than five years.

4. In any prosecution under this Act, if it be proved that the person charged has at any time since the beginning of the present war been a member of an unlawful association, it shall be presumed in the absence of proof to the contrary that he was and continued to be a member thereof at all times material to the case; and if it be proved that the person charged since the beginning of the war repeatedly:

- (a) attended meetings of an unlawful association; or
- (b) spoke publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association it shall be presumed in the absence of proof to the contrary that he is a member of such unlawful association.

5. Where in any prosecution any question of unlawful intent or purpose is in issue the fact that the accused is a member of an unlawful association which practises, advocates, or incites with that intent or purpose shall be relevant to the issue.

6. Any owner, lessee, agent, or superintendent of any building, room, premises or place, who while Canada is engaged in war, knowingly permits therein any meeting of an unlawful association, or of any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, shall be guilty of an offence against these regulations, punishable by fine of not more than \$5,000 and imprisonment for not more than five years.

7. (1) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for, or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Minister or by the Chief Commissioner of Dominion Police, and may thereupon be forfeited to His Majesty.

(2) Any books, newspapers, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents of any kind issued by or on behalf of an unlawful association or advocating its propaganda may, without warrant, be seized or taken possession of by any peace officer, police officer or constable, or by any person thereunto authorized by the Minister, and may thereupon be forfeited to His Majesty.

(3) Any person thereunto authorized may without warrant at any hour of the day or night, with such assistance as he may require, break into and enter any premises or place owned or suspected to be owned or occupied by an unlawful association, or in which any member of an unlawful association is or is believed to be, and seize any articles, books, documents or papers found therein which belong or are suspected to belong to, or to be used or intended to be used for the purpose of any unlawful association or for any prohibited or unlawful purpose, and the same may thereupon be forfeited to His Majesty.

(4) A person shall be deemed to be thereunto authorized, within the meaning of this section, if he is authorized in writing by the Minister, or by the Chief Commissioner of Dominion Police, or by any judge of a superior or county court, or by any police or stipendiary magistrate.

8. Any person who, while Canada is engaged in war, knowingly prints, publishes, edits, issues, circulates, sells, offers for sale, or distributes any book, newspapers, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind in which is taught, advocated, advised or defended or who shall in any manner teach, advocate, advise or defend the use, without authority of law, of force, violence, or physical injury of person or property, or threats of such injury as a means of accomplishing any governmental, political, social, industrial or economic change or otherwise, shall be guilty of an offence against these regulations punishable by imprisonment for not more than five years and not less than one year.

9. No meeting or assemblage of any kind except church meetings or meetings for religious services only, shall be held in Canada during the present war at which the proceedings or any part thereof are conducted in the language or any of the languages of any country or portion of any country with which Canada is at war, or in the language or any of the languages of Russia, Ukraine or Finland, and any person wilfully attending or taking part in any meeting prohibited as aforesaid by this section shall be guilty of an offence against these regulations punishable by a fine of not more than \$5,000 and imprisonment for not more than five years, and if found committing such offence may be apprehended without warrant by any peace officer, police officer or constable and taken before any magistrate having jurisdiction to be dealt with according to law.

10. Any person who during the present war wilfully attends or takes part in any meeting or assemblage of persons

(a) At which the doctrines or propaganda of an unlawful association are advocated or defended; or

(b) At which false reports or statements are made which may interfere, or tend to interfere with the operation or success of the military or naval forces of Canada or the Empire or its Allies, or which may cause, or incite or tend to cause or incite sedition, disloyalty, insubordination, mutiny or refusal of duty in the military or naval forces of Canada, or obstruct or interfere with the recruiting or enlistment services of Canada or whereby injury or mischief is likely to be occasioned to any public interest; or

(c) At which any seditious, disloyal, profane, scurrilous or abusive language is uttered as to the established form of government of Canada or as to the military or naval forces or flags of Canada or of the Empire or its Allies or the uniform of the military or naval forces of Canada or of the Empire or its Allies; or

(d) At which any language is uttered tending to bring the established form of government of Canada or her military or naval forces or the flags of Canada or of the Empire or its Allies into contempt, scorn, contumely or disrepute; or

(e) At which any language is uttered which may tend to incite, provoke or encourage resistance to Canada or the Empire or its Allies, or to promote the cause of its or their enemies, or which may tend to urge, incite or encourage any curtailment of production in Canada of any things or products necessary or essential to the prosecution of the war; or

(f) At which any language is uttered which may tend to cause disaffection to His Majesty or to prejudice the relations of His Majesty with any foreign state, or to assist or encourage His Majesty's enemies or otherwise prevent, embarrass or hinder the successful prosecution of any war in which Canada is engaged; or

(g) Who by any act supports or favours the cause of any country with which Canada is at war or opposes the cause for which Canada is at war; shall be guilty of an offence against these regulations punishable by imprisonment for not more than five years and not less than one year.

11. (1) If any judge of any superior or county court, police or stipendiary magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of these regulations has been, or is about to be committed, he may issue a search warrant under his hand authorizing any peace officer, police officer or constable, with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, if necessary, by force, and to search such premises or place and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein in contravention of these regulations and the same when so seized and carried away may be forfeited to His Majesty.

12. The punishments and penalties provided by these regulations may be enforced or recovered by indictment, or upon summary conviction in the manner prescribed by Part XV of the *Criminal Code*, before any judge of a superior or county court, or any police or stipendiary magistrate, or before two justices of the peace, or any magistrate having the authority of two justices of the peace.

13. Where by these regulations it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of a superior or county court, or by any police or stipendiary magistrate, or by any magistrate having the authority of two justices of the peace, in a summary manner; and by the procedure provided by Part XV of the *Criminal Code* in so far as applicable or subject to such adaptations as may be necessary to meet the circumstances of the case.

14. Nothing in these regulations contained shall be deemed to affect the liability of any person offending against these regulations for or to any penalty, punishment, or liability which he would have incurred or been subject to for or in respect of any offence committed, or anything done, published or said, if these regulations had not been passed; and the fines, penalties or punishments herein provided shall be deemed to be cumulative or additional to, and not in any wise to displace or relieve from, any fine, penalty, punishment or liability heretofore provided by law for the same or the like offence.

*Vide Canada Gazette*, vol. lii, p. 1876.

*P.C. 702—April 2, 1919*—Whereas the Acting Minister of Justice reports that he has had under consideration the advisability of recommending the repeal of the regulations established by Order in Council of the 25th September, 1918, (P.C. 2384), and its amending orders with relation to unlawful associations, publications and other matters as therein provided. It appears that these regulations were designed to emphasize, during the period of war, the criminal character of the several matters against which they are in terms directed, rather than to supply sanctions for cases for which the existing law made no provisions; and now that Canada is no longer actively engaged in the war, the Minister apprehends that persons who might be offenders against the regulations, were they permitted to endure, may be adequately dealt with under the existing law,—

Therefore His Excellency the Governor General in Council, under and in virtue of the powers conferred by the *War Measures Act, 1914*, or otherwise existing in that behalf, is pleased to make the following regulations, and the same are hereby made and enacted accordingly:—

1. The regulations established by Order in Council of 25th September, 1918 (P.C. 2384), as amended by Orders in Council of 13th November, 1918 (P.C. 2786) and 11th January, 1919 (P.C. 56), are hereby repealed: provided that the repeal of the regulations aforesaid shall not be deemed to affect any offence committed against such regulations or any penalty or forfeiture or punishment incurred in respect of any such offence or any investigation, legal proceeding, or remedy in respect of any such penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be recovered, exacted or imposed, as if the regulations aforesaid had not been repealed.

*Vide Canada Gazette*, vol. lii, p. 3093.

*P.C. 56—January 11, 1919*—His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice, and under the powers conferred on the Governor in Council by the *War Measures Act, 1914*, or otherwise existing in that behalf is pleased to make the following regulations and the same are hereby made and established accordingly:—

1. The regulations approved by Order in Council of 25th September, 1918, as amended by Orders in Council of 7th and 13th November, 1918, with relation to unlawful associations, publications and other matters as therein provided, are amended as follows:

(a) No conviction for any offence against the aforesaid regulations or any regulation amending the same shall be had unless the prosecution has been assented to or approved by the Attorney General of the Province in which the offence is alleged to have been committed;

(b) Except as to any prosecution now pending, the punishments and penalties provided by the aforesaid regulations shall hereafter be enforced or recovered by indictment in the manner prescribed by the *Criminal Code* for indictable offences, provided that the jurisdiction of a magistrate under Part XVI of the *Criminal Code* respecting summary trial of indictable offences shall, with the consent of the accused, extend to any offence against these regulations, and the magistrate may, subject to the provisions of the said Part XVI, and according to the procedure thereby prescribed, hear and determine the charge in a summary way.

*Vide Canada Gazette*, vol. lii, p. 2252.

### Amendments to Defence of Canada Order.

*P.C. 863—April 12, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of the Naval Service and under and by virtue of the provisions of the *War Measures Act, 1914*, is pleased to order that

the Defence of Canada Order, 1917, P.C. 987, dated 10th April, 1917, shall be and the same is hereby amended by inserting the following regulations, hereby made and enacted, immediately after regulation 23A of the said Order:—

23B. The Minister of the Naval Service may give directions that any British ship registered in Canada shall forthwith be, and shall continue to be, equipped with such apparatus for protecting the ship against operations of the enemy as may be specified in such directions, and that the crew of the ship shall be properly instructed in the use of such apparatus.

23c. Every vessel built in Canada the building of which is completed after the first day of April, 1918, shall be fitted for such defensive armament as the Minister of the Naval Service shall direct, and every vessel built in Canada and completed before the first day of April, 1918, shall be fitted for such defensive armament as the said Minister may direct before such vessel leaves Canada on any voyage for which the said Minister deems such armament necessary.

*Vide Canada Gazette*, vol. li, p. 3673.

*P.C. 974—April 23, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of the Naval Service and under and by virtue of the provisions of the *War Measures Act, 1914*, is pleased to order that the Defence of Canada Order, 1917, (P.C. 987), dated 10th April, 1917, shall be and the same is hereby amended by inserting the following regulation, numbered "21BB," hereby made and enacted, immediately after regulation 21B of the said Order:—

21BB. Any British merchant ship or any merchant ship chartered or requisitioned by His Majesty's Government or the Canadian Government having on board any ammunition or explosive substance for self-defensive purposes may enter any dock, harbour or port in Canada without discharging such ammunition or explosive substance, notwithstanding any restrictions imposed by statute or by-law relating to explosive substances in force in such dock, harbour or port; and if any person refuses to admit, or hinders or obstructs the entry of any such ship into a dock, harbour, or port on the ground that she is carrying any ammunition, or explosive substance, (such ammunition or explosive substance being for self-defensive purposes), he shall notwithstanding any such restriction as aforesaid, be guilty of an offence against these regulations.

*Vide Canada Gazette*, vol. li, p. 3853.

*P.C. 1102—May 10, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of the Naval Service and under the provisions of the *War Measures Act, 1914*, is pleased to make and enact the following regulation and the same is hereby made and enacted accordingly:—

1. Section twenty-three C of the Defence of Canada Order, 1917, as enacted by Order in Council of the twenty-ninth day of November, 1917 (P.C. 3319), is hereby repealed and the following is substituted therefor:—

23c. Every vessel registered in Canada the building of which is completed after the first day of April, 1918, shall be fitted and supplied with such defensive armament as the Minister of the Naval Service shall direct, and every vessel registered in Canada and completed before the first day of April, 1918, shall be fitted and supplied with such defensive armament as the said Minister may direct before such vessel proceeds on any voyage for which the said Minister deems such armament necessary.

*Vide Canada Gazette*, vol. li, p. 4128.

*P.C. 1313—June 3, 1918*—His Excellency the Governor General in Council is pleased to order that the first paragraph of the Regulation relative to amendment of paragraph 23C of the Defence of Canada Order, 1917, enacted by Order in Council of 10th May, 1918, (P.C. 1102), shall be and the same is hereby amended to read as follows:—

1. Section twenty-three C of the Defence of Canada Order, 1917, as enacted by Order in Council of the twenty-ninth day of November, 1917, (P.C. 3319) is hereby repealed and the following is substituted therefor.

*Vide Canada Gazette*, vol. li, p. 4472.

*P.C. 1075—June 6, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of the Naval Service and under the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered as follows:—

Regulation six of the Defence of Canada Order, 1917, (P.C. 987) is hereby repealed and the following regulation is hereby made, enacted, and substituted in lieu thereof:—

6. No person shall without lawful authority or excuse be in communication with or attempt to communicate with an enemy agent unless he proves that he did not know and had no reason to suspect that the person with whom he so communicated or attempted to communicate was an enemy agent.

For the purposes of this regulation but without prejudice to the generality of the foregoing provisions:—

- (a) A person shall, unless he proves the contrary, be deemed to have been in communication with an enemy agent if
  - (i) he has visited the address of an enemy agent or consorted with an enemy agent; or
  - (ii) the name or address or any other information regarding an enemy agent has been found in his possession or has been supplied by him to any other person or has been obtained by him from any other person;
- (b) The expression "enemy agent" includes any person who is, or has been, or is reasonably suspected of being or having been, employed by the enemy either directly or indirectly for the purpose of committing an act either within or without Canada which if done within Canada would be a contravention of these regulations, or who has, or is reasonably suspected of having, either within or without Canada, committed or attempted to commit such an act with the intention of assisting the enemy;
- (c) any address, whether within or without Canada, reasonably suspected of being an address used for the receipt of communications intended for the enemy, or any address at which an enemy agent resides or to which he resorts shall be deemed to be the address of an enemy agent and communications addressed to such an address to be communication with an enemy agent.

*Vide Canada Gazette, vol. li, p. 4472.*

*P.C. 1436—June 12, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Militia and Defence and under and in virtue of the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered as follows:—

The Defence of Canada Order, 1917, enacted and made by Order in Council (No. 987) of the 10th day of April, 1917, is hereby amended by inserting the following section, hereby enacted, immediately after section 45 thereof,—

45a. No woman who is suffering from a venereal disease in a communicable form shall have sexual intercourse with any member of His Majesty's forces or solicit or invite any member of the said forces to have sexual intercourse with her.

(2) A woman charged with an offence against this regulation shall, if she so requires, be remanded for a period (not less than a week) for the purpose of such medical examination as may be requisite for ascertaining whether she is suffering from a venereal disease in the form aforesaid.

(3) The defendant shall be informed of her right to be remanded as aforesaid and that she may be examined by her own doctor or by the medical officer of the prison, or by one appointed for that purpose by the Court.

(4) In these regulations, the expression "venereal disease" means syphilis, gonorrhoea or soft chancre.

*Vide Canada Gazette, vol. li, p. 4544.*

*P.C. 2257—September 13, 1918*—His Excellency in Council, on the recommendation of the Minister of Naval Service, and under and in virtue of the provisions of the *War Measures Act, 1914*, is pleased to make the following regulation and the same is hereby made and enacted accordingly:—

1. Section twenty-two A of the Defence of Canada Order, 1917, enacted by Order in Council of the 11th day of May, 1918, P.C. 1129, is repealed and the following is substituted therefor:—

22A. These orders shall apply to vessels of every description, other than H.M. ships, and H.M.C. ships and hospital ships, with the exception of those ships employed exclusively in lake and, or river service.



A. In areas in which submarines and, or raiders are likely to be met, which areas are defined in war instructions for British Merchant Ships or within such limits as may be defined by officers responsible for the issue of Route Instructions in Canada or Abroad, and

B. In areas other than those above mentioned, whenever information is received by war warnings, or otherwise, that submarines and, or raiders are operating :

1. Vessels are to be carefully darkened from Sunset to Sunrise. No lights of any description shall be exposed in any vessel so as to be visible outboard or to reflect upwards other than navigation lights at such times and in such circumstances as they are authorized to be shown by this Order, and lights which are necessary for signalling purposes.

Any naval officer whom the senior naval officer of the port may appoint for the purpose, may board any vessel entering the port to inspect the means provided for the screening and shading of lights as this Order requires. The master of such vessel shall give facilities for such inspection, and shall, if the inspecting officer so requires sign a certificate to the effect that adequate means of screening lights are provided on board.

2. *Navigation Lights* must be dimmed to a visibility not exceeding two miles.

Subject to any directions given under Paragraph 8 hereof, they are only to be exhibited (a) for avoiding collision, in which case they are to be extinguished as soon as the danger of collision has passed (b) when exceptional circumstances make their use absolutely necessary.

They must be so arranged that they can be instantly shown when required to be exhibited.

3. *Masthead Lights*.—No masthead light of a brilliancy exceeding  $2\frac{1}{2}$  candle power at its source is to be exhibited dioptric lenses and reflectors are to be removed from the lanterns and lights are to be shaded with plain opal glass.

One masthead light only is to be used and this light is never to be used unless the master considers it absolutely necessary.

The use of masthead lights is to be discontinued until provision has been made for their being reduced in accordance with this Order.

4. *Side Lights*.—No side light of a brilliancy exceeding 8-candle power at its source shall be exhibited. Dioptric lenses and reflectors are to be removed from the lanterns and the lights are to be shaded with plain coloured glass.

Ships with electric lamps are to carry 5-candle power bulbs for use when especially ordered. Oil side lamps are only to be exhibited if electric lights are not available.

5. *Stern Lights*.—No stern light of a brilliancy exceeding  $2\frac{1}{2}$  candle power at its source shall be exhibited. Dioptric lenses and reflectors are to be removed from the lanterns, and lights are to be shaded with plain opal glass.

Stern lights are to be electric where electric light is installed, and are to be controlled from the bridge.

In vessels where electric light is not installed, an oil lamp or electric torch of equivalent brilliancy may be substituted.

Stern lights are not to be exhibited when navigation lights are ordered to be shown unless stern lights are definitely mentioned in the Order.

Stern lights are only to be exhibited (a) for the purpose of avoiding collision in which case they are to be extinguished as soon as the danger of collision is passed, or (b) in accordance with any directions given under paragraph 9 hereof.

Vessels in convoy when ordered to exhibit a stern light are to have such light screened so as to show not more than three points from right astern on each quarter.

6. *Dimmers*.—In ships fitted with dimmers, bulb of higher candle power may be used, but lights are not to be shown of a brilliancy exceeding that stated in this Order, except in special circumstances, such as imminent danger of collision, thick weather, or while navigating in and entering or leaving any harbour; such ships are to be supplied with bulbs of the prescribed candle power, which are to be inserted and used in the lamps should the dimmers fail from any cause.

7. *Anchor Lights*.—The visibility of anchor lights is not to exceed one mile.

No electrically lit lanterns are to be used as anchor lights, except in vessels carrying volatile oil or spirits in bulk.

All anchor lanterns are to be fitted with over-head screens, so arranged as to cut off the light at an angle of between 20 and 25 degrees above the horizontal.

8. Vessels carrying volatile oil or spirits in bulk shall exhibit (in lieu of oil lamps) electrically lit lanterns not exceeding in brilliancy fifty per cent of the brilliancy of the normal oil lamps.

9. Notwithstanding the foregoing provisions of this order, the senior naval officer or naval officer in charge at any port in Canada may give instructions, either general or special, for the showing of such navigation, anchor or other lights in waters within his jurisdiction, as he may consider necessary for the safety of shipping in such waters.

In waters other than those last mentioned, the senior naval officer present on board any of H. M. ships or any naval officer appointed for the purpose may give directions either general or special for the exhibition of any lights he may require to be shown.

10. The owner of every vessel shall provide for fitting and maintaining on board the vessel the equipment of lights prescribed hereby, including adequate means of controlling, shading and screening navigation and anchor lights and all other lights on board which require to be screened to enable the vessel to be thoroughly darkened, and if any owner fails so to provide he shall be guilty of an offence against the Defence of Canada Order.

The master, officer, member of the crew, passenger, or any other person on board any vessel who is affected by any of the provisions of this Order and fails to comply therewith shall likewise be guilty of an offence.

11. For the purpose of these orders paragraph A shall be deemed to include all waters of the Atlantic Ocean, the Gulf of St. Lawrence and the River St. Lawrence so far west as the port of Quebec, and Bay of Fundy.

12. For the purposes of these orders, vessels employed on the River St. Lawrence, which do not proceed eastward of Point des Monts, shall be deemed to be employed exclusively in river service.

*Vide Canada Gazette*, vol. lii, p. 1192.

*P.C. 2241—September 13, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and in virtue of the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered that the Defence of Canada Order, 1917, dated 10th April, 1917 (P.C. 987), shall be and the same is hereby amended by inserting the following regulation numbered 32A, immediately after paragraph 32 of the said Order:

- 32A. (1) No person shall, except for lawful purpose, the proof whereof shall lie upon him, wilfully injure or destroy or attempt to injure or destroy any war material, war premises, or war utilities as hereinafter defined, or wilfully make, or cause to be made in a defective unauthorized or secretive manner, or attempt to make or cause to be made in a defective, unauthorized or secretive manner, any war material as hereinafter defined, or any tool, implement, machine, utensil or receptacle used or employed in making, producing, manufacturing or repairing any such war material as hereinafter defined.
- (2) Unless there be something repugnant in the subject matter or context,—
- (a) The words "War Material" in this Order shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs and fuel, and shall also include supplies, ammunition and all other articles of whatever description, and any part or ingredient thereof intended for, adapted to or suitable for the use of the Government in connection with the conduct of the war.
- (b) The words "War Premises" in this Order shall include all buildings, grounds, mines or other places wherein war material is being produced, manufactured, repaired, stored, mined, inspected, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the Government.
- (c) The words "War Utilities" in this Order shall include any railroad, railway, electric line, road of whatever description, railroad, or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat or aircraft, or any other means of transportation whatsoever, whereon or whereby war material or any troops of the Government are being or may be transported; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings whereby or in connection with which water or gas is being furnished, or may be furnished to any war premises, or to the military or naval forces of the Government; and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power or facilities of communication to any war premises or to the military or naval forces of the Government.
- (d) The word "Government" in this Order shall be deemed to mean the Government of Canada, or of any of the provinces thereof, or the Imperial Government, or the Government of any portion of the British Empire, or of any nation at war with any nation with which Great Britain is at war.

*Vide Canada Gazette*, vol. lii, p. 1105.

*P.C. 589—March 19, 1919*—His Excellency the Governor General in Council, on the recommendation of the Acting Minister of the Naval Service, is pleased to order and it is hereby ordered that the following regulations enacted and made under the provisions of the *War Measures Act, 1914*, and embodied in the Defence of Canada Orders, 1917, and enacted by Order in Council of the tenth day of April, 1917 (P.C. 987), shall be and the same are hereby repealed:—

*Defence of Canada Order.*

Sections 2, 3, 4, 5, 5A, 7, 8, 9, 10, 14, 16, 17, 18, 21B, 22, 22A, 23, 24, 25A, 27, 28, 28A, 28B and 39.

*Vide Canada Gazette*, vol. lii, p. 2931.

### Better Housing Accommodation.

*P.C. 2997—December 3, 1918*—The Committee of the Privy Council have had before them a report, dated 2nd December, 1918, from the Minister of Finance submitting that at the conference recently held at Ottawa, between the premiers and other members of the Governments of the several provinces and representatives of the Dominion Government, one of the important subjects of discussion was that of creating better housing conditions for the industrial population of our larger centres.

The Minister observes that owing to the practical cessation of building operations during the war there is at present a great scarcity of housing accommodation in most of our cities, and this condition will become intensified with the return of our soldiers from overseas and their re-establishment with their families in civil life and occupation.

The Minister states that at the conference it developed that some of the Provincial Governments were considering the adoption of a policy of making loans to municipalities or otherwise, extending over a long period of years and repayable upon the amortization plan, for the purpose of promoting the erection of dwelling houses of a modern character to relieve congestion of population in cities and towns in their respective provinces, and the question was raised as to whether the Dominion Government would aid the several Provincial Government in carrying out such a policy by making loans to them to place them, to the extent that might be necessary, in funds for the purpose.

In view of the national importance of the matter which touches vitally the health, morals and general well being of the entire community and its relation to the welfare of returned soldiers and their families together with the fact that the carrying out of such a policy on a substantial scale by Provincial Governments would afford considerable employment during the period of reconstruction and readjustment of industry following the war, the Minister recommends as follows:

1. That the Minister of Finance be authorized under the provisions of the *War Measures Act* upon request from the Government of any province of Canada to make loans to such Government for the purpose mentioned.

2. That the aggregate amount to be loaned to all provinces shall not exceed twenty-five million dollars and the amount of loan to any one province shall not exceed the proportion of the said twenty-five million dollars which the population of the said province bears to the total population of Canada.

3. That the loans made hereunder may be for a period not exceeding twenty years with the right to any province to pay off the whole or any part of the principal of the loan at any time during the said term.

4. That interest at the rate of five per cent per annum, payable half yearly, shall be charged upon advances from the dates thereof respectively.

5. The Minister of Finance may accept bonds, debentures or such other form of security as he may approve evidencing the indebtedness of any provincial Government for loans made hereunder.

6. Advances shall be made from the war appropriation.

7. Advances may be made as soon as a general scheme of housing shall have been agreed upon between the Government of Canada and the Government of the province applying for a loan hereunder.

*Vide Canada Gazette*, vol. lii, p. 1880.

### Restricted Imports.

*P.C. 1193—June 3, 1918*—Whereas it is desirable to relieve as far as possible the unfavourable exchange conditions now seriously affecting Canadian finance and trade and to restrict expenditures upon articles which, under present conditions, are not essentially necessary for the health and comfort of the people;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under and in virtue of the

powers vested in the Governor in Council by the *War Measures Act, 1914*, and otherwise, is pleased to order that the importation into Canada of all articles enumerated in the attached "List of Restricted Imports" shall be and the same is hereby prohibited, except under license to be obtained from the Minister of Customs upon the recommendation of the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4384.

### Prohibited Exports.

*P.C. 1194—June 3, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, and under and in virtue of the powers vested in His Excellency in Council by the *War Measures Act, 1914*, and otherwise, is pleased,—with reference to the Order in Council of the third day of June, 1918 (P.C. No. 1193) prohibiting the importation into Canada of certain articles therein mentioned, except under license to be obtained from the Minister of Customs,—to make the following regulations, and the same are hereby made and enacted accordingly:—

1. The current prices at which the several articles mentioned in the Order in Council of the 3rd day of June, 1918 (P.C. 1193) under Customs Statistical Numbers 424, 425, 426 were sold in the ordinary course of business by dealers therein at the date of this Order shall not be increased without the permission of the Minister of Trade and Commerce, to be granted upon the recommendation of the War Trade Board.

2. Any person violating any of the provisions of these regulations shall be guilty of an offence and shall be liable, upon summary conviction, to a penalty not exceeding five hundred dollars or to three months imprisonment, or to both fine and imprisonment.

*Vide Canada Gazette*, vol. li, p. 4374.

*P.C. 1506—June 15, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, under the provisions of the *War Measures Act, 1914*, and under the provisions of the Order in Council of the 8th day of February, 1918, constituting the War Trade Board, and under all other powers vested in His Excellency in Council, is pleased to order that the importation of Crude Rubber into Canada as defined in Customs Statistical Classification No. 497—Rubber and gutta-percha, crude caoutchouc or india-rubber unmanufactured—shall be and the same is hereby prohibited except under license issued by the Minister of Customs at the request of the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4547.

*P.C. 1011—May 14, 1919*—Whereas the Acting Minister of Trade and Commerce reports that there has been a marked increase in the importation of cocaine and its salts and preparations, opium and its preparations and opium alkaloids and their salts and preparations into Canada;

And whereas His Majesty's Government has refused to allow the export from Great Britain of the above articles except on guarantee that they are for medicinal or scientific uses only;

Therefore His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce and under and by virtue of the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered as follows:—

The importation into Canada of cocaine and its dry salts and preparations, opium and its preparations, opium alkaloids and their salts and preparations is hereby prohibited except under license issued on the recommendation of the Minister of Trade and Commerce.

*Vide Canada Gazette*, vol. lii, p. 3687.

*P.C. 1012—May 14, 1919*—His Excellency the Governor General in Council, with a view to the better control of the export from Canada of the undermentioned goods, is pleased, on the recommendation of the Acting Minister of Trade and Commerce and under and by virtue of the provisions of the *War Measures Act, 1914*, of the Orders in Council of 8th February, 1918 (P.C. 337), and the 19th March, 1919 (P.C. 553), and under all other powers vested in the Governor General in Council, to order and it is hereby ordered as follows:—

The exportation of the undermentioned goods to any destination outside of Canada is hereby prohibited except under license issued on the recommendation of the Minister of Trade and Commerce, namely:

Cocaine and its salts and preparations;  
Opium and its preparations;  
Opium alkaloids and their salts and preparations.

*Vide Canada Gazette*, vol. lii, p. 3687.

*P.C. 1354—June 3, 1918*—Whereas under the provisions of the *Finance Act 1914*, the redemption in gold of Dominion notes has been suspended for some time;

And whereas this step was taken in order to conserve as far as possible the supply of gold under the control of the Dominion of Canada;

And whereas to assist in the conservation of the supply, the Minister of Finance is of the opinion that the export of gold coin, gold bullion and fine gold bars should be prohibited except under license from the Minister of Finance;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered that the export of gold coin, gold bullion and fine gold bars from the Dominion of Canada, shall be and the same is hereby prohibited except in such cases as may be deemed desirable by the Minister of Finance and under license to be issued by him.

*Vide Canada Gazette*, vol. li, p. 4558.

*P.C. 1454—June 13, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, under the provisions of the *War Measures Act, 1914*, and under the provisions of the Order in Council of the 8th day of February, 1918, constituting the War Trade Board and under all other powers vested in His Excellency in Council, is pleased to order that the exportation of the commodities under noted shall be and the same is hereby prohibited to all destinations outside of Canada, under license issued by the Commissioner of Customs at the request of the War Trade Board:—

Calf skins—Canadian origin; calf skins—foreign origin; kips of Canadian origin; kips of foreign origin; hides—cattle, buffalo and horses when of Canadian origin; hides—cattle, buffalo and horses when of foreign origin.

*Vide Canada Gazette*, vol. li, p. 4545.

*P.C. 1507—June 15, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, under the provisions of the *War Measures Act, 1914*, and under the provisions of the Order in Council of the eighth day of February, 1918, constituting the War Trade Board, and under all other powers vested in His Excellency in Council, is pleased to order that the exportation of leather, undressed and dressed, shall be and the same is hereby prohibited to all destinations except under license issued by the Commissioner of Customs at the request of the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4547.

*P.C. 1216—May 22, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, and under and

by virtue of the provisions of the *War Measures Act, 1914*, the provisions of the Order in Council of the 8th day of February, 1918, constituting the War Trade Board, and all other powers vested in the Governor in Council, is pleased to order that the exportation of soda ash of carbonate of soda be and the same is hereby prohibited to all destinations outside of Canada, except under license issued by the Commissioner of Customs at the request of the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4544.

*P.C. 1218—May 29, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under and by virtue of the provisions of the *War Measures Act, 1914*, the provisions of the Order in Council of the 8th day of February, 1918, constituting the War Trade Board, and all other powers vested in the Governor in Council, is pleased to order that the exportation of tires for motor cycles, motor vehicles and all other tires containing rubber, be and the same is hereby prohibited to all destinations outside of Canada, except under license issued by the Commissioner of Customs at the request of the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4544.

*P.C. 1299—May 29, 1918*—Whereas under arrangement with the War Trade Board of the United States, essential articles containing platinum are permitted to be exported to Canada only when the equivalent weight of platinum in some form is imported from Canada into the United States;

And whereas there is danger of serious shortage in the supply of platinum for war and other essential purposes;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, is pleased to order and it is hereby ordered as follows:—

1. That all manufacturing jewellers, refiners, dealers in metals and other persons, firms or companies having or trading in platinum or platinum scrap, be required forthwith to furnish to the War Trade Board complete information as to all platinum, platinum scrap or articles containing more than 25 per cent in value of platinum held or owned by them.

2. That no platinum be permitted to be purchased or sold by any jeweller, refiner, dealer in metals, or other person, firm or company having or trading in platinum or platinum scrap, until such purchase or sale shall have been authorized by license of the War Trade Board.

3. That no platinum or platinum scrap shall be used by any jeweller, refiner, dealer in metals, or other person, firm or company having or trading in platinum or platinum scrap, for the manufacture of any ornament or article of jewellery except under license by the War Trade Board.

*Vide Canada Gazette*, vol. li, p. 4558.

*P.C. 1868—July 27, 1918*—Whereas since the enactment of the Order in Council of the 18th July, 1918 (P.C. 1775), prohibiting the export from Canada of a list of specified commodities except under license, the War Trade Board of the United States have added to the list of commodities which cannot be exported from the United States, except under license, the additional list of commodities so prohibited being set forth in the list attached herewith;

And whereas the War Trade Board of the United States have requested the prohibition of the export of such commodities from Canada, except under license, upon the grounds and for the purpose set forth in the said Order in Council of the 18th July, 1918, (P.C. 1775).

Therefore, His Excellency the Governor in General Council, on the recommendation of the Acting Chairman of the War Trade Board of Canada, is pleased to order and doth hereby order that the export from Canada of all commodities,

the export of which from the United States is prohibited, subject to license, and which are set forth in the schedule attached hereto, shall be and the same is hereby prohibited except under license approved by the War Trade Board of Canada.

—  
SCHEDULE.

- Asphalt.
- Beverages, non-alcoholic, containing sugar.
- Celluloid.
- Films, as follows:—Moving-picture and other photographic films, unexposed, exposed but undeveloped, exposed and developed.
- Marine Engines, parts of.
- Moving-picture and other photographic films, unexposed, exposed but undeveloped, and exposed and developed.
- Newspapers, old.
- Non-alcoholic beverages, containing sugar.
- Phosphorous sesquisulphide.
- Photographic films, including moving-picture films, unexposed, exposed but undeveloped, and exposed and developed.
- Photographic plates, unexposed, exposed but undeveloped, and exposed and developed.
- Plates, photographic, unexposed, exposed but undeveloped, and exposed and developed.
- Sesquisulphide, phosphorous.
- Stearine.
- Tallow.
- Telegraphic apparatus.
- Valerian.
- Wood, including logs—Timber, round, hewn, sawed, sided or squared.
- Lumber—Manufactured in all dimension sizes for commercial uses including woods suitable for gun stocks, airplane propeller blades, veneers for airplane and hydroplane frames, ordnance construction, and wood handles for tools necessary for war supplies; walnut, mahogany, or birch wood cut for parquet flooring.
- Partly manufactured articles in an unfinished shape that are to be completed into a finished article at the point of destination when made from the specified woods, such as K/D desks and barrels, furniture stock, parquet flooring, cooperage, etc.

*Vide Canada Gazette*, vol. li, p. 466.

*P.C. 2089—August 24, 1918*—Whereas serious difficulties have arisen in connection with the purchase of silver which is urgently needed for silver coinage by the Allied Governments;

And whereas the Government of the United States of America, under Treasury Regulation dated 19th August, 1918, has prohibited the export of silver except for civil or military purposes in connection with the prosecution of the war, and where the price at which the silver was purchased does not directly or indirectly exceed \$1.01½ per ounce, 1,000 fine, at the point where the silver is refined in the case of silver refined in the United States, or at the point of importation in the case of imported silver;

And whereas the Imperial Government has fixed the maximum price of silver bullion in the United Kingdom at 49½ pence per ounce,—

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased, under the provisions of the *War Measures Act, 1914*, to order that the export of Canadian silver coin, silver bullion and fine silver bars from the Dominion of Canada shall be and the same is hereby prohibited except under license issued by the Minister of Finance and under regulations prescribed by him, such regulations to provide that licenses shall be issued only where the silver is to be used for civil or military purposes of importance in connection with the prosecution of the war, and only in cases where the exporter certifies that the silver to be exported has been purchased at a price which does not directly or indirectly exceed \$1.01½ per ounce, 1,000 fine, at the point where the silver is refined or at the point of importation in the case of imported silver.

*Vide Canada Gazette*, vol. lii, p. 855.

### Sale of Debentures, Securities, etc.

*P.C. 2843—November 20, 1918*—The Minister of Finance having reported that, in view of the armistice, it is now no longer necessary that the restrictions with respect to borrowing money prescribed by the Order in Council of the 22nd December, 1917 (P.C. No. 3439), and the Orders in Council in amendment thereof, should apply to provincial governments, municipalities, commissions or local governments,—

Therefore, His Excellency the Governor General in Council, under and in virtue of the provisions of the *War Measures Act, 1914*, is pleased to make the following regulation, and the same is hereby made and enacted accordingly:—

The provisions of the Order in Council of the 22nd day of December, 1917 (P.C. No. 3439), and the Orders in Council in amendment thereof, shall not hereafter apply to provincial governments, municipalities, commissions or local governments.

*Vide Canada Gazette*, vol. lii, p. 1804.

*P.C. 3188—January 14, 1919*—Whereas the Minister of Finance reports that it is now no longer necessary that the restrictions with respect to borrowing money prescribed by the Order in Council of the twenty-second day of December, 1917 (P.C. 3439), and the Orders in Council in amendment thereof, should continue in force,—

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the provisions of the *War Measures Act, 1914*, is pleased to make and enact, and doth hereby make and enact the following regulations:—

1. The Order of the Governor General in Council, dated the twenty-second day of December, 1917 (P.C. 3439), and the Orders of the Governor General in Council in amendment thereof are hereby rescinded and repealed, and no bonds, debentures, or other securities or shares shall be deemed to have been unlawfully issued, sold, offered or advertised for sale, because they have been heretofore issued, sold, offered or advertised for sale without the certificate of approval of the Minister of Finance, required under the provisions of the said Orders in Council.

*Vide Canada Gazette*, vol. lii, p. 2400.

### Cost of Living Regulations.

*P.C. 3069—December 11, 1918*—Whereas with the view of preventing undue enhancement of the cost of living, Order in Council (P.C. 2461), of the 4th of October, 1918, was enacted but in the administration thereof certain defects therein have been disclosed—

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under and by virtue of the powers conferred by the *War Measures Act, 1914*, or otherwise vested in the Governor General in Council, is pleased to rescind and doth hereby rescind the above mentioned Order in Council, (P.C. 2461), and is further pleased to make the following regulations, and the same are hereby made and established accordingly:—

1. For the purpose of these regulations the expression:—

“Council” means the governing body of a municipality.

“Minister” means the Minister of Labour.

“Necessary of life” means a staple and ordinary article of food (whether fresh, preserved, canned or otherwise treated), clothing, fuel, including the products, materials and ingredients into, from or of which any thereof are in whole or in part manufactured, composed, derived, or made, and any other item of common or ordinary household expenditure.

“Municipality” means any county, district, township, parish, city, town, village or other area within a province, which is governed municipally or by council or similar body.

“Person” includes natural persons and bodies corporate.



- 2.—(1) No person shall conspire, combine, agree or arrange with any other person
- (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessary of life, or
  - (b) to restrain or injure trade or commerce in relation to any necessary of life, or
  - (c) to prevent, limit, or lessen the manufacture or production of any necessary of life or to enhance or maintain the price thereof, or
  - (d) to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, insurance or supply of any necessary of life.
- (2) Nothing in this section shall be construed to apply to combinations of workmen, or employees for their own reasonable protection as such workmen or employees.
- (3) Section 498 of the *Criminal Code* shall as respects necessities of life only, until the repeal of this section of these regulations, be deemed to have been repealed.
3. (1) No person shall accumulate or withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business.
- (2) Every person who holds or offers for sale, or sells or provides or furnishes for consumption at a price whether upon the premises which he occupies or not, any necessary of life, shall sell it or provide or furnish the same for consumption as aforesaid, at a price not higher than is reasonable and just; and any person who leases or holds or offers for rental any property shall lease the same at a rental not higher than is reasonable and just.
- (3) Provided, however, that this section shall not apply or extend to any accumulating or withholding by any farmer, gardener, or other person, of the products of any farm, garden, or other land cultivated by him; nor shall any manufacturer, wholesaler, or jobber because of anything herein contained, be under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers or jobbers respectively.

The above proviso shall not relieve any person from liability for waste under Order of His Excellency the Governor General in Council, P.C. 597, of 12th March, 1918.

4. The Minister may, by notice in writing under his hand or that of his Deputy, require any person who produces, stores, or deals in any necessary of life to make and render unto the Minister, within the time set in such notice, and such persons shall make and render unto the Minister, a written return under oath or affirmation containing any information that the said Minister may require, with respect to the production, purchase, sale, shipment, origin, destination or price of any necessary of life, produced, stored, or dealt in by such person.

5. The Minister shall have power to investigate the business and to examine the premises, books, papers, and records of any person respecting any necessary of life or rental value of any real estate, and for this purpose the Minister may appoint an examiner or examiners, and may authorize in writing any examiner so appointed to enter and examine the premises, books, records and papers of such person, and to take evidence under oath or affirmation of any person whom such examiner or examiners may believe has knowledge relating to the matters under investigation, and for such purposes the said examiner or examiners shall have the power of a Commissioner appointed under the provisions of Part I of The Inquiries Act.

6. The council of any municipality may appoint a committee of three resident taxpayers thereof to be known as "The Fair Price Inquiry Committee," who shall have power to make a preliminary inquiry into the cost of any necessary of life specified by such council and the price at which such necessary of life is held for sale or is being sold within such municipality.

In every case in which such committee is authorized by such council to inquire into any matter, it may take evidence under oath, and for such purpose shall have the power of a Commissioner appointed under Part I of The Inquiries Act.

Such inquiry shall be held in camera.

Immediately upon the close of the inquiry the Committee shall report to such council, whether in its opinion and in the interest of the public the Council should order an investigation as is hereinafter provided.

7. (1) Upon receipt of the report of the Fair Price Inquiry Committee recommending further investigation the council of such municipality may appoint a commission, composed of three persons, one of whom shall be a Judge of the County or District Court of the county or district in which the municipality is situated, who shall be chairman of the commission, one a representative of labour or of consumers and one a representative of the trade dealing in the necessary of life under investigation, to investigate:—

- (a) The amount of any necessary of life reported on by the Fair Price Inquiry Committee and held by any person for sale or disposition within such municipality.
- (b) The time when any or all of such necessary of life was acquired, produced or brought within or into such municipality.
- (c) The cost of such necessary of life, including all charges of an overhead or other nature affecting such cost.
- (d) The price at which such necessary of life is held in such municipality for sale.

- (e) The price in which, in the opinion of such Commission, would be a just and reasonable one at which to hold such necessary of life for sale within such municipality.
- (f) The amount of wastage or destruction in such municipality of any such necessary of life and the reason for the same.
- (g) The fair rental value of any dwelling within such municipality held or offered for rental.
- (2) For all such purposes the Commission shall have the powers of a Commissioner appointed under the provisions of Part I of *The Inquiries Act*.

8. All lawful expenses incurred by the said Fair Price Inquiry Committee, or by such commission, shall be payable by the municipality.

9. Immediately upon the close of the investigation the said Commission shall report its findings to the Minister and to such council, and shall publish over their signatures in the paper or papers published in the said municipality, or, where there is no such paper, in a paper published at the nearest point thereto, a fair price to the consumers in that municipality of the necessities of life investigated.

10. Whenever, in the opinion of the council, there is evidence disclosing any offence against these regulations, the council may take such proceedings thereunder as they may deem proper, or may have the commission remit the evidence to the Attorney General of the Province within which such offence shall have been committed for such action as such Attorney General may be pleased to institute.

Except in investigations made by such commissions whenever in the opinion of the Minister there is evidence disclosing any offence against these regulations, the Minister shall take such proceedings as he may deem necessary, or shall remit the evidence to the Attorney General of the province within which such offence shall have been committed for such action as such Attorney General shall be pleased to institute.

11. Prosecutions under these regulations shall be commenced only in the county or municipality in which some or all of the necessities of life with respect to which the alleged offence was committed were situated at the time of the commission of the offence, or in the county in which the person charged resides or carries on business.

12. (1) Any person who contravenes or fails to observe any of the provisions of these regulations shall be guilty of an indictable offence and liable upon indictment or upon summary conviction under Part XV of the *Criminal Code* to a penalty not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment as specified; and any director or officer of any company or corporation who assents to or acquiesces in the contravention or non-observance by such company or corporation of any of the provisions of these regulations shall be guilty personally and cumulatively with his company or corporation and with his co-directors or associate officers.

- (2) For the purpose of the trial of and indictment of any offence against these regulations section 581 of the *Criminal Code* authorizing speedy trials without jury shall apply.
- (3) Where the proceedings in any case in which a fine is imposed under the authority of these regulations are instituted at the instance of any municipality or any officer of a municipality the fine shall be paid to the treasurer of such municipality, to be disposed of as the municipality may direct from time to time.

*Vide Canada Gazette*, vol. lii, p. 2044.

### Utilization of Human Energy.

*P.C. 1925—August 5, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and by virtue of the provisions of the *War Measures Act, 1914*, is pleased to order and it is hereby ordered that the Order in Council of the 4th April, 1918 (P.C. 815), enacting regulations to prevent idleness, etc., shall be and the same is hereby amended by striking out paragraph 3 thereof and substituting therefor, the following:—

"3. (a) Any person violating the provisions hereof shall be guilty of an offence and shall be liable on summary conviction before a magistrate to a fine not exceeding \$500, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. Such imprisonment may be in any common jail, or in any institution, or on any farm owned by a municipality or province and declared by by-law or Order in Council respectively to be a public institution or farm for the purposes of this law, which said institution or farm for the purposes of this law shall be a common jail.

(b) Whenever any person is charged with contravention of any of the provisions of this Order in Council the onus shall be on him to establish to the satisfaction of the magistrate that he is regularly engaged in some useful occupation."

*Vide Canada Gazette*, vol. lii, p. 675.

## Trade Marks, Industrial Designs and Copyrights.

*P.C. 2193—January 6, 1919*—His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce, and under and in virtue of the authority conferred by the *War Measures Act, 1914*, is pleased to make the following regulations respecting trade marks, industrial designs and copyrights, and the same are hereby made and enacted accordingly:—

1. "Minister" means the Minister of Trade and Commerce, and includes the Deputy of the Minister of Trade and Commerce.

2. The Minister may at any time during the continuance of these Orders and regulations extend the time prescribed by *the Trade Mark and Design Act*, or the *Copyright Act*, or any rules made under either of the said Acts, for doing any act or filing any documents upon such terms and subject to such conditions as he may think fit, where it is shown to his satisfaction that the applicant or proprietor, as the case may be, was prevented from doing the said act or filing the said documents by reason of active service or enforced absence from this country, or any other circumstances arising from the present war, which in the opinion of the Minister would justify such extension.

Such extension of any prescribed time, if granted after its expiration, shall have the same effect as if granted prior thereto, provided such expiration occurred on or after the 4th day of August, 1914.

3. The Minister may refuse to register an assignment of any trade mark, industrial design or copyright made by a subject of any state at war with His Majesty, and filed on or after the 4th day of August, 1914, unless he is satisfied that such assignment was made in good faith, and not for the purpose of evading any law or restriction that applies to such person in consequence of such person being an alien enemy.

4. The term "person" used in these Orders and regulations shall, in addition to the meaning given thereto by par. 20 of section 34 of *The Interpretation Act*, include any Government Department.

5. These Orders and regulations shall come into operation as from the 4th day of August, 1914.

*Vide Canada Gazette*, vol. lii, p. 2254.

## Radiotelegraph Stations.

*P.C. 888—April 29, 1919*—Whereas the Minister of the Naval Service reports as follows:—

That, as a war measure at the outbreak of hostilities, the licenses for all amateur and other non-essential radiotelegraph stations throughout the Dominion were cancelled, and such stations closed, authority for this action being conveyed by section 10 of the Radiotelegraph Act, and by Order in Council of the 2nd August, 1914 (P.C. 2030).

That the technical officers of the Department of the Naval Service now state that the war being, to all intents and purposes, over, those restrictions are no longer necessary, and after consultation with the militia authorities, they further state that there would appear to be no longer any objection to the issue of licenses for the establishment of stations of the above class, subject to the regulations in effect prior to the war and also to the "Consolidated Orders respecting Censorship," issued under section 6 of the *War Measures Act*,—

Therefore His Excellency the Governor General in Council is pleased to order and it is hereby ordered that the Order in Council of the 2nd August, 1914 (P.C. 2030), be cancelled as from 15th April, 1919, and that on and after that date the pre-war regulations with regard to the licensing of radiotelegraph stations in the Dominion of Canada be resumed, the operation of such licensed stations to comply with the Consolidated Orders respecting Censorship until such orders are rescinded.

*Vide Canada Gazette*, vol. lii, p. 3436.

### Statutory Lists.

*Proclamation—May 1, 1919*—Whereas it has been decided by the Allies and Associated Governments to withdraw all Black Lists as from midnight of the 28th April, 1919, and that all disabilities attaching to trading or communications with firms or persons upon such Lists will cease to operate as and from that date,—

Now know ye that We, by and with the advice of Our Privy Council for Canada, hereby proclaim and direct that all prohibitions and disabilities attaching to trading or communications by persons resident, carrying on business or being in the Dominion of Canada with firms or persons on the Canadian Statutory List shall be deemed to have ceased to operate from midnight of the 28th April, 1919, and that the Canadian Statutory List is also hereby withdrawn, cancelled and rendered of no effect from and after the said mentioned date, and also that the Orders in Council of the 25th August and 20th October 1917 (P.C. 2385 and P.C. 3000), respectively, together with the proclamations issued thereupon as well as all subsequent Orders in Council and proclamations issued for the purpose of providing for and notifying with respect to variations in, additions and amendments to the Canadian Statutory List, are hereby rescinded.

*Vide Canada Gazette*, vol. lii, p. 3436.

### Employment Service Council Regulations.

*P.C. 3111—December 17, 1918*—His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under and by virtue of the provisions of the *Employment Offices Co-ordination Act*, chapter 21, Statutes of Canada of 1918, is pleased to make and enact the following regulations, and the same are hereby made and enacted accordingly:—

#### THE DEPARTMENT OF LABOUR.

1. It shall be the duty of the Department of Labour under the *Employment Offices Co-ordination Act*:—

- (a) To encourage the provincial governments to open new employment offices, to develop those already in operation and to establish provincial clearing-houses which shall endeavour to meet any unsatisfied demand for employment by drawing upon any supply within the province or if such is not available by securing labour through the Dominion clearing-house from any surplus in other provinces.
- (b) To maintain one or more Dominion clearing-houses for the interprovincial distribution of labour.
- (c) To provide for the co-operation of provincial employment offices and provincial clearing-houses with existing non-commercial employment agencies, with a view to the gradual absorption of such agencies.
- (d) To promote uniformity of methods in provincial employment offices.
- (e) To establish a system of inspection of provincial employment offices.
- (f) To collect and publish information as to the condition of the labour market.
- (g) To exercise supervision over private advertising for labour.
- (h) To print at the expense of the Department of Labour all forms used by the employment offices.
- (i) To carry out, with the approval of the Minister, the recommendations of the Employment Service Council of Canada.
- (j) To pay to the provincial governments upon the compliance with these regulations amounts due them under the *Employment Offices Co-ordination Act*, as shown in the reports required of them by the Minister of Labour.

2. In the discharge of these duties the Department of Labour shall co-operate with the several departments of the Government in any matters requiring common or united action and each department of the Government and the officers thereof shall assist and co-operate with the Department of Labour and its officers.

#### THE EMPLOYMENT SERVICE COUNCIL OF CANADA.

1. To assist in the administration of the *Employment Offices Co-ordination Act* and to recommend ways of preventing unemployment, the Minister of Labour shall, with the approval of the Governor in Council, establish an Advisory Council to be known as the Employment Service Council of Canada. Such Council shall consist of:—

- 1 member each appointed by the Provincial Governments.
- 2 members appointed by the Canadian Manufacturers' Association.
- 2 members appointed by the Trade and Labour Congress of Canada.
- 1 member appointed by the Railway War Board.
- 1 member appointed by the Railway Brotherhoods.
- 2 members appointed by the Canadian Council of Agriculture.
- 3 members appointed by the Department of Labour, two of whom shall be women.
- 1 member appointed by the Returned Soldiers.
- 1 member appointed by the Soldiers' Civil Re-Establishment Department.
2. The members of the Employment Service Council of Canada, including the Chairman shall hold office for three years and shall be eligible for re-appointment.

#### THE PROVINCIAL GOVERNMENTS.

1. The provincial governments shall have direction of their own employment offices, subject to the terms of the agreement with the Minister of Labour under the *Employment Offices Co-ordination Act*.

2. Each province shall establish a clearing-house to provide for the distribution of labour within the province and to co-operate with the Dominion clearing-house for the interprovincial distribution of labour. The provincial clearing-house shall furnish such reports, as to employment conditions, as the Dominion clearing-house may require.

3. In connection with the employment office administration of each province there shall be an advisory council equally representative of employers and employees, appointed by the Lieutenant Governor in Council. It shall be the duty of the advisory council to safeguard the interest of employers and employees of the province in the distribution of labour; to direct the policy of the local advisory committees and to co-operate with the Dominion Employment Service Council of Canada.

#### THE EMPLOYMENT OFFICES.

1. The employment offices shall endeavour to fill vacancies in all occupations and shall serve both male and female employees.

2. The provincial government shall establish for such employment offices as they deem advisable, local advisory committees consisting of equal number of persons representing employers and employees in the locality together with a chairman agreed upon by a majority both of the persons representing employers and of the persons representing employees or in default of such agreement appointed by the provincial government.

3. It shall be the duty of the local advisory committees to assist the superintendents of the employment offices in the discharge of their duties and to co-operate with the provincial advisory committees in the work of applying the national employment policy to the industry of the province.

4. As to wages and conditions, the following regulations shall be observed:—

(a) The officer in charge of an employment office in notifying applications for employment and vacancies to employers and applicants, respectively, shall undertake no responsibility with regard to wages or other conditions, beyond supplying the employer or applicant, as the case may be, with any information in his possession as to the rate of wages desired or offered.

(b) Copies or summaries of any agreements mutually arranged between associations of employers and workmen for the regulation of wages or other conditions of labour in any trade, may, with the consent of the various parties to such agreements, be filed at an employment office, and any published rule made by public authorities with regard to like matters may also be filed. Documents so filed may be open to inspection on application.

(c) No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through an employment office where the ground of refusal is that a trade dispute exists or that the wages offered are lower than those current in the trade in the district where the employment is found.

5. In dealing with strikes and lockouts the employment offices shall observe the following regulations:—

(a) Any employer or association of employers or group or association of workmen may file at an employment office a statement with regard to a strike or lockout existing or threatened, affecting their trade or a branch of their trade, in the district. Any such statement shall be in the form provided for the purpose and shall be signed by a person authorized by the association for that purpose. Such statement shall be confidential except as hereunder provided, and shall only be in force for seven days from the date of filing, but may be renewed within that period for a like period and so on from time to time.

(b) If any employer who appears to be affected by a statement so filed notifies an employment office of a vacancy or vacancies for workmen of the class affected, the officer in charge shall inform him of the statement that has been filed and give him an opportunity of making a written statement thereon. The officer in charge in notifying any such

vacancies to any applicant for employment, shall also inform him of the statements that have been received.

- (c) The provinces may adopt any further regulations with regard to strikes and lockouts which they deem necessary.

*Vide Canada Gazette*, vol. lii, p. 2100.

### Labour Disputes—Board of Appeal.

*P.C. 1743—July 11, 1918*—The Committee of the Privy Council has had before them a report, dated 9th July, 1918, from the Minister of Labour, representing that industrial unrest during the past few months has become more general than formerly, thus causing serious interruption in some lines of war work, and indications are that it will become more widespread still unless successful efforts be made to check it. This unrest has many causes among which are the shortage of labour, rapid advance in the cost of many of the necessaries of life, employers denying their workman the right to organize or to meet them in joint conference to discuss requests for improved conditions or to negotiate adjustments of differences; and in others from too hasty action on the part of working men in ignoring the provisions of the *Industrial Disputes Investigation Act* and in adopting drastic measures before exhausting every reasonable effort to reach a satisfactory settlement. Wages alleged to be inadequate together with length of the work day said to be too long, are among other frequent causes of such unrest.

The Minister, realizing the necessity of steady work and close and sympathetic co-operation between employers and employees to secure maximum results from war efforts, is of opinion that the Government should forthwith adopt such means as may seem practicable for the prevention of such interruption during the continuance of the war, whether caused by lockouts or strikes, and the establishments of such co-operation, while at the same time striving to ensure to the workmen adequate compensation for their labour and reasonable safeguards for their health and safety, and to employers fair and reasonable treatment.

The Minister is further of opinion that a declaration by the Government of a war labour policy, fair and equitable to all concerned, governing relations between employers and workmen in all industries engaged in war work and including all those mentioned in the *Industrial Disputes Investigation Act* (except railways), and amendments thereto by Parliament or extensions thereof by Order in Council, for the duration of the war, would materially contribute to the attainment of these objects.

The Minister, therefore, recommends that the Governor in Council declare the following principles and policies and urge their adoption upon both employers and workmen for the period of the war.

1. That there should be no strike or lockout during the war.
2. That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever, and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay, or other grievances.
3. That employers shall have the right to organize in associations of groups, and this right shall not be denied or interfered with by workers in any manner whatsoever.
4. That employers should not discharge or refuse to employ workers merely by reason of membership in trade unions or for legitimate trade union activities outside working hours.
5. That workers in the exercise of their right to organize shall use neither coercion nor intimidation of any kind to influence any person to join their organizations or employers to bargain or deal therewith.
6. That in establishments where the union shop exists by an agreement the same shall continue and the union standards as to wages, hours of labour and other conditions of employment shall be maintained.
7. That in establishments where union and non-union men and women work together, and the employer meets only with employees or representatives engaged in such establishments, the continuance of such conditions shall not be deemed a grievance.

This declaration, however, is not intended in any manner to deny the right, or discourage the practice of forming labour unions, or the joining of the same by workers in said establishments as aforesaid, nor to prevent a Board of Conciliation or other body or adjuster from recommending improvements in the matter of wages, hours of labour, or other conditions, as shall from time to time be found desirable.

8. That established safeguards and regulations for the protection of health and safety of workers shall not be relaxed.

9. That all workers, including common labourers, shall be entitled to a wage ample to enable them with thrift to maintain themselves and families in decency and comfort, and to make reasonable provision for old age.

10. That in fixing wages, minimum rates of pay should be established.

11. That women on work ordinarily performed by men should be allowed equal pay for equal work and should not be allotted tasks disproportionate to their strength.

12. That in all cases where eight hours is by law or agreement the basic day, it shall so continue. In all other cases the question of hours of labour should be settled with due regard to governmental necessities and the welfare, health and proper comfort of the workers.

13. That a maximum production from all war industries should be sought and methods of work and operation on the part of employers or workers which operate to delay or limit production or which tend to artificially increase the cost thereof should be discouraged.

14. That for the purpose of mobilizing the available labour supply with a view to its rapid and effective distribution as well as constant employment; the Managers and Operators of industrial establishments and the trade unions concerned should keep Provincial or Municipal Employment Agencies and the Canada Registration Board fully informed as to labour required or available. Those agencies should be given opportunity to aid in the distribution of labour.

15. That in fixing wages, hours and conditions of labour regard should be had to the labour standards, wage scales, and other conditions, prevailing in the locality affected, always mindful, however, of the necessity of payment of living wages.

16. That to better preserve industrial peace during the war, employers and employees should, after once establishing an agreement as to wages and working conditions, agree to its continuance during the war, subject only to such changes in rates of pay as fluctuation in cost of living may justify.

17. That when employers and employees are unable to arrive at a mutual agreement concerning any existing dispute, unless some other means of settlement is agreed upon by the parties, they should use the machinery provided for in the *Industrial Disputes Investigation Act* in an endeavour to reach an adjustment.

Should the recommendation of the Board of Conciliation not be accepted either party may appeal to the Board of Appeal who shall review the findings of the Board of Conciliation and hear such further evidence as either party to the dispute may desire to submit at their own expense, the decision of the Board of Appeal to be final.

Any settlement of a dispute referred to the Board of Conciliation, or carried in appeal to the Board of Appeal, shall be effective not later than the date on which the application for a Board of Conciliation was filed.

The Board of Appeal shall be composed of two representatives of labour, nominated by the Executive Council of the Trades and Labour Congress of Canada, two representatives of the employers, nominated by the Executive of the Canadian Manufacturers Association, and a Chairman nominated by the said members of the Board, or, in case of failure to agree upon a Chairman, then the Minister of Labour shall appoint such Chairman.

The Minister further recommends that the Minister of Labour be authorized to make regulations governing procedure on appeal provided for by paragraph 17 of the above recommendations.

*Vide Canada Gazette*, vol. lii, p. 352.

*P.C. 1832—July 19, 1918*—The Committee of the Privy Council have had before them a report, dated 19th July, 1918, from the Minister of Labour, representing that in numerous cases, especially in certain industries, the provisions of the *Industrial Disputes Investigation Act of 1917*, making it unlawful for any employer to declare or cause a lockout or for any employee to go on strike, on account of any dispute, prior to or during reference of such dispute to a Board of Conciliation and Investigation under the provisions of that Act, have been entirely ignored by one or other party to the dispute. Recently this course has been more frequently followed, resulting in cessation of work in essential industries, which might, and in many cases probably would, have been avoided had the provisions of the said Act been observed.

The Minister further observes that the Federal Government has not at any time since the enactment of that statute instituted any legal prosecution for the

violation of its provisions, nor have any such been otherwise begun except in a few cases—by private parties. And, the Minister is convinced that should the Federal Government proceed to enforce the said provisions of that Act it would increase its effectiveness in the best interests of the public.

The Minister is further of the opinion that an announcement by the Government that immediate steps to this end will be taken would tend to prevent interruption of work and avert the evils caused thereby.

The Minister, therefore, recommends that such action by the Government as may be necessary to ensure the prompt prosecution of any violation of the provisions of the said Act should be taken forthwith.

*Vide Canada Gazette*, vol. lii, p. 335.

*P.C. 2525—October 11, 1918*—Whereas the Minister of Labour represents that under the provisions of the *Industrial Disputes Investigation Act* and amendments thereto, provision is made for the establishment of conciliation boards for the adjustment of disputes between employers and employees in the manner in said Act and amendments thereto provided:

That by Order in Council (P.C. 1743) of the 12th July, 1918, provision is made for a Board of Appeal to which resort may be had when any party interested feels aggrieved by the decision of any such Board of Conciliation;

That there has been constituted by the Canadian Railway War Board, with assent of representatives of the organized bodies of railway employees, a Board of Adjusters for the settlement of disputes that may arise between the employees engaged in railway work and their employers;

That by these different dispositions full and adequate provision is made for the just and equitable settlement and adjustment of all matters of dispute that may arise between the employers and employees in the different industries affected by the *Industrial Disputes Investigation Act* and its amendments or between employers and employees in connection with the carrying on of the operations of railways in Canada, but no provision is made for enforcement of obedience to and compliance with the orders or decisions on such boards, nor is there any prohibition of strikes or lockouts, after report has been made by a Board of Conciliation;

That in view of the provisions so made and of the injurious and detrimental effects resulting from the occurrence of strikes and lockouts in the different industries affected by the *Industrial Disputes Investigation Act* and in connection with the operation of the railways, which strikes or lockouts are of a nature to seriously interfere with the carrying on of said industries and the operation of the said railways, both of which are essential to the efficient performance of Canada's duty in aiding in the effective prosecution of the present war, it is necessary and advisable that under the powers conferred upon the Governor in Council by the *War Measures Act, of 1914*, such strikes and lockouts in connection with such industries or railway operations should be absolutely prohibited during the continuance of the present war;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the provisions of the *War Measures Act, 1914*, is pleased to make the following regulations and the same are hereby made and enacted accordingly:—

1. In the present regulations, the word "person" wherever used, shall, save where the context otherwise requires, include every company, firm, partnership or other association of persons incorporated or unincorporated;

2. Any person who during the continuance of the present war shall incite, order or participate in a lockout or strike as defined in the said *Industrial Disputes Investigation Act* and amendments thereto, in any industry mentioned therein or to which the said Act is applicable either in virtue of its terms, or of any Act of Parliament or Order in Council amending the same, or in or in connection with the operation of any railway in Canada, before, during or after an investigation by a Board of Conciliation established under the said Act or amendments, or by a Board of Appeal



or the Board of Adjusters above mentioned, shall be guilty of an offence punishable as hereinafter provided.

3. Any employer of labour shall be guilty of an offence and liable to the penalties hereinafter provided who during the continuance of the present war shall discharge or refuse to employ workers (other than those holding positions or employment which shall be by judgment of the Board of Appeal or the Board of Adjusters above mentioned determined to be incompatible with membership in a union) merely by reason of membership in trades unions or for legitimate trade union activities outside of working hours.

4. Every worker shall be guilty of an offence and liable to the penalties as hereinafter prescribed who in the exercise of his right to organize uses either coercion or intimidation of any kind to influence any person to join his organization.

5. Every decision or order of any Board of Conciliation shall, if unappealed from within thirty days after it is rendered or made, and every decision or order of the Board of Appeal or Board of Adjusters above mentioned, shall be binding upon all persons affected thereby and any person who during the continuance of the present war fails or refuses to comply with any such order or decision of any Board of Conciliation or of the Board of Appeal or Board of Adjusters above mentioned shall be guilty of an offence and liable to the penalties hereinafter prescribed.

6. Any person violating any of the foregoing regulations shall be liable upon summary conviction to a penalty not exceeding one thousand dollars (\$1,000) or to imprisonment for a period not exceeding six (6) months, or to both fine and imprisonment.

7. (a) Any male person, employer or employee, of military age as defined by the *Military Service Act*, who violates any of the hereinabove enacted regulations and any director of such military age of any company who acquiesces in the violation by the said company of any of the said regulations, shall *ipso facto* be deemed to be a soldier enlisted in the military forces of Canada and subject to military law for the duration of the present war and of demobilization thereafter and shall forfeit any exemption granted to him and any right to apply for or obtain any exemption from military service under the *Military Service Act*.

(b) In any prosecution for acquiescence on the part of a director of any company in a violation by the said company of any of the present regulations, it shall be upon the party charged to prove non-acquiescence by him in such violation.

*Vide Canada Gazette*, vol. lii, p. 1444.

*P.C. 880—May 1, 1919*—Whereas the Minister of Labour submits that, hostilities having ceased since the passing of the Order in Council of 11th July, 1918 (P.C. 1743), and movements now being under way on the part of employers and workmen respectively with the view of improving relations between them, he is of opinion that the *Industrial Disputes Investigation Act* provides necessary machinery for dealing with industrial disputes, without the retention of the Labor Appeal Board established under the said Order in Council,—

Therefore His Excellency the Governor General in Council is pleased to order that all the provisions of the Order in Council of the 11th July, 1918 (P.C. 1743) after subsection 1 of clause 17 thereof shall be and the same are hereby repealed.

His Excellency in Council is further pleased to order and doth hereby order that in all other respects the said Order in Council shall remain in full force and effect.

*Vide Canada Gazette*, vol. lii, p. 3529.

### Department of Agriculture.

By Order in Council of the 5th of April, 1918, under and in virtue of the provisions of subsection (c) of section 9 of *The Live Stock and Live Stock Products Act, 1917*, regulations respecting the grading and marking of eggs were approved and enacted:—

REGULATIONS MADE UNDER THE PROVISIONS OF THE LIVE STOCK AND PRODUCE ACT, 7-8 GEORGE V, CHAP. 32, RESPECTING THE GRADING AND MARKING OF EGGS.

1. Canadian eggs for export out of Canada and eggs for domestic consumption intended for shipment from one province to another, but not including eggs intended for incubation, shall be classified and graded as follows:—

Class (1)—Fresh eggs which have not been held under refrigeration at a temperature of 40° or less except when in transit or subjected to artificial preservation.

Grade (a) *Specials*—Eggs of uniform size, weighing 25 oz. to the dozen or over 47 lb. net to the 30-dozen case; clean and free from stain, strong and sound in shell; air cell small, not over  $\frac{3}{8}$  of an inch in depth; white of egg to be firm and clear and yolk dimly visible.

Grade (b) *Extras*—Eggs of good size, weighing at least 24 oz. to the dozen or 45 lb. net to the 30-dozen case; clean; sound in shell; air cell less than  $\frac{3}{8}$ -inch in depth; white of egg to be firm and yolk slightly visible; maximum allowance at time of inspection not to exceed 2 p.c. variation from the grade stated.

Sub-grade (1) *Pullet Extras*—Eggs which have the quality of extras but which fall short in weight shall be known as pullet extras providing they weigh at least 20 oz. to the dozen or 37  $\frac{1}{2}$  lb. net to the 30-dozen case.

Grade (c) *No. 1's or Firsts*—Eggs weighing at least 23 oz. to the dozen or 43 lb. net to the 30-dozen case; reasonably clean; sound in shell; air cell less than  $\frac{1}{2}$  inch in depth; white of egg to be firm; yolk may be distinctly visible but mobile; air cell stationary; maximum allowance at time of inspection not to exceed 2% variation from the grade stated.

Grade (d) *No. 2's or Seconds*—Eggs sound in shell; may contain weak watery eggs and eggs with heavy yolks, and all other eggs sound in shell and fit for food.

Class (2) *Storage Eggs* which have been "held" under artificial refrigeration at a temperature of 40° or less.

Class (2a) *Preserved Eggs* which have been subjected to any process, liquid or otherwise, intended to preserve their quality.

Grade (a) *Extra Eggs* of good size, weighing at least 24 oz. to the dozen or 45 lb. net to the 30-dozen case; clean; sound in shell; air cell not less than  $\frac{3}{8}$  inch in depth; white of egg to be firm and yolk slightly visible; maximum allowance at time of inspection not to exceed 2% variation from the grade stated.

Grade (b) *Extra Firsts*—Eggs weighing at least 23  $\frac{1}{2}$  oz. to the dozen or 44 lb. net to the 30-dozen case; sound in shell; air cell less than  $\frac{3}{8}$  inch in depth; white of egg to be firm; yolk may be moderately visible but mobile; air cell stationary; maximum allowance at time of inspection not to exceed 2% variation from the grade stated.

Grade (c) *No. 1's or Firsts*—Eggs weighing at least 23 oz. to the dozen or 43 lb. net to the 30-dozen case; reasonably clean; sound in shell; air cell less than  $\frac{1}{2}$  inch in depth; white of egg to be firm; yolk may be distinctly visible but mobile; air cell stationary; maximum allowance at time of inspection not to exceed 2% variation from the grade stated.

Grade (d) *No. 2's or Seconds*—Eggs sound in shell, may contain weak watery eggs and eggs with heavy yolks, and all other eggs sound in shell and fit for food.

Class (3) *Cracked and Dirty*—Eggs, shells of which have been checked or broken, smeared, soiled, or damaged in shell, but fit for food.

2. Every case containing Canadian eggs intended for export out of Canada shall be marked on both ends in a legible and indelible manner, with the class and grade of eggs contained therein, and the words "Canadian Eggs," and every case containing eggs that are to be shipped from one province to any other province in shipments of 100 cases or more, shall be marked on both ends with the class and grade of the eggs contained therein, and with the name of the country of origin when other than domestic product. The Minister may from time to time prescribe the form and the size of the letters that are to be used in such markings. Such marks may be accompanied by other trade designations or brands providing such designations or brands are not, in the opinion of the Minister, inconsistent with or marked more conspicuously than the marks prescribed in these regulations.

3. Canadian eggs for export out of Canada shall be tightly packed in Canadian standard cases in new white fillers and flats, with kiln dried excelsior or corrugated cushions at top and bottom, or one-third fillers on bottom with flats over top and under bottom fillers.

4. Canadian standard cases shall be made to contain thirty dozen eggs. They shall be made of clean, dry and odorless wood. The ends and centre partition shall be not less than five-eighths of an inch thick, the sides, top and bottom not less than three-eighths of an inch thick.

5. Cases containing Canadian eggs in lots of twenty-five cases or more intended for export out of Canada, and eggs intended for shipment from one province to another province in shipments of 100 cases or more, shall not be shipped until they have been inspected and marked by an inspector.

6. The mark of approval to be placed on each case, hereinafter called the "Government Mark," shall include the Maple Leaf and the words "Canadian Eggs," and "Government Inspected" together with the inspector's number, the device to be in such form as the Minister may approve.

7. Before the Government mark is placed upon any case, the inspector shall draw samples of at least five per cent of the cases to be marked and shall examine at least one-half of the eggs in each case. The inspector shall satisfy himself that the samples taken are representative and shall take any further samples and make any further examination that he deems necessary.

8. No cases containing eggs shall be marked with the Government mark unless the warehouse or rooms in which the eggs are held are in a clean and sanitary condition, and further, no cases shall be marked unless suitable accommodation is provided for inspectors to make the necessary

examination, such accommodation to include a dark room, facilities for candling, and such fittings as may be required to insure a proper examination.

9. No person other than a duly appointed inspector shall apply any government mark to any cases containing eggs.

10. After the contents of any case bearing the government mark have been removed, such mark shall be obliterated. This shall be done by the person or persons removing the eggs from the case.

11. Collectors of Customs throughout Canada shall not allow any Canadian eggs to be shipped for export out of Canada that are not marked in accordance with these regulations.

12. These regulations, in so far as they affect export shipments, shall come into force as soon as they are published in the *Canada Gazette*, and in so far as they affect shipments from one province to another province, shall come into force on 1st May, 1918.

*Vide Canada Gazette*, vol. li, p. 3670.

By Order in Council of the 6th of June, 1918, the general regulations under *The Destructive Insect and Pest Act*, established by Order in Council of 17th July, 1917, and amendment thereto, were further amended by striking out paragraph (f) of section 7 thereof, and substituting the following therefor:—

7. (f) All species and varieties of currants and gooseberries (*Ribes* and *Grossularia*); provided however, that the importation of such currants and gooseberries shall be permitted from that portion of the United States of America west of the line of and excluding the States of Minnesota, Iowa, Missouri, Arkansas and Louisiana, if accompanied by a certificate signed by the duly authorized state official that such currants and gooseberries have been grown within the state from which they are shipped and are free from insect pests and plant diseases.

*Vide Canada Gazette*, vol. li, p. 4385.

By Order in Council of the 15th of June, 1918, the regulations governing the inspection of preserved fruits, vegetables and milk, approved by Order in Council of the 6th July, 1910, were repealed and the annexed regulations substituted in lieu thereof:—

#### REGULATIONS GOVERNING THE INSPECTION OF PRESERVED FRUITS, VEGETABLES AND MILK.

1. In these regulations, unless the context otherwise requires,—

(a) "The Act" means the *Meat and Canned Foods Act*;

(b) "The Minister" means the Minister of Agriculture;

(c) "The Department" means the Department of Agriculture;

(d) "Establishment" means any factory, cannery, evaporating plant, or other place or premises in which fruits, vegetables, or fruit or vegetable products are processed, canned, bottled, evaporated, dried, or otherwise preserved for food for export, or in which milk is condensed, evaporated, or otherwise preserved for food for export, or in which any of the articles aforementioned are stored for export;

(e) "Export" means export out of Canada, or out of any province to any other province thereof;

(f) "Food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose;

(g) "Inspector" means an inspector appointed under the Act.

(h) "Regulations" means these regulations made under the provisions of the Act;

(i) "Products" means anything prepared from fruit or vegetables, or any condensed or evaporated milk;

(j) "Container" means any receptacle made of wood, glass, earthenware, or metallic substance, whether hermetically sealed or intended to be so sealed, or otherwise;

(k) "Package" means any can or other container in which products are packed, or any box, basket, or other receptacle used for their transportation, or anything in which products are wrapped up or bound together.

2. These regulations shall apply to all establishments within the meaning of paragraph (d) of section 1 hereof.

3. Every establishment operating under the provisions of the Act shall within one month after the date upon which these regulations come into force, mail to the Minister by registered letter an application for a permit to continue operation, and in case no permit is received within sixty days from the date of mailing said letter such establishment shall discontinue export or interprovincial business. No establishment shall hereafter commence operating without first obtaining from the Minister a permit. In case the Minister has reasonable ground to believe that any establishment has committed a violation of any of the provisions of the Act or of these regulations, he may upon ten days' notice to the permittee cancel the permit.

4. The Minister may, as provided in the Act, appoint inspectors who shall, from time to time, visit each establishment for the purpose of seeing that the provisions of the Act and of these regulations are duly observed and complied with.

5. Inspectors shall, in the performance of their official duties, wear a numbered badge provided by the department.

6. Inspectors shall furnish to the Veterinary Director General full and detailed reports of all inspections made by them, and of such other matters as may, in the public interest, be deemed necessary or advisable.

7. The following sanitary conditions shall be observed and maintained in all establishments:—

(a) All establishments shall be suitably lighted and ventilated;

(b) All appliances, such as tables, trucks, vats, machines, kettles, containers, etc., shall be kept clean and sanitary;

(c) All operations in connection with the preparation or packing of products shall be carried on carefully, and with strict cleanliness;

(d) Rooms in which articles intended for food are stored, processed, or otherwise prepared, shall be scraped, scrubbed, whitewashed, painted, or otherwise dealt with at such times as may be deemed necessary by an inspector, and shall contain facilities for cleaning all equipment;

(e) Employees of any establishment engaged in handling articles intended for food must be free from tuberculosis or other communicable disease, and must observe such general sanitary rules as may be deemed necessary by the inspector;

(f) No articles entering into the production of food shall be allowed to come in contact with anything that will contaminate or deteriorate them;

(g) Coverings used by employees to protect their clothing or persons shall be of material easily cleaned, and shall be kept reasonably clean;

(h) Dressing rooms and lavatory accommodations shall be ample, sanitary and fully equipped, and shall be entirely apart from any room or compartment used for the storing or production of food or of articles intended for food;

(i) All yards, outhouses, or other premises belonging to or used in connection with any establishment shall be maintained in a clean and sanitary condition, and shall not be used for the emptying or storing of refuse;

(j) The drainage, if any, in connection with establishments shall be ample, and kept in proper working order;

(k) No lavatory, sink, or cesspool shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room where food or articles intended for food are prepared or stored.

8. All fruits, vegetables, milk, or other articles used in any establishment shall be sound, wholesome, and in every way fit for food.

9. All fruits, vegetables, milk, or other articles intended to be used for food, found by an inspector in any establishment, whether in course or preparation or after they have been prepared to be decomposed, diseased, or in any way unfit for food purposes, shall be confiscated by the inspector and destroyed under his supervision.

10. No food or food product shall contain any deleterious drug, dye, or preservative, or other foreign substance injurious to health.

(a) No drug, dye, preservative, or seasoning which has not been approved in writing by the Veterinary Director General, shall be used in the preparation or packing of any food product.

(b) Any proprietor of an establishment may also submit to the Veterinary Director General for his approval any dye, drug, preservative, or seasoning which he may desire to use, and in the event of any such preparation being approved, its use shall be permitted.

11. With the object of preventing the use of deleterious substances, inspectors shall, as often as deemed advisable, procure samples of the preservatives used, as also of the different food products during their preparation, or after the same have been prepared, and shall submit them without delay to the Veterinary Director General.

The proprietor of any establishment shall, upon request of an inspector, furnish to him free of charge any sample or samples of foods or food products, or of any preservative, seasoning, or other ingredient used in the preparation of foods. Samples so obtained must be sealed, labelled and marked with a description of the same, together with the inspector's name and the date, and forwarded at once to the Veterinary Director General.

12. Containers in which vegetables, milk, or other articles intended for food are finally placed, shall be clean and sanitary, and, if previously used, must be thoroughly sterilized immediately prior to being filled.

13. Containers in which fruits, vegetables, milk or other articles prepared for food in any establishment are placed shall be marked, unless otherwise ordered by the Governor in Council, with:—

(a) The initials of the Christian names, the full surname, and the address, or, in the case of a firm or corporation, the firm or corporate name and address of the packer, or of the first dealer obtaining it direct from the packer who sells or offers the same for sale. Such dealer shall, upon the request of the inspector appointed under this Act, disclose the name of the packer of such articles;

(b) A true and correct description of the contents of the container as is or may be defined in the appendices to these regulations.

These requirements shall be embodied upon a trade label, stencil, or lithographed design, which shall be of a size reasonably proportionate to the size of the container or package, having thereon, as provided above, the name and address of the packer or of the first dealer, and a true and correct description of the contents.

(c) All packages must be marked as required in this section together with the permit number which shall or may be assigned to the establishment.

(d) Owners or managers of establishments shall supply to the Veterinary Director General duplicate copies of all labels, stencils or lithographed designs used in the establishment; no label stencil or lithographed design shall be used unless it has been approved in writing by him. One copy shall be filed with the Veterinary Director General, the other copy to be retained by the owner or manager and shall be produced for the information of an inspector when required.

14. No container or package shall bear any label or mark of any kind which falsely represents the nature or the quantity or weight of its contents, or the date when such contents were packed.

15. No person shall offer for export or shall export any fruits or vegetables, or fruit or vegetable products, canned, bottled, evaporated, dried, or otherwise preserved for food, or any milk, condensed, evaporated, or otherwise preserved for food, in any establishment, unless the requirements of section 13 of these regulations as regards labelling have been complied with in respect to such articles.

16. No person shall import, nor shall there be imported, any fruit or vegetables, or fruit or vegetable products, canned, bottled, dried, evaporated or otherwise preserved for food, of any milk, condensed, evaporated, dried, or otherwise preserved for food, unless the requirements of this section are strictly adhered to.

(a) Collectors of customs shall not clear any importation of fruit, or vegetables, or fruit or vegetable products, canned, bottled, dried, evaporated, or otherwise preserved for food, or any milk, condensed, evaporated, dried, or otherwise preserved for food, unless such shipment is accompanied by an affidavit taken before a Justice of the Peace, or other person duly authorized (in the country of origin) to attest such declarations, in the following form:—

Place.....  
Date.....

To the Collector of Customs,  
Dominion of Canada.

I, (or we).....hereby declare that the shipment described herein was manufactured from sound, raw materials, and that its manufacture was carried on under the sanitary conditions provided for in these regulations, that the products are at the time of shipment sound, wholesome, and fit for human food; that the containers and packages show thereon the true name and address of the manufacturer, and that the description of the contents is true and correct and conforms to the requirements as set forth in the appendices of the regulations made under the *Meat and Canned Foods Act* of the Dominion of Canada.

.....  
(Signature and address of shipper)

Name and address of consignee.....  
No. of packages.....  
No. of containers in each package.....  
Name of product.....  
Sworn to before me this..... day of..... 19.....

.....  
(Signature of Commissioner or  
Justice of the Peace.)

(b) All fruit or vegetables, or fruit or vegetable products, canned, bottled, dried, evaporated or otherwise preserved for food, or any milk, condensed, evaporated, dried, or otherwise preserved for food, shall be subject to such inspection in the Dominion of Canada, as may be deemed necessary or advisable, and any fruit, or vegetables, or fruit or vegetable products, canned, bottled, dried, evaporated, or otherwise preserved for food, or any milk, condensed, evaporated, dried, or otherwise preserved for food, that does not conform to the requirements of these regulations and the appendices thereto, shall, upon condemnation by an inspector, be forfeited to His Majesty, and may be disposed of as the Minister may direct.

(c) Collectors of customs shall attach the certificate referred to in this section to their B-1 entry form and forward same to the Commissioner of Customs.

17. These regulations apply to all products which may be manufactured or imported on or after July 1, 1918. Manufacturers may have till January 1, 1919, to dispose of any product covered by these regulations which they have on hand July 1, 1918.

18. Collectors of Customs throughout Canada shall see that the various exigencies and requirements of these regulations, or any ministerial or other order made thereunder, are fulfilled before granting any permit which requires, before it is given, any act to be performed or any inspection or other proceeding to be made or taken, and they shall see that the prohibitions prescribed and rules established by these regulations as hereinbefore mentioned, and the instructions which may be

issued by the Minister, are obeyed, and, in case of any infraction of the provisions of these regulations, or any of them, taking place, they shall report at once to the Minister the nature and extent of such infraction.

DEFINITION OF TERMS USED IN THESE REGULATIONS.

CONTAINERS.

“Containers” are the tin cans, glass bottles, glass or carbon jars, boxes, pails, tubs, etc., made of wood, paper or other material, or any other vessels in which canned, evaporated or otherwise preserved fruits and vegetables are kept.

THE LABEL.

The “label” is the wrapper or sticker around or attached to the container. Its function is to furnish the purchaser with a true and correct description of the contents of the container as laid down by these regulations.

STANDARDS OF QUALITY.

“Standards of quality” for these regulations shall include those standards already made by the Department of Inland Revenue under the authority of the *Adulteration Act* and regulations made thereunder, together with the following grades which shall be known as “Seconds,” “Standards,” “Choice” and “Fancy,” and when used shall appear conspicuously upon the principal part of the label in letters not less than one-half an inch in height.

NOTE.—Canned or evaporated fruits or vegetables of a quality of “Standard” grade, or better, as hereinafter defined, may be sold as “Standard” grade without declaration of grade on the label, but in every instance where any description of quality is shown, such description shall be in terms of the foregoing grading, i.e., tomatoes of a quality as hereinafter described as “Standard” tomatoes, “Choice” tomatoes or “Fancy” tomatoes would be correctly labelled “Tomatoes” without the prefix “Standard,” “Choice” or “Fancy,” provided only that they were sold as standard quality. Such terms as “Fine,” “Extra,” etc., would not be accepted or allowed. On the other hand, a class of tomatoes whose quality fell below the “Standard” grade as defined would not be correctly labelled “Tomatoes” without the word “Seconds” either above or before the word “Tomatoes” in plain type not less than one-half of an inch in height.

HEAD SPACE.

“Head Space” is that space between the under side of the top of the container and the upper level of the contents of the container. It shall in no case be greater than is necessary for the proper sealing of the container.

DEGREE OF SYRUP.

The “degree of syrup” referred to in these regulations is based on the reading of the saccharimeter or hydrometer in the syrup at a temperature of 60 degrees.

*The Container.*

The “container” referred to in these regulations shall be deemed to be the general type of container now in use, and which may be further described as follows:—

Number of can.	Diameter in inches.	Height in inches.	Capacity in ounces
1.....	2 $\frac{1}{8}$	4	12.6
1 tall.....	2 $\frac{1}{8}$	4 $\frac{1}{4}$	12.3
2.....	3 $\frac{3}{8}$	4 $\frac{9}{16}$	21.3
2 $\frac{1}{2}$ .....	4	4 $\frac{3}{4}$	31.2
3.....	4 $\frac{3}{8}$	4 $\frac{7}{8}$	35
10.....	6 $\frac{7}{8}$	7	107

The foregoing shall be known as standard sizes of containers. If, in the opinion of the minister, a considerable portion of the consuming public would be benefited by the use of other sizes of containers, he may add such sizes to the standard list. All sizes shall be plainly shown on the ends of the box or case in which they are packed.

All containers not listed as standard size as stated above shall have marked thereon in addition to the information required on standard sizes, the net weight in ounces, or pounds and ounces, of the contents of the container, and, unless the container is transparent, the drained weight of the solids therein. Such information shall be conspicuously placed on the principal part of the label in plain type not less than one-eighth of an inch in height.

(A) FRUITS AND VEGETABLES AND CERTAIN OF THEIR PRODUCTS.

1. The terms *Fruits* and *Vegetables* as used in the following definitions include all those parts of plants which are ordinarily consumed as food, with the exception of plants belonging to the order Graminæ (grains) and various spices. Typical examples of fruits are apples, pears, oranges, peaches, plums, grapes, currants, nuts, etc. Typical examples of vegetables are carrots, potatoes, beets, spinach, asparagus, cabbage, etc. The terms are indiscriminately applied to many articles, such as tomatoes, rhubarb, pumpkin, corn (maize), and some others.

2. *Dried Fruits or Vegetables* are the clean, sound products made by drying properly matured and prepared fresh fruits or vegetables in such a way as to take up no harmful substances; and conform in name to the particular fruit or vegetable used in their preparation.

3. *Evaporated Fruits or Vegetables* are such dried fruits or vegetables as have been desiccated with employment of artificial heat.

4. *Evaporated Apples*, including apple chop or waste, shall contain not more than twenty-five (25) per cent of moisture.

5. *Evaporated Vegetables*, with the exception of onions, shall contain not more than twelve (12) per cent of moisture.

6. *Evaporated Onions* shall contain not more than fifteen (15) per cent of moisture.

*Note I.*

Experimental work done in these laboratories shows that the method employed in determination of moisture in evaporated fruits and vegetables affects more or less the accuracy of the result; and in order to secure uniformity, the following method of working is provisionally adopted:—

1. A representative sample (at least 25 grammes) is comminuted by cutting with a sharp knife, on a hardwood board, until the fragments are not larger than a cube of one-fourth of an inch. Machines such as are used to cut sausage meat are objectionable, as they squeeze out more or less of the water, thus causing loss of dissolved material.

2. Weigh out duplicate portions of from 10 to 15 grammes, of the finely cut material, on tared watch glasses, and dry for two hours at 90°C. in a well-ventilated, water-jacketed oven.

3. Weigh the samples.

4. Return to oven for another hour, under same conditions as above.

5. Weigh again.

If the loss of weight between the last two weighings amounts to less than one-half of one per cent of the weight of the samples, the last weighing is to be accepted as correct, and the weight lost in three hours is to be calculated as a percentage loss on the original weight of the sample, and stated as moisture.

6. If the loss shown in the last hour exceeds one-half of one per cent of the weight of the sample, this is to be returned to the oven for another hour, under same conditions of temperature etc., and the loss of weight after the fourth hour is to be taken to be as measuring the moisture present in the original sample.

7. *Canned Fruits or Vegetables* are the sound product made by sterilizing clean, sound, properly matured and prepared fresh fruits or vegetables, by means of heat, and keeping the same in suitable, clean, hermetically sealed containers; and conform in name to the particular fruit or vegetable used in their preparation.

8. *Preserve* is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar syrup, with or without spices and vinegar, and conforms in name to the fruit used in its preparation.

9. *Jam Marmalade* is the sound product made from clean, sound, properly matured and prepared fresh fruit or fruit pulp and sugar, with or without spices or vinegar, by boiling to a semi-solid consistence; and conforms in name to the fruit used in its preparation.

10. *Fruit Butter* is the sound product made from fruit juice, and clean, sound, properly matured and prepared fruit, boiled to a semi-solid mass of homogeneous consistence, with or without the addition of sugar and spices or vinegar; and conforms in name to the fruit used in its preparation.

11. *Jelly, Fruit Jelly* is the sound, semi-solid gelatinous product made by boiling clean, sound, properly matured and prepared fresh fruit with water, concentrating the expressed and strained juice, to which sugar is added; and conforms in name to the fruit used in its preparation.

12. When *Jam, Marmalade, Fruit Butter or Jelly* contains other fruit or fruit juice than that which gives its special name to the article, the fact of the presence of such other fruit shall be stated on the label, in lettering as large and as distinct as that used in naming the fruit principally present. This requirement does not however, apply to the use of fruit juice, up to the amount of ten (10) per cent of the weight of the jam, etc., used instead of water in the manufacture of the jam, etc.

13. When *Jam, Jelly, Marmalade, etc.*, are prepared from two or more sorts of fruits, the first named fruit on the label shall be that which is present in largest amount; thus, a jam made from strawberries and apples, or apple pulp or apple jelly, shall be labelled as "Strawberry and Apple Jam" only if the weight of strawberries used exceeds the weight of apples or apple pulp or apple jelly in the product; where the weight of apples or apple pulp or apple jelly exceeds the weight of strawberries used, the label shall read "Apple and Strawberry Jam" or "Apple Jam flavoured with Strawberries," or otherwise, in such a way as to make clear the fact that strawberries are not the chief constituent.

14. When the sugar in preserve, jam, marmalade, fruit butter or jelly is wholly or partially replaced by glucose, or by any other substitute for sugar, the fact of such substitution shall be stated upon the label in plain lettering, of a size of type not less than that known as 10 point.

#### Note II.

It has been shown to the satisfaction of this department that processed fruit (that is, fruit which has been sterilized by heat and stored in hermetically sealed containers of proper material), may be quite as good for use in the manufacture of jams, as fresh fruit, only differing from the fresh fruit by being more or less off colour. The shortness of the fruit season in Canada renders it necessary that the larger part of our fruit should be processed as above described, in order to prevent wastage.

In recognition of the above this department will, until further advice, interpret the addition of harmless colouring matter to jams, made from sound fruit, either processed or fresh, as not "concealing damage or making the article appear better than it really is;" and will not require a declaration of the presence of such colouring matter.

#### Note III.

When *Jam, Jelly, Marmalade, etc.*, contain any other ingredient than one fruit (with not more than 10 per cent of other fruit juices, as provided in section 12), and sugar, the word *pure* or *genuine* is forbidden to be used as descriptive of such jam, jelly, etc. For example, a jam made from apples, strawberries, and sugar, may be named *fruit jam* or *blended jam* with or without the words "apple" or "strawberry;" (but if one fruit is named, then all the fruits present must be named in conformity with section 13), but in no case may the words "pure" or "genuine" be used in this class of jams.

### (B) MILK AND ITS PRODUCTS.

In the administration of the *Meat and Canned Foods Act* and these regulations, the standards at present adopted by the Department of Inland Revenue are hereby adopted and will be enforced in so far as they apply to the products coming within the operation of the Act.

### (C) GRADES OF QUALITY AND QUANTITY.

#### APPLES (*Pyrus malus*).

"*Standard Apples*" shall be packed from sound apples, free from worm holes, scabs, etc., which have been properly peeled, cored and trimmed. The finished product shall be fairly white in colour, fairly whole quarters and fairly clear liquor.

"*Choice Apples*" shall be packed from sound apples, free from worm holes, scabs, etc., and which have been properly peeled, cored and trimmed. The quarters shall be even, and when processed shall remain whole; the fruit shall be white and the liquor clear. Only one variety of apples shall be allowed in each container.

"*Fancy Apples*" shall be packed from select stock, free from any blemish, and which are not less than 2½ inches in diameter. The fruit shall be free from skin, core or worm holes, the quarters shall be evenly cut and uniform in size. When processed the fruit shall be white, the quarters whole and the liquor clear. Only one variety of apples shall be allowed in each container.

"*Seconds Apples*" shall be packed from inferior stock from which all decomposed, bruised or other objectionable portions have been removed. The fruit shall be properly peeled and cored but need not necessarily be even in size or uniform in colour or variety.

#### FILL.

In all sizes the containers must be filled full of fruit using only sufficient water required for proper processing of the fruit.

#### WEIGHT.

A No. 2½ can shall contain not less than 17 ounces net of apples, a No. 3 can, 20 ounces, a No. 10 can not less than 60 ounces net of apples.

The minimum net weight of the contents of a No. 2½ can shall be 26 ounces, a No. 3 can 29 ounces and a No. 10 can 94 ounces.



## HEAD SPACE.

The head space allowed for a No. 2½ can and a No. 3 can shall be ½-inch, for a No. 10 can, three-quarters of an inch.

"*Standard Evaporated Apples*" shall be evaporated apples made from good stock, uniformly sliced and cored, comparatively white and mostly free from skins, cores, spots, worm holes or smoke odour.

"*Choice Evaporated Apples*" shall be evaporated apples made from white stock, free from skins, spots, worm holes or smoke odour, they shall be 90 per cent free of core and at least 50 per cent whole slices.

"*Fancy Evaporated Apples*" shall be evaporated apples made from selected stock, white in colour, free from any pieces of skin, worm holes or smoke odour. They shall be 90 per cent free of core and 80 per cent whole rings.

"*Seconds Evaporated Apples*" shall be sound, wholesome, evaporated apples in every way fit for human food. The slices shall be fairly well peeled, cored and free from worm holes.

APRICOTS (*Prunus armeniaca*), PLUMS (*Prunus domestica*), PRUNES.

"*Standard Apricots*," "*Standard Plums*," "*Standard Prunes*" shall be packed from sound, firm, clean, ripe fruit of the variety named, free from stems, leaves or blight.

"*Choice Apricots*," "*Choice Plums*," "*Choice Prunes*" shall be packed from the sound, clean, ripe fruit of the variety named, free from stems, leaves or blight, and shall be fairly uniform in size. The processed fruit shall be practically whole, the syrup fairly clear.

"*Fancy Apricots*," "*Fancy Plums*," "*Fancy Prunes*" shall be packed from sound, firm, clean, ripe fruit of the variety named, free from stems, leaves or blight. The processed fruit shall be whole and uniform in size and colour. This grade shall not include any small or "undersized" fruit of its variety. The syrup shall be clear.

"*Seconds Apricots*," "*Seconds Plums*," "*Seconds Prunes*" shall be packed from the sound, clean fruit of its variety, free from stems, leaves or blight. When processed the fruit need not be whole nor need the syrup be clear.

## FILL.

All cans must be filled full of fruit before the syrup or water is added, except in the case of "Sugared" or "Kettled" goods. "Sugared" or "Kettled" fruits, when to 106 ounces (according to size of the fruit).

## WEIGHT.

A No. 2 can shall contain not less than 11 to 12 ounces of fruit (according to size of the fruit) and a minimum net weight of 21 to 22 ounces (according to size of fruit). A No. 2½ can shall contain not less than 17 to 18 ounces of fruit (according to size of fruit) and a minimum net weight of 28 to 29 ounces (according to size of the fruit). A No. 3 can shall contain not less than 23 to 24 ounces of fruit (according to size of the fruit) and a minimum net weight of 31 to 32 ounces (according to size of the fruit). A can No. 10 shall be full of fruit and have a minimum net weight of 104 to 106 ounces (according to size of the fruit).

## SYRUP.

Heavy syrup for apricots, plums, prunes shall be of a density of not less than 45 degrees Balling or 24.6 degrees Baume. Light syrup for apricots, plums, prunes shall be of a density of not less than 25 degrees Balling or 13.8 degrees Baume.

"*Apricots in Water*," "*Plums in Water*," "*Prunes in Water*" shall have the can filled as full as possible with the said fruit, and to this may be added sufficient water for proper processing of the fruit.

## VARIETY OF PLUMS.

When the label designates any particular variety of plums, the fruit must be true to that name, that is to say, that any blue plum could not properly be labelled "*Blue Damson*," nor could any green plum be properly labelled "*Green Gage*."

## BERRIES.

## RASPBERRIES.

"*Standard Raspberries*" shall be packed from clean, sound, ripe raspberries, free from stems, leaves, or any considerable portion of seeded berries.

"*Choice Raspberries*" shall be packed from sound, clean, ripe, firm raspberries, free from stems, leaves, green or seeded berries. The fruit in the finished product shall be practically whole; the syrup practically clear.

"*Fancy Raspberries*" shall be packed from clean, sound, ripe, firm raspberries, free from stems, leaves, green or seeded berries. The fruit in the finished product shall be uniform in size and whole; the syrup shall be clear.

"*Seconds Raspberries*" shall be packed from clean, sound and fairly ripe raspberries, free from stems or leaves, but may include soft or broken fruit or mixed varieties.

## FILL.

All cans must be filled full of fruit before syrup or water is added, except in the case of "Sugared" or "Kettled" goods. "Sugared" or "Kettled" raspberries, when processed, shall drain not less than 45 per cent solid fruit.

## WEIGHT.

A No. 2 can shall contain not less than 12 ounces of berries and a minimum net weight of 21 ounces if packed in syrup, or 20 ounces if packed in water. A No. 2½ can shall contain not less than 19 ounces of fruit and a minimum net weight of 30 ounces; a No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces.

## SYRUP.

"*Heavy Syrup Raspberries*" shall be made from the above stated weight of raspberries, together with a syrup made from pure sugar and water, the said syrup to be of a density of not less than 45 degrees Balling or 24·6 degrees Baume.

"*Light Syrup Raspberries*" shall be packed from the above stated weight of raspberries, together with a syrup made from pure sugar and water, the said syrup to be of a density of not less than 25 degrees Balling or 13·8 degrees Baume.

"*Raspberries in Water*" or "*Pie Raspberries*" shall contain not less than the above mentioned weight of raspberries per can, to which may be added sufficient water for proper processing of the fruit.

## VARIETY OF RASPBERRIES.

When the label designates any particular variety of raspberries the fruit must be true to that variety, i.e., Columbian or other purple varieties could not be properly labelled as "Red Raspberries."

The grades of quality and quantity for blackberries, white raspberries, lawtonberries, thimbleberries, loganberries, currants, gooseberries, blueberries and huckleberries shall be similar to those used with *Berries*.

CHERRIES (*Prunus Cerasus*).

"*Standard Cherries*" shall be packed from sound, firm, ripe cherries, free from stems, leaves or blight, and when pitted they shall be free from whole or broken pitted.

"*Choice Cherries*" shall be packed from sound, firm, ripe cherries, free from stems, leaves or blight, and fairly uniform in size. The processed fruit shall be practically whole, the syrup fairly clear. If pitted, the fruit shall be practically free from pitted or portions thereof.

"*Fancy Cherries*" shall be packed from sound, firm, ripe cherries, free from stems, leaves or blight. The fruit when processed shall be whole and uniform in size and colour. The syrup shall be clear. If pitted, the fruit shall be free from pitted or portions thereof.

"*Seconds Cherries*" shall be packed from sound, ripe cherries, free from stems, leaves or blight. They need not necessarily be all whole, firm or uniform in colour or variety. When pitted they shall be free from pitted or portions thereof.

## FILL.

All cans must be filled full of fruit before syrup or water is added, except in the case of "Sugared" or "Kettled" goods. "Sugared" or "Kettled" cherries when processed shall drain 45 per cent solid fruit.

## WEIGHT.

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of 22 ounces; a No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 29 ounces; a No. 10 can shall contain not less than 70 ounces of fresh fruit and a minimum net weight of 105 ounces.

## SYRUP.

"*Heavy Syrup Cherries*" shall be made from the above stated weight of cherries per can, together with a syrup made from pure sugar and water, the said syrup to be of a density of not less than 45 degrees Balling or 24·6 degrees Baume.

"*Light Syrup Cherries*" shall be similar to heavy syrup cherries except that the density of the syrup shall be not less than 36.5 degrees Balling or 20 degrees Baume.

"*Cherries in Water*" or "*Pie Cherries*" shall contain not less than the above mentioned weight of cherries per can to which is added enough water for a proper process.

## VARIETY OF CHERRIES.

When the label designates any particular variety of cherries, the fruit must be true to that name.

The above grades of quality and quantity shall include all varieties of cherries whether pitted or unpitted.

PEACHES (*Prunus Persica*).

"*Standard Peaches*" shall be packed from sound, clean, ripe peaches, from which the skins and pitted have been removed.

"*Choice Peaches*" shall be packed from sound, clean, ripe peaches, from which the skins and pitted have been removed. The processed fruit shall be firm and smooth and fairly uniform in appearance and the syrup fairly clear.

"*Fancy Peaches*" shall be packed from sound, clean, ripe, firm peaches, from which the skins and pitted have been removed so as to leave no ragged edges. The processed fruit shall be uniform in size, colour and maturity. The syrup shall be clear. No small or inferior stock to be used in this grade.

"*Seconds Peaches*" shall be packed from sound, clean peaches from which the skins and pitted have been removed. The processed fruit need not be uniform in size, colour or maturity, nor need the syrup be clear.

NOTE.—Standard grade and seconds grade of peaches may be packed without having skins or pitted removed but, if so, this fact must be stated on the label in plain type thus: "Standard Unpitted Peaches" or "Seconds Unpeeled Peaches," in letters not less than three-eighths of an inch in height.

## FILL.

All cans must be filled full of fruit before syrup or water is added, except in case of "Sugared" or "Kettled" fruit. "Sugared" or "Kettled" peaches shall drain, when processed, not less than 50 per cent solid fruit.

## WEIGHT.

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of 22 ounces; a No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 29 ounces; a No. 3 can shall contain not less than 24 ounces of fruit and a minimum net weight of 32 ounces; and a No. 10 can shall contain not less than 60 ounces of fruit and a minimum net weight of 102 ounces.

## SYRUP.

"*Heavy Syrup*" for peaches shall be of a density of not less than 55 degrees Balling or 29.8 degrees Baume.

"*Light Syrup*" for peaches shall be of a density of not less than 25 degrees Balling or 13.8 degrees Baume.

"*Peaches in Water*" or "*Pie Peaches*" shall have the can filled as full as possible with fruit and to this added enough water for the proper process of the goods.

## VARIETY OF PEACHES.

When the label designates any particular variety of peaches, the fruit must be true to that name.

PEARS (*Pyrus Communis*).

"*Standard Pears*" shall be packed from sound, clean pears, free from worm holes, scab, etc., and which are properly peeled, cored and trimmed. When processed, the fruit shall be fairly whole and the syrup fairly clear.

"*Choice Pears*" shall be packed from sound, clean pears, free from worm holes, scab, etc., and which are carefully peeled, cored and trimmed. When processed, the fruit shall be fairly uniform in size, colour and maturity. The syrup shall be clear.

"*Fancy Pears*" shall be packed from sound, clean pears, free from worm holes, scab, etc., and which are smoothly peeled, evenly halved and carefully cored. When processed, the fruit shall be uniform in size, colour and maturity, and free from any ragged or soft portions. The syrup shall be clear and free from specks. No small or inferior stock to be used in this grade.

"Seconds Pears" shall be packed from sound, clean pears. The pieces shall be free from worm holes, bruised or decayed portions. The slices need not necessarily be even in size or maturity. The syrup on the processed fruit need not be clear.

## FILL.

All cans must be filled full of fruit before syrup or water is added, except in the case of "Sugared" or "Kettled" fruit. "Sugared" or "Kettled" pears shall drain, when processed, not less than 50 per cent of solid fruit.

## WEIGHT.

A No. 2 can shall contain not less than 12 ounces of fruit and a minimum net weight of 21 ounces; a No. 2½ can shall contain not less than 18 ounces and a minimum net weight of 29 ounces; a No. 3 can shall contain not less than 24 ounces of fruit and a minimum net weight of 32 ounces; and a No. 10 can shall contain not less than 60 ounces of fruit and a minimum net weight of 104 ounces.

## SYRUP.

"Heavy Syrup" for pears shall be of a density of not less than 35 degrees Balling or 19.2 degrees Baume.

"Light Syrup" for pears shall be of a density of not less than 25 degrees Balling or 13.8 degrees Baume.

"Pears in Water" or "Pie Pears" shall have the can filled as full as possible with pears, and to this shall be added enough water for the proper process of the fruit.

NOTE.—Pears may be packed unpeeled but when so packed the fact must be stated on the label.

## VARIETY OF PEARS.

When the label designates any particular variety of pears, the fruit must be true to that name.

The above grades of quality and quantity shall apply to all varieties of pears.

STRAWBERRIES (*Fragaria virginiana*).

"Standard Strawberries" shall be packed from clean, sound, ripe strawberries, free from hulls or any considerable portion of white centres or green tips. The fruit need not be uniform in size or firmness.

"Choice Strawberries" shall be packed from clean, sound, ripe strawberries, free from hulls, etc. The fruit shall be all red, that is; free from white centres, green tips, and uniform in size and maturity.

"Fancy Strawberries" shall be packed from sound, clean, ripe strawberries, free from hulls, etc. The strawberries shall be all red, large and uniform in size, and free from white centres or green tips. When processed, the fruit shall remain whole and the syrup clear.

"Seconds Strawberries" shall be packed from sound strawberries, free from hulls, etc., but may include soft berries, or berries with white centres or green tips.

## FILL.

All cans must be filled full of fruit before syrup or water is added, except in the case of "Sugared" or "Kettled" fruit. "Sugared" or "Kettled" strawberries shall drain not less than 35 per cent solid fruit.

## WEIGHT.

A No. 2 can shall contain not less than 12 ounces of strawberries and a minimum net weight of 21 ounces for syrup strawberries and 20 ounces for strawberries in water; a No. 2½ can shall contain not less than 18 ounces of fruit and a minimum net weight of 29 ounces for syrup strawberries and 28 ounces for strawberries in water; a No. 10 can shall contain not less than 70 ounces of fruit and a minimum net weight of 100 ounces. Weights of other sizes may be fixed hereafter.

## SYRUP.

"Heavy Syrup" for strawberries shall be made from pure sugar and water and of a density not less than 55 degrees Balling or 29.8 degrees Baume.

"Light Syrup" for strawberries shall be made from pure sugar and water of a density of not less than 25 degrees Balling or 13.8 degrees Baume.

"*Strawberries in Water*" or "*Pie Strawberries*" shall contain not less than the above-mentioned weight of strawberries per can to which is added sufficient water for processing.

#### BEANS (*Phaseolus vulgaris*, etc.).

NOTE.—The beans referred to herein are really the bean pods before the seed has developed to any considerable size.

"*Standard Beans*" shall be packed from beans which have been picked while young and tender and before beans of any considerable size have formed in pod. They must be free from rust, strings or stems. The colour must be fair and the liquor fairly clear. This grade may be either whole or cut.

"*Choice Beans*" shall be packed from beans which have been picked while young and tender and before any beans have formed in pod. They must be free from rust, strings or stems. The grading for size in this grade will be those which pass between rolls  $\frac{3}{8}$  of an inch apart. The liquor shall be clear.

"*Fancy Beans*" shall be packed from such beans as will pass between rolls  $\frac{1}{2}$  of an inch apart. They must be young and tender and packed while still fresh and crisp. They must be free from rust, strings or stems. The liquor must be clear.

"*Seconds Beans*" shall be packed either whole or cut from stock which is too mature to meet the requirements of the foregoing grades, but which are still fairly tender. Seed beans may be formed in pod, but they must be tender. The beans must be fairly free from strings, stems or rust.

#### FILL.

All cans must be filled full of beans before brine is added.

#### WEIGHT.

A No. 2 can shall contain not less than 11 ounces of beans and a minimum net weight of 19 ounces; a No. 10 can shall contain not less than 55 ounces of beans and a minimum net weight of 105 ounces.

The above grading shall apply to all varieties of podded beans packed while in the green state.

#### CORN (*Zea mais*).

"*Standard*" "*Choice*" and "*Fancy*" grades of corn shall be packed from certain varieties of corn known to the trade as "*Sweet Corn*" or "*Sugar Corn*." The corn shall be picked from the stalks when it is young and tender; that is, when the kernels are in a creamy or milky state on the cob.

"*Standard Corn*" shall be fairly young and tender, and free from any considerable portion of cob, silk, husks or specks. The colour must be reasonably white with very little brown in it.

"*Choice Corn*" shall be young and tender; the colour should be bright. It must have the distinctive flavour of young corn and be practically free from pieces of cob, silk, husks or specks.

"*Fancy Corn*" shall be packed from selected stock of young and tender sweet or sugar corn. It shall be packed while still fresh and must have the distinctive flavour of young corn. It must be free from pieces of cob, silk, husks or specks. The colour must be bright and the appearance creamy.

"*Seconds Corn*" shall be packed from sweet or sugar varieties of corn which, while still in the green state, is too matured to meet the requirements of any of the foregoing grades. Certain varieties of corn known as "*Indian*" corn, "*Field*" corn and "*Common*" corn may also be used in this grade but these latter varieties will not be allowed in any other grade. The finished product shall be fairly free from pieces of cob, husk or silk and shall be fairly bright in colour.

#### FILL.

All grades of corn shall be solid pack and the cans must be filled full.

#### WEIGHT.

The minimum net weight of the contents of a No. 2 can shall be 20 ounces. The weight of other sizes may be fixed from time to time.

#### THE USE OF CORN BLEACH.

If sulphate of soda or other bleaches are used the fact that such bleaching methods have been used shall be stated on the principal part of the label in plain letters, said letters to be not less than three-eighths of an inch in height.

PEAS (*Pisum sativum*).

Peas shall be packed when fresh, green, young and tender. They shall be clean, sound and free from thistles, dock or other impurities.

## GRADING.

If graded for size, the following grading shall be observed:—

Grading shall be decided according to the size of the opening in the sieves through which the peas may be passed.

Size 1 peas are those which pass through an opening nine-thirty-seconds of an inch in diameter.

Size 2 peas are those which pass through an opening ten-thirty-seconds of an inch in diameter.

Size 3 peas are those which pass through an opening eleven-thirty-seconds of an inch in diameter.

Size 4 peas are those which pass through an opening twelve-thirty-seconds of an inch in diameter.

Size 5 peas are those which pass through an opening more than twelve-thirty-seconds of an inch in diameter.

If graded for quality, the following grading shall be observed:—

“*Standard Peas*” shall be those peas which open out fairly uniform in size claimed, colour, maturity and cook and which are fairly free from skins, splits and pods. The brine shall be fairly clear.

“*Choice Peas*” shall be those peas which open out uniform in size claimed, colour, maturity and cook, and which are free from any considerable amount of spirits and skins. The peas should not have increased in processing more than one-thirty-second of an inch in diameter. The brine shall be clear.

“*Fancy Peas*” shall be those peas which open up practically unchanged in size by processing, are green in colour, young and tender and free from skins, splits, etc. The brine shall be clear.

“*Seconds Peas*” shall be any unripe peas which do not meet the requirements of the foregoing grading for quality, regardless of size.

## BRINE.

Brine for peas shall be made from water, with or without the addition of salt or sugar.

## WEIGHT.

The minimum net weight of a No. 2 can of peas shall be 20 ounces. The minimum net weight of the drained solids after processing shall be 12½ ounces.

## THE LABEL.

The grade of the contents of a can of peas shall be placed on the principal part of the label for such can in plain type not less than half an inch in height.

## TRADE LABEL.

The use of a trade label, or label that has been in use for some length of time, may be permitted, provided that it does not give a false impression as to the quality of the contents of the package; but in all cases it must give the information set forth in the preceding clause.

“*Ripe Peas*” may be canned provided only that the label shows the words “*Ripe Peas*” or “*Soaked Peas*” on the principal part of the label in plain type not less than one-half of an inch in height.

TOMATOES (*Lycopersican esculentam*).

“*Standard Tomatoes*” shall be packed from field run of clean, sound, ripe tomatoes. The finished product shall be of good flavour, practically free from skins, pieces of core, black spots or sun scald. The colour may be irregular and the tomatoes broken.

“*Choice Tomatoes*” shall be packed from selected clean, sound, ripe-red tomatoes. The finished product shall be of a good flavour, fairly red in colour, free from pieces of skin, cores, black spots or sun scald. The can when opened should show the majority of the tomatoes whole or in large pieces.

“*Fancy Tomatoes*” shall be packed from selected prime, clean, sound, red-ripe tomatoes. The finished product shall be red in colour, free from pieces of skin, cores, black spots or sun scald. The tomatoes shall be practically whole. The can shall be full.

“*Seconds Tomatoes*” shall be packed from an inferior grade of tomatoes which must be sound and clean and reasonably ripe. The finished product must be well peeled, cored and trimmed and free from any unwholesome substance but need not necessarily be uniform in colour or appearance.

"*Tomato Puree*" shall be made from clean, sound, ripe tomatoes of good flavour with the skin and seeds removed and concentrated to one-half or less of its original bulk.

## FILL.

All cans must be filled full of tomatoes. The head space allowed for cans sizes Nos. 2, 2½ and 3, when processed will be half an inch. For can size No. 10, it will be three-quarters of an inch.

## WEIGHT.

The minimum net weight of a No. 2 can of tomatoes shall be 19 ounces; of a No. 2½ can, 28 ounces; of a No. 3 can, 32 ounces and of a No. 10 can, 103 ounces.

## SALT AND SUGAR.

If salt or sugar be used, it must be used dry or dissolved in the juice that comes out of the tomatoes. Brine made from water and sugar or salt or both will not be allowed.

## JUICE.

The juice which comes out of the tomatoes after peeling may be added to the bulk when filling the cans, but it must be the juice out of that particular lot of tomatoes. This does not apply to the juice or pulp obtained from the trimmings.

"*Tomato Pulp*" may be made from trimmings of clean, sound tomatoes, that have been thoroughly washed and sorted before peeling. Trimmings which contain dirty particles, portions of rot, ferment, mould or other objectionable matter shall not be used in the manufacture of pulp.

BEETS (*Beta Vulgaris*).

Beets for canning shall be blood red in colour, evenly peeled, carefully trimmed and free from roots or dark spots.

## WEIGHT.

The minimum net weight of a No. 2 can of beets shall be 20 ounces; a No. 2½ can, 28 ounces; a No. 3 can, 33 ounces, and a No. 10 can, 106 ounces.

In each case the can shall be as full of beets as possible.

PUMPKIN (*Curcubita pepo*).

"*Canned Pumpkin*" shall be packed from sweet varieties of pumpkin, properly ripened, hard and of a bright yellow colour. The finished product must be in the form of a heavy, thoroughly screened pulp, free from pieces of skin or seeds.

## WEIGHT.

The minimum net weight of the contents of a No. 2 can of pumpkin shall be 19 ounces; No. 2½ can, 30 ounces; a No. 3 can, 33 ounces; and a No. 10 can, 104 ounces.

SQUASH (*Curcubita ovifera*).

The grades of quality and quantity above as applied to pumpkin shall also apply to squash. Grades of quality and quantity for other fruits and vegetables may be fixed at a later date.

*Vide Supplement Canada Gazette*, July 6, 1918.

By Order in Council of the 18th of July, 1918, under and in virtue of the provisions of the *War Measures Act, 1914*, regulations were made providing for the importation into Canada and the permitting of the manufacture, sale and possession within Canada of oleomargarine and establishing the conditions of such importation, manufacture, sale and possession, such regulations to be in force and to have effect for the period during which the present abnormal conditions continue, the conclusion of such period to be determined by the Minister of Agriculture with the approval of the Governor in Council, as provided in the said regulations, and as a war measure only.

It was further ordered that the Order in Council of the 23rd October, 1917 (P.C. 3044), and the Order in Council of the 19th November, 1917 (P.C. 3236), be rescinded.

*Vide Gazette Canada*, vol. lii, p. 351.

By Order in Council of the 5th of August, 1918, it was ordered that the regulations under the *Destructive Insect and Pest Act*, established by the Order in Council of the 17th day of July, 1917, and amendments thereto, be further amended by striking out the word "and" in the seventh line of regulation No. 6 of these regulations and adding the words "and Quebec, P.Q.," after the letters "P.Q.," in the same line thereof.

*Vide Canada Gazette*, vol. lii, p. 1560.

By Order in Council of the 10th of August, 1918, and under and by virtue of the provisions of the *War Measures Act, 1914*, the following regulations were made and established:—

1. No stack of straw remaining from the crops of last year or the product of the crops of the present year, situate in either of the provinces of Manitoba, Saskatchewan or Alberta, shall be burned or otherwise destroyed without the written permission of the Deputy Minister of Agriculture of the province in which such straw is situate.

(2) Any person violating the provisions of this regulation shall be liable, on summary conviction under the provisions of Part XV of the *Criminal Code*, to a fine of not less than ten dollars and not exceeding one hundred dollars, or to imprisonment for any term not exceeding thirty days or to both fine and imprisonment.

2. The Order in Council of the twelfth day of July, 1918 (P.C. 1713), is hereby rescinded and repealed.

*Vide Canada Gazette*, vol. lii, p. 672.

By Order in Council of the 10th of August, 1918, in virtue of the *Dairy Industry Act*, it was ordered that the regulations under the *Dairy Industry Act, 1914*, established by Order in Council of the 6th day of June, 1914, shall be and the same are hereby rescinded on and after the 31st day of August, 1918, and that the annexed regulations be substituted therefor, to come into force on the 1st day of September, 1918:—

#### DEFINITIONS.

1. In these regulations, unless the context otherwise requires:—

- (a) "Act" means the *Dairy Industry Act, 1914*;
- (b) "Minister" means the Minister of Agriculture;
- (c) "brand" means any mark, stencil, stamp, label or writing placed on cheese, or on any package containing cheese, butter or other dairy product, for the purpose of designating a particular grade or classification, the place of manufacture or the country of origin;
- (d) "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 preservatives;
- (e) "creamery" means a place where the milk or cream of not less than fifty cows is manufactured into butter;
- (f) "creamery butter" means butter which is manufactured in a creamery;
- (g) "dairy" means a place where the milk or cream of less than fifty cows is manufactured into butter;
- (h) "dairy butter" means butter which is manufactured in a dairy;
- (i) "dairy product" or "dairy products" means any milk, cream, condensed milk, milk powder, butter or cheese, or any other article manufactured from milk, and all imitations thereof; except however oleomargarine, butterine or other substitute for butter manufactured wholly or in part from any fat other than that of milk or cream;
- (j) "package" means any box, tub, crock, tin, crate, case, paper wrapper or any other receptacle or covering used for the packing of butter or cheese;
- (k) "whey butter" means butter which is manufactured from whey;
- (l) "skim-milk cheese" means cheese which is made from or by the use of milk commonly known as skim-milk, or milk from which any cream has been removed, or milk to which skim-milk has been added; or cheese containing in the water free substance less than 45 per cent of milk fat.

#### COMPULSORY BRANDING.

2. All brands placed on cheese or on packages containing cheese or butter, as required by these regulations, shall be legible and indelible and shall consist of letters not less than one-half an inch long and three-eighths of an inch wide, except in the case of parchment paper wrappers



for butter the branding of which shall be written in letters not less than one-quarter of an inch square.

3. Every manufacturer of whey butter shall cause the package containing such whey butter to be branded with the words "whey butter" at the time of packing.

4. Every person who mixes whey butter with creamery butter or with dairy butter, shall cause the packages containing such mixed butter to be branded at the time of packing with the words "whey butter."

5. Every person who mixes dairy butter with creamery butter shall cause the packages containing such mixed butter to be branded at the time of packing with the words "dairy butter."

6. Every person who manufactures butter from a mixture of ordinary cream as separated from milk, and cream which has been separated from whey, shall cause the package containing such butter to be branded, at the time of packing, with the words "whey butter."

7. Every person who packs dairy butter in boxes similar to those used for the packing of creamery butter shall cause such packages to be branded, at the time of packing, with the words "dairy butter."

8. No person shall cut or pack dairy butter into blocks, squares or prints and wrap such blocks, squares or prints in parchment paper unless the said parchment paper is printed or branded with the words "dairy butter."

9. Every cheese maker who manufactures skim-milk cheese shall brand on the side of every cheese, within twenty-four hours after the cheese is removed from the press the words "skim-milk cheese," and also upon the outside of every box or package which contains such cheese the words "skim-milk cheese" at the time the cheese is boxed or packed, and if such cheese leaves the factory within twenty-four hours after its removal from the press, such branding must be done before the cheese leaves the factory.

10. When butter is packed in tubs or boxes, all brands required by these regulations shall be applied on the side of the package.

#### PROHIBITED BRANDING.

11. No person shall brand any package containing butter with the words "creamery butter," or with any combination of the word creamery unless such butter is creamery butter within the meaning of the Act and these regulations.

12. No person shall apply any brand 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.

13. (a) No person shall brand any cheese or brand any package containing cheese or butter in any manner that shall give false information as to the country or province of origin, or as to the cheese factory or creamery in which it was manufactured. (b) No person shall brand any package containing butter with any fictitious creamery name or with any word which might be construed as a creamery name, unless such name or word is followed by the word "Brand."

#### THE SALE OF DAIRY PRODUCTS.

14. No person shall knowingly sell, offer, expose or have in his possession for sale:—

(a) Any whey butter unless the package containing such whey butter is branded with the words "whey butter;"

(b) Any butter which consists of a mixture of whey butter and creamery butter or whey butter and dairy butter unless such mixture of butter is branded "whey butter;"

(c) Any mixture of dairy butter and creamery butter unless such mixture is branded "dairy butter;"

(d) Any butter manufactured from a mixture of ordinary cream as separated from milk, and cream which has been separated from whey unless such butter is branded with the words "whey butter;"

(e) Any dairy butter packed in boxes similar to those used for the packing of creamery butter unless such packages are branded "dairy butter;"

(f) Any dairy butter packed, moulded or cut into blocks, squares or prints and wrapped in parchment paper unless such parchment paper is branded "dairy butter;"

(g) Any skim-milk cheese unless the words "skim-milk cheese" are branded upon the side of every cheese and also upon the outside of every box or package which contains such cheese; and unless a placard bearing the words "skim-milk cheese" in letters at least three-quarters of an inch square is displayed on the cheese in such a manner as to be clearly visible to purchasers;

(h) Any butter branded as creamery butter or any combination of words which includes the word creamery unless such butter is creamery butter according to the definition in the Act, and in these regulations;

(i) Any cheese upon which the word "Canadian," "Canadien" or "Canada" is branded, or any cheese or butter contained in any package upon which the word "Canadian," "Canadien" or "Canada" is branded as a descriptive term, unless such cheese or butter has been produced in Canada;

(j) Any cheese which is branded or any cheese or butter which is contained in a package

which is branded in such a manner as to give false information as to the country or province of origin or as to the cheese factory or creamery in which it was manufactured;

(k) Any butter contained in a package which is branded with any fictitious creamery name or with any word which might be construed as a creamery name unless such name or word is followed by the word "Brand;"

(l) Any whey butter, or any butter which consists of a mixture of whey butter and creamery butter or a mixture of whey butter and dairy butter, or any butter manufactured from a mixture of ordinary cream as separated from milk, and cream which has been separated from whey, unless a placard bearing the words "whey butter" in letters at least three-quarters of an inch square is displayed on the butter in such a manner as to be clearly visible to purchasers except in cases where such butter is packed or cut in prints, blocks, squares or pats and wrapped in parchment paper which paper is printed or branded with the words "whey butter;"

(m) Any dairy butter or any butter which consists of a mixture of dairy butter and creamery butter, packed in boxes similar to those used for the packing of creamery butter, or which has been turned out of such boxes, unless a placard bearing the words "dairy butter" in letters at least three-quarters of an inch square is displayed on the butter in such a manner as to be clearly visible to purchasers.

15. No person, except the final purchaser or consumer, shall remove, obliterate or erase or cause to be removed, obliterated or erased, any brand placed upon any cheese, or upon any package containing cheese or butter as required by these regulations.

16. Any person charged with the enforcement of this Act may with the consent of the Minister,—

(a) Seize and confiscate any apparatus or materials used or intended to be used in the manufacture of any butter, cheese, or other dairy product or imitations thereof in contravention of any of the provisions of this Act or of any regulations made thereunder;

(b) Seize and confiscate any apparatus used in the treatment of milk, butter, cheese or other dairy product when such treatment causes the said milk, butter, cheese or other dairy product to contravene any of the provisions of this Act or of any of the regulations made thereunder;

(c) Seize and confiscate any illegal dairy product as defined in this Act.

17. When any apparatus or materials or illegal dairy product is seized and confiscated under authority of this Act and of these regulations, such apparatus or materials or illegal dairy product may be

(a) Sealed by any person charged with the enforcement of the Act and allowed to remain in the building or premises where found;

(b) Sealed by any person charged with the enforcement of the Act and removed to a public warehouse or some other suitable building.

18. No person except a person charged with the enforcement of the Act shall remove any seal from any apparatus, materials, or illegal dairy product which has been seized, confiscated and sealed under authority of this Act and these regulations.

19. Any apparatus, materials, or illegal products, seized and confiscated under authority of this Act and these regulations may be sold or otherwise disposed of, and any moneys derived therefrom shall be payable to His Majesty.

20. Any person who violates any regulations made under authority of the Act shall for each offence, on summary conviction, be liable to a fine of not less than ten dollars nor more than thirty dollars together with the costs of prosecution.

21. Any pecuniary penalty imposed under these regulations shall, when recovered, be payable and appropriated in the manner provided by section 21 of the Act.

22. These regulations shall come into force on the first day of September, 1918, superseding regulations which came into force on the first day of September, 1914.

*Vide Canada Gazette*, vol. lii, p. 751.

By Order in Council of the 26th of October, 1918, regulations respecting the importation of seeds into Canada were made and established.

*Vide Canada Gazette*, vol. lii, p. 1561.

By Order in Council of the 26th of October, 1918, the Order in Council of the 7th of October, 1916, was amended by rescinding that portion thereof establishing the nomenclature of grades of grain for seed purposes and substituting the following definitions (as therein set forth) in lieu thereof.

*Vide Canada Gazette*, vol. lii, p. 1562.

By Order in Council of the 21st of December, 1918, the regulations under the *Animal Contagious Diseases Act*, established by the Order in Council of the 30th November, 1909, and amendments thereto, were amended as follows:—

The word "thirty" in section 39 of the said regulations is hereby struck out and the word "sixty" substituted therefor.

The words "except pure bred double treated hogs" are hereby added after the words "all swine" where such words first appear in section 42 (a);

The words "by the certificate of a veterinarian of the Bureau of Animal Industry, or the certificate of a state veterinarian endorsed by a Bureau veterinary inspector stating that neither swine plague nor hog cholera have existed in the herd in which the hogs were kept during the six months immediately preceding the date of shipment and" are hereby added after the word "accompanied" in section 42 (c).

*Vide Canada Gazette*, vol. lii, p. 2100.

By Order in Council of the 3rd of March, 1919, under and in virtue of the provisions of the *Destructive Insect and Pest Act*, it was ordered that the regulations approved under date the 17th day of July, 1917, and amendments thereto be further amended by adding to section 3 of the said regulations immediately preceding the words "Vancouver, B.C., from October 1 to May 1," the words:— "*Ottawa, Ont., (for scientific purposes only)*".

*Vide Canada Gazette*, vol. lii, p. 2772.

By Order in Council of the 4th of April, 1919, it was ordered that the general regulations under the *Destructive Insect and Pest Act*, established by Order in Council of the 17th July, 1917, and the amendments thereto, shall be and the same are hereby further amended as follows:—

Subsection (f) of section 7 is hereby rescinded, and the following substituted therefor:—

(f) All species and varieties of currants and gooseberries (*Ribes* and *Grossularia*); provided however, that the importation of such currants and gooseberries shall be permitted from that portion of the United States of America, west of the line of, and excluding the States of Minnesota, Iowa, Missouri, Arkansas and Louisiana, if accompanied by a certificate signed by the duly authorized state official, that such currants and gooseberries have been grown within the State from which they are shipped and are free from insect pests and plants diseases. Provided further, that the importation of said vegetation, shall be permitted without any restriction into the province of Ontario from the State of New York.

Section 12 is hereby amended by adding thereto the following as subsection (b):—

(b) The movement of all five-leaved species of the Genus *Pinus* and their horticultural varieties as well as all species and varieties of currants and gooseberries (*Ribes* and *Grossularia*), but not including the fruits of these latter, is prohibited from the area of the Dominion of Canada to the east of the border line between Saskatchewan and Alberta to the west of this line.

*Vide Canada Gazette*, vol. lii, p. 3087.

By Order in Council of the 19th of April, 1919, it was ordered that the regulations under the *Destructive Insect and Pest Act*, approved under date the 17th day of July, 1917, and amendments thereto, be further amended by adding to the said regulations subsection (g) to section 7 to read as follows:—

(g) Common or Rust Barberry (*Berberis Vulgaris* L.), its hybrids and horticultural varieties; all species and varieties of *Berberis* and *Odostemon* (*Mahonia*) susceptible to Black-Stem Rust:—

B. <i>Amurensis</i> Rupr.	B. <i>Aristata</i> , D.C.
B. <i>Canadensis</i> Pursh.	B. <i>Illicifolia</i> Forst.
B. <i>Lycium</i> Royle.	B. <i>Nopalensis</i> Spreng.
B. <i>Sibirica</i> Pall.	O. <i>Aquifolium</i> Rydb.

It was further ordered that section 12 be amended by adding thereto subsection (a) to read as follows:—

(a) The species, hybrids and horticultural varieties of the genera *Berberis* and *Odostemon* (*Mahonia*) constituting an obstacle to the successful control of stem rust, shall, therefore, be prohibited from being moved from any area outside, into any area within the Provinces of

Manitoba, Saskatchewan and Alberta, throughout which provinces they shall be exterminated without any claim for compensation.

*Vide Canada Gazette*, vol. lii, p. 3367.

By Order in Council of May 1, 1919, cans of fish and shellfish exported to foreign markets or the markets of the United Kingdom were exempted for the requirement of being labelled, notwithstanding the provisions of section 12a of the *Meat and Canned Foods Act*, chap. 33, statutes of 1917.

*Vide Canada Gazette*, vol. lii, p. 3530.

By Order in Council of the 19th May, 1919, the regulations under the *Destructive Insect and Pest Act*, established by Order in Council of the 17th day of July, 1917, and amendments thereto, were further-amended by adding to section 7 of the said regulations, the following subsection:—

(h) All corn fodder or corn stalks, whether used for packing or otherwise, green sweet corn, roasting ears, corn on the cob or corn cobs from the counties of Essex, Middlesex, Norfolk and Suffolk, in the State of Massachussetts, and also from the counties of Schenectady, Saratoga, Montgomery and Albany, in the State of New York, two of the United States of America. This prohibition shall not extend to shipments of corn transported through the quarantined areas on a through bill of lading.

The said regulations were also amended by adding to section 18 thereof, which contains a list of the destructive insects, pests and diseases, the following insect pest:—

European Corn Borer (*Pyrausta nubilalis Hubner*).

*Vide Canada Gazette*, vol. lii, p. 3624.

### Civil Service Commission.

By Order in Council of the 21st December, 1918 the following regulations which have been prepared by the Civil Service Commission, in accordance with the provisions of subsection 2 of section 4 of *The Civil Service Act, 1918*, were approved:

#### REGULATIONS OF THE CIVIL SERVICE COMMISSION OF CANADA.

In accordance with subsection 2 of section 4 of the Civil Service Act, 1918, requiring that the duties of the Civil Service Commission shall be performed in accordance with regulations made by the Commission, and approved by the Governor in Council, the following regulations have been prepared by the Commission and are submitted for approval:—

#### EXAMINATIONS FOR ENTRANCE TO THE CIVIL SERVICE.

##### A. Inside Service.

1. In order to comply with section 38, of the Civil Service Act, 1918, which declares that "except has herein otherwise provided, and except in the case of commissioners and other members of any royal or other commission or board, and deputy heads, appointments to positions in the Civil Service shall be by competitive examination, which shall be of such a nature as will determine the qualifications of the candidates for the particular position to which they are to be appointed, and shall be held by the Commission in accordance with regulations to be made by the Commission and approved by the Governor in Council," the Commission will provide for general competitive examinations for entrance to the following divisions and grades of the Inside Service:—

- (a) Third Division.
- (b) Grade C of the Second Division for Junior Clerkships.
- (c) Grade C of the Second Division for Typists.
- (d) Grade C of the Second Division for Junior Stenographers.
- (e) Grade B of the Second Division for Senior Clerkships.
- (f) Grade B of the Second Division for Senior Stenographers.
- (g) Grade F of the First Division.

2. The general competitive examination for positions in the Third Division shall include the following subjects of the ordinary public school standard: writing, spelling, and the first four rules of arithmetic. The maximum number of marks for each subject shall be one hundred. The minimum percentage of qualification shall be fifty per cent on each subject and sixty per cent on the whole examination.

3. The general competitive examination for junior clerkships of Grade C of the Second Division shall include the following subjects: writing and copying manuscripts, spelling, composition, arithmetic, and geography. The maximum number of marks for each subject shall be one hundred, except in the subjects of writing and copying manuscripts, for each of which the maximum number shall be fifty marks. A maximum rating of 200 marks shall be given for office experience to be determined by length of service, character of work and efficiency therein. No candidate shall be selected for appointment who secures less than fifty per cent of the marks assigned to each subject and sixty per cent of the marks assigned to the whole examination. There shall be no minimum percentage in office experience and marks given therefor shall be in the nature of a bonus to candidates who obtain the required percentage in all other subjects.

4. The general competitive examination for Typists in Grade C of the Second Division shall include the following subjects: writing, copying manuscripts, spelling, and typewriting at 25 words a minute. The maximum number of marks for the subjects of writing and copying manuscripts shall be fifty, for spelling one hundred and for typewriting three hundred. No candidate shall be selected for appointment who secures less than fifty per cent of the marks assigned to each subject and sixty per cent of the marks assigned to the whole examination.

5. The general competitive examination for Junior Stenographers in Grade C of the Second Division shall include the following subjects: writing copying manuscripts, spelling, letter writing, stenography (taking ordinary business letters at 75 and 90 words a minute and transcribing notes), and typewriting at 25 words a minute. The maximum number of marks assigned to the subjects of writing and copying manuscripts shall be fifty; to spelling and letter writing one hundred, to stenography three hundred and to typewriting two hundred. No candidate shall be selected for appointment who secures less than fifty per cent of the marks assigned to each subject and sixty per cent of the marks assigned to the whole examination.

6. (1) The general competitive examination for senior clerkships in Grade B of the Second Division shall include the following subjects: writing, copying manuscripts, spelling, letter writing, arithmetic, geography, clerical work and experience. The maximum number of marks assigned to the subjects of writing and copying manuscripts shall be fifty; to spelling, letter writing, arithmetic and geography one hundred; to clerical work three hundred and to experience two hundred. Candidates will be required to have had at least three years' office experience in order to be admitted to this examination. No candidate shall be selected for appointment who secures less than fifty per cent of the marks assigned to each subject and sixty per cent of the marks assigned to the whole examination. There shall be no minimum percentage in office experience and marks given therefor shall be in the nature of a bonus to candidates who obtain the required percentage in all other subjects.

(2) Candidates who fail to secure sufficient marks to pass the examination for senior clerkships in Grade B, but whose rating would, in the judgment of the Commission, be adequate to qualify for junior clerkship of Grade C, may be placed on the list of persons eligible for appointment to that grade of the Service.

7. (1) The general competitive examination for senior stenographers in Grade B of the Second Division, shall include the following subjects: writing, copying manuscripts, spelling, letter writing, stenography (taking business letters at 100 and 120 words a minute and transcribing the notes), and typewriting at 50 words a minute. The maximum number of marks assigned to the subjects of writing and copying manuscripts shall be fifty; to spelling and letter writing one hundred; to stenography three hundred and to typewriting two hundred. Candidates will be required to have had at least three years' office experience in order to be admitted to this examination. No candidate shall be selected for appointment who secures less than fifty per cent of the marks assigned to each subject and sixty per cent of the marks assigned to the whole examination. There shall be no minimum percentage in office experience and marks given therefor shall be in the nature of a bonus to candidates who obtain the required percentage in all other subjects.

(2) Candidates who fail to secure sufficient marks to pass the examination for senior stenographers in Grade B, but whose rating would, in the judgment of the Commission, be adequate to qualify for positions of junior stenographer, Grade C, may be placed on the list of persons eligible for appointment to that grade of the Service.

8. (1) Candidates in the general competitive examinations for clerkships of Grade F of the First Division shall take all subjects in Group A of the following list, and any five in Group B:—

## A

Writing.  
Composition.  
Arithmetic.

Spelling.  
Literature.

## B

Algebra.	Geometry.
Physics.	Chemistry.
Geology (including mineralogy).	Biology (animal and vegetable.).
French (for those taking the general examination in English).	Physiology.
Latin.	English (for those taking the general examination in French).
German.	Spanish.
History (modern).	Political Science.
Economics.	Geography (including general, physical and commercial).
Philosophy (scholastic or general).	
Law (English and civil).	

(2) The maximum number of marks for each subject shall be one hundred, except in the subject of writing, for which the maximum number of marks shall be fifty. A maximum rating of 200 marks shall be given for office experience to be determined by length of service, character of work and efficiency therein.

(3) No candidate shall be elected for appointment to a position in Grade F of the First Division who secures less than forty per cent of the marks assigned to each subject in Group A and sixty per cent of the marks assigned to the whole group.

No candidate shall be selected for appointment to a position in Grade F of the First Division who secures less than thirty per cent of the marks assigned to each subject in Group B, and forty per cent of the marks assigned to the five subjects selected.

There shall be no minimum percentage in office experience and marks given therefor shall be in the nature of a bonus to candidates who obtain the required percentage in all other subjects.

(4) The standard of examination shall require a good general knowledge of the subjects selected from the above groups. In order that due regard may be had to the different educational systems in Canada, a curriculum shall be prepared by the Commission showing with as much detail as possible, the ground to be covered under each of the subjects in the above groups A and B. A copy of this curriculum shall be supplied to any person on making application to the Secretary of the Commission.

9. No person shall be appointed to grade F of the First Division unless he is to discharge the duties of a junior administrative, executive or technical officer, and the deputy head when making application to the Commission for a clerk to be assigned to that grade of the Service, shall state the exact nature of the duties to be discharged by such officer.

10. Persons who successfully competed for appointment to the Inside Service under the Civil Service Amendment Act, 1908, and who have not received appointments, may be placed on the list of those eligible for appointment to the corresponding division and grade of the Inside Service for which they had previously qualified.

Provided, however, that no *such person* who declined without good reason to accept a permanent appointment when offered him or who would not be eligible under the Civil Service Act, 1918, or these Regulations, for admission to the general examinations and appointment to the Inside Service for any other reason than the age limit, shall be placed on such list.

11. Where the deputy head of a department applies to the Commission for a nomination to a clerkship requiring special qualifications not covered by the general examinations and which is not a position that can be classified as professional or technical, the Commission shall, after consultation with the deputy head of the department in which the appointment is to be made, provide a special competitive examination or test, which may or may not involve written answers to questions, but shall be of such a nature as to secure a person well qualified for the position to be filled. In determining the qualifications of a candidate for such positions, the examination or test may also have special reference to executive ability and tact, to such special business training as may be required, and to a successful experience in duties similar to those pertaining to the position to be filled.

12. (1) Where the appointment is one which is to be made under section 15 of the Civil Service Act, 1918, the Commission, upon receiving a notice from the deputy head that such a position requires to be filled, shall decide, first, whether the knowledge and ability requisite for such position in the Civil Service are wholly or in part professional or technical; secondly, whether there is an officer in the Service qualified for such position who could be promoted thereto; thirdly, whether open competition is practicable or necessary in the public interest. Should open competition be decided upon, the Commission shall proceed to fill the position in the manner prescribed by Section 11.

(2) Where competition is considered impracticable or unnecessary in the public interest, the Commission shall ascertain the qualifications of the person proposed to be appointed, and having satisfied themselves that he possesses the requisite knowledge and ability and is duly qualified as to health, character and habits, shall certify the appointment. In all cases where a position under this section is exempt by the Commission from competition, the reason for such exemption shall be submitted to Parliament in the annual report of the Commission.

Provided that where the public interest requires that the clerkship or position to be filled under sections 11 and 12 of these regulations shall be immediately filled, the Commission may certify a person for temporary employment pending a permanent appointment as a result of open competition.

Provided further that the Commission may exempt from examination or competition under section 11 and the present section for purpose of temporary employment

- (a) Any person required to render professional, scientific, technical or other expert service of a temporary or exceptional character.
- (b) Any person required to render services for which, because of their temporary and exceptional character, it would not be practicable to hold competition of any kind.

#### *B. Outside Service.*

13. Until schedules are prepared containing the titles of the positions in the Outside Service and the salaries and duties attached thereto, as required by section 52 of the Civil Service Act, 1918, the Commission enacts the following interim regulations as to entrance to this branch of the Civil Service.

The Third Division Examination for the Inside Service, as provided in section 2, to qualify successful candidates for positions as messengers, letter carriers, sorters, porters, packers, caretakers, janitors, watchmen, guards, stewards, orderlies, office boys and positions of a similar nature in all departments of the Outside Service.

The Second Division Examinations for the Inside Service, as outlined in sections 3 and 6, to qualify for clerical positions in the corresponding classes of the Outside Service for which a special examination is not prescribed.

The Examinations for Typists and Stenographers as outlined in sections 4, 5 and 7, to qualify for positions of typists and stenographers in the corresponding classes of the Outside Service.

14. Persons who heretofore passed the Preliminary, Qualifying or other examination provided by the Civil Service Act (chapter 162, R.S.C.), or who were exempt from examination under the said Act, and who have not yet received an appointment to the Civil Service, may be placed on the list of persons eligible for appointment to positions for which these examinations previously qualified, provided that they are within the age limits and otherwise qualified under the Civil Service Act, 1918, and the present regulations.

15. Where a Department applies to the Commission for permanent or temporary nomination to a position in the Outside Service requiring special qualifications not covered by the general competitive examinations above referred to, or for nomination to a position requiring qualifications of a professional or technical nature, such position shall be filled in accordance to the provisions of sections 11 and 12 of the present regulations.

16. Where the appointment of a Postmaster in any of the smaller offices throughout the Dominion is required, the Commission shall, through the responsible official of the Post Office Department, institute inquiries in the locality in which the appointment is to be made, with a view to securing a suitable person, suitably located, for such position, and, having made a selection and having satisfied themselves that such person possesses sufficient education to enable him to efficiently discharge the duties of the position and that he is duly qualified as to health, character, and habits, the certificate required for his appointment shall be issued. In the filling of all positions of Postmaster in the large centres and in offices where the net salary exceeds \$1,000 per annum, the vacancy shall, as far as possible, be filled by promotion or transfer.

Where such procedure, for sufficient reason, is considered inadvisable in the public interest, the Commission shall invite applications for the position by public advertisement, in the locality in which the appointment is to be made, and shall select from among those applying the person who, in their judgment, is best qualified for the position. For the purpose of such selection, the Commission may make such inquiries and hold such an examination or test to determine the qualifications of the person or persons so applying as they may deem necessary.

17. The procedure outlined in subsection (2) of section 12 of these regulations shall be observed in the filling of any positions for which a suitable candidate cannot be secured from the lists established by means of the several examinations prescribed by these regulations, and for any other position for which, in the opinion of the Commission, local competition, but not necessarily written examinations, seems the most desirable and practicable means of selection.

#### *C. Examinations under Various Statutes.*

18. In all cases where an examination is provided for under any statute for any special position, or positions (such as Lay Inspectors, Veterinary Inspectors, Egg Inspectors, Grain Inspectors, Steamship Inspectors, Cullers, Public Analysts, Inspectors and Assistant Inspectors of Electricity), such examinations shall be held under the direction of the Civil Service Commission and successful candidates appointed in order of merit in accordance with the Civil Service Act, 1918, and the present regulations. These special competitions shall include such academic subjects, technical papers or practical tests as may be agreed upon between the departments and the Commission, and shall be of such a character as shall best determine the qualifications of the applicant for the position to be filled.

19. (1) The competitive examination for positions as Veterinary Inspector in the Department of Agriculture shall include the following subjects: anatomy, histology, pathology, regulations, contagious diseases and meat inspection. The maximum number of marks for each subject shall be as follows: anatomy, histology, pathology and regulations, 20 each; contagious diseases and meat inspection, 60 each.

(2) No candidate shall be selected for appointment to a position as Veterinary Inspector who secures less than fifty per cent of the marks assigned to the whole examination. The standard of examination shall be the standard of the leading veterinary colleges of the country. The limits of age shall be twenty-one years and forty years on the first day of the examination. This examination is limited to qualified veterinarians. The places of examination to be advertised for each examination.

(3) Should the number of those qualifying under subsection (2) next preceding be insufficient to meet the requirements of the department, the Commission may certify to the appointment of persons who have passed the examination for Veterinary Inspectors held in previous years under the authority of the Meat and Canned Foods Act, but the names of those thus appointed in a permanent capacity shall be published in the *Canada Gazette*. The persons thus to be appointed shall be taken according to the year of their examination, those of the last examinations, by years, coming first, and in order of merit.

20. The competitive examination for positions as Lay Inspectors in the Department of Agriculture shall include the following subjects: writing, spelling, composition, arithmetic and practical questions. The maximum number of marks for each subject shall be as follows: writing, 50; spelling, composition and arithmetic, 100 each; practical questions, 200.

No candidate shall be selected for appointment to a position of Lay Inspector who secures less than fifty per cent of the marks assigned to the whole examination. The standard of examination for the academic subjects shall be that of a good commercial education. The technical paper shall consist of questions on the ordinary work of packing houses or any other questions pertaining in general to the inspection of meat.

The limits of age shall be 21 years and 40 years on the first day of the examination. The places of examination to be as advertised for each examination.

21. The competitive examination for positions as Egg Inspectors in the Department of Agriculture shall include the following subjects: writing, spelling, composition, arithmetic, two technical papers and a practical test. The maximum number of marks for each subject shall be as follows: writing, 50 marks; spelling, composition and arithmetic, 100 each; the two technical papers, 150 each; the practical test, 350. No candidate shall be selected for appointment to a position as Egg Inspector who secures less than eighty per cent of the marks assigned to the practical test and less than sixty per cent on the whole examination. The standard of examination for the academic subjects shall be that of a good commercial education. The technical papers shall consist of general questions based on a practical working knowledge of trade conditions in handling, marketing and storing eggs; the practical test will be such as will determine the ability of the candidate to handle and grade eggs in accordance with the Canadian standards. The limits of age shall be 21 years and 40 years on the first day of the examination. The places of examination to be as advertised for each examination.

#### SEASON POSITIONS.

22. All positions in the Civil Service where the nature of service is such that it is not continuous through the year but recurs in each successive year, shall be designated as "Season Positions," and shall be subject to the provisions of the regulations applicable generally to positions to be filled by open competition. Any person originally appointed to a "Season Position" and whose services have been terminated by reason of the expiration of the season in any year shall be entitled to reappointment to the same position in the next ensuing or subsequent years upon filing in the office of the Commission in such form as may be prescribed, an application for such reappointment endorsed by the deputy head of the department, at least one month before the date when he shall again be required to report for service. The Commission shall certify the persons who have made such formal requests that they shall be reappointed to their former positions, provided that in the meantime they have not been reported against and are not otherwise disqualified.

Provided that for sufficient reason the Commission may waive the time limit for filing applications.

#### GENERAL TEMPORARY EMPLOYMENT.

23. When it becomes necessary, on account of temporary pressure of work, the absence of permanent officers on leave, or for any other cause, to obtain temporary assistance in any department, or portion of the Civil Service, the deputy head, or other responsible officer, when applying to the Commission, shall state in detail the nature of the assistance required, the length of time for which it is needed, and also, in his opinion, what is a proper remuneration to be allowed for the performance of the work done and the appropriation to which the salary is to be charged.

24. (1) Assignments for such temporary employment shall be made in the following order:—

- (a) from the lists of candidates qualified for permanent employment;
- (b) from the lists of those, in order of merit, who obtained the required minima at the last competition, or competitions, but were not high enough on the list to come within the number declared successful for permanent appointment;
- (c) from the lists of those who have failed to obtain the required minima but who in the opinion of the Commissioners may be considered as having a minimum of qualifications for such temporary employment.



(2) When these lists are insufficient to meet the needs of the service for temporary assistance, the Commission may hold competitive examinations for temporary employment, or may select for such employment persons who have filed an application with the Commission on the prescribed form for temporary employment. These applications shall be graded as follows:—

- (a) Superior educational qualifications (matriculation or the equivalent standing being the minimum qualification), plus office experience.
- (b) Ordinary educational qualifications only.
- (c) Business experience only.

Applicants who are not considered by the Commissioners to possess sufficient qualifications to place them in one of these three classes, or are disqualified in any other way, shall be notified that their applications cannot be considered, and the forms may be destroyed.

Selections shall be made from the lists thus established in the order of merit and, qualifications being equal, in the order in which the applications are received.

25. When selecting persons for periodical work, or for brief periods of temporary employment, the preference shall be given to those persons who were previously employed, whose services were satisfactory, and who may be available for further service.

26. When employees are required on short notice for emergency work, the responsible agent or official of the department requiring such extra assistance may engage the necessary employees, and the said officer in each such case shall report to the Commission through the deputy head of his department the names of the persons so employed, the character of their previous employment, the terms of their employment, by whom last employed, references, age, evidence as to character and the rate of compensation to be paid them. No such employment shall extend beyond thirty days unless the Commission shall issue a certificate. The report of the appointing officer shall be accompanied by the following declaration:—

- (a) that the employment of each such person is necessary for the efficient carrying on of the work of the department,
- (b) that the selection has been made without reference to personal or political considerations and strictly on the merit principle as between persons applying or available for such positions,
- (c) that such persons have satisfied the appointing officer as to their qualifications,
- (d) that they are suitable as to age, character and habits,
- (e) that they are not transferred from any other Department or Branch of the Civil Service,
- (f) that the salary or wages paid are fair and reasonable and do not exceed the rates approved by the department or prescribed by the Civil Service Act, 1918.

#### EXCHANGE AND TRANSFERS.

27. (1) Whenever an exchange of positions between two officers, clerks or employees serving in different departments, or in different branches of the Civil Service is contemplated, or whenever the filling of a vacancy in a department by a transfer from one department to another in either the Inside or the Outside Service or from the Inside to the Outside Service or from the Outside to the Inside Service, in the same department, or in different departments, or in different branches of the Civil Service, is contemplated, the deputy head or deputy heads of the department or departments affected shall submit a report for the approval of the Commission giving the following information:—

- (a) the name, or names, of the officers, clerks or employees to be exchanged or transferred and the branches of the service in which they are serving, also, in the case of a transfer, the branch of the service in which the transfer is to be made;
- (b) date, age and salary on entering service;
- (c) examination passed on entering service; or, if no examination, special grounds or qualifications upon which appointment was made;
- (d) date and nature of the different promotions, and present salary; in the case of a transfer, the salary at which the transfer is to be made;
- (e) in the case of an exchange, the duties in the last three years of the officers to be exchanged, and in the case of a transfer the duties in the last three years of the officers to be transferred and the duties pertaining to the vacancy to be filled by such transfer (to be set out in detail);
- (f) days of sick, or special, leave in the last two years;
- (g) a detailed statement as to conduct and efficiency in the last two years;
- (h) reason of the exchange or transfer. Upon the approval of such report the Commission shall issue a certificate, or certificates, for such exchange or transfer.

(2) No transfer or exchange of positions involving any considerable increase of salary shall be approved unless it can be shown that there are substantial and exceptional reasons for such special treatment.

(3) No person shall be transferred whose age at the date of his first appointment exceeded the age at which he might have been appointed to the position to which he is being transferred, as prescribed by the law or regulations in force at the date of his first appointment.

PROMOTIONS.

28. Promotion from one grade, or from one class, to another shall take place only on the occurrence of a vacancy in the higher grade or class.

29. Where a vacancy is to be filled by promotion, merit shall be the determining factor and the recommendation of the deputy head to the Commission shall state:—

- (a) the name of the officer to be promoted;
- (b) date of, age and salary on entering Service;
- (c) examination passed on entering Service, or, if no examination, special grounds or qualifications upon which appointment was made;
- (d) present salary;
- (e) present duties (to be set out in detail);
- (f) proposed new duties, if any; if no change in duties special grounds upon which promotion is to be made;
- (g) whether the officer to be promoted is the senior officer in his grade or class; if not, why he is recommended in preference to the senior officer or to any other officer, or officers that might be eligible for promotion.

30. In order to enable the deputy head of the department and the Commission to judge of the relative merits of clerks recommended for promotion, there shall be kept in each department of the Civil Service a record of the conduct and efficiency of all officers, clerks and employees below Grade B of the First Division, if in the Inside Service, and in receipt of a salary less than \$2,800, if in the Outside Service. These records shall be kept on file in the department, and copies shall be sent to the Commission every six months. Should reports thus made be adverse or unfavourable, they shall be shown by the deputy head of the department, or such officer as may be designated by him, to the person respecting whom they are made. In no case will a promotion be approved where the conduct and efficiency record of the person recommended has been unsatisfactory in any period for the two years immediately preceding the recommendation for promotion.

31. Promotion shall be effective from the date the Commission signifies its approval unless antedated at the request of the deputy head; provided, however, that only in exceptional cases shall a promotion be antedated for any period in a previous fiscal year and the reasons therefor shall be fully set out in the recommendation of the deputy head.

32. Where two or more persons in the employment of a department eligible for promotion to any vacant position are recommended for the promotion by the deputy head, the Commission may, on its own initiative, or at the request of the deputy head of the department, provide a competitive examination on the work of the department limited to those who are thus recommended for promotion. Such an examination shall have regard to the requirements of the grade or class to which the promotion is to be made, and the special duties of the position to be filled. Upon the results of the examination, if satisfactory, the Commission shall issue the required certificate of promotion in favour of the most highly qualified candidate.

33. Subsections 2 and 3 of section 45 of the Civil Service Act, 1918, provides that as far as the Inside Service is concerned:—

“There shall be no promotion from the Second Division to the First Division and there shall be no promotion from the Third Division; but any person in either of these Divisions may enter for examination for appointment to a higher division;

“Provided that any person placed in the Third Division (now the Second Division), under the provisions of the Civil Service Amendment Act, 1908, and who has passed the Qualifying Examination or had been appointed under the authority of sections 37 or 40 of the Civil Service Act, Chapter 16 of the Revised Statutes of Canada, 1906, may be promoted from the Second Division to the First Division under the provisions of section 16.”

34. Inasmuch as the Civil Service Act, 1918, prescribes that stenographers and typists shall be classified in Grades C and B of the Second Division, no employee who entered the Service through the Grade C or Grade B stenographers and typists examinations shall be promoted to Grade A of the Second Division unless he is to perform the duties of a clerk.

35. Until schedules are prepared containing the titles of the positions of the Outside Service and the salaries and duties attached thereto, in accordance with section 52 of the Civil Service Act, 1918, all promotion examinations prescribed for the Outside Division of any department at the coming into force of the new Act, are hereby maintained and shall be held in accordance with the law and the regulations then governing them.

## LEAVE OF ABSENCE.

36. In the case of illness, the deputy head may grant to any permanent officer, clerk or other employee in his department, upon satisfactory proof, in his opinion, of such illness, leave of absence for the periods prescribed in the following schedule:

Class of Officer.	On full pay not exceeding.	On half pay not exceeding.
To every officer, clerk or employee who has served less than five years.	2 months within twelve consecutive months.	1 month within the same twelve months.
To every officer, clerk or employee who has served over five years and not more than ten years.	3 months within twelve consecutive months.	3 months within the same twelve months.
To every officer, clerk or employee who has served over ten years and not more than fifteen years.	4 months within twelve consecutive months.	4 months within the same twelve months.
To every officer, clerk or employee who has served over fifteen years and not more than twenty years.	5 months within twelve consecutive months.	5 months within the same twelve months.
To every officer, clerk or employee who has served over twenty years and not more than twenty-five years.	6 months within twelve consecutive months.	6 months within the same twelve months.
To every officer, clerk or employee who has served over twenty-five years.	Twelve consecutive months.	

37. Sick leave in excess of the periods prescribed in the foregoing schedule may be granted without pay by the deputy head with the approval of the Commission.

38. Whenever any sick leave granted under sections 36 and 37 of these regulations exceeds six consecutive days the person applying for such leave shall obtain from one of the medical practitioners, designated in different centres by the Commission for such purpose, and forward to the deputy head a certificate stating that the applicant is, has been, or will probably be, unable to attend to his official duties during such leave of absence.

39. Temporary employees may be granted sick leave with full pay for a period of six days during the first six months' service and for each two months' further service, an additional two days, but the term of sick leave to temporary employees with full pay shall not exceed twelve days within a period of twelve consecutive months. It shall always be competent for a deputy head to grant a temporary employee such further leave without pay as he may determine.

40. Should any officer be incapacitated from work by reason of injuries accidentally received in the performance of his duties and not caused by negligence on his part, the deputy head may, with the approval of the Commission on production of a certificate from one of the medical practitioners designated by the Commission, grant leave of absence with pay for such period as in the opinion of the deputy head may be necessary for his recovery.

41. In addition to statutory leave or sick leave the deputy head may grant to any permanent officer, clerk or employee in his department special leave of absence on compassionate or other grounds for a period not exceeding six consecutive working days at a time or fifteen working days in any one fiscal year, with or without pay or with half pay during such period, or periods, or such part of the same, as determined by him.

When the special leave thus applied for covers a longer period or periods in any one fiscal year the same may be granted by the deputy head with the approval of the Commission, with or without pay, or with half pay during such period or periods, or such part of the same, as recommended by him and approved by the Commission.

42. The provisions of the preceding sections shall not become effective before the first day of December, 1918, and sick leave, or special leave granted in accordance with the law as it existed before the adoption of the Civil Service Act, 1918, or granted after the adoption of said Act by the deputy head or the Governor in Council in the absence of any other regulations are confirmed by the present regulations.

Provided, however, that sick leave, or special leave, granted but not yet expired on the first day of December, 1918, shall become subject to the present regulations.

Provided, also, that if on the first day of December, 1918, any such leave has already been granted to any Civil Servant in the twelve months preceding, or in the fiscal year 1918-19, as the case may be, it shall, wherever possible, be charged against him, in registering leave of absence under the present regulations.

43. In all cases where sick or special leave is granted under these regulations, whether to permanent or temporary employees, a report shall forthwith be made to the Auditor General and the Commission, in order that an accurate record of all such leave of absence may be maintained.

44. As soon as possible after the 1st December, 1918, a report shall be made to the Auditor General and the Commission of all sick, or special leave, granted in the twelve months preceding, or in the fiscal year 1918-19, as the case may be, to any permanent or temporary civil servant still in the employ of the Government at the date of such report.

45. The Commission shall designate in different centres duly qualified medical practitioners who shall furnish the medical certificates required under these regulations, and they shall be entitled to a fee of \$2 for such certificates to be paid by the person applying. These certificates shall be on a standard form to be prepared and furnished by the Commission.

46. The provisions of these regulations shall not be construed as taking away any of the privileges of the Governor in Council to remove or retire at any time any officer, clerk or employee on account of health.

47. Section 25 of the Civil Service Act, 1918, provides that:

"(1) The deputy head may grant to each officer, clerk or other employee, a yearly leave of absence for a period not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays, after they have been at least one year in the service.

(2) Every such officer, clerk or employee shall take the leave so granted at such time each year as the deputy head determines."

#### GENERAL REGULATIONS.

48. Persons employed in any temporary capacity in the Civil Service prior to the 24th May, 1918, who were qualified for permanent appointment, may be considered eligible for such permanent appointment, provided they are recommended to the Commission by the deputy head of the department with the express statement that the public interest will best be served thereby, and provided that their temporary services had proved satisfactory.

49. When a department applies to the Commission for labourers or for tradesmen or other employees whose qualifications are not covered by either the Third Division or the Second Division Examinations provided herein, the Commission may authorize the department to proceed as set forth in sections 23 to 26 inclusive hereof or may prescribe such other method of filling the position as will ensure to all applicants an equal opportunity of receiving due consideration of their respective qualifications.

50. If the Commission requires the services of any officer in any department in connection with any appointment or promotion to be made to the Public Service, or any other matter coming under the jurisdiction of the Commission, such officer shall hold himself in readiness to co-operate with the Commission and shall place his services at the disposal of the Commission in any way and at any time.

51. In accordance with paragraph 1 of section 39 of the Civil Service Act, 1918, the number of competitors to be selected at each general competitive examination, for appointment to the Civil Service, shall be computed by the Commission on the basis of the reports from the several departments as to their probable requirements for a certain stated period. The reports must give separate lists for the Inside and for the Outside Service, and for each of their divisions, grades or classes respectively, stating the number of male and female candidates to be appointed. The title or the nature of the positions are to be given whenever possible.

52. All general competitive examinations for entrance to the Civil Service shall be advertised in the *Canada Gazette* in accordance with section 40 of the Civil Service Act, 1918, at least four weeks before the examinations are to take place. The date of these examinations shall be as advertised, but usually they will be held in May and November of each year. Special competitive examinations shall be advertised in the *Canada Gazette* at least two weeks before the examinations are to take place. Such advertisements shall, as far as practicable, state the number of positions to be competed for, the positions that are then vacant, the essential conditions to be complied with by the competitors, the subjects to be covered by any special examinations, and the places at which the examinations may be held.

53. Successful candidates in any examination for the Outside Service will be appointed to the various cities or towns of the province in which they are *bona fide* residents upon a consideration of all the circumstances, including their own wishes; but the requirements of the Civil Service must rank before every other consideration.

54. A successful competitor at any of the examinations held under the direction of the Commission for permanent employment in the Civil Service who declines to accept a permanent appointment when it is offered him, shall forfeit all future right to such appointment and his name shall be immediately removed from the eligible list unless he offers, in the judgment of the Commission, good and sufficient reason for his action, in which case his name, in the order of merit, shall be placed on the next list with those who remain unappointed as set forth in subsection (2) of section 39 of the Civil Service Act, 1918.

55. The Commission may select for any office or employment any person who is a successful competitor for a higher office or employment, provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment.

56. A candidate may take more than one examination at a time if they are not held on the same day, but when successful at more than one examination he shall lose his standing on the lower examination list and his name shall appear, in order of merit, only on the higher list for

which he qualified. Provided, however, that in accordance with the provisions of section 39 of the Civil Service Act, 1918, he shall not be debarred from appointment to a lower office than he is credited as being qualified for.

57. In all examinations, competitions or appointments persons who have been on active service overseas in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the present war, who have left such service with an honourable record or who have been honourably discharged, and who obtain sufficient marks to pass such examinations or who possess a minimum of qualifications, shall, irrespective of the marks they have obtained or of the relative qualifications of the other candidates, be placed in the order of merit on the list of successful candidates or competitors above all other candidates or competitors.

58. (1) Except as otherwise specified in the Civil Service Act, 1918, and in the present regulations, no person shall be appointed to a clerical or lower grade position in the Civil Service or be admitted to any general competitive examination qualifying to such positions unless he has attained the full age of eighteen years and is not over thirty-five years on the first day of the examination. Provided, however, that during the continuance of the present war the minimum age limit shall be sixteen instead of eighteen. The age limits in competitions for special, professional or technical positions shall be as advertised in the *Canada Gazette* for each competition.

(2) The age limit does not apply to persons who have been on active service overseas in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the present war, who have left such service with an honourable record or who have been honourably discharged; but the Commission must certify that such persons are of such an age that they are able to perform the duties of the office and will probably be able to do so for a reasonable period after appointment.

(3) Any person holding a permanent appointment in the Civil Service may enter for any open competition or examination if such person when first appointed was not older than the maximum age prescribed for the position for which the examination is being held and if successful thereat may be appointed irrespective of age.

59. No person shall, without the authority of the Governor in Council, be admitted to any examination unless he is a natural born or a naturalized British subject, and also has been a resident of Canada for at least three years.

60. Every successful candidate, before receiving a permanent appointment in the Civil Service, must furnish the Commission with a certificate of good health, which shall be filled out on standard form to be furnished by the Commission.

Provided, however, that persons who have been on active service in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the present war; who have left such service with an honourable record or who have been honourably discharged must furnish the Commission with a certificate of health establishing that they are able to perform the duties of the office to which they are to be appointed and will probably be able to continue so to do for a reasonable period after appointment.

(2) There shall be designated by the Commission in each place where an examination is held or in such other places as is found advisable, one or more medical examiners, from whom such certificates shall be obtained.

(3) The fee to be paid by the applicant for the health certificate shall be:

For messengers, porters, sorters, packers, and for temporary clerks.....	\$2 00
For clerks in the Second Division of the Inside Service and for clerks in the Outside Service.....	3 00
For clerks in the First Division of the Inside Service.....	5 00

61. Every successful candidate, before receiving an appointment to the Civil Service, must furnish the Commission with reference to at least three reputable persons who may be able to give adequate information as to the candidate's character and habits.

#### AS TO THE HOLDING OF EXAMINATIONS.

62. No person shall be admitted to an examination from whom the Secretary of the Civil Service Commission has not received, on or before the date set in the *Canada Gazette* for such examination, an application in the hand-writing of the candidate, on the prescribed form and accompanied by the required fee. Forms, on which applications for these positions shall be made will be provided by the Commission and may be had on application to the Secretary of the Commission, to the presiding Supervisors at any examination centre or to the Postmaster at any such centre.

63. The general competitive examinations shall be held at the following places (provided that not less than three candidates make application to write at the same place):

Prince Rupert, Victoria, Vancouver and Nelson, in the Province of British Columbia; Edmonton and Calgary, in the Province of Alberta; Saskatoon and Regina, in the Province of Saskatchewan; Brandon and Winnipeg, in the Province of Manitoba; Port Arthur, Sault Ste. Marie, North Bay, Windsor, Sarnia, London, Woodstock, Hamilton, Toronto, Peterboro, Kingston and Ottawa, in the Province of Ontario; Montreal, Sorel, Sherbrooke, Three Rivers and Quebec, in the Province of Quebec; Fredericton, Chatham, St. John and Moncton, in the Province of New Brunswick; Charlottetown and Summerside, in the Province of Prince Edward Island; Yarmouth, Halifax and Sydney, in the Province of Nova Scotia. Examinations may also be held at other places where three or more candidates make application to write.

Provided that where competitive examinations are required involving technical or scientific subjects and necessitating the use of scientific apparatus, it shall not be necessary to hold such examinations at each of the above places, but the Commission shall, as far as possible, arrange for at least one place in each province where such examinations may be taken.

64. Any subject of any examination may be written in either English or French at the option of the candidate, but the choice of language must be made at the time of application.

*Fees for Examinations.*

65. (1) The following shall be the schedule of fees to be paid by the candidates at the several examinations held under the direction of the Commission.

For positions in the Third Division.....	\$2 00
For positions in the Second Division—Grade C.....	4 00
For positions in the Second Division—Grade B.....	6 00
For positions in the First Division.....	8 00

For special examinations the fees, if any, shall be such as are prescribed by the Commissioners.

As the examinations for entrance to the Outside Service will be, for the time being, the same as those for the Inside Service the same scale of fees shall apply.

(2) The fee for all examinations shall be payable by the candidates when making application for examination. Should any candidate after making application and paying the required fee be unable to write on the examination one-half of the fee shall be returned. If, however, a candidate notifies the Commission before an examination is held that he will be unable to present himself owing to illness or for any other cause, the fee in full shall be refunded. Provided that where an examination is held at a centre for not more than three candidates, no fees shall be refunded to any candidate failing to present himself for examination.

(3) A candidate who has served overseas in His Majesty's forces, or in the forces of any of the Allies of His Majesty during the present war, and has been honourably discharged therefrom, or a candidate who has been certified by a Medical Board to have become disabled as the result of Military Service before proceeding overseas, shall not be required to pay for admission to any of the several examinations held under the direction of the Civil Service Commission for admission to or for promotion in the Civil Service whether in the Inside or the Outside Service.

66. (1) The Commission shall select examiners duly qualified to prepare the necessary examination papers and to value the answers of the candidates in connection with the general and special examinations provided for in the Civil Service Act, 1918, and in these regulations.

(2) Each of the examination papers for the First Division shall, except in cases where the Commission considers it unnecessary, be prepared and the answers valued by two examiners.

(3) In the case of promotion examinations, and of special or technical examinations for the First Division, as far as possible, one of the two examiners shall be selected from within the department in which the appointment is to be made, and the other from without.

67. Each examiner in each subject shall submit to the Civil Service Commission with his returns a schedule showing how he has apportioned the marks for the different questions and especially showing how he has marked typical partial answers.

OATH OF OFFICE OF CIVIL SERVICE EXAMINER.

68. Each examiner appointed by the Civil Service Commission shall take and subscribe the following oath of office:—

I, A. B., do solemnly promise and swear that I will not reveal to any one the questions prepared by me for any Civil Service Examination and that I will take all possible care to ensure that they be kept secret while they remain in my hands. That if I make a translation of the questions, I will not show it to any unauthorized person. That I will not keep a copy of my questions and that if I memorize them, or any of them, I will not, directly or indirectly, do or say anything that would lead an unauthorized person to gain a knowledge of them.

I do, furthermore, solemnly promise and swear that I will correct the examination books sent me with all possible care and to the best of my ability, without any favouritism or discrimination.

So Help me God.

*Signature.*

Sworn before me at..... day of....., 191....

Signature.....  
Title.....

69. The examiners and supervisors shall be paid in accordance with the following scale of fees:—

For setting question papers:

Examinations for positions in the Third Division of the Inside Service, per paper..	\$ 5 00
Examinations for positions in the Second Division of the Inside Service, per paper..	10 00

Examinations for positions in the First Division of the Inside Service—	
First Examiner, per paper.....	\$ 15 00
Second Examiner, per paper.....	7 50
Examinations for entrance to the Royal Naval College, per paper.....	10 00
or valuing answer papers:	
Examinations for positions in the Third Division of the Inside Service, per paper..	10 00
Examinations for positions in the Second Division of the Inside Service (except writing), per paper.....	20 00
Writing, per paper.....	10 00
Examinations for positions in the First Division of the Inside Service (except writing), per paper.....	50 00
Writing, per paper.....	25 00
Examinations for entrance to the Royal Naval College, per paper.....	20 00
Examinations for Lower Grade positions in the Outside Service, per paper.....	10 00
Examination for clerical positions in the Outside Service (except writing), per paper.....	20 00
Writing, per paper.....	10 00
For acting as member of Board of Appeal:—	
One half of the fees provided by this schedule for the setting of the question papers, plus the regular fee for valuing the answer papers as provided by this schedule.	
For supervising examinations:—	
Presiding Supervisors, per day.....	\$ 10 00
per half day.....	5 00
Assistants, per day.....	5 00
per half day.....	3 00

Where a number of candidates at any centre exceeds twenty-five, an assistant supervisor may be appointed for such additional number up to twenty-five, and other additional assistants may be appointed in like proportion where the number of candidates exceeds fifty.

70. (1) Within one month after the publication of the results of the examination, any candidate, who considers that his answer papers have not been correctly valued, may make application to the Commission to have his papers re-read. Such application must be accompanied by a fee of \$3 in the case of the Third and Second Division examinations and of \$5 in the case of higher examinations. In cases where the appeal is sustained, the fee will be returned.

(2) The answer papers of all candidates at any Civil Service Examination, after being valued by the examiner, shall be retained by the Commission for a period of six months, from the date of publishing the results, and at the end of that period they shall be destroyed.

*Vide Canada Gazette*, supplement, 11th January, 1919.

## Department of Customs and Inland Revenue.

By Order in Council of the 5th of April, 1918, in virtue of the provisions of section 286 of the *Customs Act*, the following regulations respecting drawback of Customs duty on imported goods used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, were made and enacted accordingly:—

1. When imported materials, on which Customs duties have been paid, are used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, subsequent to 1st January, 1918, there may be paid a drawback of ninety-nine per centum of the duties paid on the materials so used.

Provided, however, that such drawback shall not be paid unless the duty has been paid on the materials so used as aforesaid, within three years of the date when the wireless telegraph apparatus used has been supplied to the ship equipped therewith.

2. The said drawback may be paid to the manufacturer of the wireless telegraph apparatus subject to the following conditions, viz.:—

(a) The quantity of material used and the amount of duties paid thereon shall be ascertained;

(b) Satisfactory evidence shall be furnished in respect to the manufacture of the wireless telegraph apparatus in Canada and its installation on board the vessel equipped therewith.

3. The claim for drawback shall be verified under oath before a Collector of Customs to the satisfaction of the Minister of Customs, in such form as he shall prescribe, within one year after the said wireless telegraph apparatus has been supplied to the vessel in Canada.

The Minister may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the bona fides of the claim.

*Vide Canada Gazette*, vol. li, p. 3851.

By Order in Council of the 19th of April, 1918, under the provisions of section 286 of the *Customs Act*, the following regulations respecting the drawback of Customs duty on ships and vessels over eighty tons gross tonnage, built in Canada, were made and enacted:—

1. The drawback of ninety-nine per cent of the customs duty allowed on imported materials used in the original construction of ships and vessels built in Canada since 1st November, 1916, may, with the consent of the builder of the vessel, be paid to the manufacturer of articles made in Canada from imported materials and used in such original construction of the vessel, subject to the same conditions and restrictions as when the drawback is paid to the builder of the vessel, and also subject to such further regulations as the Minister of Customs deems necessary to establish the bona fides of the claim.

*Vide Canada Gazette*, vol. li, p. 3851.

By Order in Council of the 7th of May, 1918, under the provisions of section 286 of the *Customs Act*, the following regulations respecting the drawback of Customs duty on ships and vessels built in Canada, was made and established:—

The classification of the American Bureau of Shipping may be accepted for drawback purposes in respect of ships and vessels constructed in Canada since 1st November, 1916.

*Vide Canada Gazette*, vol. li, p. 4028.

By Order in Council of the 5th of June, 1918, under and by virtue of the power conferred by the *Customs Act*, the following regulations were made and established:—

During the period of the war, and until otherwise ordered, machines for agricultural purposes, and vehicles and implements moved by mechanical power, may be imported free of duty by a settler, if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister of Customs.

Provided that the said machines, vehicles or implements entered free as settlers' effects may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada.

*Vide Canada Gazette*, vol. li, p. 4373.

By Order in Council of the 20th of June, 1918, under the provisions of the 23rd section, chapter 24, of the Revised Statutes of Canada, 1906, the Weights and Measures Division of St. Hyacinthe was abolished, and the territory at present forming part thereof was incorporated in the three adjacent Weights and Measures Divisions, reorganized as follows:—

*Montreal Division*.—To comprise the City of Montreal, and the Counties of Argenteuil, Beauharnois, Chambly, Chateauguay, Hochelaga, Huntingdon, Jacques Cartier, Laprarie,, Laval, Napierville, Soulanges, Terrebonne, Two Mountains, Vaudreuil, St. Johns, St. Hyacinthe Verchères, and Richelieu.

*Three Rivers Division*.—To comprise the City of Three Rivers, and the Counties of Berthier, Champ l'ain, Joliette, L'Assomption, Maskinongé, Montcalm, St. Maurice, Drummond, Arthabaska, Nicolet, and Yamaska.

*Sherbrooke Division*.—To comprise the City of Sherbrooke, and the Counties of Brome, Compton, Missisquoi, Richmond, Shefford, Sherbrooke, Stanstead, Wolfe, Iberville, Rouville, and Bagot.

*Vide Canada Gazette*, vol. li, p. 4558.

By Order in Council of the 2nd of July, 1918, it was ordered that the name of the Customs outport of Rondeau, Ontario, be changed to Erieau.

*Vide Canada Gazette*, vol. lii, p. 117.

By Order in Council of the 19th of July, 1918, under the provisions of section 7, chapter 108, of the Revised Statutes of Canada, 1906, *An Act Respecting Public Ferries*, the tariff covered by section 5 of the regulations established under authority of an Order in Council dated 1st May, 1893, as amended by Order in Council of the 5th April, 1905, for the governance of the operation of the ferry across the Ottawa river, between the township of Fitzroy, in the province of



Ontario, and Onslow, in the province of Quebec, and generally known as "The Quyon Ferry," was cancelled and the following (as therein set forth) substituted in lieu thereof.

*Vide Canada Gazette*, vol. lii, p. 858.

By Order in Council of the 5th of August, 1918, the Gas Inspection Districts of Toronto and Belleville, as respectively established by an Order in Council dated the 27th October, 1915, were abolished, and the following districts established in lieu thereof:—

*Toronto*, Ontario:—The Inspection District of Toronto, to be composed of the Judicial Districts of Muskoka, Parry Sound, and the Counties of Dufferin, Grey, Peel, Simcoe, Wellington and York.

*Belleville*, Ontario:—The Inspection District of Belleville to be composed of the Counties of Addington, Durham, Frontenac, Grenville, Haliburton, Hastings, Leeds, Lennox, Northumberland, Peterborough, Prince Edward, Victoria and Ontario.

*Vide Gazette Canada*, vol. lii, p. 675.

By Order in Council of the 5th of August, 1918, the Electricity Inspection Districts of Toronto and Belleville, as respectively established by an Order in Council, dated the 27th October, 1915, were abolished, and the following districts established in lieu thereof:—

*Toronto*, Ontario:—The Inspection District of Toronto, to be composed of the Judicial Districts of Muskoka, Parry Sound, and the Counties of Dufferin, Grey, Peel, Simcoe, Wellington and York.

*Belleville*, Ontario:—The Inspection District of Belleville to be composed of the Counties of Addington, Durham, Frontenac, Grenville, Haliburton, Hastings, Leeds, Lennox, Northumberland, Peterborough, Prince Edward, Victoria and Ontario.

*Vide Canada Gazette*, vol. lii, p. 661.

By Order in Council of the 17th of August, 1918, it was ordered as follows:—The standards of quality for baking powders, as established by Order in Council dated the 16th July, 1918, are hereby repealed, and the following standards of quality established in lieu thereof:—

1. Baking powder is essentially a mixture of bi-carbonate of soda with an acid, either free, or in combination as an acid salt, together with starch or other neutral material; and is intended to be used as a leavener in baking; the leavening agent being the carbonic acid gas liberated by interaction of the acid component with the bicarbonate of soda under the conditions of baking.

2. The acid materials employed in the manufacture of baking powders shall be, in themselves harmless to health, and the compounds resultant from their interaction with bi-carbonate of soda shall also be harmless to health.

3. Baking powder must be capable of yielding ten (10) per cent of its weight of carbon dioxide, on treatment as prescribed and recommended in Bulletin No. 360 of the Department of Inland Revenue (Laboratory series).

*Vide Canada Gazette*, vol. lii, p. 764.

By Order in Council of the 28th of September, 1918, the following changes in Customs ports and outports, to take effect on the 1st October, 1918, were made:—

1. The port of Cookshire, in the province of Quebec, is established as a Customs outport and warehousing port, under the survey of the port of Sherbrooke, Que.

2. The outport of Penticton, British Columbia, is detached from the port of Greenwood and established as a chief port.

3. The outports of Osoyoos, Princeton and Similkameen, in the province of British Columbia, are detached from the port of Greenwood, B.C., and placed under the survey of the port of Penticton, B.C.

4. The outport of Kelowna, British Columbia, is detached from the port of Revelstoke and placed under the survey of the port of Penticton, B.C.

*Vide Canada Gazette*, vol. lii, p. 1368.

By Order in Council of the 12th of October, 1918, it was ordered that the Customs outport and warehousing port of Comins Mills, in the province of Quebec, shall be and the same is hereby placed under the survey of the port of Sherbrooke, Quebec.

*Vide Canada Gazette*, vol. lii. p, 1447.

By Order in Council of the 21st of December, 1918, it was ordered that the outport of Trois Pistoles, under the survey of the port of Quebec, be closed from the 31st December, 1918.

*Vide Canada Gazette*, vol. lii, p. 2144.

By Order in Council of the 21st of January, 1919, it was ordered that the port of Dalhousie be classed as an outport of Customs under the survey of the port of Campbellton, in the province of New Brunswick, from the 1st April, 1919.

*Vide Canada Gazette*, vol. lii, p. 2404.

### Department of the Interior.

By Order in Council of the 23rd of April, 1918, under the provisions of section 4 of the *Migratory Birds' Convention Act*, assented to the 29th of August, 1917, the following regulations for the protection of migratory game birds, migratory insectivorous and migratory non-game birds which inhabit Canada during the whole or any part of the year, were made and enacted:—

#### MIGRATORY BIRDS' CONVENTION ACT.

##### REGULATIONS.

1. In these regulations, unless the context otherwise requires:—
  - (a) "Migratory game birds" means the following:
    - Anatidæ or waterfowl, including brant, wild ducks, geese and swans;
    - Gruidæ or cranes, including little brown sandhill and whooping cranes;
    - Rallidæ or rails, including coots, gallinules and sora and other rails;
    - Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs;
    - Columbidæ or pigeons, including doves and wild pigeons;
  - (b) "Migratory insectivorous birds" means the following:—
    - Bobolinks, catbirds, chickadees, cuckoos, flickers, fly-catchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks, or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwill, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects;
  - (c) "Migratory non-game birds" means the following:—
    - Auks, auklets, bitterns, fumars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murrets, petrels, puffins, shearwaters, and terns.
2. No person shall kill, capture, injure, take, molest, sell or offer for sale any migratory game birds during the following periods:
  - In Prince Edward Island, New Brunswick, Quebec, Ontario, Alberta, British Columbia, (northern district), Northwest Territories and Yukon Territory,  
December 15 to August 31, both days inclusive.
  - In Manitoba:—  
December 1 to September 14, both days inclusive.
  - In Nova Scotia, Saskatchewan and British Columbia (southeastern district):—  
January 1 to September 14, both days inclusive.
  - In British Columbia (southwestern districts):—  
January 15 to September 30, both days inclusive.

*Shorebirds or Waders*, including only the following: Woodcock, wilson or jack snipe, black-breasted and golden plover, and the greater and lesser yellowlegs:—

In Prince Edward Island, Nova Scotia, New Brunswick, and in the counties of Saguenay, Rimouski, Gaspé and Bonaventure in Quebec:

December 1 to August 14, both days inclusive,

Except that on woodcock and wilson or jack snipe the closed season in Prince Edward and New Brunswick shall be from December 1 to September 14, and in Nova Scotia December 15 to August 31, both days inclusive.

Quebec, other than the aforementioned maritime counties, Ontario, Alberta, British Columbia (northern district), Northwest Territories and Yukon Territory;

December 15 to August 31, both days inclusive,

Except that on woodcock and wilson or jack snipe, the close season in Ontario shall be from November 15 to October 14, both days inclusive.

In Manitoba:

December 1 to September 14, both days inclusive.

In Saskatchewan and British Columbia (southeastern district):

January 1 to September 14, both days inclusive.

In British Columbia (south-western district):

January 15 to September 30, both days inclusive.

Provided, however, that:

Indians and Eskimos may take scoters or "Siwash Ducks" for food at any time of the year, but scoters so taken shall not be sold.

In this or any other regulation the southern limit of the northern district of British Columbia shall be, west to east, a line running by way of the middle of Dean channel, Dean river, Entiako river, Nechako river and the Fraser river from Fort George to Yellowhead pass; and the line of division between the southeastern and the southwestern districts of British Columbia shall be the summit of the Cascade range as defined by the British Columbia Interpretation Act, Revised Statutes, 1911.

3. The killing, capturing, taking, injuring, or molesting of migratory insectivorous birds their eggs, or nests, is prohibited throughout the year, except as hereinafter provided.

4. The killing, taking, injuring, capturing or molesting of migratory non-game birds or their eggs, or nests, except as herein or hereinafter provided, is prohibited throughout the year; Provided, however, that Indians and Eskimos may take at any season auks, auklets, guillemots, murrens, and puffins and their eggs for human food and their skins for clothing, but birds and eggs taken in virtue of this exemption shall not be sold or offered for sale or otherwise traded.

5. A close season shall continue until the first day of January, 1928, on the following migratory game birds:—band-tailed pigeons little brown, sandhill and whooping cranes, swans, curlew and all shore birds (except the black-breasted and golden plover, wilson or jack snipe, woodcock, and the greater and lesser yellowlegs). In the province of British Columbia during such period the close season on cranes, swans, and curlew shall be made by the proper authorities of that province within the general dates and limitations elsewhere prescribed in these regulations for the respective groups to which these birds belong or greater restrictions on the hunting of these birds shall be made should the aforementioned authorities deem such further restrictions desirable as provided by Article III of the Convention between His Majesty and the United States of America, scheduled to chapter 18, 7-8 George V.

6. A close season shall continue until the first day of January, 1923, on the wood duck and elder duck, except that in the province of British Columbia, the wood duck shall be protected by such special means or regulations as the proper authorities of that province may deem appropriate, as provided by the convention referred to in clause 5.

7. The taking of the nests or eggs of migratory game, migratory insectivorous or migratory non-game birds is prohibited except as otherwise provided in the regulations.

8. Migratory game, migratory insectivorous or migratory non-game birds or parts thereof or their eggs or nests may be taken, shipped, transported or possessed for scientific or propagating purposes but only on the issue of a permit by the Minister or by any person duly authorized by him. Such a permit shall terminate at the end of the calendar year in which it shall have been issued, it shall not be transferable and shall be revocable at the discretion of the Minister.

Such permits may, upon application, be granted to recognized museums, or scientific societies, and to any person furnishing written testimonials from two well-known ornithologists.

Applications for permits for propagating purposes shall be accompanied by a statement giving:

(1) The species of birds or eggs that it is desired to take,

(2) the number,

(3) the place at which the birds or eggs are to be taken.

Any package in which such migratory game, migratory insectivorous or migratory non-game birds or parts thereof, or their eggs or nests are shipped or transported for scientific or propagating purposes shall be clearly marked on the outside with the number of the permit, the name and address of the shipper and an accurate statement of the contents.

No transportation company shall accept for transportation any package containing eggs, nests, or parts of migratory game, migratory insectivorous or migratory non-game birds unless such package shall be marked as hereinbefore required, and shipment of the same through the mails is prohibited, unless marked as aforesaid.

9. The shipment or export of migratory game, migratory insectivorous, or migratory non-game birds or their eggs from any province during the close season in such provinces is prohibited except for scientific or propagating purposes and traffic between Canada and the United States in any such birds, or their eggs captured, killed, taken or shipped at any time contrary to the laws of the Province or State in which the same are captured, killed, taken or shipped, is likewise prohibited.

10. No person shall ship or offer for shipment from Canada to the United States any package containing migratory game, migratory insectivorous or migratory non-game birds or any parts thereof or their eggs unless such package shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

No transportation company shall accept for transportation to the United States, any packages of migratory game, migratory insectivorous or migratory non-game birds or any parts thereof or their eggs unless such packages bear the name and address of the shipper and an accurate statement of the contents, and shipment of the same through the mails is prohibited, unless marked as aforesaid.

11. If any of the migratory game, migratory insectivorous or migratory non-game birds should under extraordinary conditions become seriously injurious to agricultural, fishing or other interests in any particular locality the Minister may issue permits to kill such birds so long as they shall continue to be injurious. Applications for such permits shall include a full statement describing:

- (1) the species and an estimate of the numbers of birds committing the damage.
- (2) the nature and extent of the damage.
- (3) the extent of the agricultural or other interests threatened or involved.

Such permits shall be revocable at the discretion of the Minister. On the expiration of the permit the person to whom it is issued shall furnish to the Minister a written report showing the number of birds killed, the dates upon which they were killed and the disposition made of the dead birds.

No birds killed under such permits shall be shipped, sold or offered for sale.

12. No person or organization shall introduce for the purpose of sport or acclimatization any species of migratory birds without the consent of the Minister in writing.

*Vide Canada Gazette*, vol. li, p. 3851.

By Order in Council of the 1st of May, 1918, under and in virtue of the provisions of the Act of the Parliament of Canada, 7-8 George V, Chapter 36, and known and cited as the *Northwest Game Act*, regulations (as hereinafter set forth) or the protection of game in the Northwest Territories, were made and enacted.

*Vide Canada Gazette*, vol. li, p. 4029.

By Order in Council of the 7th of May, 1918, under the authority of section 76 of the *Dominion Lands Act*, the following regulations were made:—

1. Any person who shall after the date hereof be granted homestead entry for any Dominion Lands in a wooded district as described in the attached schedule, and who desires to set out fire for the clearing of land between the fifteenth day of April and the thirty-first day of October in any year must first obtain a permit for that purpose from the forest or fire ranger for the district, who before issuing a permit shall satisfy himself that all necessary precautions shall have been taken to prevent the spread of fire, and no permit shall be granted when the season is specially dry.

2. Before a permit is granted a fire guard of not less than twenty feet in width must be cleared around the area to be burned over.

3. The entrant shall carefully watch and guard any fire set out by him or on his behalf.

4. Any person violating any provision of these regulations shall, in addition to any civil or other liability thereby incurred, be liable upon summary conviction by a judge, stipendiary or police magistrate or two or more justices of the peace, to a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

#### SCHEDULE.

The following tracts are wooded districts within the meaning of these regulations:

A. Lands within six miles of any Dominion Forest Reserve or licensed timber berth.

B. In the province of Manitoba: all lands lying east of the west boundary of range 9, east of the principal meridian, lands lying east of Lake Winnipeg and north of the south boundary of township 16, lands between Lake Winnipeg and Lakes Manitoba and Winnipegosis and north of the south boundary of township 25, lands west of Lake Winnipegosis and east of the Prince Albert line of the Canadian Northern Railway and north of the south boundary of township 32, and all lands to the north of the districts indicated, except the Rural Municipalities of Swan River and Minitonas.

In the province of Saskatchewan: (a) any area north of township 50, excepting township 51 in ranges 15 to 28 inclusive, and townships 52 and 53 in ranges 20 to 28 inclusive, all west

of the third meridian; and (b) the wooded area comprised of township 46 in ranges 7 to 9 inclusive, townships 47 and 48 in ranges 7 to 11 inclusive, townships 49 and 50 in ranges 7 to 13 inclusive, all west of the third meridian.

In the province of Alberta: (a) lands lying to the north of township 58, and (b) lands lying to the west of range 6, west of the fifth meridian.

*Vide Canada Gazette*, vol. li, p. 4029.

By Order in Council of the 29th of May, 1918, it was ordered that the regulations for the disposal of petroleum and natural gas rights, the property of the Crown, in the western provinces and territories, approved by Order in Council dated the 19th day of January, 1914, be amended by adding the following provision thereto:—

20. (a) If the expenditure incurred in boring operations on a location or on a number of locations, grouped under the provisions of these regulations, has been accepted in satisfaction of the rental of such location or group for the second and third years of the term of the lease or of the leases affected, as provided for in sections 13, 17 or 20 of these regulations the Minister may, in consideration of the further expenditure to be incurred in actual boring operations for the discovery of petroleum or natural gas, grant the lessee an extension of time within which to pay the rental for the fourth and for the fifth years respectively of such term, and if the lessee, before the end of the year for which the extension was granted, submits satisfactory evidence supported by affidavit, to show that during such year actual boring operations have been prosecuted with reasonable diligence upon the location or upon the group of locations, the amount expended in such boring operations, exclusive of the cost of machinery and casing, may, in the discretion of the Minister, be deducted from the rental which became due at the beginning of the said year, provided that petroleum or natural gas in paying quantity has not, in the opinion of the Minister, been discovered on the location or on the group of locations affected by such extension.

*Vide Canada Gazette*, vol. li, p. 4386.

By Order in Council of the 3rd of June, 1918, it was ordered that section 27 of the regulations governing the granting of yearly licenses and permits to cut timber on Dominion lands established by Order in Council of the 1st July, 1898, and subsequent orders, be rescinded and other regulations (as herein set forth) substituted therefor.

*Vide Canada Gazette*, vol. lii, p. 34.

By Order in Council of the 3rd June, 1918, regulations relating to the sale, settlement, use and occupation of Dominion lands in the province of Manitoba and the Northwest Territories, under the provisions of the *Dominion Lands Act*, were made and approved.

*Vide Canada Gazette*, vol. li, p. 4472.

By Order in Council of the 6th of June, 1918, in virtue of the authority conferred by chapter 59, R.S.C., 1906, and chapter 10, 1-2 George V, it was ordered that the attached regulations (as therein set forth) namely, the water lands regulations, be made effective for disposing of and administering Dominion lands within the Railway Belt of British Columbia, as are required in the development of water-powers and other water privileges.

*Vide Canada Gazette*, vol. lii, p. 249.

By Order in Council of the 22nd of June, 1918, it was ordered that the regulations for the survey, administration, disposal and management of Dominion lands within the 40-mi'e Railway belt in the province of British Columbia, established by Order in Council of 17th September, 1889, be amended by rescinding section 9 and substituting the following therefor.

*Vide Canada Gazette*, vol. lii, p. 33.

By Order in Council of the 5th of August, 1918, it was ordered that clause 41 of the regulations governing the granting of yearly licenses and permits to cut timber on Dominion lands in Manitoba, Saskatchewan, Alberta, the North-

west Territories, within twenty miles on either side of the Canadian Pacific Railway in the province of British Columbia, and that the tract of three and one-half million acres controlled by the Government of the Dominion in the Peace River District, in the province of British Columbia, established by Order in Council of the 1st July, 1898, and subsequent Orders in Council, shall be and the same is hereby amended so as to provide that the holders of portable sawmill berths and cordwood berths shall furnish to the Dominion timber agent having jurisdiction in the matter, sworn returns monthly or at such period as the Minister of the Interior may direct, accounting for all timber cut on the berths, sold, and on hand; and that in the event of it being found necessary, after the permittee has been requested by letter three times to forward any overdue return or returns, to send a timber Inspector or other officer to secure the same, the Minister of the Interior may charge and collect from the permittee the expenses incurred thereby, or cancel the berth.

*Vide Canada Gazette*, vol. lii, p. 675.

By Order in Council of the 19th of September, 1918, regulations governing the granting of yearly licenses and permits to cut timber on Dominion lands in Manitoba, Saskatchewan, Alberta and the Northwest Territories, the railway belt in the province of British Columbia, and the tract of three and one-half million acres controlled by the Dominion Government in the Peace River district in the Province of British Columbia, established by Order in Council of the 1st July, 1898, and subsequent Orders in Council, were amended in order to conform to the amendments made in the *Dominion Lands Act* at the last session of Parliament.

*Vide Canada Gazette*, vol. lii, p. 1195.

By Order in Council of the 21st of September, 1918, the coal mining regulations established by chapter 20, 7-8 Edward VII, and Order in Council of the 20th of April, 1910, providing that the term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, were amended as hereinafter set forth.

*Vide Canada Gazette*, vol. lii, p. 1195.

By Order in Council of the 24th of February, 1919, it was ordered that the regulations for the administration of grazing lands in the Kamloops Division of the Railway Belt, in the province of British Columbia, which was established by Order in Council of the 13th May, 1910, be amended so as to provide that the rental on grazing leaseholds shall be four cents per acre per annum.

*Vide Canada Gazette*, vol. lii, p. 2773.

By Order in Council of the 24th of February, 1919, it was ordered that the regulations for the administration of grazing lands in the provinces of Manitoba, Alberta and Saskatchewan, and in the Peace River tract in the province of British Columbia, administered by the Dominion Government, which were established by Order in Council of the 16th February, 1914, shall be amended so as to provide that the rental on grazing leaseholds shall be four cents per acre per annum.

*Vide Canada Gazette*, vol. lii, p. 2770.

By Order in Council of the 6th of March, 1919, under the provisions of the *Forest Reserves and Parks Act*, sections 64 and 65 of the regulations for the control and management of Dominion Parks as approved by Order of His Excellency in Council on the 21st June, 1909, were amended as regards the waters of Waterton Lakes Park, Alberta.

*Vide Canada Gazette*, vol. lii, p. 2833.

By Order in Council of the 29th of March, 1919, under the authority of the *Migratory Birds Convention Act*, 7-8 George V, chapter 18, and subject to the provisions of sections 8, 9 and 11 of the Order in Council of the 23rd April, 1918 (P.C. 871), it was ordered that the killing, capturing, taking, injuring or molesting of migratory game, migratory insectivorous or migratory non-game birds, or the taking, injuring, destruction or molestation of their nests or eggs, shall be and the same is hereby prohibited within the following areas:—

A strip of land ten feet in depth, along the cliff, and the cliff itself on the north and east sides of Bonaventure Island in the County of Gaspé;

The Bird Rocks and a one-mile zone surrounding the same;

Percé Rock and a one mile zone surrounding the same, except that where the mainland is distant less than one mile from Percé Rock, the shore of such mainland shall constitute the boundary of the zone.

*Vide Canada Gazette*, vol. lii, p. 3091.

By Order in Council of the 29th of March, 1919, it was ordered that sections 8, 18, 20, 37, subsections, *a, b, c* of section 41, sections 42, 47 and 48, of the regulations governing the granting of yearly licenses and permits to cut timber on Dominion lands in Manitoba, Saskatchewan and Alberta, the Northwest Territories within twenty miles on either side of the Canadian Pacific Railway in the province of British Columbia, and the tract of three and one-half million acres controlled by the Government of the Dominion in the Peace River District in the province of British Columbia, established by Order in Council, of the 1st July, 1898, and subsequent Orders in Council, be rescinded, and others substituted in lieu thereof:—

*Vide Canada Gazette*, vol. lii, p. 3090.

By Order in Council of the 29th of March, 1919, under the authority of section 17 of the *Dominion Forest Reserves and Parks Act*, it was ordered that the regulations for Dominion forest reserves, as established by Orders in Council of the 8th August and 24th September, 1913, the 20th April, 1916, and the 26th March, 1918, be amended.

*Vide Canada Gazette*, vol. lii, p. 3092.

By Order in Council of the 4th of April, 1919, it was ordered that clauses 1, 2, 13 and 14 of the regulations governing the granting of grazing leases in the provinces of Manitoba, Saskatchewan and Alberta, and in the Peace River tract in the province of British Columbia, established by Order in Council of the 16th February, 1914, be rescinded, and the following clauses, as hereinafter set forth, substituted in lieu thereof.

*Vide Canada Gazette*, vol. lii, p. 3187.

By Order in Council of the 19th of April, 1919, pursuant to the *Dominion Forest Reserves and Parks Act*, it was ordered that clause 66 of the regulations for the control and management of Dominion Parks as approved by Order in Council of the 21st day of June, 1909, and re-established, pursuant to the *Dominion Forest Reserves and Parks Act* on the 6th day of June, 1911, be rescinded and the following established in lieu thereof.

No lake trout or speckled or Nipigon trout shall be taken from any of the waters of a Dominion Park between the first day of September and the 30th day of April, both days inclusive.

No other fish shall be taken from any of the waters of a Dominion Park, except Jasper Park, between the first day of November and the 30th day of June, both days inclusive, and from any of the waters of Jasper Park, between the first day of November and the 31st day of May, both days inclusive. Provided that this shall not restrict the power of the Minister of the Interior to grant permits to net white fish or other non-game fish in any of the waters of the parks.

Fishing may be prohibited in any of the waters of the Dominion Parks or limited therein to any specified season of the year by order of the Minister of the Interior.

*Vide Canada Gazette*, vol. lii, p. 3367.

By Order in Council of the 29th of April, 1919, it was ordered that the Order in Council of the 15th October, 1914, and all other Orders in Council relating to the disposal of timber on school lands be rescinded, and the annexed regulations to govern the disposal of timber on school lands in the provinces of Manitoba, Saskatchewan and Alberta were established.

*Vide Canada Gazette*, vol. lii, p. 3528.

By Order in Council of the 19th of April, 1919, it was ordered that provisions be made in the regulations governing the granting of grazing leases in the provinces of Manitoba, Saskatchewan and Alberta, and in the Peace River block in the province of British Columbia administered by the Dominion Government, established by Order in Council of the 16th February, 1914, and subsequent Orders in Council, whereby ten year leases may be granted on vacant Dominion lands, irrespective of the quality of the soil, located over forty miles from a railway, on the condition that the lease may be cancelled, or any portion of the leasehold withdrawn from the operation of the lease, on giving the lessee one year's notice in writing, after the lease has been held three years and after a railway has been graded and the rails laid within forty miles of the leasehold.

*Vide Canada Gazette*, vol. lii, p. 3366.

#### Department of Justice.

By Proclamation dated May 22, 1919, the Act 7-8 Edward VII, chapter 40, intitled *An Act respecting Juvenile Delinquents*, was brought into force in the municipality of the city of Galt, province of Ontario, on the date of the publication of this Proclamation.

*Vide Canada Gazette*, vol. lii, p. 3435.

#### Department of Marine.

By Order in Council of the 11th of May, 1918, amendments to by-laws Nos. 82, 83, 84, 85, 88, 91, 93, 94, 101, 104, of the Corporation of the Quebec Harbour Commissioners were approved, and by-law No. 102 of the said corporation was repealed.

*Vide Canada Gazette*, vol li, p. 4124.

By Order in Council of the 12th of June, 1918, by-law No. 124 of the Harbour Commissioners of Montreal, relative to the shipping and handling of high explosives was approved.

*Vide Canada Gazette*, vol. li, p. 4469.

By Order in Council of the 28th of June, 1918, by-law No. 125 of the Harbour Commissioners of Montreal, relating to water supplied to vessels was approved.

*Vide Canada Gazette*, vol. lii, p. 32.

By Order in Council of the 23rd of September, 1918, by-law No. 93 fixing a scale of charges for services in G.T.R. Co.'s elevators was approved.

*Vide Canada Gazette*, vol. lii, p. 1192.



By Order in Council of the 19th of October, 1918, by-law No. 43 of the Montreal Pilotage District adopting a new and graduated scale of fees for moves in the harbour and vicinity was approved.

*Vide Canada Gazette*, vol. lii, p. 1615.

By Order in Council of the 12th of March, 1919, it was ordered that the Order in Council of the 22nd January, 1918 (P.C. 131), respecting the registration of masters, mates and engineers of sea-going or other ships, be rescinded.

*Vide Canada Gazette*, vol. lii, p. 3087.

By Order in Council of the 1st of May, 1919, by-laws Nos. 94, 104 and 105 of the Quebec Harbour Commissioners were approved.

*Vide Canada Gazette*, vol. lii, p. 3684.

### Department of the Naval Service.

By Order in Council of the 17th of May, 1918, under the provisions of section 45, chapter 8, of the Statutes of 1914, section 37 of the special fishery regulations pertaining to the county of Cape Breton, was amended so as to permit herring net fishing from 6 o'clock Monday morning until 6 o'clock Saturday afternoon of each week.

*Vide Canada Gazette*, vol. li, p. 4215.

By Order in Council of the 10th of June, 1918, subsection (c) of section 16 of the special fishery regulations for the province of Quebec, adopted by Order in Council of the 12th September, 1907, was rescinded and the following substituted in lieu thereof:—

(c) No one shall fish in Brome Lake otherwise than by angling or trolling with a hook and line held in the hand, or with a hook and line and rod, the latter held in the hand.

Paragraphs (a) and (b) of subsection 4 of section 19 of the said regulations have been rescinded, and the following substituted in lieu thereof:—

(a) Provided that seining for smelts may be carried on in the counties of Gaspé and Bonaventure and Rimouski, from the first day of September to the close of navigation in each year.

*Vide Canada Gazette*, vol. li, p. 4475.

By Order in Council of the 15th of June, 1918, the special fishery regulations for the province of British Columbia, adopted by Order in Council of the 9th of February, 1915, were amended as follows:—

The following regulations shall not apply to waters in forest reserves, which are under the control of the Minister of the Interior.

#### SEC. 1.—ANGLERS' PERMITS.

\*(a) Non-residents of the province shall not angle or troll for, or take any sporting fish in the waters of the Railway Belt without first having obtained therefor an anglers' permit, issued by authority of the Minister of the Naval Service.

(b) The annual fee on such permit shall be \$5.

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\*By arrangement with the Department of the Interior, and with the Provincial Department of Fisheries of British Columbia, permits issued by officers of the Department of the Naval Service will be recognized as allowing fishing in Forest Reserve waters, and in the non-tidal waters of the province outside the Railway Belt, and conversely. Permits issued by Forest Reserve officers, for waters in such reserves, or by Provincial officers for non-tidal waters outside the Railway Belt, shall be recognized as allowing fishing in waters of the Railway Belt.

(c) One angler's permit only shall be issued to an applicant. Such permit shall not be transferable and can be legally used only by the person whose name appears thereon.

(d) A permittee shall be required to carry his permit with him when fishing thereunder, and to exhibit the permit when called upon to do so by a fishery officer or guardian.

(e) No one shall take in one day by angling or trolling or by both means, more than 25 cut-throat, rainbow or dolly varden trout, salmon-trout or Rocky Mountain whitefish, or of the different species named than will in the aggregate amount to more than 25 fish.

#### SEC. 2.—ABALONE.

(a) No one shall fish for, catch, kill, buy or sell any abalone that shall measure less than three and one-half inches across the shortest diameter of the shell.

(b) The year 1917, and every third year thereafter, shall be closed years for abalone fishing.

(c) The fee for an abalone license shall be \$10.

#### SEC. 2A—BASS.

No one shall fish for, catch or kill any bass in Christina Lake or Christina Creek from the 1st day of April to the 24th day of June in each year, both days inclusive.—(Order in Council, April 11, 1916).

#### SEC. 3—CRABS.

(a) No one shall fish for, catch, kill, buy or sell any crabs measuring less than 6 inches across the diameter or greatest breadth of the shell.

(b) The fee for a crab fishing license shall be \$2.50.

#### SEC. 4—CLOSE SEASON.

*See* under classes of fish and weekly close times.

#### SEC. 4A—DISTRICTS.

For the purposes of administration the province shall be divided into three fisheries districts, viz. :—

District No. 1.—Embracing that portion of the coast of the mainland from the southern boundary line northward to and including Howe Sound and all the waters tributary to this portion of the coast.

District No. 2.—Embracing the coast and waters tributary thereto of the mainland from Cape Caution northward to the northerly boundary of the province, as well as the coasts and waters of the islands off that portion of the mainland coasts.

District No. 3.—Embracing the remainder of the province.—(Order in Council, March 30, 1917).

#### SEC. 5—EXPORT OF FISH.

(a) *Re* export of shell fish (rescinded May 4.)

(b) No sockeye salmon shall be exported from the Dominion of Canada, except in a frozen, canned, salted, smoked or cured condition.

(c) The export of fresh herring from the province of British Columbia is prohibited, or of herring that have been preserved in salt for a period of less

than nine days, or of herring of any kind intended for curing, canning or otherwise preserving, or converting into guano, fish fertilizer or oil outside or beyond the boundaries of Canada: Provided, always that fresh herring, taken in gill-nets in the waters of British Columbia, may be exported in a fresh, unsalted condition for immediate consumption; but the onus of proof that such fish, so exported, were taken with gill-nets, shall rest on the possessor or possessors of such fish; provided further that fresh or frozen herring packed in boxes containing not more than two hundred pounds, may be exported.

#### SEC. 6.—FRASER RIVER CHANNEL.

No net shall be cast or allowed to drift on the channel side, in the Fraser river, within 100 yards of the line of buoys between the lightship at the Sandheads and Steveston; and in any other portion of the channel of the river, any net in the water must be hauled in to allow passage to a steamer, on the steamer giving notice to the operator of such net by four sharp whistles, of the necessity for such net being hauled in.

#### SEC. 7.—HERRING OR PILCHARD.

1. (a) The use of nets, other than gill-nets, drift-nets, drag seines or purse-seines, shall not be permitted in the capture of herring or pilchard.

(b) The length of drift-nets or gill-nets shall not be limited except when operated in a harbour, when not more than a total length of 200 fathoms shall be operated under any one license.

(c) The fee on a herring pilchard drift-net or gill-net license shall be \$1.—(Order in Council, March 30, 1917.)

(d) A herring or pilchard drag-seine shall not exceed 100 fathoms in length, and the mesh thereof shall be 1-inch extension measure.

(e) The fee on a herring or pilchard drag-seine license shall be \$50.—(Order in Council amending previous regulation.)

(f) A herring or pilchard purse-seine shall not exceed two hundred fathoms in length, and the mesh thereof shall be one-inch, extension measure.—(Order in Council, December 19, 1916.)

(g) The fee on a herring or pilchard purse-seine shall be seventy-five dollars.

(2) The Chief Inspector of Fisheries shall have authority to prohibit fishing for herring in any water area in which he has ascertained that herring are spawning.

#### SEC. 8.—LEASES OR LICENSES.

1. Fishing with nets or other apparatus and the taking of abalone or crabs, is prohibited except under license from the Minister of the Naval Service.

(a) No license shall be granted to any person, company or firm unless such person is a British subject, resident in the province of British Columbia, or is a *bona fide* settler who has pre-empted or purchased land, or to such company or firm, unless it is a Canadian company or firm, or is licensed to do business in British Columbia.

(b) No gill-net or drift-net license shall be transferable, except by special written permission obtained from the Chief Inspector of Fisheries, and in the case of all other licenses, except by permission of the Minister of the Naval Service.

(c) Before a trap-net, purse-seine or drag-seine fishery license shall be granted the applicant therefor shall make a statutory declaration setting forth,—

The name or names and nationality or nationalities of the owner or owners of such trap-net, purse-seine or drag-seine, or of the person or persons for whose benefit such trap-net, purse-seine or drag-seine is to be operated.—(Order in Council March 30, 1917).

2. An Indian may, at any time, with the permission of the Chief Inspector of Fisheries, catch fish to be used as food for himself and his family, but for no other purpose. The Chief Inspector of Fisheries shall have the power in any such permit:

(a) to limit or fix the area of the waters in which such fish may be caught;  
 (b) to limit or fix the means by which, or the manner in which such fish may be caught, and

(c) to limit or fix the time in which such permission shall be operative. An Indian shall not fish for or catch fish pursuant to the said permit except in the waters by the means or in the manner and within the time limit expressed in the said permit, and any fish caught pursuant to any such permit shall not be sold or otherwise disposed of, and a violation of the provisions of the said permit shall be deemed to be a violation of these regulations.

(a) Proof of a sale or of a disposition by any other means by an Indian of any fish shall be prima facie evidence that such fish was caught by the said Indian, and that it was caught for a purpose other than to be used as food for himself or his family, and shall throw on the Indian the onus of proving that such fish was not caught under or pursuant to the provisions of any such permit.

(b) No Indian shall spear, trap or pen fish on their spawning grounds, or in any place leased or set apart for the natural or artificial propagation of fish, or in any other place otherwise specially reserved.

(c) Any person buying any fish or portion of any fish caught under such permit shall be guilty of an offence against these regulations.—(Order in Council September 11, 1917.)

3. (a) In Fisheries District No. 2, British Columbia, no boat shall be allowed to engage in salmon fishing, except when licensed to do so by the Minister of the Naval Service.

(b) In the following districts not more than the number of boats stated opposite their names shall be licensed:—

Naas River District.....	240	boats.
Skeena River District.....	850	“
Butedale District.....	60	“
Bella Coola District.....	70	“
Dean Channel District.....	80	“
Namu District.....	25	“
Rivers Inlet District.....	700	“
Smith Inlet District.....	115	“ (O.C. March 30, 1917.)

(c) For the purpose of this subsection these districts shall be taken to mean and include,—

*Naas River.*—The estuary of the Naas river, as well as Observatory inlet to a straight line drawn across it at a point five miles up said inlet from North point, at the mouth of the Naas river, as well as Portland inlet from a straight line drawn across it from Tree point, on Pearse island, to Dog-fish bay, on the opposite shore down to a straight line drawn from Wales point, on Wales island, to the southwestern end of Somerville island.

*Skeena River.*—The estuary of the Skeena river and the adjacent waters, inside of a straight line drawn from Straight point, on Digby island, to Reil point on Stephen island; thence along the eastern shore of Stephens and Prescott islands to western side of Refuge bay, on Percher island; thence around the shore of said island to a point opposite the north end of Elizabeth island; thence to the northwest end of Kennedy island; thence along the western shore of said island and of Marrack island; thence in a southeasterly direction to the shore of the mainland.

*Butedale.*—Gardner’s canal.

*Bella Coola.*—North Bentinck arm, South Bentinck arm and Burke channel down to a straight line drawn across it from Kelpa or Low Green point in a northerly direction to the opposite shore.

*Dean channel.*—Dean channel, down to a straight line drawn in a south-easterly direction from Sunny island to the opposite shore.

*Namu.*—Fitz-hugh sound from a straight line drawn across it from the south end of Addenbrooke island, northwardly to a straight line drawn across Fisher channel from Charlie point in an easterly direction to the opposite shore, not including Burke channel.

*Rivers inlet.*—Rivers inlet down to a straight line drawn from Swan rock to Canoe rocks.

*Smith inlet.*—Smith inlet and Smith sound, down to a straight line drawn from False Egg island to Ann island, and from the southern shore of Table island to Good Shelter cove on the mainland.

4. A licensee shall at all times, when engaged in fishing, carry his license with him, and shall, on demand by a fishery officer or fishery guardian, produce his license to such fishery officer or fishery guardian.

5. The Chief Inspector of Fisheries for the province is hereby empowered to cancel a fishery license forthwith for a violation of the regulations or condition of the license by the licensee or by his representative who may be operating under such license for him.—(Order in Council, March 30, 1917.)

#### SECTION 8A.

6. (1) Before a cannery license shall be granted the applicant therefor shall make a statutory declaration setting forth, in the case of an existing cannery, if it is owned by a company or firm, the name of such company or firm and whether it is a Canadian company or firm licensed to do business in the province, or if not owned by a company or firm, the name or names and nationality or nationalities of the actual owner or owners of such cannery, and in the case of a new cannery, if it will be owned by a company or firm, the name of such company or firm and whether it is a Canadian company or firm licensed to do business in the province, or if it will not be owned by a company or firm, the name or names and nationality or nationalities of the person or persons who will own such cannery, and that in either case the applicant or applicants have the necessary capital to erect and operate such cannery.

(2) A new salmon cannery shall be completed and ready for operation within eighteen months after the date of the issue of the license therefor.—(Order in Council, March 30, 1917.)

#### SEC. 9—MARKING OF BOATS AND NETS.

(a) All nets and fishing boats shall bear numbers corresponding with those of the licenses under which they are operated, and each boat shall have its number and the initials of its owner painted on both sides of the bow (on the boat itself and not on anything affixed thereto, so as to permit it being removed from the boat) in black on a white ground, the figures and letters to be not less than 6 inches in height, and each net shall have its number and the initials of its owner legibly marked on buoys of wood or metal, painted white, and floating in the water attached to each end of the net, and such numbers and initials shall be permanently kept on such boats and nets throughout the fishing season, and shall be so placed as to be visible without taking up the nets, and any boat or net used without such marks shall be liable to seizure and confiscation.

(b) No licensee shall have the number of his license on more than one boat at the same time.

#### SEC. 10—OTHER FISH.

The annual fee for a license for gill-nets or drift nets, for catching all kinds of fish other than those named in these regulations, shall be \$1.

## SEC. 11—OYSTERS.

No one shall fish for or take oysters during the months of May, June, July and August in each year.

## SEC. 12—PILCHARD.

(See "Herring.")

## SEC. 13—PROHIBITIONS.

1. No salmon gill-net or drift-net shall be cast from a boat, nearer than 100 yards in front of one already in the water.

2. No sunk salmon nets shall be used in salmon rivers, or in the estuaries or approaches to such rivers.

3. No one shall use or operate more than one net under any net license.

4. No one, other than the licensee, shall use or operate a gill-net.

5. No nets of any kind shall be so used as to enclose any bay, cove, creek or inlet; and in all cases one-third of the width of such bay, cove, creek or inlet, shall remain open and unobstructed for the passage of fish.

6. No salmon purse-seine shall be used in any harbour, nor in an area specified by the Chief Inspector of Fisheries.

7. No fishing boat shall carry a greater length of net than that permitted by the license of the licensee in charge thereof; provided that if a licensee, when engaging in fishing, finds a net, he may take it into his boat, but he shall deliver it to the first Fisheries Patrol boat that may visit him, or at the cannery in connection with which he is fishing, should he visit such cannery before the arrival of a Fisheries Patrol Boat. In either instances he shall procure a receipt for the net on delivering it.—(Rescinded Order in Council, March 30, 1917.)

8. Rescinded March 30, 1917).

9. The use of bare, unbaited hooks or grapnels (cross-lines) for the taking of sturgeon is prohibited.

10. The export of certain kinds of fish is prohibited. See section 5. (Order in Council, May 4, 1916.)

11. The introduction of non-indigenous or non-native fish alive into the waters of British Columbia, except by special permission of the Minister of the Naval Service, is prohibited.

12. No one shall use a motor boat or a boat propelled otherwise than by oars or sails in salmon gill-net or drift-net fishing operations in District No. 2. (Re-enacted by Order in Council, February 28, 1918.)

13. (a) No one shall fish with nets in Saanish arm, Vancouver island, inside of a straight line drawn from Hatch point to James point, nor in Cowichan bay, inside of a line drawn from the northwest corner of Cowichan bay wharf due north astronomic to a point on Skinner's bluff, on the opposite shore, nor shall any one fish with any implements in the said waters for commercial purposes.

(b) No one shall fish with nets in Cowichan bay inside of a line drawn from Cowichan head to Separation point from the tenth day of November in any year to the twenty-fourth day of September following, both days inclusive, provided that the Chief Inspector of Fisheries may prohibit all net fishing in the said bay at an earlier date than the tenth day of November in any year, should he find that any one or more of the varieties of salmon in such area have so far advanced towards spawning as not to be in a satisfactory condition for food.—(Order in Council, January 5, 1918.)

14. No one shall buy, sell or expose for sale, any salmon that weighs less than two pounds dressed, or two and one-half pounds undressed.—(Order in Council, March 30, 1917.)

15. The Chief Inspector of Fisheries may prohibit the retention of live fish in crates or other enclosures in any area or areas where he finds the conditions are not suitable for the retention of fish.

16. The use of torches, or of artificial lights of any kind, or of spears or snares in the capture of trout of any kind or of steelhead, is prohibited.

17. Notwithstanding the provisions of any regulation heretofore made, no Indian or other person shall send, ship, bring or carry, or cause to be sent, shipped, brought or carried, any sockeye, spring or quinnat, coho, humpback or dog salmon which has been caught, taken or removed above a tidal boundary, to any place below such boundary; provided that when such salmon is in a cured condition, an Indian may bring below such boundary such quantity thereof as he and his family may require for their actual food purposes, but not for sale or barter.—(Order in Council, May 4, 1916.)

18. No one shall fish with nets of any kind above the rapids at the entrance to Wyclese lake, which is tributary to Smith inlet.—(Order in Council, May 4, 1916.)

19. No one shall fish with gill-nets in Quashela creek, nor in the entrance thereof above a straight line drawn from a white flag on Tenas island to the southwestern side of the entrance to Quashela creek; thence across the entrance to the said Quashela creek to a white flag placed on the south shore of Smith inlet about 400 yards eastward of the eastern side of the entrance to the said Quashela creek. The said white flags shall be placed in position by a Fishery Officer before the beginning of each fishing season.—(Order in Council, May 17, 1916.)

20. No one shall fish for or catch salmon with a gill-net in that portion of Uchucklesit harbour, an arm of Alberni canal, above an imaginary line drawn in a northerly and southerly direction across the said Uchucklesit harbour from Strawberry point on the one side to a post painted white located on the opposite shore by the Local Fishery Officer.—(Order in Council, October 11, 1917.)

#### SEC. 14—PROHIBITED AREAS.

Fishing by means of nets of any kind or description is prohibited in,—

(a) The waters of Victoria harbour, inside of an imaginary line drawn from Macaulay point to Clover point, and embracing all the waters of the harbour to Victoria arm and including the inlet;

(b) The waters of Nanaimo harbour and Departure bay; provided, however that herring gill-nets may be permitted in these waters; provided also that in the waters of Departure bay, drag-seines may be used for the purpose of catching herring, but fishing operations with such drag-seines shall be restricted to the hours between 7.30 a.m. and 5 p.m., and a weekly close time from 5 p.m. Saturday to 7.30 a.m. the following Monday shall also be observed.

#### SEC. 15—SMELT AND SARDINE.

(a) The use of nets other than gill-nets or drift-nets, drag-nets or purse-seines for the catching of smelts or sardines is prohibited.

(b) After the season of 1916, the mesh of a smelt or sardine drift-net or gill-net shall not be less than  $1\frac{1}{4}$  inches extension measure when in use.

(c) The fee for a smelt or sardine gill-net or drift-net shall be \$1.

(d) After the season of 1916, the mesh of a smelt or sardine drag-seine shall not be less than  $1\frac{1}{2}$  inches extension measure in the wings and  $1\frac{1}{4}$  inches extension measure in the bunt.

(e) The fee for a smelt or sardine drag-seine license shall be \$3.

(f) A smelt or sardine purse-seine shall not be more than 50 fathoms in length, and the mesh thereof shall not be less than  $1\frac{1}{2}$  inches extension measure in the wings and  $1\frac{1}{4}$  inches extension measure in the bunt.

(g) The fee for a smelt or sardine purse-seine license shall be \$5.—(Order in Council, May 4, 1916.)

## SEC. 16—SALMON.

1. The use of nets, other than drift-nets or gill-nets, drag-seines, purse-seines and trap-nets, shall not be permitted in the capture of salmon.

2. A gill-net or drift-net for taking salmon shall not exceed 150 fathoms in length and the depth or vertical breadth thereof shall not exceed 60 meshes and the size of the mesh shall not be less than seven inches, extension measure; but in sockeye salmon nets, the size of the mesh shall be  $5\frac{3}{4}$  inches, extension measure, and nothing shall be done in either instance to practically diminish the size of the mesh: Provided that in the waters north of the 51st parallel of north latitude, salmon drift-nets or gill-nets of a length not exceeding 200 fathoms may be used; but the depth of vertical breadth thereof shall not exceed 50 meshes.

(a) The fee for a salmon drift-net or gill-net license shall be \$5.

3. A salmon drag-seine shall not exceed 300 fathoms in length and the mesh thereof shall be 3 inches, extension measure.

(a) The fee for a salmon drag-seine license shall be \$25.

4. A salmon purse-seine shall not exceed 500 fathoms in length, and the mesh thereof shall be 3 inches, extension measure.

(a) No license shall be issued to authorize the use of a salmon purse-seine in any harbour, or any reserve area specified by the Chief Inspector of Fisheries for the district.

(b) The fee for a salmon purse-seine license shall be \$50.

5. A salmon trap-net shall be located on a definite site, specified in the license, and shall be at least 400 fathoms distant from the nearest adjacent trap-net. The mesh of such trap-net shall not be less than 6 inches, extension measure, in the leader or lead, nor than two inches, extension measure in the heart, crib or pot. A salmon trap-net may be either staked or floated.

(a) The fee for a salmon trap-net license, either staked or floating, shall be \$75.

(b) The operation of a trap-net for the capture of salmon other than sockeye salmon, shall not be begun in any season before a date specified in writing for that season by the Chief Inspector of Fisheries for the province; but should it be found at any time after operation is permitted that sockeye salmon compose more than 10 per cent of the total catch, the trap shall forthwith be closed to the entrance of fish and shall remain so closed until the District Inspector of Fisheries or the local Fishery Officer finds that the sockeye run has passed and gives permission in writing for again operating the trap.—(Order in Council, March 30, 1917.)

6. No one, other than a British subject, actually resident on either side of the Fraser river, above, that is east of the New Westminster bridge, shall be eligible for a license to fish for sockeye salmon in that portion of the Fraser river above, that is east of the New Westminster bridge, and no sockeye salmon fishing shall be carried on in such portion of the river, except under a special license which shall have conspicuously stamped across its face the words "This license shall be valid between New Westminster bridge and Mission bridge." Fishing under this license shall not be conducted in any other portion of the river than that specified.

6a. No one shall fish for salmon for commercial purposes by means of trolling except under license from the Minister.

(a) The fee on such license shall be \$1.—(Order in Council March 30, 1917.)

*Close Seasons for Salmon.*

7. No one shall fish for or take sockeye salmon from the first of October in each year to the 30th June following, both days inclusive, except in that portion of British Columbia north of 48.30 parallel of north latitude on the west coast



of Vancouver island and north of 49.30 parallel of north latitude in the Strait of Georgia, and in the waters north thereof, where the close season for sockeye salmon shall be from the first of October in each year to the 19th June following, both days inclusive, and during such close times no salmon gill-nets or drift-nets having meshes of less than 7 inches extension measure, shall be used: Provided that the Chief Inspector of Fisheries may prohibit the use in any area of salmon gill-nets or drift-nets having meshes of less than seven inches extension measure at an earlier date should he find that any of the species of salmon being caught in such nets in such area, have so far advanced towards spawning as not to be in a satisfactory condition for food: Provided also that sockeye fishing in that portion of the waters, on the east side of Vancouver island between the 50th and 51st parallels of north latitude, as well as fishing with drag-seines, on all parts of the coast, for what are locally known as "Creek Sockeye," may commence on May 1st in each year.—(Order in Council, March 30, 1917.)

8. No one shall fish for or take spring salmon or quinnat from the 1st October to the 15th November in each year, both days inclusive.

9. No one shall fish for any kind of salmon from the tenth day of November to the thirty-first day of December in each year, both days inclusive, and during this close time no salmon nets of any kind may be placed in the water: Provided that the Chief Inspector of Fisheries may prohibit fishing for coho, pink or chum salmon at an earlier date in any water area should he find that any one or more of these varieties of salmon in such area have so far advanced towards spawning as not to be in a satisfactory condition for food.—(Order in Council, October, 11, 1917.)

Subsection 9 of section 16 of the Special Fishery Regulations for the province of British Columbia, adopted by Order in Council of the 11th October, 1917, is amended so as to permit fishing with nets in the Fraser river, and in the adjacent waters through which coho, pink or chum salmon making for the Fraser River pass, during the annual close season for the said coho, pink or chum salmon, in accordance with the conditions otherwise provided in the said regulations; provided, however, that the Chief Inspector of Fisheries may stop all fishing for salmon at any time during the said close season should he find that any one or more of the said species of salmon have so far advanced towards spawning as not to be in a satisfactory condition for food.—(Order in Council, November 10, 1917.)

10. (Rescinded, O. C., June 10, 1915.)

11. (Rescinded by O. C., June 15, 1918.)

#### *Size Limit for Salmon.*

12. No salmon under two and one-half pounds in weight shall be taken by means of nets, and if taken shall be returned to the water alive, and uninjured, at the place it was taken by the person catching it.

#### SEC. 17—STURGEON.

1. The use of fishing implements, other than gill-nets or drift-nets, shall not be permitted in the capture of sturgeon.

(a) A sturgeon gill-net or drift-net shall not exceed 150 fathoms in length, and the mesh thereof shall not be less than 12 inches, extension measure.

(b) The fee for a sturgeon gill-net or drift-net license shall be \$2.50.

2. No one shall fish for, catch, kill, or sell any sturgeon that will measure less than three feet in length, measuring from the point of the nose to the tip of the tail, and if any such sturgeon is taken inadvertently, it shall be liberated alive and uninjured at the place it was taken by the person catching it.

## SEC. 18—TROUT.

*Close Season.*

No one shall fish for, catch or kill trout of any kind, including steelhead and char of two pounds in weight undressed, or under, from the 15th November in each year to the 25th March following, both days inclusive, except in the waters east of the 120th Meridian, where no one shall fish for, catch or kill trout of any kind from the 15th November, in each year to the 30th April following, both days inclusive; provided that these close seasons shall not apply to Seton and Anderson lakes and waters tributary thereto, nor to dolly varden trout nor steelhead caught in tidal waters by rod and line, or in Okanagan, Kamloops, Shuswap, Arrow and Kootenay lakes, or in streams tributary thereto, nor to land-locked salmon, weighing five pounds, undressed or over; provided that in the non-tidal waters of Vancouver Island, no one shall fish for, catch or kill steelhead, from the 20th March to the 30th November, in each year, both days inclusive.

*Size Limit.*

2. No trout of any kind under 8 inches in length shall be taken from the waters of British Columbia, and if taken shall be immediately returned to the water alive and uninjured.

(a) No trout under three pounds in weight shall be bought, sold or exposed for sale in the province of British Columbia, nor shall any trout be bought, sold or exposed for sale during the close season provided therefor.

3. Fishing for trout through the ice is prohibited.

## SEC. 19—TIDAL BOUNDARIES.

The tidal boundaries for the purposes of the Fisheries Act in the rivers specified below shall be defined as follows:—

(a) *Fraser river*.—A line coinciding with Mission bridge.

(b) Rescinded January 5, 1918.

(c) *Naas river*.—A line drawn across the river from Rocky point to a projecting point on the opposite bank of the said river, immediately above Fishery bay.

(d) *Rivers inlet*.—A line drawn from the Devil's slide to a point on the opposite shore marked by a post bearing a white flag, placed there by authority of the Chief Inspector of Fisheries during the fishing season.

(e) *Skeena river*.—From a line, marked by beacons, to be placed on either side of the river by authority of the Chief Inspector of Fisheries at the beginning of each fishing season, drawn across the Skeena river seven miles above one drawn from the northeast point of Raspberry island, along an imaginary line in a northwest direction to a rocky point on the northwest bank of the Skeena river, and from the said northeast point of Raspberry island, along an imaginary line in a southeast by east half east direction, to a rocky point on the southeast shore—so far as the sockeye salmon fishery is concerned; and from a line drawn across the river from Sand island on the right bank to Rocky point on the left, so far as the spring salmon fishery is concerned.

(f) *Bella Coola*.—An imaginary straight line drawn from the cannery wharf on the southern side of the inlet to the Government wharf on the northern side of the inlet.—(Order in Council, May 4, 1916.)

(g) *Kimsquit*.—An imaginary straight line drawn from the beacon painted white on the eastern shore, to a red flag placed on the western shore by the local fishery officer before the beginning of each fishing season.—(Order in Council, May 4, 1916.)

## SEC. 20—WEEKLY CLOSE TIMES.

(a) The weekly close time for salmon fishing shall be from Friday midnight to Sunday at 6 p.m. in all the waters of British Columbia south of the 51st parallel of north latitude; but salmon traps located west of Gonzales point, Vancouver island, are excluded from this close time; provided that in the years 1915, 1916, 1918, *et al.*, known as "small run" or "off" years, this weekly close time shall be six hours longer, viz., from Saturday at 6 a.m. to Monday following, at 6 a.m., in that part of the Fraser river between New Westminster bridge and Mission bridge.

(b) In the waters north of the 51st parallel of north latitude the weekly close time for salmon fishing shall be from Saturday at 6 a.m. to Sunday at 6 p.m., provided that in the waters of district No. 3 the weekly close time for purse-seine and drag-seine fishing shall be from Saturday noon to Sunday noon.—(Order in Council, March 30, 1917.)

(c) The weekly close time for salmon traps located west of Gonzales point, Vancouver island, shall be from Friday at 6 p.m. to Sunday following at 6 a.m.

(d) The weekly close time for salmon fishing provided by paragraphs (a) and (b) shall apply to trolling for salmon for commercial purposes.—(Order in Council, March 30, 1917.)

2. During the weekly close times above specified salmon fishing with nets shall be strictly prohibited.

3. From 10 o'clock in the forenoon of Saturday in each week to 3 o'clock in the afternoon of Monday following, no one shall fish for or catch herring with nets of any kind in Pender harbour.—(Order in Council, December 7, 1916.)

## SEC. 21—NET FISHING IN NON-TIDAL WATERS.

(a) Fishing with nets in the non-tidal waters outside the Railway Belt is prohibited except under license from the Provincial Commissioner of Fisheries.

(b) Net fishing in such waters shall be confined to the use of gill-nets and drag-seines.

(c) Gill-nets only may be authorized for the capture of whitefish (*C. williamsoni*), char, including (*S. malma* and *C. namaycush*), and lake trout, in the waters of Stuart, Fraser, François and Babine lakes, and gill-nets and drag-seines for the capture of little red-fish or so-called kokanee, in Okanagan, Arrow and Kootenay lakes.

(d) A gill-net license shall authorize the use of not more than two hundred yards of gill-net. The mesh of such net shall not be less than three inches extension measure, and the fee on such license shall be one dollar.

(e) A drag-seine license shall authorize the use of not more than one hundred yards of net. The mesh of such net shall not be less than two inches extension measure, and the fee on such license shall be one dollar.

(f) No lake trout weighing less than three pounds dressed shall be bought, sold or exposed for sale.—(Order in Council, March 30, 1917.)

(g) No one shall use gill-nets or drag-seines in Stuart, Fraser, François or Babine lakes from the fifteenth day of July to the thirtieth day of October in each year, both days inclusive, or during the month of April in each year, and no one shall use gill-nets or drag-seines in Okanagan, Arrow or Kootenay lakes from the first day of January in each year to the fifteenth day of August following, both days inclusive.—(Order in Council, November 3, 1917.)

(h) The weekly closed time for such fishing shall be from Monday noon to Wednesday noon, and no fish shall be taken during such closed time with gill-nets or drag-seines.—(Order in Council, March 30, 1917.)

*Vide Canada Gazette*, vol. lii, p. 43.

By Order in Council of the 6th of July, 1918, under the authority of section 45 of *The Fisheries Act*, 4-5 George V, chapter 8, the special fishery regulations

for the province of Ontario, established by the Order in Council of the 29th October, 1915, were amended by adding thereto the following section:—

*Section 3a—Ciscos or Lake Herring.*

No cisco or lake herring of a less weight than six ounces avoirdupois, round weight, shall be retained or taken out of the water, and any one who catches such fish of less than the said minimum weight shall liberate it in the water alive and uninjured, and in order to assume that the fish shall not be injured during the sorting of the different sizes, all such sorting of ciscos or lake herring shall be done in the water and before the said fish are removed from the fishing implement in which they may have been captured.

This regulation shall become effective on July 1, 1918.

*Vide Canada Gazette*, vol. lii, p. 253.

By Order in Council of the 12th of September, 1918, under the authority of section 45 of *The Fisheries Act*, chapter 8 of the Statutes of 1914, section 5 of the special fishery regulations for the province of British Columbia, adopted by Order in Council of the 9th February, 1915, was amended by adding thereto the following subsection:—

(d) The export from Canada of clams in a raw or fresh state, taken in the province of British Columbia, is prohibited.

(e) No one shall dig for or take clams, except for use as bait, in deep-sea fishing, or for domestic use, but not for sale or barter, from the 1st day of June to the last day of July, in each year, both days inclusive.

Section 21 of the special fishery regulations for the province of British Columbia, as amended, is hereby rescinded, and the following substituted in lieu thereof:—

*Sec. 21—Net Fishing in Certain Non-Tidal Waters.*

(a) Fishing in nets in non-tidal waters, outside the Railway Belt, specified in this section is permissible under license from the Provincial Commissioner of Fisheries.

(b) Net fishing in such waters shall be confined to the use of gill-nets and drag-seines.

(c) In the fresh water lakes of the Fort George and Omineca Districts, gill-nets only may be authorized for the capture of whitefish, char and lake trout, and fish of all other species except salmon and sturgeon, provided that in any of the said lakes that are less than four miles in length, no nets shall be used, and provided further that gill-nets may be used in Babine, Fraser, Stuart and François lakes, for the capture of sturgeon, and that gill-nets and drag-seines may be used for the capture of little red-fish or so-called kokanee, in Okanagan, Arrow and Kootenay lakes.

(d) A gill-net license for the capture of fish other than sturgeon, shall authorize the use of not more than five hundred yards in length of gill-net. The mesh of such net shall not be less than three inches extension measure when in use, and the fee on such license shall be one dollar.

(e) A gill-net license for the capture of sturgeon shall authorize the use of not more than one hundred and fifty fathoms in length of gill-net. The mesh of such net shall not be less than twelve inches extension measure, when in use, and the fee on such license shall be two dollars and fifty cents.

(f) A drag-seine license shall authorize the use of not more than two hundred yards in length of net. The mesh of such net shall not be less than two inches extension measure when in use, and the fee on such license shall be one dollar.

(g) No lake trout weighing less than two pounds dressed shall be retained out of the water nor shall be bought, sold or exposed for sale.

(h) In the Fort George, Omineca and Cariboo districts, trout or char weighing not less than one-half pound dressed, may be sold, except during the months of March and April of each year, until one year after the termination of the war, and subsection 2 of section 18 of the special fishery regulations for the province of British Columbia, adopted by Order in Council of February 9th, 1915, is hereby amended accordingly.

(i) The use of gill-nets in any lake in the Fort George and Omineca Districts is prohibited during the months of March and April, and from the first day of July to the fifteenth day of October, both days inclusive, in each year.

(j) The use of gill-nets or drag-seines in Okanagan, Arrow or Kootenay lakes, is prohibited from the first day of January to the fifteenth day of August, both days inclusive in each year.

(k) The weekly close time for gill-net or drag-seine fishing shall be from Sunday at six o'clock a.m. to Monday noon, during which time no nets shall be left or placed in any of the waters specified in this section.

*Vide Canada Gazette*, vol. lii, p. 1106.

By Order in Council of the 30th September, 1918, under and by virtue of the provisions of section 45 of chapter 8, 4-5 George V; intituled *The Fisheries*

*Act, 1914*, section 8 of the special fishery regulations for the province of New Brunswick, section 8 of the special fishery regulations for the province of Nova Scotia, section 8 of the special fishery regulations for the province of Prince Edward Island, all of which regulations were established by Order in Council of 9th February, 1915, as amended, and the lobster fishery regulations established by Order in Council of 25th March, 1914, as amended, so far as they apply to the province of Quebec were rescinded, and the following lobster fishery regulations applicable to all the said provinces were made and established in lieu thereof:—

LOBSTER FISHERY REGULATIONS.

(See also Fisheries Act, sections 20 to 28 and 67 to 70 inclusive, and others.)

1. No one shall fish for, catch, kill or sell lobsters from the 9th day of June in each year to the 14th day of November following, both days inclusive, on and along that portion of the coast or the waters thereof of the province of New Brunswick, embraced and included within the County of Charlotte, nor shall any one within the above described limits fish for, catch or kill at any time any lobster or lobsters, the carapace of which measures less than  $4\frac{1}{2}$  inches in length, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it or they were taken.\*

2. No one shall fish for, catch, kill or sell lobsters from the 24th day of May in each year to the 14th day of November following, both days inclusive, on and along that portion of the coast of the waters thereof, of the province of New Brunswick, embraced and included within the county of St. John, nor shall any one within the above described limits fish for, catch or kill at any time any lobster or lobsters under nine inches in length, measuring from head to tail, exclusive of claws or feelers, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it or they were taken.\*

3. No one shall fish for, catch, kill or sell lobsters from the 30th day of June in each year, to the 14th day of January following, both days inclusive, on and along that portion of the coast, or waters thereof, of the provinces of New Brunswick and Nova Scotia, embraced and included within the County of Albert, New Brunswick, and that portion of Cumberland County, bordering on Bay of Fundy and tributary waters, as well as the counties of Kings and Annapolis, excluding Digby gut and Annapolis basin, Nova Scotia, nor shall any one within the above described limits fish for, catch or kill at any time, any lobster or lobsters under nine inches in length, measuring from head to tail, exclusive of claws or feelers.\*

4. No one shall fish for, catch, kill or sell lobsters, from the 1st day of June, in each year to the last day of February following, both days inclusive, on and along that portion of the coast, or the waters thereof, of the province of Nova Scotia, embraced and included within the counties of Digby, including Digby gut and the entrance thereto and Annapolis basin, Yarmouth, Shelburne, Queens, Lunenburg and that portion of the county of Halifax west of a line running SSE. astronomic, from St. George's island, Halifax harbour, coinciding with the Fairway buoys in the entrance of the said harbour.\*

5. No one shall fish for, catch, kill or sell lobsters from the 21st day of June in each year, to the 19th day of April following, both days inclusive, on and along that portion of the coast, or the waters thereof, of the province of Nova Scotia, from the aforesaid line, running SSE. astronomic, from St. George's island, Halifax harbour, and coinciding with the Fairway buoys, in the entrance of the said harbour, extending eastwardly and following the coast line, as far as Red point, between Martin point and Point Michaux, in the island of Cape Breton, and including Chedabucto bay and St. Peter's bay, and the coasts and waters of all the islands lying in, and adjacent to these bays, and including the coasts and waters of the Gut of Canso, as far as a straight line passing from Flat point, in Inverness county, to the lighthouse opposite, in Antigonish county.

6. No one shall fish for, catch, kill or sell lobsters, from the 16th day of July, in each year to the 15th day of May following, both days inclusive, on and along that portion of the coast or the waters thereof, of the island of Cape Breton, from the aforesaid Red point, northwardly to Cape North, Victoria county, including St. Paul's island.

7. Except in that portion of the Strait of Northumberland between a straight line on the northwest drawn from Chockfish river, New Brunswick to West point, Prince Edward Island, and a straight line on the southeast drawn from the west side of River Philip channel at the mouth of the river Nova Scotia, to the eastern entrance to Victoria harbour, Queens county, Prince Edward Island, no one shall fish for, catch, kill or sell lobsters from the 26th day of June, in each year, to the 25th day of April following, both days inclusive, on and along that portion of the coast or the waters thereof of the province of Nova Scotia, New Brunswick and Prince Edward Island, from Cape North, Victoria county, Nova Scotia westwardly and southwardly and following the coastline, to a straight line drawn from Flat point in Inverness county to the lighthouse opposite in Antigonish county, thence westwardly and northwardly and following the coastline to the northern boundry of New Brunswick, including the coast and waters thereof

\* (Possession in close season, without lawful excuse prohibited. See *Fisheries Act*, section 29).

of all the islands adjacent to these portions of the coasts of the said provinces, as well as the coast and waters thereof of the counties of Quebec, south of the River St. Lawrence, excepting the Magdalen islands.

8. No one shall fish for, catch, kill or sell lobsters from the 16th day of October in each year to the 15th day of August following, both days inclusive, on and along the coast or the waters thereof of that portion of the Strait of Northumberland between a straight line on the northwest drawn from Chockfish river, New Brunswick, to West point, Prince Edward Island, and a straight line on the southeast drawn from the west side of river Philip channel at the mouth of the river, Nova Scotia, to the eastern entrance to Victoria harbour, Queens county, Prince Edward Island.

9. No one shall fish for, catch or kill lobsters, from the 21st day of July in each year, to the last day of April following, both days inclusive, on and along the coast or the waters thereof of the Magdalen islands, including Bird rocks and Bryon island; but no one shall at any time, fish for lobsters in the lagoons of these islands.

10. No one shall fish for, catch or kill lobsters, from the 1st day of August in each year, to the 19th day of May following, on and along that portion of the coast or the waters thereof of that portion of the province of Quebec north of the Gulf and River St. Lawrence, including the coast or waters thereof of Anticosti island.

11. No one shall fish for, catch, kill or sell for any purpose whatever, any soft-shell lobster or lobsters or any berried lobster or lobsters, excepting for hatchery purposes, as provided for by section 27 of *The Fisheries Act*, except as herein otherwise provided, such lobster or lobsters when caught shall be liberated alive by the person catching it or them.

12. No one shall set or place lobster traps in any water of the depth of two fathoms or under at low water.

13. No one shall set or place lobster traps nearer than 100 yards to any stationary salmon net, set for the purpose of taking salmon.

14. No one shall offer for sale, sell, barter, supply or purchase any fragments of lobsters, lobsters purposely mutilated or broken up, or any broken lobster meat, and all fragments of lobsters, lobsters purposely mutilated or broken up, or broken lobster meat, so offered for sale, sold, bartered, supplied or purchased, shall be liable to seizure or confiscation; nor for canning purposes, shall any lobster or lobsters, be boiled or partially prepared elsewhere than in the cannery licensed for that purpose.

15. No one shall for canning purposes, boil lobsters on board any ship, vessel, boat or floating structure of any description whatever, except under special license from the Minister of the Naval Service.

16. In the districts specified in sections 1, 2, 3, and 4, no one shall leave the shore for the fishing grounds with buoys, anchors, lines or other lobster fishing gear, nor shall any one place or set any such gear, before eight o'clock in the morning of the day on which it is lawful to take lobsters in the district affected, and in the remaining districts, before six o'clock in the morning of such day, provided that if the opening day of the season is on Sunday, no one shall leave shore for the fishing grounds with buoys, anchors, lines or other lobster fishing gear, nor shall any one place or set any such gear before the hours specified for the respective districts, in the morning of the following Monday.

17. The use of trawls or implements, other than traps made of laths and netting with a ring in the netting to permit lobsters to enter, is prohibited in lobster fishing.

18. No one shall engage in lobster fishing nor shall any one leave any port or place in Canada to fish for lobster either inside or outside territorial waters of Canada, excepting under license from the Minister of the Naval Service. The fee on such license shall be twenty-five cents.

*Vide Canada Gazette*, vol. lii, p. 1522.

By Order in Council of the 12th of October, 1918, under the authority of section 45 of *The Fisheries Act*, 4-5 George V, chapter 8, subsection (a) of section 6 of the special fishery regulations for the province of Ontario, adopted by Order in Council of the 29th October, 1915, as amended by Order in Council of 22nd March, 1918, was further amended so as to extend the period during which herring nets having meshes of not less than two and one-half inches extension measure, when in use, may be permitted in that portion of Lake Ontario from Port Union to the mouth of Niagara river, from the 31st December, 1918, until 30th September, 1920.

Subsection (b) of the said regulations, which subsection was adopted by Order in Council of October 13, 1917, is hereby rescinded, and the following substituted in lieu thereof:—

- (b) (1) In the Great Lakes, Georgian Bay, North Channel, Bay of Quinte, and connecting waters, and in lakes Nipigon and Nipissing, there shall be no close season for white-fish or salmon-trout.
- (2) In the Lake of the Woods, Rainy Lake, Namakan Lake and Lake la Croix, no one shall fish for, catch or kill any whitefish or salmon-trout from the first to the thirtieth day of November, in each year, both days inclusive.

- (3) In all the waters of the province, lying north or northwest of the French and Mattawa rivers other than those specified in paragraphs 1 and 2 of this subsection, no one shall fish for, catch or kill any white-fish or salmon-trout from the twentieth day of October to the thirtieth day of November in each year, both days inclusive.
- (4) In all the waters of the province, lying southward of the French and Mattawa rivers, other than those specified in paragraph 1 of this subsection, no one shall fish for, catch or kill any whitefish or salmon-trout, from the fifth day of October to the thirtieth day of November in each year, both days inclusive.

Provided that none of the close seasons specified in this section shall apply to angling.

*Vide Canada Gazette*, vol. lii, p. 1560.

By Order in Council of the 17th of October, 1918, under the authority of section 45 of the *Fisheries Act*, chapter 8 of the Statutes of 1914, the special fishery regulations for the province of Manitoba, adopted by Order in Council of June 11, 1917, and the special fishery regulations for the provinces of Saskatchewan and Alberta, and the territories north thereof, adopted by Order in Council of 9th February, 1915, were amended by adding thereto the following section, such section to form section 8a of the special fishery regulations for the province of Manitoba, and section 9a of the special fishery regulations for the provinces of Saskatchewan and Alberta and the territories north thereof:—

- (a) During the winter fishery, every fisherman who ships his fish in boxes or other packages, shall place the number of his fishery license, in a clear, conspicuous and indelible manner, on the outside of such boxes or packages.
- (b) Any fisherman who may be found to have packed or shipped fish in boxes or other enclosures, which fish were not in a fit and satisfactory condition for food when they were so packed or shipped, shall have his fishery license cancelled, and he shall not be eligible for a fishery license during the next ensuing winter fishing season, in addition to being liable to the penalties provided by the *Fisheries Act*.

*Vide Canada Gazette*, vol. lii, p. 1615.

By Order in Council of the 15th of November, 1918, the Order in Council of 12th October, 1918, amending the special fishery regulations for the province of Ontario was amended by the insertion of the words "of section 13," immediately after the words "subsection (b)," in the first line of the 3rd paragraph thereof.

*Vide Canada Gazette*, vol. lii, p. 1804.

By Order in Council of the 5th of March, 1919, under the authority of section 45 of *The Fisheries Act*, chapter 8, of the Statutes of 1914, it was ordered as follows:—

1. Section 8 of the special fishery regulations for the province of British Columbia, adopted by Order in Council of February 9, 1915, is hereby amended by adding thereto the following paragraph, immediately after paragraph (a) of subsection (1) thereof.

- (a1) No application for a salmon drag-seine, purse-seine, or trap-net license shall be considered that is received by a Dominion fishery officer in the province, after the 31st day of March in any year; and after the year 1919 no application for a salmon drift-net or gill-net license shall be considered that is received by a Dominion fishery officer in the province, after the 30th day of April in any year.

2. Paragraph (b) of subsection 3 of section 8 of the said regulations is hereby amended so as to provide that the number of salmon fishing boats operating drift-nets or gill-nets that may be licensed in the Huma district shall be increased from twenty-five to forty.

3. Paragraph (a) of sub-section 2 of section 16 of the said regulations, which paragraph provides that a fee on a salmon drift-net or gill-net license shall be \$5, is hereby rescinded and the following substituted in lieu thereof:

- (a) The fee for a salmon drift-net or gill-net license shall be ten dollars.

4. Paragraph (a) of subsection 3 of section 16 of the said regulations, which paragraph provides that the fee for a salmon drag-seine license shall be \$25 is hereby rescinded and the following substituted in lieu thereof:

- (a) The fee for a salmon drag-seine license shall be \$150, and in addition one-half cent for each salmon, including steelhead (*salmo rivularis*), taken under the authority of the said license.

The said \$150 shall be paid before the license is issued, and the remainder of the license fee shall be paid as the Minister may from time to time prescribe.

5. Paragraph (b) of subsection 4 of section 16 of the said regulations, which paragraph provides that the fee for a salmon purse-seine license shall be fifty dollars, is hereby rescinded and the following substituted in lieu thereof:

- (b) The fee for a salmon purse-seine license shall be \$300, and in addition, one-half cent for each salmon, including steelhead (*salmo rivularis*), taken under the authority of the said license.

The said \$300 shall be paid before the license is issued, and the remainder of the license fee shall be paid as the Minister may from time to time prescribe.

6. Paragraph (a) of subsection 5 of section 16 of the said regulations, which paragraph provides that the fee for the salmon trap-net license shall be \$75, is hereby rescinded and the following substituted in lieu thereof:

- (a) The fee for a salmon trap-net, either staked or floating, shall be \$500, and in addition, one-half cent for each salmon, including steelhead (*salmo rivularis*), taken under the authority of the said license.

The said \$500 shall be paid before the license is issued and the remainder of the license fee shall be paid as the Minister may from time to time prescribe.

7. Paragraph (a) of subsection 6a of section 16 of the said regulations, adopted by Order in Council of the 30th March, 1917, which provides that the fee on a salmon trolling license shall be one dollar, is hereby rescinded and the following substituted in lieu thereof:

- (a) The fee for a salmon trolling license shall be five dollars.

8. Subsection 14 of section 13 of the special fishery regulations for British Columbia, which subsection was adopted by Order in Council of 30th March, 1917, is hereby rescinded.

9. Section 13 of the special fishery regulations for British Columbia, adopted by Order in Council of 9th February, 1915, is hereby amended by adding thereto the following subsection:—

- (21) No salmon shall be fished for, caught or killed otherwise than by angling with hook and line within two hundred yards of any stream or creek up which salmon ascend to areas on which they spawn; provided that this prohibition shall not apply to the Fraser, Skeena nor Naas river.

10. Subsections (c) and (i) of the said section 21 of the special fishery regulations for the province of British Columbia, adopted by Order in Council of the 12th September, 1918, are hereby amended so as to each apply to the Cariboo District.

*Vide Canada Gazette*, vol. lii, p. 2772.

By Order in Council of the 12th day of March, 1919, under the provisions of section 45 of *The Fisheries Act*, chapter 8, Statutes of 1914, section 8 of the special fishery regulations for the province of Ontario, adopted by Order in Council of 29th October, 1915, was amended by adding thereto the following subsection:—

- (g) No one shall fish for, catch or kill any small-mouthed black bass in Gunn Lake, Minaki waters, in the District of Kenora, from the first day of May, 1919, until the thirtieth day of April, 1922, both days inclusive.

*Vide Canada Gazette*, vol. lii, p. 2830.



## Department of the Secretary of State.

Letters patent have been issued, as dated below, incorporating the following companies, and notices thereof have been published in Volumes li and lii (20th April, 1918, to 31st May, 1919) of the *Canada Gazette*, at the pages stated:—

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### Department of Trade and Commerce.

By Order in Council of the 12th of May, 1919 the following standards for Cloves were made and established:—

Cloves are the dried flower buds of *Caryophyllus aromaticus* L., which contain not more than five (5) per cent of clove stems; not less than fourteen (14) per cent of volatile (essential) oil; not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fibre.

Cloves, whether sold in the unground or in the ground condition must meet the above requirements.

Cloves may be ground in admixture with pimento (allspice)—and sold as a mixture; but in such cases the article must be labelled *Cloves with pimento* (allspice) and the percentage of each component must be declared on the label.

*Vide Canada Gazette, vol. lii, p. 3624.*

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ACTS  
OF THE  
PARLIAMENT  
OF THE  
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE  
NINTH AND TENTH YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE V

BEING THE  
SECOND SESSION OF THE THIRTEENTH PARLIAMENT

Begun and holden at Ottawa, on the Twentieth day of February, 1919, and closed  
by Prorogation on the Seventh day of July, 1919



HIS EXCELLENCY THE MOST NOBLE  
VICTOR CHRISTIAN WILLIAM, DUKE OF DEVONSHIRE  
GOVERNOR GENERAL

VOL. I  
PUBLIC GENERAL ACTS

OTTAWA  
PRINTED BY JOSEPH de LABROQUERIE TACHÉ  
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
ANNO DOMINI 1919





## 9-10 GEORGE V.

### CHAP. 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1920.

[Assented to 3rd April, 1919.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by message from His Excellency Preamble.  
the Most Noble Victor Christian William, Duke of Devonshire, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

**1.** This Act may be cited as *The Appropriation Act*, Short title.  
*No. 1, 1919.*

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole fifty-two million, three hundred and ten thousand, twenty-six dollars and twelve cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty, as laid before Parliament.

\$52,310,026.12  
granted for  
1919-20.

Account to  
be rendered  
in detail.

**3.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

---

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 2.

An Act respecting the Units of Electrical Measure.

[Assented to 3rd April, 1919.]

HIS Majesty, by and with the advice and consent of R.S., c. 53.  
the Senate and House of Commons of Canada, enacts  
as follows:—

1. This Act may be cited as *The Electrical Units Act*. Short title.

2. The units of electrical measure for Canada shall  
be the following:—

(a) As a unit of resistance, the international ohm, which Ohm.  
is based upon 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  $14.4521$   
grammes in mass, of a constant cross-sectional area  
and of the length of  $106.300$  centimetres arranged in  
accordance with the specification contained in Schedule  
A to this Act;

(b) As a unit of current, the international ampere, which Ampere.  
is one-tenth of the unit of current of the centimetre-  
gramme-second system of electro-magnetic units, and  
is represented 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 B to this Act, deposits silver at the rate of  
 $0.00111800$  of a gramme per second;

(c) As a unit of electro-motive-force, the international Volt.  
volt which is the electro-motive-force that steadily  
applied to a conductor whose resistance is one inter-  
national ohm, will produce a current of one international  
ampere. The Weston Normal Cell may be used as a  
standard of electric pressure, and when set up in  
accordance with the specification contained in Schedule  
C to this Act, may be taken as having, at a temperature  
of  $20^{\circ}\text{C}.$ , an electro-motive-force of  $1.0183$  volts.

Apparatus  
to be  
deposited  
in the  
Dept. of  
Trade and  
Commerce.

3. Such standard apparatus as is necessary to produce the units of electrical measure described in this Act, shall be deposited in the Department of Trade and Commerce and shall form part of the system of standards of measure and weight established by the *Weights and Measures Act*.

Repeal.

4. The *Electrical Units Act*, chapter fifty-three of the Revised Statutes of Canada, 1906, is hereby repealed.

## SCHEDULE A.

### Specification Relating to Mercury Standards of Resistance.

The glass tubes used for mercury standards of resistance must be made of a glass such that the dimensions may remain as constant as possible. The tubes must be well annealed and straight. The bore must be as nearly as possible uniform and circular, and the area of cross-section of the bore must be approximately one square millimetre. The mercury must have a resistance of approximately one ohm.

Each of the tubes must be accurately calibrated. The correction to be applied to allow for the area of the cross-section of the bore not being exactly the same at all parts of the tube must not exceed 5 parts in 10,000.

The mercury filling the tube must be considered as bounded by plane surfaces placed in contact with the ends of the tube.

The length of the axis of the tube, the mass of mercury the tube contains, and the electrical resistance of the mercury are to be determined at a temperature as near to 0°C. as possible. The measurements are to be corrected to 0°C.

For the purpose of the electrical measurements, end vessels carrying connections for the current and potential terminals are to be fitted on to the tube. These end vessels are to be spherical in shape (of a diameter of approximately four centimetres) and should have cylindrical pieces attached to make connections with the tubes. The outside edge of each end of the tube is to be coincident with the inner surface of the corresponding spherical end vessel. The leads which make contact with the mercury are to be of thin platinum wire fused into glass. The point of entry of the current lead and the end of the tube are to be at opposite ends of a diameter of the bulb; the potential lead is to be midway between these two points. All the leads must be so thin that no error in the resistance is introduced through conduction of heat to the mercury.

The filling of the tube with mercury for the purpose of the resistance measurements must be carried out under the same conditions as the filling for the determination of the mass.

The resistance which has to be added to the resistance of the tube to allow for the effect of the end vessels is to be calculated by the formula:—  $A = \frac{0.80}{1063\pi} \left( \frac{1}{r_1} + \frac{1}{r_2} \right)$  ohm.

where  $r_1$  and  $r_2$  are the radii in millimetres of the end sections of the bore of the tube.

The mean of the calculated resistances of at least five tubes shall be taken to determine the value of the unit of resistance.

For the purpose of the comparison of resistances with a mercury tube the measurements shall be made with at least three separate fillings of the tube.

## SCHEDULE B.

### Specification Relating to the Deposition of Silver.

The electrolyte shall consist of a solution of from 15 to 20 parts by weight of silver nitrate in 100 parts of distilled water. The solution must only be used once, and only for so long that not more than 30 per cent of silver in the solution is deposited.

The anode shall be of silver, and the kathode of platinum. The current density at the anode shall not exceed  $1/5$  ampere per square centimetre and at the kathode  $1/50$  ampere per square centimetre.

Not less than 100 cubic centimetres of electrolyte shall be used in a voltameter.

Care must be taken that no particles which may become mechanically detached from the anode shall reach the kathode.

Before weighing, any traces of solution adhering to the kathode must be removed, and the kathode dried.

## SCHEDULE C.

### Specification Relating to the Weston Normal Cell.

The Weston Normal Cell is a voltaic cell which has a saturated aqueous solution of cadmium sulphate ( $\text{CdSO}_4 \cdot 8/3 \text{H}_2\text{O}$ ) as its electrolyte.

The electrolyte must be neutral to Congo Red.

The positive electrode of the cell is mercury.

The negative electrode of the cell is cadmium amalgam consisting of 12·5 parts by weight of cadmium in 100 parts of amalgam.

The depolariser, which is placed in contact with the positive electrode, is a paste made by mixing mercurous sulphate with powdered crystals of cadmium sulphate and a saturated aqueous solution of cadmium sulphate.

For setting up the cell, the H form is the most suitable. The leads passing through the glass to the electrodes must be of platinum wire, which must not be allowed to come into contact with the electrolyte. The amalgam is placed in one limb, the mercury in the other.

The depolariser is placed above the mercury and a layer of cadmium sulphate crystals is introduced into each limb. The entire cell is filled with a saturated solution of cadmium sulphate and then hermetically sealed.

The following formula is recommended for the E.M.F. of the cell in terms of the temperature between the limits  $E_t = E_{20} - 0\cdot0000406 (t-20^{\circ}) - 0\cdot00000095 (t-20^{\circ})^2 + 0\cdot00000001 (t-20^{\circ})^3$ .

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## 9-10 GEORGE V.

### CHAP. 3.

An Act to amend the Irrigation Act.

[Assented to 3rd April, 1919.]

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

R.S., c. 61;  
1908, c. 33;  
1910, c. 34;  
1914, c. 37.

**1.** Section six of the *Irrigation Act*, chapter sixty-one of the Revised Statutes of Canada, 1906, hereinafter referred to as "the said Act," as amended by section three of chapter thirty-seven of the statutes of 1914, is further amended by repealing subsection two thereof and substituting therefor the following:—

"(2) No person shall divert or use any water from, and no person shall construct or cause to be constructed any dam or other works for the impounding of water in any river, stream, watercourse, lake, creek, spring, ravine, canyon, 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 or construction."

Diversion, or use, or impounding prohibited except in exercise of right.

**2.** Section seven of the said Act is hereby amended by striking out the words "thirteenth day of June, one thousand eight hundred and ninety-eight" in the second and third lines and substituting therefor the words "twenty-third day of July, one thousand eight hundred and ninety-four."

Grant of lands not to convey water rights.

**3.** Section thirteen of chapter thirty-eight of the statutes of 1908, as amended by section one of chapter thirty-four of the statutes of 1910, is repealed, and the *Irrigation Act*, Revised Statutes of Canada, 1906, chapter sixty-one, is amended by adding the following section at the end thereof:—

"**62.** (1) Notwithstanding anything in this Act contained, the Minister may approve of the construction of any ditch or drain proposed to be constructed under the authority of any Act providing for the drainage of lands,

Application of provincial laws respecting drainage.

enacted by the legislature of any province to which the *Irrigation Act* applies, or under the authority of *The Reclamation Act*, being chapter five, of the statutes of Canada, 1919.

Report to the Minister on proposed drainage works.

“(2) Before such approval is given, there shall be filed with the Minister a general description of the land which it is proposed to drain and the nature and location of the proposed works, and the Minister shall have such investigation as he considers necessary made by an officer to be designated by him and a report submitted to him by such officer setting forth,—

(a) the effect of the operation of such proposed works upon the effectiveness or operation of any works theretofore authorized under the *Irrigation Act*;

(b) the effect of such operation upon irrigation or water supply generally and their future development.

Plans may be required.

The Minister may, if he deems it advisable, require the filing of duplicate plans showing the proposed works and the land to be drained.

Approval of Minister.

“(3) When such approval has been given by the Minister in writing, such works may be constructed and operated under the provisions of the provincial drainage laws applicable thereto, notwithstanding anything in this Act contained; and no further or other license to use or affect such waters as are used or affected by the construction and operation of such works shall be necessary.

Rights saved.

“(4) Nothing in this section or in any such approval shall affect any right which has heretofore been acquired under the *Irrigation Act* and is still subsisting.”



## 9 - 10 GEORGE V.

### CHAP. 4.

An Act to amend the Railway Belt Act.

[Assented to 3rd April, 1919.]

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

R.S. c. 59:  
1907, c. 3;  
1918, c. 40.

1. Subsection three of section five of the *Railway Belt Act*, chapter fifty-nine of the Revised Statutes of Canada, 1906, as enacted by chapter forty of the statutes of 1918, is repealed, and the following is substituted therefor:—

“(3) In the event of letters patent issuing to or in the name of a person who is dead, they 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 the deceased person according to the laws in force in the province of British Columbia, as if the letters patent had issued to or in the name of the deceased person during his lifetime.”

Issue of  
patent for  
land held by  
deceased  
settler.

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# 9-10 GEORGE V.

## CHAP. 5.

An Act to authorize the Reclamation of Dominion Lands by Drainage.

[Assented to 3rd April, 1919.]

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

**1.** This Act may be cited as *The Reclamation Act*. Short title.

**2.** (1) The Minister of the Interior of Canada, hereinafter called "the Minister," shall have power to reclaim vacant Dominion lands situated within the limits of the provinces of Saskatchewan and Alberta by drainage works, and to defray the cost of investigation, preliminary survey and the construction of such works out of moneys set apart by Parliament for that purpose, and may include in such reclamation any lands other than vacant Dominion lands that will, or may be, benefited by such drainage works, and may assess the cost of reclamation, including therein the cost of investigation and preliminary survey, upon the said lands, other than Dominion lands, in the manner provided by the drainage laws of the province in which the said lands are situated. Power to reclaim land by drainage works.

(2) Such drainage works shall, when authorized by the Governor in Council, be constructed under and in accordance with the provisions of *The Reclamation Act, 1917*, enacted by the Legislative Assembly of the province of Saskatchewan, or of *The Reclamation Act* passed by the Legislative Assembly of the province of Alberta and assented to on the fifth day of April, in the year one thousand nine hundred and seventeen, according to the province in which the works may be situate, or of any amendment to or legislation enacted in substitution for the said Acts, or either of them. Procedure.

**3.** (1) Any Dominion lands so reclaimed shall be sold at public auction, except as hereinafter provided, and any such sales may be made subject to such conditions, if any, Sale of reclaimed lands.

as to residence, cultivation, or utilization, as may be prescribed by the Governor in Council.

Land for  
Soldier  
Settlement.

(2) The Minister may transfer any lands so reclaimed to the Soldier Settlement Board at a valuation to be fixed by the Governor in Council.

Lease.

(3) The Minister may, instead of selling such lands, lease the whole or any part of the same, and may also lease any land unsold after it has been offered for sale at public auction, and in either case may prescribe the rental to be paid and the other terms of such lease.

Disposition  
of fractional  
quarter  
sections.

(4) In any case where a fractional portion of any quarter section of land is reclaimed under the provisions of this Act, and where the remainder of such quarter section has been granted or sold by His Majesty, the terms and conditions on which such reclaimed fractional area shall be disposed of, whether by sale at public auction or otherwise, shall be prescribed by regulations to be made by the Governor in Council.

Payments for  
land, how  
to be made.

4. The Minister may, in case of sale by auction, prescribe that the terms of payment for such lands shall be either,—

- (a) ten equal, annual instalments, including therein interest at the rate of six per centum per annum, the first of which instalments shall be paid on the date of the sale of the land; or,
- (b) payments of principal and interest at the rate aforesaid on the amortization plan extending over a period of twenty years.

The Minister may give such privileges of prepayment of instalments as he may deem fit.

Application  
to Dominion  
lands in  
Manitoba.

5. (1) The Governor in Council may,—

(a) upon the passing of the necessary legislation by the Legislature of the province of Manitoba, make this Act, or any part thereof, extend and apply to Dominion lands situate in the province of Manitoba;

Other drain-  
age works  
may be  
authorized.

(b) authorize the Minister of the Interior to construct such other drainage works for the reclamation or improvement of lands belonging to His Majesty as may be deemed advisable. Provided, that no such works shall be authorized unless Parliament has provided the money to pay the cost of the same.

Regulations.

(2) The Minister shall have power to make such regulations as he deems necessary for the carrying out of the provisions of this Act. All regulations made 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.

Director of  
Reclamation  
Service.

6. All investigations and surveys and all works constructed under the authority of this Act, and all sales of land made

as herein provided, shall be under the direction of an officer to be designated the "Director of the Reclamation Service."

7. The Minister shall each year make a report giving a list of the drainage works constructed under the provisions of this Act, the area of land reclaimed in each case, and a statement of the expenditure in connection therewith and of the money received for the sale or leasing of the Dominion lands reclaimed, and shall lay such report before Parliament within fifteen days after the opening of each session thereof. <sup>Annual report.</sup>

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## 9-10 GEORGE V.

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### CHAP. 6.

An Act to amend The Representation Act, 1914.

[Assented to 3rd April, 1919.]

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

1. The Schedule to *The Representation Act, 1914*, chapter fifty-one of the statutes of 1914, is amended by changing the name of the "Electoral District of Westminster District" in the province of British Columbia to the "Electoral District of Fraser Valley."

Name of electoral district changed.

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## 9-10 GEORGE V.

### CHAP. 7.

An Act to authorize a further extension of time for the completion of the Saint John and Quebec Railway between Gagetown and Westfield.

[Assented to 3rd April, 1919.]

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

1911, c. 11;  
1912, c. 49;  
1913, c. 46;  
1914, c. 52;  
1916, c. 23;  
1917, c. 22.

1. The time within which the Saint John and Quebec Railway Company is to complete the construction and equipment of the line of railway from a point at or near Gagetown to a point on the Canadian Pacific Railway at or near Westfield may be further extended by the Minister of Railways and Canals of Canada to the thirty-first day of December, 1919, both with respect to the agreement entered into under the authority of section three of *The Saint John and Quebec Railway Act, 1916*, and also with respect to the subsidy agreement made under the authority of section six of the said Act: Provided that the said extension shall only be granted with respect to the first named agreement after the consent of His Majesty, on behalf of the province of New Brunswick, has been obtained.

Time for completion of Gagetown to Westfield line extended.

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# 9-10 GEORGE V.

## CHAP. 8.

An Act to amend The Statistics Act.

[Assented to 3rd April, 1919.]

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

1918, c. 43.

1. Section fifteen of *The Statistics Act*, chapter forty-three of the statutes of 1918, is amended by inserting the words "except with regard to the returns mentioned in section twenty-eight hereof" after the word "Act" in the third line of subsection one thereof, and by inserting the words "except as aforesaid" after the word "Act" in the second line of subsection two thereof.

Trans-  
portation  
returns  
excepted from  
operation of  
section 15  
respecting  
secrecy.

2. Subsection three of section twenty-six of the said Act is amended by striking out all the words after "last day of" in the fifth line thereof and substituting therefor the words "December in the year for which the returns are to be made or with such other date as the Minister may direct;" and subsection four of the said section is amended by substituting the word "February" for the word "July" in the last line thereof and by adding the following words at the end thereof: "or within one month after any other date directed by the Minister under the next preceding subsection."

Dates of  
making and  
forwarding  
transporta-  
tion returns  
changed.

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## 9-10 GEORGE V.

### CHAP. 9.

An Act to amend the Yukon Act.

[Assented to 3rd April, 1919.]

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

R. S., c. 63.  
1907, c. 53.  
1908, c. 76.  
1909, c. 37.  
1912, c. 56.  
1918, c. 50.

**1.** Section seven of the *Yukon Act*, chapter sixty-three of the Revised Statutes of Canada, 1906, as enacted by chapter seventy-six of the statutes of 1908, is amended by striking out the word "ten" in the second line thereof and substituting therefor the word "three."

Council reduced from ten members to three.

**2.** Section nine of the said Act, as enacted by chapter seventy-six of the statutes of 1908, is amended by inserting the words "or female" after the word "male" in the fourth line thereof.

Franchise extended to women for election of Council.

**3.** Section eighteen of chapter seventy-six of the statutes of 1908, entitled *An Act to amend the Yukon Act*, is amended by striking out the word "six" in the third line thereof, and substituting therefor the word "four."

Indemnity of Councillors reduced from \$600 to \$400.

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## 9-10 GEORGE V.

### CHAP. 10.

An Act to amend the Yukon Placer Mining Act.

[Assented to 3rd April, 1919.]

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

R.S. c. 64;  
1907, c. 54;  
1908, c. 77;  
1912, c. 57;  
1914, c. 58;  
1915, c. 22.

**1.** Subsection one of section two of the *Yukon Placer Mining Act*, chapter sixty-four of the Revised Statutes of Canada, 1906, is amended by adding the following to paragraph (c):—

Definition.

“and that portion of any stream below the point where the same enters the valley of the parent stream;”

Definition of  
“Creek”  
amended.

and by adding the following paragraph after paragraph (j):

“(k) ‘base line’ of a creek or river means a traverse line following the general direction of the centre bottom lands of the valley of the creek or river, surveyed and established under the direction and with the approval of the Gold Commissioner.”

Definition  
added.

**2.** Subsection two of section twenty of the said Act is repealed, and the following are substituted therefor:—

“(2) The side boundaries of a claim shall be lines on either side of the base line, parallel thereto and one thousand feet distant therefrom.

Side and end  
boundaries.

“(2a) The end boundaries of the claim shall be lines drawn at each end of the claim, at right angles to the base line, and extending not more than one thousand feet on either side thereof.”

**3.** Section twenty-four of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is repealed.

Survey.

**4.** Section twenty-six of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is amended by striking out all the words of the section after the sixth line, and inserting the following in lieu thereof:—

“A party of two or more locators, two claims, each one thousand two hundred and fifty feet in length; and for

Size of  
discovery  
claims.

each member of the party beyond two a claim of the ordinary size only."

**5.** Section thirty-six of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is amended by striking out all the words in subsection one after the words "mining recorder" in the fourth line thereof, and by adding the following subsection:—

Right to  
relocate after  
forfeiture.

"(3) Persons holding an interest in a claim at the time of its forfeiture or abandonment shall not have the right to relocate the same, or any part thereof, within one year after the date of such forfeiture or abandonment."

Location  
of other  
claims.

**6.** Section thirty-seven of the said Act, as enacted by chapter seventy-seven of the statutes of 1908, is amended by inserting the words "or river" after the word "creek" in the third line thereof.

Appeals.

**7.** Subsection six of section thirty-nine of the said Act, as enacted by chapter seventy-seven of the statutes of 1908, is amended by striking out the words "court *en banc* of the" at the beginning of the third line of subsection six of this section.

**8.** Section forty of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is repealed and the following is substituted therefor:—

Surveys.

"**40.** The Gold Commissioner on behalf of the Government of Canada may authorize and direct the survey of the base line of any creek or river to be made in accordance with such general instructions as may be issued by the Surveyor General, and such survey shall, subject to the provisions of section thirty-nine of this Act with respect to advertisement and protest, be a final determination of the location of such base line."

**9.** Section forty-three of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is repealed and the following is substituted therefor:—

When owner  
does not  
renew, claim  
may be  
relocated, etc.

"**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 relocating such claim: Provided that the said owner may, within six months after the date at which his grant came due for renewal, apply for a renewal grant, and for the cancellation of any grant so issued, and the latter grant shall be cancelled, or, in the event of a grant not having been issued for said claim, any pending application for same shall be refused, 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 the expenses to which the relocater may have been put in

locating and applying for the said claim, and in the event of a grant having been issued therefor, paying also all the expenses to which said relocater may have been put in obtaining the same, and also compensation for any *bona fide* work that he has performed thereon. Provided that where the owner of a claim fails to renew his grant within the time provided by section forty-one of the Act, the renewal fee, if paid within three months after the date of expiry, shall be thirty dollars, and after three months and within six months from such date of expiry shall be forty-five dollars."

**10.** Section forty-five of the said Act, as amended by chapter seventy-seven of the statutes of 1908, is repealed and the following is substituted therefor:—

"**45.** (1) If two or more persons are co-owners in a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon and to the payment of renewal fees, and in the event of its being proved to the Gold Commissioner, after notice of hearing has been served on all parties interested in the manner directed by him, that any co-owner has not done so, his interest may, by order of the Gold Commissioner, become vested in the other co-owners, who have performed said work and paid said fees, in proportion to their interests.

Proportionate contribution of work, etc., in case of co-owners.

"(2) If two or more persons acquired mining rights under the provisions of this Act, one or more of whom continued to hold the rights so acquired free from the risk of cancellation, owing to enlistment or acceptance for active service in defence of the Empire during the war, under the provisions of chapter twenty-two of the statutes of 1915, and one or more of which co-owners did not become entitled to such protection; in the event of its being proved to the satisfaction of the Gold Commissioner that the mining rights of any co-owner were not held free from the risk of cancellation under the above provision, and that such co-owner has not furnished evidence to show that he had contributed, proportionately to his interest, to the work required to be done under the Act, or has not paid to the Mining Recorder the proportionate amount of fees required to be paid, his interest in such mining rights may become vested, by order of the Gold Commissioner, in the other co-owner or co-owners whose rights were held free from the risk of cancellation owing to enlistment or acceptance for active military service, in proportion to their former interests."

Co-owners one of whom served in war.

**11.** Section forty-eight of the said Act is amended by striking out the words "subject to an appeal to the board of arbitration hereinafter referred to," after the word "may" in the fourteenth line, and by adding thereto the following subsections:—

Powers when  
moving  
dredge.

“(2) The Gold Commissioner may, on application, grant any person operating a dredge the right to take such dredge through a mining claim owned by any other person to adjoining property which he may desire to work with the same dredge, and for the purpose referred to may grant the right to thaw, disturb, or remove such portion of the said claim as in the opinion of the Gold Commissioner is necessary for such operation, provided that before such permission is granted the applicant shall deposit with the Gold Commissioner a sufficient sum of money to secure payment to the owner of the claim for all damage which may be caused by the passage of the dredge through such claim, and provided further that all damage caused by the said passage through the claim shall be assessed by the Gold Commissioner, and from the moneys deposited with him by the applicant the damage as assessed shall be paid, and the balance, if any, refunded.

“(3) If, in the operation necessary to the passage of the dredge, any pay gravels are removed, the gold which may be contained therein shall be recovered by such operator, and all such gold shall be the property of the owner of the claim.

“(4) An appeal may be taken at any time within ten days from the decision of the Gold Commissioner to the Territorial Court of the Yukon Territory with respect to the amount of the assessment.”

**12.** Subsection one of section seventy-four of the said Act, as enacted by chapter fifty-seven of the statutes of 1912, is repealed and the following is substituted therefor:—

Board of  
arbitrators  
to determine  
disputes.

“**74.** (1) In the event of any dispute between the owners of claims or lessees of locations with respect to the distribution of water, encroachments, or to dumping, or as to the amount of compensation to be paid under section sixty-nine 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: The Gold Commissioner, upon the request of any such owner or lessee for the appointment of a board of arbitrators and upon being furnished with a statement of the matter complained of, clearly expressed in writing, shall notify each party to the dispute to appoint an arbitrator, and shall notify all persons holding any interest in the claim or property of the proposed arbitration proceedings, and in case any person who was notified to appoint refuses or neglects to appoint an arbitrator within thirty days of the date of such notification the Gold Commissioner, upon being requested to do so by the arbitrator or arbitrators appointed, or by any interested owner or lessee, shall appoint such arbitrator or arbitrators. In the event of the total number of arbitrators so appointed being an even number, an additional arbitrator shall be appointed by such arbitrators ”

**13.** Subsection two of section seventy-five of the said Act, as enacted by chapter fifty-seven of the statutes of 1912, is amended by inserting the words: "and the amount of such damages" after the words "dumping ground" in the nineteenth line thereof.

Power to determine damages caused by dumping.

**14.** Section eighty-one of the said Act is repealed and the following is substituted therefor:—

"**81.** If the owner of a claim or of any interest in a claim dies or is adjudged to be insane, the provisions of this Act as to forfeiture for non-performance of work, payment of fees and renewal shall not apply except as hereinafter provided, in the first case, either during his last illness or after his decease, and in the second case, either after he has been so adjudged insane, 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 forfeited was attributable to his insanity, then during such period prior to his having been so adjudged insane as he may be shown to have been insane."

Case of death or insanity of owner.

**15.** Section eighty-two of the said Act is repealed and the following is substituted therefor:—

"**82.** (1) The Commissioner may by order limit the period during which all or any interest in any mining claim, the property of such deceased or insane person, shall be so exempt from the provisions of this Act which require the annual performance of work and payment of fees and may fix the date upon which the same shall again become subject to all the provisions of this Act, and upon which renewal grants for said property shall be issued upon payment of the prescribed fee. Upon failure to so renew, the title of the owner of said property shall thereupon become absolutely forfeited and in the event of the estate of such deceased person being the sole owner of any such claim, the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown, and in the event of such an estate being a co-owner in any such claim, the interest of the estate shall thereupon *ipso facto* become vested in the other co-owners in proportion to their interests. The Commissioner may, by like order from time to time, extend the period of such exemption as the necessity of the case may in his opinion demand, provided that in the case of deceased persons the period during which such exemption shall apply shall not extend beyond three years from the date of the death of the deceased. If there is no other legal representative of the estate of any such deceased or insane person, the Commissioner may 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

Powers of Commissioner over property of deceased or insane owners.

tration of the estates of deceased or insane persons in the Territory, now existing or hereafter to be made or passed.

“(2) No exemption of the interest of a deceased or insane owner in any claim shall apply to or exempt any co-owner’s interest from the provisions of the *Yukon Placer Mining Act* or any amendment thereto, as to the annual performance of work and payment of renewal fees.

“(3) Where the estate of a deceased or insane person owns an interest in a claim and all the living co-owners have during the period of such exemption failed to perform the required work or to pay renewal fees, the interests of such co-owners may, upon such failure being proved to the Gold Commissioner, after notice of hearing has been served on all parties interested in the manner directed by him, become vested in such estate by order of the Gold Commissioner.

“(4) All orders heretofore made by the Commissioner dispensing with the working of any mining claim or interest, the property of a deceased person, and the periods of exemption thereby granted shall upon the expiration of one year from the coming into force of this amendment, cease and determine, unless sooner terminated by the terms of any such order.”

**16.** Section eighty-four of the said Act is repealed and the following is substituted therefor:—

Assignee of property of deceased or insane owner to apply for grant within two months.

“**84.** Any person receiving from the Public Administrator or other legal representative of the estate of a deceased or insane person an assignment or transfer of a claim or interest in a claim that has been exempted from the provisions of this Act as to performance of work and payment of renewal fees because of the death or insanity of the owner thereof, shall apply to the Mining Recorder and pay the prescribed fee for a grant thereof within two months from the date of such assignment or transfer. If a grant is not so applied for and the recording fee paid, the provisions so exempting said claim or interest shall cease to apply and said claim shall on the expiration of said two months become absolutely forfeited and open for location as provided by section forty-two of this Act.”

**17.** Subsection one of section eighty-five of the said Act is amended by adding the following words at the end thereof:—

Specifying the gold upon which royalty is to be paid.

“Gold upon which royalty shall be payable shall be gold dust as mined, or gold in the form of bars as presented for export.”



# 9-10 GEORGE V.

## CHAP. 11.

An Act to authorize the Appointment of an Air Board for the control of Aeronautics.

[Assented to 6th June, 1919.]

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

**1.** This Act may be cited as *The Air Board Act*. Short title.

**2.** (1) There shall be a Board on Aeronautics (hereinafter called the "Air Board") which shall consist of not less than five and not more than seven members, who shall be appointed by the Governor in Council. Air Board.

(2) The Governor in Council shall appoint a member of the Air Board who is one of the Ministers of the Crown to be Chairman of the Board, and shall appoint one of the other members of the Air Board to be Vice-chairman. Chairman and Vice-chairman.

(3) One member of the Air Board shall be appointed as a representative of the Department of Militia and Defence and one as a representative of the Department of the Naval Service. Representatives of Militia and Defence and Naval Service Depts.

(4) The members of the Air Board shall be appointed for a term of three years, and shall be eligible for reappointment. Term of office.

(5) The members of the Air Board shall be paid such salaries as the Governor in Council may determine. Salaries.

**3.** It shall be the duty of the Air Board,— Duties of Air Board.

(a) to supervise all matters connected with aeronautics;

(b) to study the development of aeronautics in Canada and in other countries, and to undertake such technical research as may be requisite for the development of aeronautics, and to co-operate with other institutions in carrying out such research;

(c) to construct and maintain all Government aerodromes and air stations, including all plant, machinery and

- and buildings necessary for their efficient equipment and upkeep;
- (d) to control and manage all aircraft and equipment necessary for the conduct of any of His Majesty's services;
  - (e) to operate such services as the Governor in Council may approve;
  - (f) to prescribe aerial routes;
  - (g) to co-operate with other officers of His Majesty, and to assist in the carrying out of any services under their jurisdiction which may require aerial work of any nature, and to collaborate with the officers employed in existing air services of His Majesty in such extension of their present work as the development of aeronautics may require;
  - (h) to take such action as may be necessary to secure, by International Regulation or otherwise, the rights of His Majesty in respect of His Government of Canada in International Air Routes;
  - (i) to co-operate with the officers of the Departments of Militia and Defence and of the Naval Service on all questions relating to the air defence of Canada;
  - (j) to co-operate with the Air staffs or authorities of other Governments or countries for any purposes pertaining to air services;
  - (k) to investigate, examine and report on all proposals for the institution of commercial air services within or partly within Canada or the limits of the territorial waters of Canada;
  - (l) to consider, draft, and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada or within the limits of the territorial waters of Canada; and,
  - (m) to perform such other duties as the Governor in Council may from time to time impose.

Powers of Air Board to make regulations with approval of Governor in Council.

4. (1) Subject to approval by the Governor in Council, the Air Board shall have power to regulate and control aerial navigation over Canada and the territorial waters of Canada, and in particular, but not to restrict the generality of the foregoing terms of this section, it may, with the approval aforesaid, make regulations with respect to,—

- (a) licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licenses;
- (b) the registration, identification, inspection, certification and licensing of all aircraft;
- (c) the licensing, inspection and regulation of all aerodromes and air-stations;



- (d) the conditions under which aircraft may be used for carrying goods, mails and passengers, or for the operation of any commercial service whatsoever, and the licensing of any such services;
- (e) the conditions under which goods, mails and passengers may be imported and exported in aircraft into or from Canada or within the limits of the territorial waters of Canada, or may be transported over any part of such territory;
- (f) the prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulation, and either absolutely or subject to such exceptions or conditions as may be so specified;
- (g) the areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;
- (h) aerial routes, their use and control;
- (i) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada or within the limits of the territorial waters of Canada; and,
- (j) organization, discipline, efficiency and good government generally of the officers and men employed under the Air Board.

(2) Any person guilty of violating the provisions of any such regulation shall be liable, on summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment. Penalty.

(3) All regulations enacted under the provisions of this Act shall be published in the *Canada Gazette*, and, upon being so published, shall have the same force in law as if they formed part of this Act. Such regulations shall be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting, then within ten days after the next meeting thereof. Publication of regulations.

5. The Air Board shall have power to employ such officers and men under this Act as may be authorized by the Governor in Council, under such conditions as to discipline and pay as the Governor in Council may determine, and may make such arrangements for their proper training, housing, board, clothing and equipment as may be deemed necessary and as may be approved by the Governor in Council. Officers and men.

6. Subject to the provisions of *The Civil Service Act*, 1918, the Air Board shall have power to employ such officers, Civil Staff.  
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clerks and employees as may be necessary for attending to the business of the Air Board.

Payment of  
expenses, etc.,  
under Act.

7. All salaries mentioned herein and all expenses incurred under the provisions of this Act shall be paid out of such money as may be appropriated by Parliament therefor.

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

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### CHAP. 12.

An Act to amend the Canada Evidence Act.

[Assented to 6th June, 1919.]

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

R.S., c. 145;  
1917, c. 14.

**1.** Section twenty-six of the *Canada Evidence Act*, chapter one hundred and forty-five of *The Revised Statutes of Canada, 1906*, is repealed and the following is substituted therefor:—

“**26.** A copy of any entry in any book kept in any office or department of the Government of Canada, or in any commission, board or other branch of the public service of Canada, shall be received as evidence of such entry, and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department, commission, board or other branch of the said public service, that such book was, at the time of the making of the entry, one of the ordinary books kept in such office, department, commission, board or other branch of the said public service, that the entry was made in the usual and ordinary course of business of such office, department, commission, board or other branch of the said public service, and that such copy is a true copy thereof.”

To make  
section 26  
apply to all  
offices under  
Dominion  
Government.

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to the King's most Excellent Majesty.





## 9-10 GEORGE V.

### CHAP. 13.

An Act to incorporate Canadian National Railway Company  
and respecting Canadian National Railways.

[Assented to 6th June, 1919.]

**W**HEREAS His Majesty on behalf of the Dominion of Canada has acquired control of the Canadian Northern Railway Company and of the various Constituent and Subsidiary Companies comprising the Canadian Northern System, as specified in the First Schedule to this Act, and it is expedient to provide for the incorporation of a Company under which the railways, works and undertakings of the Companies comprised in the Canadian Northern System may be consolidated, and together with the Canadian Government Railways operated as a national railway system: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The Governor in Council may nominate such persons as may be deemed expedient, not less than five, nor more than fifteen, to be Directors of the Company hereby incorporated, and upon such nomination being made the persons so nominated, and their successors, and such other persons as may from time to time be nominated by the Governor in Council as Directors, shall be and are hereby incorporated as a Company, under the name of "Canadian National Railway Company," hereinafter called "the Company". No stock ownership shall be necessary to qualify a Director.

Nomination of directors.

Incorporation.

Name.
- 2.** The Directors shall hold office from one annual meeting to another or until their successors are appointed, unless removed by the Governor in Council for cause. Upon any vacancy occurring the Governor in Council may fill the vacancy by the appointment of a successor. The continuance of a vacancy or vacancies shall not impair the powers of the Board of Directors. The annual meeting shall be held upon the second Thursday in April in each year, or on such other date as the Directors may from time to time determine.

Term of office of directors.

Vacancy.

Annual meeting.

Capital stock.

3. The Governor in Council may declare that the Company shall have a capital stock, with or without shares, to such amount as may from time to time be deemed expedient. All such stock shall, until otherwise ordered by the Governor in Council, be vested in the Minister of Finance on behalf of His Majesty.

Head office.

4. The head office of the Company shall be at such place in Canada as the Governor in Council may from time to time determine.

Payment of directors.

5. The Directors may be paid by the Company such sums for their services as Directors as the Governor in Council may from time to time approve.

No personal responsibility of directors.

6. No Director of the Company shall be under any personal responsibility to any shareholder, director, officer or employee of the Company, nor to any other person, nor, except with the approval of the Governor in Council, shall be subject to any pecuniary penalty under the provisions of any statute, in respect of his office, or any act done or omitted to be done by him in the execution thereof.

First meeting.

7. The first Directors may after appointment hold a meeting at such time and place as may be designated by the Minister of Railways and Canals, for the purpose of passing by-laws, and organizing the Company.

Executive committee.

8. The by-laws of the Company may provide for an executive committee of the Board of Directors, to exercise such powers as the by-laws may specify.

Approval by Governor in Council instead of shareholders.

9. Whenever under the provisions of the *Railway Act*, or any other statute or law, the approval, sanction or confirmation by shareholders is required, such approval, sanction or confirmation may be given by the Governor in Council.

Definitions.  
"Canadian Government Railways."

10. In this Act, unless the context otherwise requires,—  
(a) "Canadian Government Railways" means and includes all such railways or parts thereof, and all such properties, works, powers, rights and privileges or interests or any of them as may be designated, whether generally or in detail, in any Order in Council from time to time subsisting, entrusting the management and operation thereof to the Company under the provisions of section eleven of this Act, and includes, unless expressly excepted, all properties, works, powers, rights and privileges incidental to those designated and commonly used, operated and enjoyed in connection therewith;

- (b) "Canadian Northern" means the Canadian Northern Railway Company; "Canadian Northern."
- (c) "Canadian Northern System" means the Canadian Northern and the Companies designated in the First Schedule to this Act, and includes also all other Companies hereafter from time to time declared by the Governor in Council to be comprised in the Canadian Northern System, which declarations the Governor in Council is hereby authorized to make; "Canadian Northern System."
- (d) "His Majesty" means His Majesty in the right of the Dominion of Canada. "His Majesty."

**11.** The Governor in Council may from time to time by Order in Council entrust to the Company the management and operation of any lines of railway or parts thereof, and any property or works of whatsoever description, or interests therein, and any powers, rights or privileges over or with respect to any railways, properties or works, or interests therein, which may be from time to time vested in or owned, controlled or occupied by His Majesty, or such part or parts thereof, or rights or interests therein, as may be designated in any Order in Council, upon such terms and subject to such regulations and conditions as the Governor in Council may from time to time decide; such management and operation to continue during the pleasure of the Governor in Council and to be subject to termination or variation from time to time in whole or in part by the Governor in Council. Any such Order in Council shall be laid before Parliament within ten days after the opening of the next ensuing session, or if Parliament be sitting at the time such Order in Council is passed, then within ten days from the date of said Order in Council.

Power of Governor in Council to entrust Company with management and operation of any railway, property or works vested in His Majesty.

**12.** Should His Majesty at any time heretofore have acquired or hereafter acquire the entire stock or the controlling interest in the stock of any railway company, or of any other company having corporate powers or properties which may be conveniently exercised or operated by the Company, the Governor in Council may transfer, or cause to be transferred, such capital stock or any part thereof to the Company, or may by proxies or otherwise enable the Company or any nominee of the Governor in Council to exercise the voting power thereof at any meeting of shareholders, upon such terms and conditions as the Governor in Council may from time to time determine.

Power to transfer to Company the stock or controlling interest of His Majesty in any railway company.

**13.** (1) All the provisions of the *Railway Act* (excepting those provisions which are inconsistent with this Act, and excepting also the provisions of the *Railway Act* relating to the location of lines of railway, the making and filing of plans and profiles—other than highway and railway crossing

Application of Railway Act and Expropriation Act to undertakings of Company.

crossing plans—and the taking or using of lands) shall apply to the Company and its undertaking, it being declared that all the provisions of the *Expropriation Act*, except where inconsistent with this Act, apply *mutatis mutandis* to the Company and its undertaking, in lieu of the provisions of the *Railway Act* so excepted.

R.S., c. 37;  
R.S., c. 143.

Signature  
to plans  
deposited.

Lands  
vested in  
Company.

Ascertaining  
amount of  
compensation.

(2) With respect to the undertaking of the Company,—

(a) Any plan deposited under the provisions of the *Expropriation Act* may be signed by the Minister of Railways and Canals on behalf of the Company, or by the President or any Vice-President of the Company; no description need be deposited;

(b) The land shown upon such plan so deposited shall thereupon be and become vested in the Company, unless the plan indicates that the land taken is required for a limited time only or that a limited estate or interest therein is taken; and by the deposit in such latter case the right of possession for such limited time or such limited estate or interest shall be and become vested in the Company;

(c) The compensation payable in respect of the taking of any lands so vested in the Company, or of interests therein, or injuriously affected by the construction of the undertaking or works shall be ascertained in accordance with the provisions of the *Railway Act*, beginning with notice of expropriation to the opposite party.

Application of  
Railway Act  
to Canadian  
Government  
Railways.

**14.** Notwithstanding anything in the *Government Railways Act* or any other Act, the provisions of the *Railway Act* respecting the operation of a railway (as distinguished from the provisions of such Act respecting the construction or maintenance of a railway) shall apply to such of the Canadian Government Railways as would but for the passing of this Act be subject to the *Government Railways Act*, during such time as the operation and management thereof is entrusted to the Company under the provisions of this Act.

Actions,  
suits or  
other  
proceedings.

**15.** (1) Actions, suits or other proceedings by or against the Company in respect of its undertaking or in respect of the operation or management of the Canadian Government Railways, may, in the name of the Company, without a fiat, be brought in, and may be heard by any judge or judges of any Court of competent jurisdiction in Canada, with the same right of appeal as may be had from a judge sitting in Court under the rules of Court applicable thereto.

Appeal.

Defence.

Any defence available to the respective corporations (including His Majesty) in respect of whose undertaking the cause of action arose shall be available to the Company, and any expense incurred in connection with any action



taken or judgment rendered against the Company in respect of its operation or management of any lines of railway or properties, other than its own lines of railway or properties, may be charged to and collected from the corporation in respect of whose undertaking such action arose. Nothing in this Act shall affect any pending litigation.

(2) Any Court having under the statutes or laws relating thereto jurisdiction to deal with any cause of action, suit or other proceeding, when arising between private parties shall, with respect to any similar cause of action, suit or other proceeding by or against the Company, be a Court of competent jurisdiction under the provisions of this section.

Jurisdiction  
of Court.

**16.** Notwithstanding anything in the *Government Railways Act* or the *Consolidated Revenue and Audit Act*, all expenses incurred in connection with the operation or management of the Canadian Government Railways, under the provisions of this Act, shall be paid out of the receipts and revenues of the Canadian Government Railways. In the event of a deficit occurring at any time during any fiscal year the amount of such deficit shall from time to time be payable by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada, the amounts paid by the said Minister under this section to be included in the estimates submitted to Parliament at its first session following the close of such fiscal year; and in the event of a surplus existing at the close of any fiscal year such surplus shall be paid into the said Fund.

Expenses  
to be paid  
out of  
receipts and  
revenues.

Deficits paid  
out of  
Consolidated  
Revenue  
Fund.

**17.** Notwithstanding anything in the *Interpretation Act* or any other Act, the fiscal year in respect of the Canadian Government Railways shall cover the period from the first day of January in one year to the thirty-first day of December in the same year, both inclusive.

Fiscal year.

**18.** The works of any of the Companies comprised in the Canadian Northern System which have not heretofore been declared to be works for the general advantage of Canada are hereby declared to be works for the general advantage of Canada, and the works of any Company or Companies hereafter from time to time declared by the Governor in Council to be comprised in the Canadian Northern System are hereby declared from and after the date of the making of such declaration by the Governor in Council to be works for the general advantage of Canada.

Declaratory.

**19.** (1) With the approval of the Governor in Council, and upon the recommendation of the Board of Railway Commissioners

Power to  
abandon  
line, and  
dismantle

or dispose thereof by consent.

Commissioners, the Company may abandon the operation of any lines or parts of lines of railway and incidental works, the operation or continued maintenance whereof has, in the opinion of the Board of Railway Commissioners, become unnecessary or inexpedient through duplication, or other economical considerations; and with the consent of a majority in value of the registered security holders affected may dismantle or dispose of the lines of railway or works so abandoned.

Consent of security holders.

(2) Such consent may be given by a majority in value of the registered security holders present at any meeting, in person or by proxy, called by the President of the Company, to be held at any time or place stated by him, on notice in writing sent by registered mail to all of the registered security holders at least one calendar month before the date of the meeting; or may be given by a majority in value of the registered security holders by written consents filed with the Company upon a circular stating the facts being sent by registered mail to all of the registered security holders.

Extension of time for commencement and completion of lines of railway.

**20.** The times for the commencement and completion of the construction of the lines of railway specified in the Second Schedule to this Act, which certain of the Companies comprised in the Canadian Northern system were authorized to construct, are hereby extended for two years and five years respectively after the passing of this Act.

Agreements with other lines.

**21.** With the approval of the Governor in Council, on the recommendation of the Minister of Railways and Canals, agreements for any of the purposes specified in sections three hundred and sixty-one and three hundred and sixty-four of the *Railway Act* may be entered into between the Company and any Company now or hereafter comprised in the Canadian Northern System, or between the Company and His Majesty, or the Company and any other Railway Company approved by the Governor in Council, or between any two or more of any such parties.

Power to acquire securities or make or receive advances.

**22.** The Company may acquire any securities issued by, or make advances to, or receive advances from the Canadian Northern or any other Company comprised in the Canadian Northern System, and may take or give security for such advances or loans; the Company may also borrow upon its notes or securities or the notes or securities of any other Company comprised in the Canadian Northern System, whether for its own benefit or for the benefit of such other Company or otherwise; and as collateral security, or as part collateral security therefor the Company may pledge to a trustee or trustees under any trust agreement securing any such note or notes, any amounts or classes of securities

issued or to be issued by the Company, the Canadian Northern, or any Company comprised in the Canadian Northern System, or by any one or more of them.

**23.** With the approval of the Governor in Council and upon any location sanctioned by the Minister of Railways and Canals, the Company may from time to time construct and operate railway lines, branches and extensions, or railway facilities or properties of any description in respect to the construction whereof respectively, Parliament may hereafter authorize the necessary expenditure, or the guarantee of an issue of the Company's securities. A copy of any plan and profile made in respect of any completed railway shall be deposited with the Board of Railway Commissioners for Canada.

Power to  
construct  
and operate  
railway  
lines.

**24.** Pending amalgamation or other consolidation of the lines of railway or works under its control, the Company may, in respect of the operation of its lines of railway or the lines of railway of the Canadian Northern System or the Canadian Government Railways, use the name "Canadian National Railways" as a collective or descriptive designation of all lines of railway or railway works under its control, without, however, affecting the rights or liabilities of any of the respective corporations (including His Majesty) for any of their respective acts or omissions.

Use of  
name.

**25.** The Governor in Council may change to any other name the name of any Company comprised in the Canadian Northern System, or of any other Company of which the properties or the controlling interest in the stock is vested in or held by His Majesty.

Change of  
name.

**26.** The Company may, with the approval of the Governor in Council, issue bonds, debentures, debenture stock, perpetual or terminable, or other securities (hereinafter called securities) in respect of the mileage of the lines of railway which it, from time to time, constructs, acquires, owns or controls,—not including the Canadian Government Railways nor exceeding, with outstanding securities, in the aggregate seventy-five thousand dollars (\$75,000) per mile. Such securities may be issued separately in respect of one or more of the Company's lines of railway or properties, or in respect of all of its lines or properties taken together. The Company may issue such securities in one or more separate series maturing at the same date or at separate dates, and bearing the same rate or different rates of interest, not exceeding in any case six per cent, and may limit the security for any series or issue to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage or mortgages made to secure such securities.

Issue of  
securities.

Currency  
of issues.

**27.** Any such securities may be issued in whole or in part in the denomination and multiples of dollars or of pounds sterling or any other currency, and may be made payable, both as to principal and interest, in Canada, Great Britain, the United States, or elsewhere, or in one or more of such places.

Registration  
of  
mortgages.

**28.** The provisions of section one hundred and forty of the *Railway Act* respecting the deposit and registration of mortgages and instruments in any way affecting mortgages, shall apply to any mortgages, or instruments affecting the same, heretofore or hereafter executed by any Company comprised in the Canadian Northern System securing any issue of bonds, debentures or other securities. Notarially certified copies of such mortgages or instruments may be deposited or registered hereunder in lieu of the original documents.

Power to  
acquire  
securities  
of other  
companies.

**29.** The Company may, with the approval of the Governor in Council, acquire, hold, guarantee, pledge and dispose of shares in the capital stocks, bonds, notes, securities or other contractual obligations whatsoever of any railway company, or of any transportation, navigation, terminal, telegraph, express, hotel, electric, power or of any other company authorized to carry on any business incidental to the working of a railway, or any business which in the opinion of the Board of Directors may be carried on in the interests of the Company.

Consent of  
municipalities.

**30.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Inquiry and  
report  
regarding  
company or  
operation of  
Government  
Railways.

**31.** The Minister of Railways and Canals may appoint or direct any person to enquire into and report upon any matters or things relating to or affecting the Company or its works and undertakings, including its management and operation of the Government Railways, or relating to or affecting any other company and the works and undertakings thereof, owned, controlled or operated by the Company, and any person so appointed or directed may, for the purposes of and in connection with any such enquiry or report, do all such things and exercise all such powers as are referred to or mentioned in section sixty-one of the *Railway Act*.

## FIRST SCHEDULE.

Constituent and Subsidiary Companies comprised in the Canadian Northern System.

## CONSTITUENT COMPANIES.

The Canadian Northern Railway Company.  
 The Canadian Northern Ontario Railway Company.  
 The Canadian Northern Quebec Railway Company.  
 Mount Royal Tunnel and Terminal Company, Limited.  
 Canadian Northern Pacific Railway Company.  
 The Canadian Northern Alberta Railway Company.  
 Canadian Northern Western Railway Company.  
 The Canadian Northern Saskatchewan Railway Company  
 The Canadian Northern Manitoba Railway Company.  
 Duluth, Winnipeg and Pacific Railway Company.  
 Duluth, Winnipeg and Pacific Railroad Company.  
 Duluth, Rainy Lake and Winnipeg Railway Company.  
 Central Ontario Railway.  
 The Halifax and South Western Railway Company.  
 The Bay of Quinte Railway Company.  
 The Irondale, Bancroft and Ottawa Railway Company.  
 The Marmora Railway and Mining Company.  
 The Northern Consolidated Holding Company, Limited.  
 The Quebec and Lake St. John Railway Company.  
 The Qu'Appelle, Long Lake and Saskatchewan Railroad  
 and Steamboat Company.  
 The Minnesota and Manitoba Railroad Company.  
 The Bessemer and Barry's Bay Railway Company.  
 The Toronto, Niagara and Western Railway Company.  
 The James Bay and Eastern Railway Company.  
 The St. Charles and Huron River Railway Company.  
 The Toronto Eastern Railway Company.  
 The Toronto Suburban Railway Company.  
 The Niagara, St. Catharines and Toronto Railway Com-  
 pany.  
 Canadian Northern System Terminals (Limited).  
 The Minnesota and Ontario Bridge Company.  
 The Lake Superior Terminals Company, Limited.

## SUBSIDIARY COMPANIES.

The Canadian Northern Telegraph Company.  
 The Great North Western Telegraph Company of Canada  
 The Winnipeg Land Company, Limited.  
 St. Boniface Western Land Company.  
 The Canadian Northern Railway Express Company,  
 Limited.  
 The Canadian Northern Express Company.  
 Canadian Northern Steamships, Limited.

The Niagara, St. Catharines and Toronto Navigation Company Limited.

Canadian Northern Rolling Stock, Limited.

The Imperial Rolling Stock Company, Limited.

The Canadian Northern Transfer Company, Limited.

Toronto Dwellings, Limited.

Canadian Northern Realities, Limited.

Federal Properties, Limited.

## SECOND SCHEDULE.

The lines of railway which the Canadian Northern Western Railway Company was authorized to construct, namely:—

By Section 3 of Chapter 29 of the Statutes of Alberta, 1911-12, as follows:—

From a point on the constructed line of the Canadian Northern Railway at or near Edmonton, thence in a north easterly and easterly direction on the north side of the North Saskatchewan River to St. Paul de Metis, and thence to the eastern boundary of the Province of Alberta.

From a point on the constructed line of the Canadian Northern Railway at or near Bruderheim, thence in a general easterly and south-easterly direction to a point at Vermillion, thence in a southerly direction to a point at or near Wainwright or through Medicine Hat to a point at the southerly boundary of the Province of Alberta; with a branch from a point north-west of Vermillion on Townships 53 and 54 easterly to the eastern boundary of the Province.

From Camrose, thence in a general south-easterly direction keeping north of the Battle River until the line reaches to or near the eastern boundary of range 12, west of the fourth meridian; thence in a south-easterly direction to the eastern boundary of the Province of Alberta.

From a point where the Saskatoon Calgary line of the Canadian Northern Railway crosses the eastern boundary of the Province in a generally northerly direction to a point on the authorized line of the Canadian Northern Railway running from Strathcona to Calgary.

From a point on the constructed line between Big Valley and Stettler, south-easterly to a junction with the Saskatoon-Calgary line.

By Section 2 of Chapter 40 of the Statutes of Alberta, 1914, namely:—

From a point at the City of Medicine Hat, thence in a generally north-westerly direction to a point on the Saskatoon Calgary line of the Canadian Northern Railway Company.

The lines of railway which the Saskatchewan Northwestern Railway Company, a predecessor by amalgamation of the Canadian Northern Railway Company, was authorized to construct, namely:—

By Section 7 of Chapter 18 of the Statutes of Saskatchewan, 1908-09, as follows:—

From a point on the Qu'Appelle Long Lake and Saskatchewan Railway to Steamboat Company's line between Aylesbury and Davidson, thence in a generally northerly and westerly direction to the provincial boundary of Saskatchewan.

The lines of railway which the Canadian Northern Saskatchewan Railway Company was authorized to construct, namely:—

By Section 8 of Chapter 43 of the Statutes of Saskatchewan, 1912, as follows:—

From a point at or near Lampman on the Maryfield extension of the Canadian Northern Railway, thence in a generally northerly direction to a junction with the Brandon Regina branch line of the said railway.

From a point on the Delisle Branch of the Canadian Northern Railway westerly to the western boundary of the Province of Saskatchewan.

From a point at or near Chamberlain southerly to Moose Jaw.

From a point at or near Craven in a general north-easterly direction to a point at or near Hudson Bay Junction, with a branch from a point thereon to a point on the Rossburn branch of the Canadian Northern Railway east of Yorkton.

From a point at or near Melfort north-easterly to the eastern boundary of the Province of Saskatchewan.

From a point at or near Hudson Bay Junction southerly through or near the town of Moosomin to a point on the southern boundary of the Province of Saskatchewan, east of the second meridian.

From a point at or near Swift Current northerly to a point at or near Battleford.

From a point at or near Chamberlain westerly to a point on the western boundary of the Province of Saskatchewan at or near Township 25.

From a point at or near Prince Albert north-easterly to the eastern boundary of the Province of Saskatchewan.

From a point on the Prince Albert-Denholme line of the Canadian Northern Railway at or near Shellbrook westerly to a point on the North Battleford-Jackfish line of the Canadian Northern Railway.

From a point on the Canadian Northern Railway at or near Melfort, thence in a generally south-easterly direction to a connection with the Thunder Hill extension of the Canadian Northern Railway.

From a point on the Canadian Northern Railway at or near Melfort, thence in a generally westerly and south-westerly direction to a point on the main line of the Canadian Northern Railway at or near Vonda.

The lines of railway which the Saskatchewan Midland Railway Company, a predecessor by amalgamation of the Canadian Northern Railway Company, was authorized to construct, namely:

By section 7 of Chapter 41 of the Statutes of Saskatchewan, 1909, as follows:—

A line from a point on the Winnipeg-Edmonton branch of the Canadian Northern Railway within ranges 1 and 2 west of the third meridian running in a north-easterly direction to join with the projected extension of what is known as the Thunder Hill branch of the said railway.

A line from a point on the Brandon-Regina branch of the Canadian Northern Railway between Kaiser and Kendal running in a south-westerly, westerly and north-westerly direction to the town of Swift Current and with a branch from Swift Current to a point at or near Saskatchewan Landing thence northerly and easterly to a point on the constructed line of the Canadian Northern Railway in or near Township 34, range 9, west of the third meridian.

A line from a point on the Brandon-Regina branch of the Canadian Northern Railway between Lovat and Kendal, thence in a generally south-westerly direction to the international boundary.

A line from a point at or near the Town of Humbolt running in a north-easterly direction to a point at or near the Town of Melfort.

The lines of railway which the Canadian Northern Railway Company was authorized to construct, namely:—

By Sections 2, 3, 4, Chapter 36 of the Statutes of Canada, 1915, as follows:—

From its line at Strathcona southerly to Calgary.

From a point on the Company's line at Swan River in Manitoba, thence along the Swan River northerly and in a generally westerly direction to a point on the Company's authorized line at the crossing by that line of the Saskatchewan River.

From a point in Regina north-westerly and westerly to a point on the Red Deer River, in the Province of Alberta.

The line of railway which the Northern Extension Railway Company (since amalgamated with the Canadian Northern Railway Company) was authorized to build by Section 3 of Chapter 77 of the Statutes of Manitoba for 1904, namely:—A line or lines from a point at the City of Winnipeg, or from any of the lines specified in the last mentioned Act, through the Rural Municipality of Springfield to the eastern or southern boundary of the Province of Manitoba.



From Calgary to the confluence of the Little Bow and Belly Rivers, thence in a south-westerly direction to a point at Lethbridge.

From a point at or near Regina northwesterly to a point at or near Elbow.

By Section 2 of Chapter 76 of the Statutes of Canada 1914, as follows:—

From a point on the Company's authorized line at or near Battleford, thence in a generally westerly direction to a point on the head waters of the Brazeau River.

From a point in or near Regina northerly to or near to Humbolt, thence northeasterly down or near the valley of the Carrot River to a point at or near the Pas Mission on the Saskatchewan River, and from a point on the Company's line between Humbolt and the South Saskatchewan River north-easterly to a point at or near the crossing of the South Saskatchewan River by the Company's Prince Albert Branch.

By Section 2 of Chapter 94 of the Statutes of Canada, 1913, as follows:—

From its line at or near Humbolt, in the Province of Saskatchewan, in a south-westerly direction to Township 29, Range 7, west of the third meridian, thence westerly and south westerly to the City of Calgary in the Province of Alberta.

From a point on its Brandon-Regina line near the west boundary of Manitoba, thence in a generally westerly direction to the City of Lethbridge, Alberta.

From a point on its line near North Battleford, thence north-westerly to a point at or near Athabaska Landing, with a branch to a point at or near Green Lake near its outlet into the Beaver River.

By section 2 of Chapter 77 of the Statutes of Canada, 1912, as follows:—

From a point on the Company's line of railway at or near Portage la Prairie, thence in a generally southerly and easterly direction to a point on the Ridgeville Section of its line of railway in or near township 2, range 7, east of the principal meridian.

From a point on the Qu'Appelle Long Lake and Saskatchewan Railway between Davidson and Disley, thence in a generally westerly and northwesterly direction to a point on the Saskatoon-Calgary line in or near township 30, range 14, west of the third meridian.

From a point on its constructed line near Winnipegosis, thence in a generally southerly and easterly direction to a point on its constructed line near the south end of Lake Manitoba.

The lines of railway which the Canadian Northern Pacific Railway Company was authorized to construct, as follows:—

By Section 3 of Chapter 4, of the Statutes of British Columbia, 1910, as follows:—

From a point in the City of Victoria to a point on or near Barclay Sound on the Island of Vancouver, a distance of approximately one hundred miles.

By Section 3 of Chapter 32 of the Statutes of British Columbia, 1912, as follows:—

A line of railway one hundred and fifty miles in length in a northerly and easterly direction from the 100-mile post on the Vancouver Island section of the Canadian Northern Pacific Company's line of railway to a point on the east coast of the Vancouver Island.

A line of railway from a point on the Company's line at or near the city of Kamloops to the city of Vernon, and thence to Lumby, and a line from a point at or near the said city of Vernon to the city of Kelowna via Long Lake, and a line from a point in or near the said city of Vernon, a point on the east arm of Okanagan Lake, opposite Okanagan Landing, as shown on the map deposited in the office of the Provincial Secretary of British Columbia; an aggregate distance of one hundred and forty-five miles.

By Section 2 of Chapter 57 of the Statutes of British Columbia 1913, as follows:—

A line of railway extending from the north end of Westminster Bridge to Steveston, a distance of fifteen miles.

The lines of railway which the Alberta Midland Railway Company (a predecessor by amalgamation of the Canadian Northern Railway Company) was authorized to construct, namely:—

By Section 6 of Chapter 45 of the Statutes of Alberta, 1909, as follows:—

From a point at or near Edmonton, thence northwesterly to a point on the Peace River.

From near the authorized crossing of the Little Bow River, southerly via Macleod to the south boundary of Alberta.

From a point on the last mentioned line, between Macleod and the Belly River, westerly to the western boundary of Alberta.



## 9-10 GEORGE V.

### CHAP. 14.

An Act to amend an Act to provide Compensation where Employees of His Majesty are killed or suffer injuries while performing their duties.

[Assented to 6th June, 1919.]

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

1907, c. 22;  
1908, c. 37;  
1913, c. 26;  
1918 c. 15.

1. Subsections three and four of section one of chapter fifteen of the statutes of 1918 are repealed and the following are substituted therefor:—

“(3) Any compensation or costs awarded hereunder may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada; or the Minister of Finance may from time to time take such amount of money as may be authorized by the Governor in Council from the Consolidated Revenue Fund and deposit such money with the Board, officers, authority or court authorized by the law of any province to determine compensation cases, from which deposit such Board, officers, authority or court may pay any compensation and costs awarded under the provisions of this Act. In any province where the general administration expenses of maintaining such Board, officers or other authority or court are paid by the province or by contributions from employers, or by both, the Minister of Finance may pay out of any unappropriated money in the Consolidated Revenue Fund of Canada such portion of such expenses as is fair and reasonable and is authorized by the Governor in Council.

Compensation payable out of Consolidated Revenue Fund as may be authorized.

“(4) Provided that no employee on the Canadian Government Railways who is an employee within the meaning of the *Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act* and becomes permanently disabled from following his usual occupation in the service, as a result of injuries received while on duty and actually at work in the service, shall be entitled to receive compensation

Employees on Government Railways must elect between Railway Provident Societies benefits and this Act.

Dependents  
of killed  
employee  
who has not  
elected  
nevertheless  
entitled to  
benefits  
under this  
Act.

sation, under the provisions of this Act, for such injuries, unless he elects to accept prior or subsequent to the injuries such compensation in lieu of the allowance payable under the provisions of the *Provident Fund Act*, section twelve, Class D, and gives notice in writing of such election both to the management of the Railways and to the Provident Fund Board: Provided, however, that the dependents of any such employee who has been or is killed subsequently to the twenty-fourth day of May, 1918, and who has not elected to accept compensation under this Act as aforesaid, shall nevertheless be entitled to compensation under this Act as though such employee had so elected."

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 15.

An Act to amend the Criminal Code respecting prevention of Fire.

[Assented to 6th June, 1919.]

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

1. Section five hundred and fifteen of the *Criminal Code* R.S., c. 146. is amended by inserting the following subsection immediately before subsection two thereof:—

“(1A) Every one is guilty of an indictable offence and liable to two years’ imprisonment who by negligence causes any fire which occasions loss of life or loss of property. Negligently causing fire which results in loss of life or property.

“The person owning, occupying or controlling the premises in which such a fire occurs, or on which such fire originates, shall be deemed to have caused the fire through negligence if such person has failed to obey the requirements of any law intended to prevent fires or which requires apparatus for the extinguishment of fires or to facilitate the escape of persons in the event of fire, if the jury finds that such fire, or the loss of life, or the whole or any substantial portion of the loss of property, would not have occurred if such law had been complied with.”

2. The said Act is further amended by inserting immediately after section five hundred and fifteen the following section:—

“515A. When any Dominion, Provincial or Municipal fire officer or authority recommends to the owner, lessee or other person controlling or operating any building, structure, factory, shipyard, vessel, dock, wharf, pier, sawmill, or yard in which logs or lumber are stored or held, that any reasonable change, alteration or addition should be made in or to such building, structure, factory, shipyard, vessel, dock, wharf, pier, sawmill, or yard with a view to safeguarding life or property from destruction by fire, or that any material should be removed therefrom with Refusing to make alterations, remove materials or supply apparatus when ordered by proper authorities.

such view, or that any apparatus should be supplied therefor with such view; and if such recommendation is approved by an officer in the service of His Majesty, thereto, authorized by the Governor in Council; and if notice of such recommendation and approval has been personally served upon such owner, lessee or other person; and if, after the expiration of thirty days from the receipt of such notice, such owner, lessee or other person refuses, neglects or otherwise fails to carry out such recommendation to the satisfaction of the officer in the service of His Majesty hereinbefore mentioned, such owner, lessee or other person shall be guilty of an indictable offence and shall be liable to a fine of not exceeding one thousand dollars, or to imprisonment for any term not exceeding six months, or to both such fine and imprisonment."

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## 9-10 GEORGE V.

### CHAP. 16.

An Act to amend The Currency Act, 1910.

[Assented to 6th June, 1919.]

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

1. (1) The Schedule to *The Currency Act, 1910*, chapter fourteen of the statutes of 1910, is amended by striking out the last section thereof, relating to the bronze cent, and the footnote pertaining thereto, and substituting the following therefor:—

Denomination of coin.	Standard weight.	Least Current weight.	Standard fineness.	Remedy allowance.	
				Weight per piece.	Millesimal fineness.
Bronze Cent.....	50	.....	mixed metal, copper, tin and zinc.	‡140	

‡This remedy is on a group of one hundred and forty pieces weighed against a weight of one pound avoirdupois.

(2) The bronze coins heretofore struck by authority of the Crown shall continue to be current and a legal tender.

2. This Act shall come into force upon such date as may be prescribed by proclamation issued by the Governor in Council.

Cents heretofore struck to continue current.

Commencement of Act.







# 9-10 GEORGE V.

## CHAP. 17.

### An Act to amend The Dominion Forest Reserves and Parks Act.

[Assented to 6th June, 1919.]

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

1911, c. 10;  
1913, c. 18;  
1914, c. 32;  
1916, c. 15;  
1918, c. 4.

**1.** Subsection two of section fifteen of *The Dominion Forest Reserves and Parks Act*, chapter ten of the statutes of 1911, is hereby repealed and the following is substituted therefor:—

Ss. 2 of s. 15 amended by making outfit and equipment subject to seizure.

“(2) Any forest officer may seize, whether within a reserve or elsewhere, all timber, trees and hay cut or removed, all mineral or other products removed, all animals, birds and fish captured or killed, and within a reserve may seize all firearms, ammunition, explosives, spears, traps, nets, rods, lines, tackle and appliances used or found in the possession of any person without lawful authority, or in contravention of any provision of this Act or of any regulation made thereunder, and may seize the outfit and all equipment used or found in the possession of any person or persons arrested for capturing or killing any animal, bird or fish.”

**2.** Section sixteen A of the said Act, as enacted by chapter four of the statutes of 1918, is hereby repealed and the following is substituted therefor:—

Amendment to authorize granting of surface rights in certain cases in connection with mineral claims.

“**16A.** (1) Notwithstanding anything in this Act,—

(a) A grant may be made to the province of British Columbia of the minerals, within the meaning of the Mineral Act of the said province, located in any lands sought to be acquired for mining purposes in the Dominion Forest Reserves in British Columbia, under the provisions of the agreement between the Dominion and the said province as confirmed by Order of the Governor in Council dated the eleventh day of February, one thousand eight hundred and ninety, together with such other parts of the subsoil and such under-

To authorize grant of minerals in Forest Reserves to Prov. of B.C. under agreement of Feb. 1890.

surface and other rights in and to the said lands as are, in the opinion of the Minister, required for the proper mining and removal of the said minerals;

To authorize grants of surface rights in certain cases.

(b) Upon it being shown to the satisfaction of the Minister that any mineral claim situate in a Dominion Forest Reserve in British Columbia had been recorded in accordance with the British Columbia Mineral Act before the establishment of such forest reserve, and that the amount of money expended in the development of such mineral claim renders such action advisable, the Governor in Council may transfer the surface rights of the whole or any part of such mineral claim to the Crown in the right of the province of British Columbia.

Application of section.

(2) Except as herein otherwise provided, this section shall not apply to any Dominion Park now or hereafter established.

Title of certain lands in Nicola Forest Reserve confirmed.

(3) The Order of the Governor in Council of the sixth day of September, one thousand nine hundred and eighteen, P.C. No. 2156, vesting the title of the lands comprised within the I.O.U., the O.K., and the Apex Mineral Claims, situate within the Nicola Forest Reserve, in the Crown in the right of the province of British Columbia, is hereby ratified and confirmed."

3. Section eighteen of the said Act, as enacted by chapter eighteen of the statutes of 1913, is hereby amended by adding thereto the following subsection:—

Power given to expropriate lands for park purposes.

"(4) When, in the judgment of the Minister, any lands or any interest therein, should be acquired for the purpose of a Dominion Park, such lands, or interest therein, including the lands of Indians, or of any other person, may be expropriated under the provisions of the *Expropriation Act*."

4. Section twenty of the said Act is amended by striking out the word "one" in the fourth line thereof and substituting therefor the word "five" and by adding thereto the following subsection:—

Penalty for violating Act, etc., increased from \$100 to \$500.  
Power of Minister to authorize investigation into irregularities in administration of a park.

"(2) When the Minister of the Interior is of the opinion that there is any irregularity in the administration of any Dominion Park, he may authorize any officer to hold an investigation in regard to such irregularities, and such officer shall for such purposes have the powers of a commissioner appointed under Part II of the *Inquiries Act*."



## 9-10 GEORGE V.

### CHAP. 18.

An Act to amend The Dominion Lands Surveys Act.

[Assented to 6th June, 1919.]

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

**1.** Section fifteen of *The Dominion Lands Surveys Act*, 1908, c. 21, chapter twenty-one of the statutes of 1908, is repealed and the following is substituted therefor:—

“**15.** No person shall be admitted as an articted pupil with any Dominion land surveyor unless he has previously passed an examination before the Board, or before one of the members thereof, or before a special examiner as hereinafter provided, in the following subjects:—

Examination  
for admission  
as articted  
pupil.

- (a) Penmanship;
- (b) Orthography;
- (c) Arithmetic and logarithms;
- (d) Algebra;
- (e) Plane and solid geometry;
- (f) Plane trigonometry;
- (g) Spherical trigonometry;
- (h) Mensuration;
- (i) Physics.”

**2.** Section twenty-two of the said Act is repealed and the following is substituted therefor:—

“**22.** Every graduate of the Royal Military College of Canada who has successfully passed the College examination in civil surveying, 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 in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who, after examination, has thereupon received from such college or university a degree attesting to his completion of the said course of instruction, which degree shall be the degree of Bachelor of Science or such

As to  
graduates of  
Royal  
Military  
College and  
other  
graduates.

other degrees as may be judged by the Board to be equivalent thereto for the purposes of this section, shall be exempt from serving three years as aforesaid, and shall be entitled to examination for a commission after being admitted upon examination as aforesaid as an articulated pupil, and serving one year under articles with a Dominion land surveyor, including six months actual service with him in the field, on producing an affidavit from the said surveyor in said form C, together with his own affidavit in said form D, that he has served for one year as herein provided, but it shall rest with the Board to decide whether the course of instruction in such college or university meets the requirements of this section."

**3.** Section twenty-three of the said Act is repealed and the following is substituted therefor:—

Examination  
for com-  
mission as a  
surveyor.

"**23.** Except as in this Act otherwise provided, no person shall receive a commission from the Board authorizing him to practise as a Dominion land surveyor until he has complied with the general 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, or before a special examiner as hereinbefore provided, in the following subjects:—

- (a) Analytical geometry and calculus;
- (b) Astronomy;
- (c) Methods of surveying and calculation of areas;
- (d) Levelling, location and construction of roads, principles of irrigation, investigation and calculation of water powers;
- (e) Plan drawing, projection of maps, drawing instruments;
- (f) Manual of instructions for the survey of Dominion Lands and Dominion Lands Surveys Act;
- (g) Elementary geology and mineralogy, prairie and forest flora of western Canada;
- (h) Principles of evidence, drafting and taking affidavits, description of lands for deeds;
- (i) Practical surveying and observing."

**4.** Section twenty-eight of the said Act is repealed and the following is substituted therefor:—

Fees.

"**28.** The following fees shall be paid to the Secretary of the Board:—

- (a) By each applicant for preliminary examination at the time of making application, one dollar;
- (b) By each applicant for final examination, at the time of making application, two dollars;
- (c) By each applicant for examination for a certificate as a Dominion topographical surveyor at the time of making application, two dollars;

- (d) By each candidate who has been successful at the preliminary examination, ten dollars and a further fee of two dollars, for a certificate thereof;
- (e) By each pupil at the time of transmitting his indenture or articles, two dollars;
- (f) By each candidate who has been successful at the final examination, twenty dollars and a further fee of two dollars, for a commission as a Dominion land surveyor;
- (g) For a certificate as Dominion topographical surveyor, two dollars;
- (h) For a subsidiary standard of the Dominion measure of length, tested and marked as hereinafter provided; a fee which shall be fixed from time to time by the Governor in Council;
- (i) For each subsequent testing of such subsidiary standard, one dollar.

Provided that the fee of ten dollars mentioned under subsection (d), the fee of twenty dollars mentioned under subsection (f), the fee mentioned under subsection (h) and the fee of one dollar mentioned under subsection (i) shall be deposited to the credit of the Receiver General on account of Dominion lands; and that the other fees payable under this section shall belong to the secretary."

5. Section thirty-five of the said Act is repealed and the following is substituted therefor:—

" 35. The measure of length used in the surveys of Dominion lands shall be the Dominion measure of length defined by the *Weights and Measures Act*, and every Dominion land surveyor shall be in possession of a subsidiary standard thereof tested and marked as correct by the Surveyor General, which subsidiary standard shall be furnished to him by the secretary of the Board on payment of the fee fixed therefor by the Act, and notwithstanding anything to the contrary in the *Weights and Measures Act*, such subsidiary standard shall not require any test, stamp, inspection or verification other than is required by this Act; 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 lengths; and the said standard measure shall be returned to the secretary of the Board to be tested at least once every four years."

6. Section fifty-three of the said Act is amended by striking out the word "shall" in the second line of the section and substituting therefor the word "may," and by striking out the words "in special cases" after the words "provided that."





## 9-10 GEORGE V.

### CHAP. 19.

#### An Act respecting Dominion Water Powers.

[Assented to 6th June, 1919.]

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

#### SHORT TITLE.

1. This Act may be cited as *The Dominion Water Power Act*. Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- |   |   |
|---|---|
| (a) " Dominion water-powers " means any water-powers on lands of the Dominion, or any other water-powers which are the property of Canada and which have been or may be placed under the control and management of the Minister of the Interior;  | Definitions.<br>" Dominion Water-powers." |
| (b) " Lands of the Dominion " means any Crown lands or any interest in any lands which are the property of Canada and any other lands or any interest therein which have been or may be placed under the control and management of the Minister of the Interior;  | " Lands of the Dominion."                 |
| (c) " Minister " means the Minister of the Interior;  | " Minister."                              |
| (d) " Regulations " means regulations made under the provisions of this Act;  | " Regula-tions."                          |
| (e) " Stream " or " Water " means and shall include any river, brook, lake, pond, creek or other flowing or standing water;   | " Stream;"<br>" Water."                   |
| (f) " Undertaking " means the undertaking required or proposed to be established or carried on in pursuance of this Act or of the regulations by His Majesty or by any applicant, licensee or person in the development of any Dominion water-power or in the transmission, distribution or utilization of the force or energy produced from such water-power; and shall include, in so far as authorized or required in any case,— | " Under-taking."                          |

- (i) the storage, pondage, penning back, regulation, augmentation, carriage, diversion and use of water or of the flow thereof;
  - (ii) the generation of energy at any plant which is used as an auxiliary to the water-power plant;
  - (iii) the surveying, the laying out, the constructing, the maintaining and the operating of works, including dams, flumes, penstocks, power stations, transmission lines, terminal stations and substations;
  - (iv) the surveying of any lands of the Dominion or other lands, the carrying on of investigations, and the collection of data;
  - (v) the acquisition and use of lands and properties or any interest therein;
  - (vi) the administration and management of the required lands, works and properties; and the business connected therewith;
  - (vii) matters incidental to any of the foregoing.
- (g) "Water-power" shall include any force or energy of whatever form or nature contained in or capable of being produced or generated from any flowing or falling water in such quantity as to make it of commercial value.

"Water-power."

Application of Act.

**3.** This Act applies,—

- (a) to all Dominion water-powers;
- (b) to all lands of the Dominion required in connection with the development or working of such water-powers or for purposes incidental thereto;
- (c) to all lands and properties which may be acquired or authorized to be acquired under the terms and for the purposes of this Act, or which may heretofore have been acquired and are still used or may be required in connection with Dominion water-powers;
- (d) to the power and energy produced or producible from the waters on or within the said lands, whether the power or energy derived therefrom or any portion thereof is distributed upon or utilized on the lands of the Dominion or not;
- (e) to all undertakings established or carried on in respect of any Dominion water-powers; and,
- (f) to all matters incidental thereto.

Provided that this Act shall not affect the administration by the province of British Columbia of certain of the waters of the Railway Belt of British Columbia, exercised during the pleasure of the Governor in Council in virtue of the Dominion *Railway Belt Water Acts* of 1912 and 1913.

2 Geo. V,  
c. 47;  
3-4 Geo. V,  
c. 45.

Title to water-powers in Crown.

**4.** The property in and the right to the use of all Dominion water-powers are hereby declared to be vested in and shall remain in the Crown, saving, however, any rights



of property in or to the use of such powers which have heretofore been granted by the Crown; and every undertaking hereunder is hereby declared to be a work for the general advantage of Canada.

**5. Lands of the Dominion,—**

Essential  
lands also  
remain  
Crown  
property.

(a) upon or within which there is water-power;

(b) required for the protection of any water-power; or,

(c) required for the purposes of any undertaking;

and the water-powers and waters thereon shall not be open to entry, and except as hereinafter otherwise provided, no interest therein shall be leased or otherwise granted or conveyed by the Crown; and any grant or conveyance hereafter made of any such lands or any interest therein, except in pursuance of this Act and the regulations, shall not vest in the grantee any exclusive or other property or interest with respect to such lands.

Provided that no right of entry, permit, license, lease or other concession shall be made for or of any lands within a Dominion park or forest reserve until the Commissioner of Dominion Parks, or the Director of Forestry, as the case may be, has reported upon the effect of such right of entry, permit, license, lease or other concession upon the park or forest reserve concerned; and the Minister has decided whether it is necessary to insert any provision or provisions in such right of entry, permit, license, lease or other concession to protect the use and enjoyment of such Dominion park or forest reserve.

Provided further, that where small areas only of any parcel or subdivision of any lands of the Dominion are required to be submerged along the bank of any stream in connection with an undertaking, and where it has not been found practicable or expedient to make surveys for the purpose of setting out the exact limits of the area to be flooded, the Minister may dispose of such parcel or subdivision in accordance with the provisions of any other Act or regulation applicable to the disposal of such lands, reserving, however, the right at any time to raise the water surface to such elevation as may be required in connection with such undertaking.

**6. If any land or any interest therein is required by His Majesty for any undertaking or is necessary for creating, protecting or developing any water-power, the Governor in Council may direct the Minister on behalf of His Majesty to acquire by expropriation the title to such land or interest therein as may be required, and thereupon the provisions of the *Expropriation Act* in so far as applicable shall apply as if included in this Act.**

Expropriation  
of private  
lands where  
required by  
the Crown.

Taking of private lands by applicants or licensees.

1908, c. 20, s. 35, ss. 3.

7. Any person who, in pursuance of this Act or of the regulations, is authorized to carry out any undertaking, shall be empowered, after receiving written authority from the Minister, to enter upon, use, occupy, take and acquire any lands other than lands of the Dominion, or any interest therein which may, in the opinion of the Minister, be required for such undertaking, and thereupon all the provisions of the *Railway Act*, which and in so far as they are applicable to the taking and acquisition of lands by any railway company, shall apply as if they were included in this Act, the Minister of the Interior being substituted for the Minister of Railways and Canals and for the Board of Railway Commissioners for Canada, and the Department of the Interior being substituted for the Department of Railways and Canals respectively, wherever in such provisions of the said Act the said Minister of Railways and Canals, the said Board of Railway Commissioners or the said Department of Railways and Canals is referred to.

Provided that the provisions of this section shall not apply or extend to lands belonging to any railway company which are used or required by such company for the purposes of its railway.

Cancellation of entries, leases, etc., in certain cases.

8. (1) If an entry, permit, lease or license has been granted or issued, or the Crown has entered into any agreement or other form of conveyance under which lands of the Dominion which are required or any interest in which is required for an undertaking, are occupied or held in a manner inconsistent with the carrying out of such undertaking, the Governor in Council may order and direct the cancellation of such entry, permit, lease, license or agreement, in whole or in part, or may direct that the terms thereof be so modified as to reserve to the Crown such lands or such rights in the said lands as may be required for such undertaking.

Compensation to grantee.

(2) In every case compensation shall be paid to the permittee, entrant, lessee, licensee or party to such agreement or other form of conveyance. In the case of a complete cancellation such compensation shall include such sums as shall have been actually paid to the Crown on account of such lands and expended for improvements thereon, with interest at the rate of six per centum per annum, as well as an amount to cover the estimated actual loss or damage, if any, sustained by reason of such cancellation. In the case of a partial cancellation, such compensation shall include the actual reasonable value, if any, of the lands or interest therein taken. The Minister shall in each case fix the amount of the compensation to be paid, subject to appeal to the Exchequer Court of Canada.

9. Where two or more water-powers are so situated that they can be more economically and satisfactorily utilized by being developed jointly and operated under one control, and, Joint development of two or more water-powers.

- (a) if such water-powers have not been granted by the Crown, the Governor in Council may order that they be disposed of in such manner and subject to such conditions as will, in his opinion, secure such joint development and single control; or,
- (b) if the right to develop one or more of such water-powers has been granted to or is held by any person, and if the Governor in Council is of the opinion that the public interest will best be served by reserving the remaining water-power or water-powers so as to bring about the joint development and single control of all such water-powers, the Governor in Council may order the said remaining water-power or water-powers to be reserved for such period or periods as he may deem necessary in order to secure such joint development and single control, and may authorize the Minister to enter into an agreement with the person holding the water-power or water-powers first mentioned for the purposes aforesaid, and may prescribe the terms, conditions and covenants to be included in such agreement.

10. (1) The Minister may direct or order,—

- (a) such surveys and such other proceedings as may, in his opinion, be required to ascertain the lands of the Dominion or any other lands or any interests in any lands which it may be necessary to reserve or acquire for any undertaking, and the decision of the Minister, as to the lands or interests therein that may in any case be required, shall be final; Surveys, measurements, etc.
- (b) a survey of all streams and all necessary investigations with respect to water-powers to determine the total utilized and available water-power and the maximum which can be made available by storage, regulation or other artificial means;
- (c) that the volume or discharge of any stream or body of water, or of the economic availability or usefulness thereof for power purposes be ascertained;
- (d) that the flow or quantity of water used and of the output of electrical or other form of energy produced from the use of water by any licensee or other person be ascertained;
- (e) the establishment of gauges, weirs, meters or other devices for water or water-power measurements or for measuring the output of electrical or other form of energy.

Records and plans.

(2) The records and plans of such surveys and investigations shall be kept on file in the department, and may be published in such form and to such extent as the Minister may determine.

Free access to works, books, plans or records.

(3) The Minister or any person appointed by him for the purpose, shall have free access, in connection with any of the matters herein set out, to all works, books, plans or records in so far as they relate to any undertaking, and may take such observations, make such measurements, and do such other things of, upon, within or with respect to the said undertaking, books, plans or records as may be considered necessary or expedient for,—

- (a) ascertaining the quantity of water stored, diverted or used, or capable of being stored, diverted or used;
- (b) ascertaining the amount of power developed or capable of being developed;
- (c) ascertaining the condition of the works, or any of them;
- (d) determining whether the conditions to be observed or performed by any licensee, lessee or other person, or any of them, are being satisfactorily observed and performed;
- (e) any other purpose connected with the administration of this Act;

and the findings of the Minister, with respect to the quantity of water stored, diverted or used, or capable of being stored, diverted or used, or the amount of power developed or capable of being developed, shall be conclusive.

Agreements with provincial authorities.

(4) The Minister may enter into co-operative agreements with the authorities of any of the provinces for the making of stream measurements, the carrying on of investigations, and the collection and publication of data respecting water and power resources, and the best methods of utilizing the same.

Director of Water-power.

**11.** All investigations and surveys and all undertakings shall, subject to the control of the Minister, and for the purposes of this Act, be under the direction of a duly qualified officer to be designated the "Director of Water-Power".

Powers of Governor in Council.

**12.** The Governor in Council may make such orders as are deemed necessary to carry out the provisions of this Act and of the regulations according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and may make regulations,—

- (a) for the storage, pondage, regulation, diversion, carriage or utilization of any water for power purposes and for the protection of any sources of the water supply;
- (b) for the development, transmission, distribution, sale, exchange, disposal or use of water-power on, through, or over lands of the Dominion or any other lands;

- (c) for the construction, maintenance, operation, purchase and taking over of all works which may be deemed necessary or desirable for any of the purposes set out in this Act, whether on, over or through lands of the Dominion or any other lands, and for the regulation and control, in the interests of all water users, of the flow of water which may, from time to time, pass through, by or over any such works;
- (d) for the use and occupancy of lands of the Dominion and other lands or of any interest therein for any of the purposes set out in this Act;
- (e) for the withdrawal from disposal under any other Act, of any lands of the Dominion or of any interests therein required for any purposes under this Act;
- (f) for the granting and administering of rights, powers and privileges in or with respect to water-powers or undertakings, and the administering of such rights, powers and privileges heretofore acquired;
- (g) prescribing the conditions upon which the works, lands and properties held in respect of any undertaking may be taken over upon the expiration of the term of any agreement, lease or license or upon the termination thereof for non-compliance with any of the covenants, terms or conditions contained in such agreement, lease or license, or for any other reason;
- (h) for the construction by or at the instance of His Majesty of regulation or storage works for regulating or augmenting the flow of water required for power and other purposes, for the purchase or taking over of works already constructed, and for the dividing and collecting of the cost of constructing, maintaining, and operating from time to time such works among all persons benefiting or in a position to benefit therefrom;
- (i) for the securing of such power output at any site, within the limits of its capacity, as may be required to supply the public demand; and the securing of the maximum power resources of all streams;
- (j) for fixing the rentals, royalties, fees, dues or charges to be paid for the diversion, use or storage of water, for the use or occupancy of lands, or for any other privileges granted in pursuance of this Act, including charges for any additional flowage created by storage or regulation works constructed by or at the instance of His Majesty;
- (k) for regulating the passage of logs, timber and other products of the forest through or over any dams or other works erected under the authority of this Act, or of regulations enacted under section thirty-five of *The Dominion Lands Act*;

- (l) for the appraisal, for any of the purposes of this Act, of the works, lands and properties required or used in connection with any undertaking;
- (m) for regulating and controlling the stock and bond issues of persons establishing or conducting undertakings; for regulating and controlling the service given to the public by persons engaged in supplying water-power; for regulating and controlling the rates or charges for such service; for the appointing or the designating of the board or commission, which in any particular territory may regulate and control the said stock and bond issues, service, rates and charges; and for the appointing of a person to act with any existing authority constituted for the purposes of regulating and controlling the said matters or any of them;
- (n) prescribing the manner in which accounts shall be kept for the purposes of this Act by persons conducting or managing undertakings, and requiring the submitting of statements and reports, annual or otherwise, by such persons;
- (o) prescribing the forms to be used in proceedings under this Act; and,
- (p) for any purpose deemed necessary for giving full effect to the provisions of this Act.

Repeal  
clause.

**13.** (1) Section thirty-five of *The Dominion Lands Act* is hereby repealed.

1908, c. 20,  
s. 35.

Provided that this repeal shall not affect any rights acquired or any liabilities or penalties incurred or any act or thing done with respect to water-power under the said Act, except that pending applications must be completed in accordance with the requirements of this Act, and that rights heretofore acquired in respect of water-power shall be administered by the authorities constituted in pursuance of this Act and as nearly as may be in conformity with its provisions.

R. S. c. 61.

(2) Nothing in this Act shall have the effect of repealing or modifying any provision of the *Irrigation Act*, or of affecting any of the powers granted to the Governor in Council or the Minister under that Act.



## 9-10 GEORGE V.

### CHAP. 20.

An Act to amend The Fertilizers Act, 1909.

[Assented to 6th June, 1919.]

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

**1.** Section two of *The Fertilizers Act, 1909*, chapter sixteen of the statutes of 1909, is repealed and the following is substituted therefor:—

**“2.** In this Act and in any regulation made hereunder, unless the context otherwise requires:—

- (a) ‘agent’ means any person whose name has been filed with the Minister as provided in section four of this Act; Definitions.  
“Agent.”
- (b) ‘Analyst’ includes the chief analyst, the assistant chief analyst and any Dominion analyst as defined in the *Adulteration Act*; “Analyst.”
- (c) ‘fertilizer’ includes every manufactured manure containing phosphoric acid or nitrogen or potash; “Fertilizer.”
- (d) ‘guaranteed analysis’ means the valuation of a fertilizer (by the manufacturer if resident in Canada, or by the agent if imported from another country), and must be stated in terms of phosphoric acid, nitrogen and potash; “Guaranteed analysis.”
- (e) ‘Minister’ means the Minister of Trade and Commerce; “Minister.”
- (f) ‘registration number’ means the specific number given by the Minister under this Act to each brand of fertilizer; “Registration number.”
- (g) ‘regulation’ means a regulation made under the authority of this Act; “Regulation.”
- (h) ‘available’ as applied to the phosphoric acid, the nitrogen or the potash stated in the guaranteed analysis, means that quantum of the total phosphoric acid, or nitrogen or potash present, which is available to plant use within one year of its application to the soil.”

**2.** The said Act is amended by inserting the following immediately after section two:—

**“2A.** (1) Every manufacturer or agent, before selling or offering for sale, either himself or by another person, in Canada, Marks and labels on packages, or

particulars  
in invoice.

Canada, any fertilizer, shall either mark upon each package of fertilizer the following particulars or attach a label to each such package containing such particulars, or when the fertilizer is sold in bulk shall set out such particulars on the invoice, namely:—

- (i) Brand name and trade mark, if any;
- (ii) Registration number;
- (iii) Guaranteed analysis, stating separately, in minimum percentages only:
  - (a) the percentage of nitrogen;
  - (b) the percentage of available phosphoric acid and the total phosphoric acid;
  - (c) the percentage of potash soluble in water;
- (iv) The name and address of the manufacturer or agent.

Phosphoric  
acid content  
or other  
ingredients  
to be stated.

In the case of bone meal, tankage or other organic products, and basic slag, the phosphoric acid shall be stated as total phosphoric acid unless it be desired to state available phosphoric acid also. When leather in any form, wool waste, hair, or any inert organic nitrogenous material, forms part of any fertilizer, the percentage of such ingredient must be mentioned in the guaranteed analysis, unless by processing the nitrogen has been made available in such materials. When potash is derived from sulphate of potash or carbonate of potash, it may be so stated in the guaranteed analysis.

Method of  
determining  
ingredients.

(2) The methods for determining the different ingredients, the amount of each several ingredient in a fertilizer, and whether any such ingredient is available, shall be those which are approved by the Association of Official Agricultural Chemists of North America.”

**3.** Sections five, seven, nine, ten, eleven, twelve and fifteen of the said Act are repealed and the following are substituted for the said sections five, nine, ten, eleven, twelve and fifteen:—

Registration  
number.

“**5.** (1) Every brand of fertilizer offered for sale in Canada shall bear a registration number, which shall be permanently assigned to the particular brand or species of fertilizer for which it is issued. The number shall be granted by the Minister on the application of the manufacturer of such brand of fertilizer, or his agent, on payment of a fee of two dollars for each brand registered. The award of a registration number shall not of itself authorize the sale of a fertilizer.

License.

“**9.** (1) No manufacturer or agent shall sell or offer for sale any fertilizer in Canada unless he has obtained a license from the Minister.

Annual fees.

(2) A license fee of eight, sixteen or twenty-four dollars, according as the fertilizer contains one, two or three of the following ingredients, that is to say, nitrogen, phosphoric



acid and potash, shall be paid each year for or in respect of each license.

(3) Such license shall be in such form as the Minister prescribes and shall confer authority to sell during the calendar year in which the license is issued. Form.

(4) This section shall not apply to the selling or offering for sale of fertilizers to fertilizer factories for manufacturing purposes. Not to apply to factories.

“10. (1) Any purchaser of a registered fertilizer may obtain an analysis of such fertilizer by making application therefor to the Minister; a sample of at least one pound weight of the fertilizer taken in accordance with the directions given in Schedule B to this Act must accompany the application and also a fee of one dollar. The certificate of the analyst shall be accepted as legal evidence in the courts. Analysis, how obtained.

“(2) The application for an analysis may be made in the form following:—

“To the Minister of Trade and Commerce.

I beg to apply for an analysis of a fertilizer purchased by me at.....in the county of.....in the province of.....on the.....day of.....19...

Accompanying this application is a one pound sample of the said fertilizer, the sample having been taken by me in the manner prescribed by the regulations, and the fee of one dollar.

Name of applicant.....

Address of applicant.....

Date.....

“11. Inspectors appointed under the *Adulteration Act* or any other Act administered by the Minister, and preventive officers of Customs and Inland Revenue, and any other officer when required so to do by any regulation made in that behalf by the Minister, shall act as inspectors of fertilizers, for the purposes of carrying out the provisions of this Act and of the regulations. Inspectors.

“12. (1) Every inspector of fertilizers shall, whenever instructed by the Minister so to do, obtain for analysis a sample of all the fertilizers for sale in the district for which such inspector is appointed. Samples, how obtained.

“(2) Every sample so obtained shall be transmitted to the Minister for submission to the chief analyst for analysis, and the result of such analyses shall be published by the Minister in such manner and with such information relating to fertilizers as he sees fit. Samples to be analysed and analysis published.

“15. Every manufacturer or agent, and every purchaser in the case provided for in the next preceding section, who Penalty.

violates

violates any of the provisions of this Act or of any regulation made hereunder, shall be liable upon summary conviction, in each case, to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars, and, in default of payment of such penalty, to imprisonment for thirty days. Provided, that a deficiency of one-half of one per cent of the nitrogen, or of the phosphoric acid, or of the potash stated to be contained in the fertilizer, shall not be considered as evidence of fraudulent intent if the total value of the fertilizer in fertilizing materials is substantially equivalent to the guaranteed analysis made by the manufacturer or agent."

Regulations.

4. The following section is added to the said Act:—

"21. The Governor in Council may from time to time make such regulations as he deems necessary for carrying the provisions of this Act into effect."

Commence-  
ment of Act.

5. This Act shall come into force on the first day of January, one thousand nine hundred and twenty.

6. Schedule A of the said Act is repealed and the following is substituted therefor:—

#### " SCHEDULE A.

The official in charge of administering the fertilizer laws, or his duly authorized representatives, in taking samples shall take them in the presence of at least one witness, and in the presence of such witness shall seal such samples and shall at the time of taking, tender, and if accepted, deliver to the person apparently in charge, one of such samples; the other samples the official in charge of administering the fertilizer laws shall cause to be analyzed. When samples are taken from fertilizers in bags or barrels, a tube shall be used and passed substantially through the entire length of thereof, so as to take a core of the material being sampled from substantially its entire length; samples thus taken from individual packages shall be thoroughly mixed and the official samples shall be taken from the mixture so drawn by the method known as quartering.

Samples of fertilizer taken as herein provided shall be taken from at least ten per centum of the separate original unopened packages in the lot, for the mixture from which the official sample shall be taken. If less than one hundred packages are in the lot, at least ten packages shall be samples; if less than ten packages all shall be sampled."



## 9-10 GEORGE V.

### CHAP. 21.

An Act to provide for the Continuance in Force of a certain Proclamation made under The Finance Act, 1914, and to authorize the prohibition of the export of Gold.

[Assented to 6th June, 1919.]

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

1914, c. 3.  
(Second Session).

**1.** The proclamation dated the third day of September, one thousand nine hundred and fourteen, made under the authority of the provisions of *The Finance Act, 1914*, chapter three of the statutes of 1914 (second session), which proclamation was published in the issue of the *Canada Gazette* dated the fifth day of September, one thousand nine hundred and fourteen, except paragraph (c) thereof hereinafter specially provided for, shall continue in force and effect until the end of two years after the conclusion of peace on the termination of the present war. Provided, however, that the Governor in Council by proclamation, which shall be published in the *Canada Gazette*, may declare and proclaim an earlier date for the termination of the operation thereof.

Proclamation of 3rd Sept., 1914, under Finance Act, 1914, continued in force for two years after war.

Power to terminate operation of proclamation sooner.

**2.** The provision of paragraph (c) of the said proclamation, authorizing the chartered banks to issue excess circulation, as in the said Act defined, from and including the first day of March, one thousand nine hundred and fifteen, to and including the last day of August, one thousand nine hundred and fifteen, shall apply to the period from and including the first day of March, one thousand nine hundred and nineteen, to and including the last day of August next ensuing, and to the same period in the year one thousand nine hundred and twenty, and the chartered banks are authorized to issue such excess circulation accordingly. Provided, however, that if the operation of the said proclamation is terminated by the Governor in Council under the provisions of the proviso in the preceding section,

Paragraph (c) re excess circulation of Banks extended to 1919 and 1920 subject to termination with rest of proclamation.

then and in such case the powers and authority granted by this section shall also terminate and end on the same date as is proclaimed for the termination of the operation of the said proclamation.

The export of gold may be prohibited by the Governor in Council for any period during the two years after the war.

**3.** The Governor in Council, by proclamation, which shall be published in the *Canada Gazette*, may, from time to time and for any period or periods, declare and proclaim that the export of gold coin, gold bullion and fine gold bars from the Dominion of Canada shall be prohibited, except in such cases as may be deemed desirable by the Minister of Finance, and under licenses to be issued by him.

This section shall only continue in operation for two years after the termination of the present war.

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 22.

An Act to confirm two Orders of the Governor General in Council respecting the Grand Trunk Pacific Railway System.

*[Assented to 6th June, 1919.]*

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

1. The Orders of the Governor General in Council dated the seventh and thirteenth days of March, one thousand nine hundred and nineteen, respectively, copies of which form the Schedule to this Act, are hereby ratified and confirmed, and declared to be valid and binding, on, from and after the said seventh day of March, one thousand nine hundred and nineteen, in all respects whatsoever, as fully and completely as if the terms of the said Orders were set out at length and enacted in this Act; and the Governor in Council, the Government Receiver therein referred to, and the Exchequer Court of Canada, are respectively hereby authorized and empowered to give full effect to the provisions of the said Orders.

Orders in Council  
7th and 13th  
March, 1919,  
confirmed.

2. The works of the Grand Trunk Pacific Saskatchewan Railway Company are hereby declared to be works for the general advantage of Canada.

Declaration  
as to G.T.P.  
Saskatchewan  
Ry. Co.

### SCHEDULE.

P.C. 517.

AT THE GOVERNMENT HOUSE AT OTTAWA,

Friday, the 7th day of March, 1919.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

Whereas under the authority of "The Appropriation Act No. 2, 1918," the Governor in Council advanced the sum of \$7,471,399.93 or thereabouts to the Grand Trunk Pacific

Railway Company for certain purposes in said Act defined, including the meeting of "deficit in operation of the Grand Trunk Pacific Railway System," such sum being in addition to other large sums previously advanced under previous authority for similar purposes.

And Whereas a letter dated 4th March, 1919, from the Vice-President of said Company was received by the Minister of Finance, as follows:—

"I am instructed to inform the Government that in view of the fact that the increased rates applicable to the Grand Trunk Pacific Railway have not been sufficient to meet the increased operating expenses, it will not be possible for that Company to continue its operations when the present funds have been exhausted, which will be about 10th instant. May I ask you to be so good as to acknowledge receipt of this letter."

And Whereas should the operation of the Grand Trunk Pacific Railway System be discontinued, great detriment to the public interests would ensue, and the intention of Parliament in authorizing the said advances would be defeated.

And Whereas the continued operation of said system is essential in the present position of Canada resulting from the war, which has not yet been terminated by Peace, especially in connection with the transport of returning Canadian Troops and of supplies and equipment and freight, and other services made necessary by the war.

And Whereas for the protection of the public interests and for the purposes aforesaid, it is essential that the operation of said system should be continued without interruption.

And Whereas the duty of continuing such operation is thrown upon the Government of Canada inasmuch as there are no effective provisions in existing laws whereby such continued operation could be otherwise secured.

And Whereas immediate action by the Government is imperative.

Therefore His Excellency the Governor General in Council, under the authority of the War Measures Act, 1914, and of all other authority in that behalf, is pleased to order and it is hereby ordered as follows:—

1. In this Order, unless the context otherwise requires:—
  - (a) "Grand Trunk Pacific Railway System" means and includes (1) the lines of railway and their appurtenances and the undertaking and works of the Grand Trunk Pacific Railway Company, of the Grand Trunk Pacific Branch Lines Company and of the Grand Trunk Pacific Saskatchewan Railway Company; (2) the lines of telegraph and their appurtenances and the undertaking and works of the Grand Trunk Pacific Telegraph Company; (3) the steamships, vessels and their appurtenances

tenances and the undertaking and works of the Grand Trunk Pacific Steamships Company; (4) the properties, hotels, and appurtenances and the undertaking and works of the Grand Trunk Pacific Development Company.

- (b) "Officers" means and includes Directors, President, Vice-Presidents, Managers, Secretary, Treasurer, Clerks, Servants and employees.
- (c) "Books and papers" means and includes books of accounts or of entries relating to the business or operation or maintenance of the said lines of railway or telegraph or steamships, vessels, hotels, properties or works, or any of them, or any part thereof, also records, statements and documents relating to such business, operation, or maintenance or any part thereof.
- (d) "Exchequer Court" means the Exchequer Court of Canada.
- (e) The singular number includes the plural and the plural the singular, the male gender includes the female, and the female the male.
- (f) "Person" includes corporation.
- (g) "Government Receiver" means the Receiver appointed by this Order.

2. The Minister of Railways and Canals is hereby appointed Receiver of the Grand Trunk Pacific Railway System, and such Receiver shall have and exercise with respect to the said system and every part thereof and to the companies included therein, powers and duties similar to those of a receiver under section 26 of the Exchequer Court Act.

3. On the application of the Government Receiver the Exchequer Court of Canada may make such orders respecting such Receiver and his powers and duties and the carrying out thereof, including the issue of Receivers Certificates, as the Court may deem necessary or expedient in the public interest.

4. Subsections 5 and 6 of section 26 of the said Act shall apply to the Government Receiver and to the Grand Trunk Pacific Railway System and every part thereof and to the companies included therein—except that no remuneration of the Receiver shall be fixed by the Court.

5. The Government Receiver may, on or after the 10th day of March, 1919, or on such earlier day as the Grand Trunk Pacific Railway Company, or any Company included in the Grand Trunk Pacific System, may cease to operate efficiently its undertaking and works, or any portion thereof, take possession of such undertaking and works, and the Exchequer Court may from time to time make and enforce such orders in aid of the Government Receiver with respect to taking of such possession or otherwise as

the Court may deem expedient for the carrying out of the provisions of this Order according to their true spirit and meaning.

6. Each Company included in the Grand Trunk Pacific Railway System and its officers shall facilitate the carrying out of the powers and duties of the Government Receiver, and all books and papers, real or personal property of each of the said Companies, in its possession or under its control or the control of its officers or any of them, shall without delay be handed over to the said Receiver or his nominees or placed under his control in such manner as he may direct.

7. Any officer of the Company included in the Grand Trunk Pacific Railway System, who obstructs the Government Receiver in carrying out his powers and duties, or fails to hand over to him or his nominees, or to place under his control, any book or paper, real or personal property in accordance with the foregoing provisions, shall incur a penalty for each breach of said provisions of the amount hereinafter stated, viz., in the case of a President, a Vice-President or a Director, the sum of ten thousand dollars (\$10,000); in the case of a Manager, with the authority of or similar to that of a General Manager or of one acting for or assisting a General Manager, the sum of five thousand dollars (\$5,000); in the case of a Secretary or of a Treasurer, or of one acting for or assisting a Secretary or Treasurer, the sum of two thousand five hundred dollars (\$2,500); in the case of any clerk, servant or employee, the sum of one thousand dollars (\$1,000).

8. Any penalty incurred under the foregoing provisions may be sued for and recovered, with costs, in the Exchequer Court, by suit or proceeding in such Court instituted by the Attorney General of Canada.

9. Nothing in this Order contained, and nothing done or to be done under the authority hereof, shall render the Government of Canada or the Government Receiver, or anyone acting under the authority of the Government Receiver, or of the Exchequer Court, liable to the Grand Trunk Railway Company of Canada, or to any Company included in the Grand Trunk Pacific Railway System, or to any creditor, or holder of any bonds, debentures, debenture stock or other securities of the said Companies, or any of them, for any claim by reason of the making of this Order, or of anything done or to be done under the authority hereof or under the authority of the Government Receiver or of the Exchequer Court, nor shall afford any defence to, nor shall prejudice any claim, action, or proceeding of the Government of Canada which the Government might lawfully make or take, had this Order not been made.



10. All Officers except the Board of Directors of any Company included in the Grand Trunk Pacific Railway System shall continue to discharge for the Government Receiver, till further orders or directions by him, duties in connection with the operation and management of the undertakings and works of any Company included in the Grand Trunk Pacific Railway System, similar to their present duties, so that no interruption in the operation and management thereof may occur.

11. Nothing herein contained or done, or to be done hereunder, shall prejudice the exercise by the Exchequer Court or by any Court of any Province of Canada of its present jurisdiction under the Exchequer Court Act, or under any other law or jurisdiction, to appoint a receiver or to order or decree a sale or foreclosure of any railway, or section thereof, or other property affected by this Order: Provided that before any such sale or foreclosure is ordered or decreed or any Receiver is appointed by any such Court, notice of the application shall be given to the Minister of Railways and Canals of Canada, and he, or counsel for him, shall be heard upon the application; and the Court in granting, or refusing or postponing the application, shall take into consideration the public interests involved, and shall make such order as shall in the opinion of the Court protect the public interests.

12. The Minister of Railways and Canals mentioned in this Order means the Minister for the time being, and upon a vacancy occurring his successor shall become the Government Receiver. The powers and duties of the Government Receiver may be exercised by such member of the Government as may from time to time be the acting Minister of Railways and Canals.

13. Should it be made to appear to the Government Receiver that any book or paper is or has been used for the purposes of the operations of the Grand Trunk Railway Company of Canada, as well as the operations of any Company included in the Grand Trunk Pacific Railway System, and that for such reason the same should not be handed over to the Receiver or placed under his exclusive control, the Government Receiver may, on such terms and conditions as he may deem necessary, allow the joint use of same to be continued. The Government Receiver may open such books and accounts as in his opinion may be necessary, to separate and transfer from any such book or paper, jointly used, accounts and entries relating to any of the Companies included in the Grand Trunk Pacific Railway System, and may so separate and transfer the same; and the said Receiver shall keep the accounts of his receipts, expenses and disbursements in connection with each of the Companies included in the said System, and their works, undertakings and properties, or parts thereof,

in such manner that one may be distinguished from another, and that the interests of the various parties interested therein may be ascertained.

14. The Governor in Council may, from time to time, under the Order of the Exchequer Court, and upon the security of Receivers Certificates, or otherwise, advance to the Government Receiver such sums as may be required to enable him to exercise his powers, and to perform his duties as Receiver, the sums so advanced shall be paid out of any unappropriated monies in the Consolidated Revenue Fund of Canada.

15. No transfer of any shares in the capital stock of any company included in the Grand Trunk Pacific Railway System shall, after the appointment of the Government Receiver, be made, and no such transfer shall be entered on any register or transfer book. Any transfer contrary to this provision shall be null and void; provided that the Government Receiver may, on the application of any person interested, or of his own motion, permit any transfer to be made or completed.

RODOLPHE BOUDREAU,  
*Clerk of the Privy Council.*

P.C. 547.

AT THE GOVERNMENT HOUSE AT OTTAWA,  
Thursday, the 13th day of March, 1919.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL.

Whereas through inadvertence, there were omitted from the definition of "Grand Trunk Pacific Railway System," in Section 1 of the Order passed by His Excellency in Council on the 7th of March, 1919, providing for the appointment of a Government Receiver for the said System, the necessary words relating to Grand Trunk Pacific Terminal Elevator Company, Limited;

Therefore, His Excellency the Governor General in Council, is pleased to order and it is hereby ordered that the said Order in Council of the 7th March, 1919, shall be and the same is hereby amended by inserting at the end of the definition of "Grand Trunk Pacific Railway System" in Section 1 thereof, the following:—

(5) The properties, elevators, terminals and appurtenances, and the undertaking and works of Grand Trunk Pacific Elevator Company, Limited.

And His Excellency the Governor General in Council is further pleased to declare and doth hereby declare that the said Order in Council of the 7th March, 1919, and this present Order shall be, and be read together as, one Order, and shall take effect from the passing of the said Order of the 7th March, 1919.

RODOLPHE BOUDREAU,  
*Clerk of the Privy Council.*

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.





# 9-10 GEORGE V.

## CHAP. 23.

An Act to amend the Acts respecting the appointment of a Harbour Master at the Port of Halifax.

[Assented to 6th June, 1919.]

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

1872, c. 42;  
1873, c. 12;  
1882, c. 49;  
1885, c. 78.

1. Section two of chapter seventy-eight of the statutes of 1885, entitled *An Act to amend the Acts respecting the appointment of a Harbour Master at the Port of Halifax*, is repealed, and the following is substituted therefor:—

“2. The Harbour Master of the port of Halifax may, out of the moneys received by him for fees, retain for his own remuneration such sum, not exceeding three thousand dollars per annum, as the Governor in Council may authorize; and if the moneys received by him for fees in any calendar year amount to a less sum than that allowed him by the Governor in Council, then such sum shall be his remuneration for that year.”

Maximum remuneration of Harbour Master increased from \$1,800 to \$3,000.

2. Section seven of chapter forty-nine of the statutes of 1882, entitled *An Act to amend the Act thirty-fifth Victoria, chapter forty-two, respecting the appointment of a Harbour Master for the Port of Halifax*, is repealed, and the following is substituted therefor:—

“7. (1) The Harbour Master for the port of Halifax shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may from time to time be authorized, by the rules and regulations to be made as hereinbefore provided for, to collect, in respect of all ships over twenty tons register, entering the port of Halifax, but which shall not at any time exceed the following rates, that is to say:—

Harbour Master's fees increased.

“(a) For every ship over twenty tons and not over fifty tons register, fifty cents;

Rates of fees.

“(b) For every ship over fifty tons and not over one hundred tons register, one dollar;

“(c) For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents;

“(d) For every ship over two hundred tons and not over three hundred tons register, two dollars;

“(e) For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents;

“(f) For every ship over four hundred tons and not over five hundred tons register, three dollars;

“(g) For every ship over five hundred tons and not over seven hundred tons register, four dollars;

“(h) For every ship over seven hundred tons and not over one thousand tons register, five dollars;

“(i) For every ship over one thousand tons register, seven dollars.

“(2) Ships of twenty tons register and under shall not be subject to any duty under this Act, nor ships engaged in trading or plying between ports and places in the Dominion of Canada.”

Limit of  
1,000 tons  
added.

New.

Ships  
exempt.

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 24.

An Act respecting the Department of Health.

[Assented to 6th June, 1919.]

**W**HEREAS it is expedient, for the preservation of the health and the promotion of the social welfare of the people of Canada, that a Department of Health be established in the Dominion: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** This Act may be cited as *The Department of Health Act*.

Short title.

**2.** There shall be a Department of the Government of Canada which shall be called "The Department of Health," over which a Minister of the Crown to be named by the Governor in Council shall preside.

Department.

**3.** (1) The Governor in Council may appoint an officer, who shall be called "the Deputy Minister of Health," who shall be the deputy head of the Department and who shall hold office during pleasure.

Deputy Minister.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Department may be appointed in accordance with the provisions of *The Civil Service Act, 1918*, and of any Acts in amendment thereof, all of whom shall hold office during pleasure.

Staff.

(3) The Governor in Council may, subject to the provisions of *The Civil Service Act, 1918*, or any amendment thereto, transfer to the Department of Health any officer, clerk or employee now in the employ of His Majesty or of either or both Houses of Parliament, and subsection two of section seventeen of the said Act shall not apply to such transfers, and the money voted by Parliament for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty, applicable to the payment of the salary or the increase of salary of any such

Transfer of officers to Department of Health.

Age limit.

officer, clerk or employee so transferred shall be available for the payment of his salary or increase of salary or the salary of any person appointed in his place in case of his death, retirement or dismissal while serving in the Department of Health, in the same manner and to the same extent as if such officer, clerk or employee had not been so transferred.

Duties and  
powers of  
Minister.

4. The duties and powers of the Minister administering the Department of Health shall extend to and include all matters and questions relating to the promotion or preservation of the health of the people of Canada over which the Parliament of Canada has jurisdiction; and, without restricting the generality of the foregoing, particularly the following matters and subjects:—

- (a) Co-operation with the provincial, territorial, and other health authorities with a view to the co-ordination of the efforts proposed or made for preserving and improving the public health, the conservation of child life and the promotion of child welfare;
- (b) The establishment and maintenance of a national laboratory for public health and research work;
- (c) The inspection and medical care of immigrants and seamen, and the administration of Marine Hospitals;
- (d) The supervision, as regards the public health, of railways, boats, ships and all methods of transportation;
- (e) The supervision of Federal public buildings and offices with a view to conserving and promoting the health of the Civil Servants and other Government employees therein;
- (f) The enforcement of any rules or regulations made by the International Joint Commission, promulgated pursuant to the treaty between the United States of America and His Majesty relating to boundary waters and questions arising between the United States of America and Canada, so far as the same relate to public health;
- (g) The administration of the statutes mentioned in the Schedule to this Act, and of Acts amending the same, and also of all orders and regulations passed or made under any of the said Acts; and all the duties and powers of any Minister of the Crown under either of the said Acts or any of the said orders or regulations, are hereby transferred to and conferred upon the Minister of Health;
- (h) Subject to the provisions of *The Statistics Act*, the collection, publication and distribution of information relating to the public health, improved sanitation and the social and industrial conditions affecting the health and lives of the people;



(i) Such other matters relating to health as may be referred to the Department by the Governor in Council.

5. The Governor in Council shall have power to make such regulations as may be necessary to give effect to and carry out the objects of this Act, and to impose penalties for any violation of such regulations. Regulations.

6. There shall be a Dominion Council of Health consisting of the Deputy Minister of Health, who shall be chairman, the chief executive officer of the Provincial Department or Board of Health of each Province, and such other persons, not to exceed five in number, as may be appointed by the Governor in Council, who shall hold office for three years. The Dominion Council shall meet at such times and places as the Minister may direct, and shall be charged with such duties and powers in respect to this Act as the Governor in Council may prescribe. Dominion Council of Health.

7. Nothing in this Act or in any regulation made thereunder shall authorize the Minister or any officer of the Department to exercise any jurisdiction or control over any Provincial or Municipal Board of Health or other health authority operating under the laws of any province. Provincial or municipal boards not affected.

8. The Minister shall annually lay before Parliament, within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the Department during the year then next preceding. Annual report.

SCHEDULE.

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# 9-10 GEORGE V.

## CHAP. 25.

### An Act to amend The Immigration Act.

[Assented to 6th June, 1919.]

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

1910, c. 27;  
1911, c. 12;  
1914, c. 2;  
1918, c. 3;  
1919, c. 26.

**1.** Paragraph (a) of section two of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, is repealed, and the following is substituted therefor:—

Definitions.

“(a) ‘Minister’ means the Minister of Immigration and Colonization and ‘Deputy Minister’ means the Deputy Minister of Immigration and Colonization.”

“Minister.”

**2.** (1) Paragraph (d) of section two of the said Act, as enacted by chapter twelve of the statutes of 1911, is repealed and the following is substituted therefor:—

“(d) ‘domicile’ means the place in which a person has his home, or in which he resides, or to which he returns as his place of permanent abode, and does not mean the place where he resides for a mere special or temporary purpose;

“Domicile.”

(i) Canadian domicile can only be acquired, for the purposes of this Act, by a person having his domicile for at least five years in Canada after having been landed therein within the meaning of this Act;

Canadian domicile, how acquired.

Provided that the time spent by a person while confined in or an inmate of any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the period of residence in Canada which is necessary in order to acquire Canadian domicile, and provided further that no person who belongs to the prohibited or undesirable classes within the meaning of section forty-one of this Act shall be capable of acquiring Canadian domicile.

(ii) Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada not for a mere special or temporary purpose but

Conditions under which Canadian domicile may be lost.

with the present intention of making his permanent home out of Canada, or by any person belonging to the prohibited or undesirable classes within the meaning of section forty-one of this Act;

- (iii) Notwithstanding anything contained in the preceding subparagraph (ii), when any citizen of Canada who is a British subject by naturalization, or any British subject not born in Canada having Canadian domicile, shall have resided for one year outside of Canada, he shall be presumed to have lost Canadian domicile and shall cease to be a Canadian citizen for the purposes of this Act, and his usual place of residence shall be deemed to be his place of domicile during said year.

Domicile preserved by certificate of intention to retain Canadian domicile.

Provided, however, that such presumption may be rebutted by production of the certificate of any British diplomatic or consular officer, in such form as may be prescribed by the Minister, that such person appeared before him before the expiration of said period of one year and satisfied such officer of his reasonable intention to retain his Canadian domicile. In the case of a person who is a naturalized British subject, such certificate shall be endorsed upon the certificate of naturalization of such person. The effect of such certificate shall be to extend said period for a further term of one year, and it may be further extended from year to year in the same manner so long as the officer giving the certificate is satisfied of the *bona fides* of the application for extension in each case, provided that the total period for which extension may be granted shall not exceed five years."

Non-immigrant, classes.

(2) Subparagraph (vi) of paragraph (g) of section two of the said Act is repealed and the following is substituted therefor:—

Professional.

"(vi) Members of dramatic, artistic, athletic or spectacular organizations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature and actors, artists, lecturers, priests and ministers of religion, authors, lawyers, physicians, professors of colleges and commercial travellers entering Canada for the temporary exercise of their respective callings."

(3) Paragraph (t) of section two is hereby repealed and the following is substituted therefor:—

"Transportation company."

"(t) 'transportation company' means and includes the Dominion Government, any Provincial Government, any municipality, any corporate body or organized firm or person carrying or providing for the transit of passengers, whether by ship, railway, bridge, highway, or otherwise, and any two or more such transportation companies co-operating in the business of carrying passengers."

3. (1) Subsection one of section three of the said Act is amended by inserting the words "enter or" between the words "to" and "land" in the third line thereof. Prohibited classes.

(2) Paragraph (a) of section three is hereby amended by striking out the words "within five years previous" in the second and third lines of said paragraph and inserting in lieu thereof the words "at any time previously." Persons mentally defective.

(3) Paragraph (b) of section three is hereby amended by inserting the following words between the word "afflicted" and the word "with" in the first line thereof:—"with tuberculosis in any form or." Diseased persons.

(4) Paragraph (d) of section three is repealed and the following is substituted therefor,— Criminals.

"(d) Persons who have been convicted of, or admit having committed, any crime involving moral turpitude."

(5) Paragraph (g) of section three is amended by striking out the words "or persons likely to become a public charge." Beggars and vagrants.

(6) Section three of the said Act is further amended by adding the following paragraphs thereto:—

"(j) Persons who in the opinion of the Board of Inquiry or the officer in charge at any port of entry are likely to become a public charge; Public charges.

"(k) Persons of constitutional psychopathic inferiority; Psychopathic inferiority.

"(l) Persons with chronic alcoholism; Chronic alcoholism.

"(m) Persons not included within any of the foregoing prohibited classes, who upon examination by a medical officer are certified as being mentally or physically defective to such a degree as to affect their ability to earn a living; Mentally or physically defective.

"(n) Persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; Advocates of force or violence against organized government.

"(o) Persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of Canada or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property; Members of societies opposed to organized government, or advocates of unlawful assault or killing.

"(p) Enemy aliens or persons who have been alien enemies and who were or may be interned on or after the eleventh day of November, one thousand nine hundred and eighteen, in any part of His Majesty's dominions or by any of His Majesty's allies; Enemy aliens.

- Spies. “(q) Persons guilty of espionage with respect to His Majesty or any of His Majesty’s allies;
- Conspirators. “(r) Persons who have been found guilty of high treason or treason for an offence in connection with the war, or of conspiring against His Majesty, or of assisting His Majesty’s enemies during the war, or of any similar offence against any of His Majesty’s allies;
- Deported conspirators. “(s) Persons who at any time within a period of ten years from the first day of August, one thousand nine hundred and fourteen, were or may be deported from any part of His Majesty’s dominions or from any allied country on account of treason or of conspiring against His Majesty, or of any similar offence in connection with the war against any of the allies of His Majesty, or because such persons were or may be regarded as hostile or dangerous to the allied cause during the war;
- Illiterates. “(t) On and after the first day of July, one thousand nine hundred and nineteen, in addition to the foregoing ‘prohibited classes,’ the following persons shall also be prohibited from entering or landing in Canada:—Persons over fifteen years of age, physically capable of reading, who cannot read the English or the French language or some other language or dialect: Provided that any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter. For the purpose of ascertaining whether aliens can read, the immigration officer shall use slips of uniform size prepared by direction of the Minister, each containing not less than thirty and not more than forty words in ordinary use printed in plainly legible type in the language or dialect the person may designate as the one in which he desires the examination to be made, and he shall be required to read the words printed on the slip in such language or dialect. The provisions of this paragraph shall not apply to Canadian citizens and persons who have Canadian domicile, to persons in transit through Canada, or to such persons or classes of persons as may from time to time be approved by the Minister.”
- Exceptions.
- Test of illiteracy.

4. Section five of the said Act is repealed and the following is substituted therefor:—

“5. Commissioners of Immigration and such other officers, with such designations or titles as are deemed

Appointment  
of officers.

necessary, may be appointed for carrying out the provisions of this Act."

**5.** Section six of the said Act is repealed and the following is substituted therefor:—

"**6.** The Minister may establish and maintain immigration offices and agencies at such places within and outside of Canada as from time to time he deems proper." Immigration officers.

**6.** Section ten of said Act is amended by adding thereto the following subsection:—

"(2) Every immigration officer shall have authority to administer oaths and take evidence under oath or by affirmation in all matters arising under this Act." Oaths and evidence.

**7.** Section thirteen of the said Act is repealed and the following is substituted therefor:—

"**13.** The Minister may nominate at any port of entry any number of officers not exceeding five, any three of whom may act as a Board of Inquiry for the summary determination of all cases of immigrants, passengers or other persons, seeking to enter or land in Canada or detained for any cause under this Act." Board of Inquiry.

**8.** Section twenty-two of the said Act is amended by adding the following subsection thereto:—

"(2) The Minister may authorize any immigration officer to exercise the powers and discharge the duties of a Board of Inquiry and such officer so authorized may exercise such powers and discharge such duties at any place in Canada other than a port of entry." Officer to exercise powers of Board.

**9.** Subsection two of section twenty-seven of the said Act is repealed and the following is substituted therefor:—

"(2) The Governor in Council may make regulations for the inspection of immigrants in the country of their domicile or origin, or at any port of call *en route* or on board ship, but any such inspection shall not relieve any transportation company, owner, agent, consignee or master of a vessel of any of the obligations, fines, or penalties imposed by this Act." Inspection of immigrants.

**10.** Section twenty-eight of the said Act is repealed and the following is substituted therefor:—

"**28.** Medical officers appointed under this Act shall make a physical and mental examination of all immigrants, passengers, officers, members of crews or other persons seeking to enter or land in Canada from any ship or vessel, except in the case of Canadian citizens and persons who have Canadian domicile. Such examination shall be made in accordance with and subject to regulations prescribed by the Minister." Medical examination of passengers.

**11.** Section twenty-nine of the said Act is amended by adding thereto the following subsection:—

No clearance if Act not obeyed, but deposit may be allowed.

“(2) No vessel shall be granted clearance if the master, agent, owner, charterer or consignee violates or refuses or neglects to comply with any provision of this Act.

Provided, however, that clearance may be granted upon deposit with the immigration agent or officer in charge at a port of entry of a sum of money equal to the maximum fine or penalty which may be imposed for the violation of any of the provisions of this Act.”

Landing of passengers.

**12.** (1) Subsection one of section thirty-three of the said Act is amended by inserting the words “enter or” between the word “to” and the word “land” in the first line thereof.

Answers to questions.

(2) Subsection two of section thirty-three is amended by inserting the words “enter or” between the word “to” and the word “land” in the first line thereof.

Avoiding ports of entry.

(3) Subsection seven of section thirty-three is amended by striking out the words “one hundred dollars” in the eighth line thereof and inserting between the word “than” and the word “and” in the eighth line the words “two hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment;” and by inserting the words “any person suspected of an offence under this section” between the word “and” at the end of the eighth line and the word “may” at the beginning of the ninth line.

(4) Subsection eight of section thirty-three is repealed and the following is substituted therefor:—

Penalty for bringing, landing, harbouring or concealing prohibited immigrants.

“(8) Any transportation company or person including the master, agent, owner, charterer or consignee of any vessel, who shall bring into or land in Canada by vessel or otherwise, or shall attempt by himself or through another to bring into or land in Canada by vessel or otherwise, or shall conceal or harbour or attempt to conceal or harbour or assist or abet another to conceal or harbour in any place including any building, vessel, railway car, conveyance or vehicle, any prohibited immigrant, passenger or other person, shall be guilty of an offence against this Act, and shall be liable upon summary conviction thereof to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, for each and every prohibited immigrant, passenger or other person so brought into or landed in Canada or attempted to be brought into or landed in Canada or concealed or harboured or attempted to be concealed or harboured.”

Interference with officer.

(5) Subsection nine of section thirty-three is amended by adding thereto the following words:—



“ or to a term of imprisonment not exceeding six months or to both fine and imprisonment.”

(6) Section thirty-three is further amended by adding the following subsection thereto:—

“(13) An officer in charge at any port of entry may require a deposit of money, for such amount as such officer may prescribe as a guarantee that any person or organization admitted to Canada as belonging to any of the non-immigrant classes shall leave Canada within the time agreed upon at the time of entry, and the said money so deposited shall be refunded when the officer in charge is satisfied that such person or organization has left Canada. If, however, such person or organization does not leave Canada within the period agreed upon at the time of entry, the money so deposited shall be forfeited and become part of the Consolidated Revenue Fund of Canada: Provided that the time limit may be extended by an officer in charge with the approval of the Minister.”

Deposit of money as guarantee that non-immigrant will leave at time agreed upon.

**13.** Paragraph (c) of section thirty-eight of the said Act is repealed, and the following is substituted therefor:—

“(c) prohibit or limit in number for a stated period or permanently the landing in Canada, or the landing at any specified port or ports of entry in Canada, of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation, by reason of any economic, industrial or other condition temporarily existing in Canada or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry.”

Landing of certain classes of immigrants may be prohibited.

**14.** Section forty of the said Act, as enacted by chapter twelve of the statutes of 1911, is repealed and the following is substituted therefor:—

“**40.** Whenever any person, other than a Canadian citizen or person having Canadian domicile, shall be found an inmate of or connected with the management of a house of prostitution or practising prostitution, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects

Duty of officers and municipal officials to send complaint to Minister regarding undesirable immigrants.

or promises to protect from arrest any prostitute or who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose, or who has been convicted of a criminal offence in Canada or who admits the commission prior to landing or entry to Canada, of a crime involving moral turpitude, or has become a professional beggar or a public charge or practices polygamy, or has become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars."

**15.** Section forty-one of the said Act is repealed and the following is substituted therefor:—

Duty of officers to send complaint to Minister concerning certain acts of undesirable classes.

"**41.** Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or advocates or teaches the unlawful destruction of property, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control any resident of Canada by force or threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government; such person for the purposes of this Act shall be considered as belonging to the prohibited or undesirable classes, and shall be liable to deportation, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister giving full particulars."

**16.** Subsection four of section forty-two of the said Act, as enacted by chapter twelve of the statutes of 1911, is repealed and the following is substituted therefor:—

Arrest or prosecution of rejected or deported person

"(4) Any person rejected or deported only by reason of inability to comply with the money qualification prescribed by any order in council passed under the authority of section

thirty-seven of this Act, may be subsequently permitted to enter or land in Canada by a Board of Inquiry or officer in charge, on complying with the provisions of the *Immigration Act*, but any person rejected or deported by reason of any other cause under this Act, or removed, expelled or deported under the authority of any order in council or other regulation made under *The War Measures Act, 1914*, shall not be permitted to enter or land in Canada without the consent of the Minister, and any person who enters or remains in or returns to Canada after such rejection or deportation contrary to the provisions of this section, or who refuses or neglects to leave Canada when ordered so to do by the Governor in Council, as provided by subsection three of this section, shall be guilty of an offence against this Act, and any person suspected of an offence under this section may forthwith be arrested and detained without a warrant by any officer for examination and deportation, as provided under section thirty-three of this Act, or may be prosecuted for such offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars, or to a term of imprisonment not exceeding one year, or to both fine and imprisonment, and upon payment of the fine or after expiry of any sentence imposed for such offence may be again deported or ordered to leave Canada under this section."

remaining in or returning to Canada except in case of inability to comply with money qualifications.

**17.** Subsection one of section forty-three of the said Act is amended by striking out the words "When any person has within three years of landing in Canada," in the first and second lines thereof and substituting therefor the words "Whenever any person other than a Canadian citizen or a person having Canadian domicile, has."

Detention of prisoners for deportation.

**18.** The said Act is amended by inserting the following heading and section immediately after section forty-three:—

"CONCEALED WEAPONS.

"**43A.** No immigrant shall bring into Canada any pistol, sheath knife, dagger, stiletto, or other offensive weapon that can be concealed upon the person, and any officer who has reason to suspect that any immigrant has any such weapon in his possession may search the person and baggage of such immigrant, and may seize any such weapon, which shall thereupon be confiscated to His Majesty and disposed of as the Minister may direct; provided, that in any such case the immigrant may appeal to the Minister, and the Minister may give such directions for the return or other disposal of such weapon, as he deems just and proper."

Concealed weapons.

**19.** Section forty-five of the said Act, as amended by chapter twelve of the statutes of 1911, is amended by adding thereto the following subsection:—

Cost of  
deportation  
after five  
years.

“(2) If deportation proceedings are instituted later than five years after the landing or entry of the immigrant, and if deportation is ordered by reason of causes arising subsequent to entry, the Minister shall be the final judge of whether the cost of deportation shall be paid by the transportation company or by the Department of Immigration and Colonization.”

Penalty on  
transporta-  
tion company  
not obeying  
order.

**20.** Section forty-six of the said Act, as enacted by chapter twelve of the statutes of 1911, is amended by striking out the words “or Superintendent of Immigration” in the second and third lines of said section.

Proper  
treatment  
of persons  
deported.

**21.** Section forty-seven of the said Act is amended by striking out the words “Superintendent of Immigration under the direction or with the consent of the Minister” in the first and second lines of said section and substituting therefor the words “The Minister.”

**22.** Section forty-eight of the said Act is amended by adding thereto the following subsections:—

Penalty on  
transporta-  
tion  
company for  
bringing  
prohibited  
immigrants.

“(3) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger, or other person afflicted with idiocy, imbecility, feeble-mindedness, epilepsy, insanity, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or with any loathsome disease or any disease which is contagious or infectious or which may become dangerous to the public health, and if it shall appear to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that such immigrant, passenger or other person so brought to Canada was afflicted with any of the said diseases or disabilities at the time of embarkation for Canada and that the existence of such disease or disability might have been detected by means of a competent medical examination at the time of embarkation, the transportation company which brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of two hundred dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place in the country whence he was brought or from the country of his birth or citizenship, for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

“ (4) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger or other person afflicted with any mental defect other than those described in the preceding subsection, or physical defect of a nature which may affect his liability to earn his living, and if it shall appear to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that any immigrant or other person so brought to Canada was so afflicted at the time of embarkation for Canada, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, the transportation company which brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of twenty-five dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place of his birth or citizenship for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

Penalty on transportation company for bringing other mentally or physically defective immigrants.

“ (5) No vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded unless in the opinion of the Minister a mistake has been made: Provided that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fines; and provided, further, that nothing contained in the foregoing subsections shall be construed to subject transportation companies to a fine for bringing to ports of Canada Canadian citizens and persons who have Canadian domicile and who are permitted to land in Canada as a matter of right.”

No clearance pending decision of liability, unless deposit is made.

**23.** (1) Subsection one of section forty-nine of the said Act is repealed and the following is substituted therefor:—

“ **49.** (1) The master of every vessel arriving at any port of entry in Canada shall forthwith after such arrival and before any entry of such vessel is allowed, deliver to the immigration officer in charge a typewritten or printed list or manifest in the form prescribed by the Minister, of all the passengers and stowaways on board such vessel at the time of her departure from the port or place whence she last cleared or sailed for Canada, or who were on board such vessel at the time of her arrival in Canada, or at any time during her voyage; and such typewritten or printed list or manifest shall also show whether any of the persons named thereon are insane, idiotic, epileptic, dumb, blind, or infirm, or suffering from any disease or injury or physical defect which may be cause for rejection under this Act,

Manifest to be delivered by Master to immigration officer, verified by signature under oath, and giving prescribed particulars.

and whether or not they are accompanied by relatives able to support them, and if any change in the condition of such passenger or stowaway has occurred or developed such change shall also be stated; and such list or manifest shall be verified by the signature and the oath or affirmation of the master or other officer in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said passengers, and that from the report of said surgeon and from his own investigation he believes that the information in said lists or manifests concerning each of said passengers named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said passengers named therein, and that the said list or manifest, according to the best of his knowledge and belief is full, correct and true in all particulars relating to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing immigrants to Canada, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels and the manifests shall be verified by such surgeon before a British Consular Officer or other officer authorized to administer oaths."

Verified also by signature under oath of surgeon.

(2) Section forty-nine of the said Act is further amended by adding the following subsections thereto:—

Master permitting passengers to land before delivering manifest.

"(5) 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 officer in charge a correct manifest in the form prescribed by the regulations in that behalf, and receive permission from the officer in charge to allow the passengers to land, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every passenger so leaving the vessel.

Penalty.

Master failing to account for passengers.

"(6) If the master of any vessel arriving at any port of entry in Canada fails to produce or satisfactorily account for every passenger whose name appears on the manifest, when required so to do by the immigration officer in charge of the port of entry to which such passenger is manifested, such master shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars in the case of each such passenger.

Penalty.

Master permitting stowaway to land without permission of officer.

"(7) If the master of any vessel arriving at any port of entry in Canada permits any stowaway to leave the vessel without permission of the immigration officer in charge,

or through negligence permits such stowaway to escape from the vessel before the immigration officer in charge has given permission for such stowaway to be landed, or after such stowaway has been ordered to be deported, or in the event of such escape fails to report it forthwith to the immigration officer in charge, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every stowaway so leaving or escaping from the vessel.” Penalty.

**24.** Section fifty-two of the said Act is repealed and the following is substituted therefor:—

“ **52.** (1) Upon arrival of any vessel in Canada from any port or place outside of Canada, it shall be the duty of the transportation company, owner, agent, consignee, or master of a vessel to deliver to the agent or inspector in charge at the port of entry, lists containing the names of all officers, seamen or other persons employed on such vessel and such other information as the Minister shall prescribe, and before the departure of any such vessel, it shall be the duty of such transportation company, owner, agent, consignee or master to deliver to the agent or officer in charge at the port of entry a further list containing the names of all officers, members of the crew or other persons who were not employed on such vessel at the time of arrival but who will leave port thereon at the time of departure, and also the names of those who have been paid off or discharged, and all those, if any, who have deserted or landed, and if such transportation company, owner, agent, consignee or master of such vessel neglects or refuses to deliver either of the said lists of officers, members of the crew and other persons employed on such vessel arriving and departing respectively or to report such cases of desertion or landing of all officers and members of the crew and other persons paid off and discharged, such transportation company, owner, agent, consignee or master shall, if required by the agent or inspector in charge, with the approval of the Minister, pay to the agent or inspector in charge the sum of ten dollars for each officer or member of the crew or other person concerning whom correct lists are not delivered or a true report is not made as above required, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: Provided, that clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine. Duty of transportation company or master to deliver lists of seamen or employees on ship, and lists of crew and others on departure and names of those discharged, and of deserters.

Fine for neglect or refusal.

“ (2) If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any officer, seaman or other member of the crew or other person Discharging crew without examination.

Penalty.

employed on such vessel without such person having first been examined by an immigration officer as required under section thirty-three of this Act, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every such person so paid off or discharged; provided that in case any such officer, seaman or other person employed on such vessel intends to reshipe on board any other vessel bound to any foreign port or place, he shall be allowed to enter temporarily for the purpose of reshipping under such regulations as the Minister may prescribe.

No seaman of prohibited class to land except for medical treatment.

“(3) No officer, seaman or other person belonging to the prohibited classes and employed on board any vessel arriving in Canada from any port outside of Canada, shall be permitted to land in Canada except temporarily for medical treatment or pursuant to regulations prescribed by the Minister providing for the ultimate removal or deportation of such officer, seaman or other person from Canada; and the neglect, failure or refusal of the transportation company, owner, agent, consignee or master of such vessel to detain on board any such officer, seaman or other person after notice in writing by the agent or immigration officer in charge at the port of entry, and to deport such officer, seaman or other person if required by such agent or immigration officer in charge, or by the Minister, shall render such transportation company, owner, agent, consignee or master liable to a penalty not exceeding five hundred dollars, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any court having competent jurisdiction; provided that this section shall not apply to Canadian citizens or persons having Canadian domicile.

Penalty.

No vessel arriving to have employed thereon any person within certain prohibited classes.

“(4) It shall be unlawful for any vessel upon arrival at any port of entry in Canada from any port or place outside of Canada to have on board employed thereon, any person afflicted with idiocy, feeble-mindedness, imbecility, insanity, epilepsy or with any loathsome disease or any disease which is contagious or infectious or which may become dangerous to the public health, and if it appears to the satisfaction of the Minister from an examination made by a medical officer and so certified by such officer, that any such person was so afflicted at the time he was shipped or engaged or taken on board such vessel, and that the existence of such affliction might have been detected by means of a competent medical examination at such time, for every such person so afflicted on board any such vessel at time of arrival the master, owner, agent or consignee shall pay to the immigration agent or officer in charge at such port of entry the sum of fifty dollars and pending departure of the vessel such person shall be detained and treated under supervision of an immigration officer at the expense of the vessel, and no

Fine.

Detention of vessel.



vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: Provided, that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine and expenses: Provided, further, that nothing contained in this section shall be construed to subject the master, owner, agent or consignee of any vessel to a fine for bringing to a port of entry Canadian citizens, persons having Canadian domicile, or officers, seamen or other persons who have signed articles in Canada, and who are returning under the terms of the articles so signed.

Clearance,  
upon deposit.

Proviso.

“(5) Any transportation company or person including the owner, agent, consignee, or master of any vessel arriving in Canada, from any port or place outside of Canada, who shall knowingly sign on the ship’s articles, or bring to Canada as any of the officers or crew of such vessel, any person other than a Canadian citizen or a person having Canadian domicile, with intent to permit such person to land in Canada, contrary to the provisions of this Act, or who shall represent to the immigration authorities at the port of entry that any such person is a *bona fide* officer or member of the crew, shall be liable to a penalty not exceeding five hundred dollars, and not less than fifty dollars for each such person, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any court in Canada having competent jurisdiction.”

Signing on,  
or bringing as  
one of crew,  
any person  
with intent  
to land  
contrary to  
this Act.

Penalty.

**25.** Section fifty-eight of the said Act is amended by adding the following subsection:—

“(4) The Minister may detail officers for duty on vessels carrying immigrants to Canada. When officers are detailed for such duty they shall remain in that part of the vessel assigned to immigrant passengers, and it shall be their duty to observe such immigrant passengers during the voyage and to report to the officer in charge at the port of arrival in Canada any information which they may have acquired during the voyage as to the desirability or undesirability of such immigrant passengers.”

Officers on  
immigrant  
ships.

**26.** (1) Except as herein otherwise provided, wherever the words “Superintendent of Immigration” occur in the said Act or in any amendment thereto, or in any form authorized thereunder, they shall be struck out and the words “Deputy Minister” shall be substituted therefor.

“Deputy  
Minister.”

(2) Wherever the words “The Interior” occur in the said Act or in any amendment thereto, or in any form authorized thereunder, they shall be struck out and the words “Immigration and Colonization” shall be substituted therefor.

“Immigra-  
tion and  
Coloniza-  
tion.”





## 9-10 GEORGE V.

### CHAP. 26.

An Act to amend an Act of the present session entitled An Act to amend The Immigration Act.

[Assented to 6th June, 1919.]

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

1910, c. 27;  
1911, c. 12;  
1914, c. 2;  
1918, c. 3.  
1919, c. 25.

1. Section fifteen of the Act to amend *The Immigration Act*, passed at the present session of Parliament, is repealed and the following is substituted therefor:—

“15. Section forty-one of the said Act is repealed and the following is substituted therefor:—

“41. (1) Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland, or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send

Certain persons to be deemed to belong to the prohibited or undesirable classes.

Liability to deportation.

Duty of officers to notify Minister.

Exception of  
certain  
British  
subjects.

Presumption  
as to certain  
persons.

send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

(2) Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act, be deemed to establish *prima facie* that he still belongs to such prohibited or undesirable class or classes."

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 27.

#### An Act to amend the Interpretation Act.

[Assented to 6th June, 1919.]

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

R.S., c. 1;  
1907, cc. 23,  
45;  
1913, c. 50.

1. Subparagraphs (*a*), (*c*), (*e*) and (*f*) of paragraph twenty-six of section thirty-four of the *Interpretation Act*, Revised Statutes of Canada, 1906, chapter one, are repealed, and the following are substituted therefor:—

Definition of  
"Superior  
Court" for  
Ontario, Sask-  
atchewan  
and Alberta  
made to  
conform to  
present titles  
of courts.

"(*a*) in the province of Ontario, the Appellate Division of the Supreme Court of Ontario and the High Court Division of the Supreme Court of Ontario;

"(*c*) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, the Supreme Court for each of the said provinces, respectively, and in the province of British Columbia the Court of Appeal of the province and His Majesty's Supreme Court of British Columbia;

"(*e*) in the province of Saskatchewan the Court of Appeal of the said province and His Majesty's Court of King's Bench for Saskatchewan;

"(*f*) in the province of Alberta, the Supreme Court of Alberta."

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## 9-10 GEORGE V.

### CHAP. 28.

An Act to amend The Live Stock and Live Stock Products Act, 1917.

[Assented to 6th June, 1919.]

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

1. Subsection two of section three of *The Live Stock and Live Stock Products Act, 1917*, chapter thirty-two of the statutes of 1917, is repealed and the following is substituted therefor:—

“(2) Nothing in this Act, or in any regulation made hereunder, shall take away, or in any manner limit, the right of any farmer, drover or other person to sell his live stock at any stockyard, or the right of any farmer, drover or other person to buy live stock at any stockyard.”

Selling and buying rights of other persons preserved.

2. Paragraph (c) of section nine of the said Act is amended by inserting the word “inspected” after the words “shall be” in the second line thereof, and by substituting the words “poultry and wool” for the words “and poultry” in the fourth line thereof.

Manner of inspection may be prescribed by regulation, also size of packages of wool.

3. Section nine of the said Act is further amended by inserting the following paragraph immediately after paragraph (c) thereof:—

Regulations.

“(d) the manner in which live stock products imported into Canada shall be inspected, graded, branded or marked.”

4. The said Act is amended by inserting the following section immediately after section nine thereof:—

“9A (1) No person shall offer or accept for shipment or shall ship any live stock or live stock products subject to inspection or branding or marking under this Act, unless the requirements regarding inspection and branding or marking have been complied with and the certificates mentioned in this section have been issued.

Requirements for shipping.

Inspectors'  
certificates.

“(2) Inspectors shall issue certificates for all live stock or live stock products inspected and approved or branded or marked by them. Such certificates shall be in such form as may be prescribed by regulation.”

Penalty  
increased  
from \$100 to  
\$400.

5. Section ten of the said Act is amended by striking out the word “one” in the third line thereof and inserting the word “four”.

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## 9-10 GEORGE V.

### CHAP. 29.

An Act to amend The Migratory Birds Convention Act.

[Assented to 6th June, 1919.]

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

1. Section four of *The Migratory Birds Convention Act*, chapter eighteen of the statutes of 1917, is hereby amended by adding the following paragraph after paragraph (a) of subsection (2) thereof:—

Regulations  
by Governor  
in Council.

“(aa) For limiting the number of migratory game birds which may be taken by a person in any specified time during the season when the taking of such birds is legal, and providing the manner in which such birds may then be taken and the appliances that may be used therefor;”

Taking game  
birds.

and by adding to paragraph (d) of subsection (2) thereof the words:—

Control of  
prohibited  
areas.

“and for the control and management of such area.”

2 Section seven of the said Act is hereby repealed and the following is substituted therefor:—

Powers of  
game officers  
to seize.

“7. Any game officer appointed under this Act who has reasonable cause to believe,—

(a) that any gun or other weapon, ammunition, boat, skiff, canoe, punt, or vessel of any description, team, wagon or other outfit, decoy, or appliance of any kind, is being or has been used in violation of or for the purpose of any violation of this Act or any regulation made thereunder, or,

(b) that, in violation of this Act or any regulation made thereunder, any bird, nest or egg has been taken, caught or killed, or is had in possession,

may seize the same, and shall deliver the same to a justice of the peace; and the justice of the peace to whom such delivery is made may forfeit the same to the use of His Majesty.”

Duty after  
seizure.

Forfeiture.

**3.** Section twelve of the said Act is amended by adding the following subsection:—

One-half  
fine to go to  
private  
prosecutor.

“(2) One-half of every penalty imposed and collected under the provisions of this Act, or any regulation made thereunder, when a game officer appointed without salary or any person who is not a game officer is the prosecutor, shall be paid to such game officer or person or to the person on whose evidence the conviction is made, as the justice of the peace before whom the conviction is had may determine.”

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 30.

An Act to amend the Railway Act. (Aid for Railway Crossings.)

[Assented to 6th June, 1919.]

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

1909, c. 32;  
1914, c. 50.

1. Subsection one of section 239A of the *Railway Act*, Revised Statutes of Canada, 1906, chapter thirty-seven, as enacted by chapter fifty of the statutes of 1914, is repealed and the following is substituted therefor:—

“239A. The sum of two hundred thousand dollars each year for ten consecutive years from the first day of April, one thousand nine hundred and nineteen, shall be appropriated and set apart from the Consolidated Revenue Fund of Canada to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level, in existence on the first day of April, one thousand nine hundred and nine.”

Grant  
continued for  
ten years.

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## 9-10 GEORGE V.

### CHAP. 31.

An Act to authorize an extension of time for the completion of the Saint John and Quebec Railway between Centreville, in the county of Carleton, and Andover, in the county of Victoria, N.B.

[Assented to 6th June, 1919.]

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

1916, c. 23;  
1917, c. 22;  
1919, c. 7.

**1.** The time within which the Saint John and Quebec Railway Company is to complete the construction and equipment of its line of railway from a point at or near Centreville, in the county of Carleton, to a point at or near Andover, in the county of Victoria, may be extended by the Minister of Railways and Canals of Canada to the thirty-first day of December, 1921, both with respect to the agreement entered into under the authority of section three of *The Saint John and Quebec Railway Act, 1916*, and also with respect to the subsidy agreement made under the authority of section six of the said Act: Provided that the said extension shall only be granted with respect to the first named agreement after the consent of His Majesty on behalf of the province of New Brunswick has been obtained.

Time for completion extended to 31st Dec., 1919.

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to the King's most Excellent Majesty.





## 9-10 GEORGE V.

### CHAP. 32.

An Act respecting Advances for the Purchase of Seed Grain.

[Assented to 6th June, 1919.]

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

1. This Act may be cited as *The Seed Grain Act, 1919*. Short title.

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

(a) "Minister" shall mean the Minister of the Interior; "Minister."

(b) "Bank" shall mean a bank as defined in *The Bank Act*; "Bank."

(c) "Entrant" shall mean any person occupying Dominion lands as an entrant under *The Dominion Lands Act*; "Entrant."

(d) "Note" shall mean a promissory note given by an entrant to a bank for the repayment of an advance made in conformity with the terms of this Act for the purchase of seed grain. "Note."

3. The Minister may, from time to time, subject to such terms, not inconsistent with the provisions of this Act and the regulations made pursuant thereto as may be agreed upon, enter into agreements with any bank, for guaranteeing the repayment of advances made to entrants for the purchase of seed grain; provided that the rate of interest paid by entrants shall not exceed seven per centum per annum and that the rate of interest paid by the Crown on principal sums guaranteed shall not exceed five per centum per annum. Minister may guarantee repayment of advances.

4. Banks may be allowed, under the terms of any such agreement, a commission not exceeding one per centum on the total amount of the principal sums of notes collected by such banks from the entrants. Commission on collections.

Orders and regulations.

5. (1) The Governor in Council may, from time to time, make such orders and regulations as are considered necessary to give the provisions of this Act full effect, or to meet any cases which may arise and for which no provision has been made in this Act; and without limiting the generality of the foregoing, but for greater certainty, such regulations and orders may provide for,—

- (a) the filing of applications by entrants, and the manner in which such applications shall be dealt with;
- (b) the form and the terms of the note and security to be taken by the bank from any entrant;
- (c) the terms of the guarantee which may be made to any bank hereunder;
- (d) the payment to any bank, from time to time, on behalf of the Crown, of the amounts of principal and interest of notes held by such bank and remaining unpaid after maturity, and the transfer of such unpaid notes and securities to the Crown;
- (e) the collection of the notes transferred as aforesaid.

Order in Council ratified.

(2) The Order in Council of the seventh of October, 1918, (P.C. 2472) authorizing the making of advances for the purchase of seed grain is hereby ratified and confirmed.

Penalty for misrepresentation, fraud, etc.

6. Any person who is guilty of misrepresentation or fraud in securing an advance under this Act, or who, having secured such advance fails through his own default to apply it to the purchase of seed grain, or who disposes of the seed grain purchased with any such advance or makes use of any portion of the same other than for seeding purposes on the land in respect of which his application is made, shall be liable on summary conviction to a fine not exceeding one thousand dollars, and in default in payment thereof to imprisonment not exceeding twelve calendar months: Provided that no prosecution under the provisions of this section shall be entered without the written consent of the Attorney General of Canada.





## 9-10 GEORGE V.

### CHAP. 33.

An Act for granting to His Majesty aid for Demobilization and other purposes.

[Assented to 6th June, 1919.]

WHEREAS notwithstanding the armistice of the eleventh day of November last, and the extension thereof which has been granted by His Majesty and His allies, has suspended the actual operations of the war between His Majesty and the German Emperor, the Emperor of Austria, King of Hungary, the Sultan of Turkey, and the King of the Bulgarians, it is necessary that measures should continue to be taken for the common defence and security; and whereas it is also necessary to provide for the demobilization of the Canadian forces; and to this end it is expedient that aid as hereinafter provided be rendered to His Majesty: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Demobilization Appropriation Act, 1919.* Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied beyond the ordinary grants of Parliament a sum not exceeding three hundred and fifty million dollars towards defraying any expenses that may be incurred by or under the authority of the Governor in Council during the year ending the thirty-first day of March, 1920, for—

Payment of three hundred and fifty million dollars may be made.

- (a) the defence and security of Canada;
  - (b) the conduct of naval and military operations in or beyond Canada and the demobilization of the Canadian forces;
  - (c) the promoting of trade and industry, and transportation facilities therefor;
  - (d) the carrying out of any measures deemed necessary or advisable by the Governor in Council in consequence of the war; and
- Purposes.

(e) payments made or expenditure incurred during the fiscal year ending the thirty-first day of March, nineteen hundred and nineteen, for the purposes mentioned in *The War Appropriation Act, 1918*, and in excess of the amount authorized by the said Act.

Regulations.

**3.** The Governor in Council, in addition to any regulations deemed necessary to give effect to the provisions of this Act, shall make all such regulations as to the rates of pay and allowances of officers and men payable out of the moneys provided under this Act as may be by the Governor in Council be deemed proper.

Loan authorized.

**4.** The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by any Act of Parliament heretofore passed, raise by way of loan, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, less any amount borrowed in excess of the amounts authorized by any war appropriation Act, as are required for the purpose of making any payment authorized by this Act, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada.

Power to re-issue, sell or pledge securities.

**5.** When securities issued under this Act have been pledged as security for a loan, and the loan has been paid off and the pledge redeemed, the securities shall not be deemed to have been extinguished, but shall be deemed to be still alive, and may be re-issued and sold and pledged as if the former pledging had not taken place.

Charged to Con. Rev. Fund.

**6.** The principal raised by way of loan under this Act and the interest thereon, shall be charged upon and payable out of the Consolidated Revenue Fund.

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## 9 - 10 GEORGE V.

### CHAP. 34.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1919.

[Assented to 6th June, 1919.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency the Most Noble Victor Christian William, Duke of Devonshire, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and nineteen, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act, No. 2, 1919.* Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighteen million, eight hundred and twenty-seven thousand, ninety-eight dollars, and seventy-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and eighteen, to the thirty-first day of March, one thousand nine hundred and nineteen, not otherwise provided for, and set forth in the Schedule to this Act. \$18,827,098.72 granted for 1918-19.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament. Account to be rendered in detail.

## SCHEDULE.

(Based on the Supplementary Estimates, 1918-1919.)

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1919, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	CHARGES OF MANAGEMENT.	\$ cts.	\$ cts.
341	Printing Dominion Notes—Further amount required.....	30,000 00	
	Clerical assistance in connection with transfer and registration of War Loan Bonds, etc.....	170,000 00	200,000 00
	CIVIL GOVERNMENT.		
	<i>Department of Justice, including Penitentiary Branch—</i>		
	Contingencies—		
342	Clerical and other assistance—Further amount required	1,000 00	
	Printing and Stationery—Further amount required.....	1,000 00	
	Sundries—Further amount required.....	3,000 00	
	<i>Department of Militia and Defence—</i>		
343	To provide for the appointment of Miss Hazel F. Sherritt, Private-Secretary, to the Second Division, Subdivision A, from December 1, 1918, at the rate of \$1,700 per annum.....	566 66	
	<i>Department of Immigration and Colonization—</i>		
344	To provide for the sum of \$1,000 for Deputy Minister of the Interior, to cover additional salary while acting as Deputy Minister of Immigration and Colonization during the fiscal year 1918-19.....	1,000 00	
	<i>Royal Northwest Mounted Police—</i>		
345	To provide for a clerkship in the Second Division, Subdivision A, from December 1, 1918.....	533 32	
	<i>Department of Finance and Treasury Board—</i>		
	Contingencies—Printing and Stationery—Further amount required.....	5,000 00	
346	Sundries—Further amount required.....	1,000 00	
	<i>Department of Customs and Inland Revenue—</i>		
347	To provide for a Clerkship in First Division, Subdivision B, Private Secretary.....	2,100 00	
	<i>Department of Agriculture—</i>		
348	To provide for an increase to the salary of the Fruit Commissioner at the rate of \$3,200 per annum, from the 1st October, 1918.....	100 00	
	<i>Department of the Naval Service—</i>		
349	To provide for an increase to the salary of J. A. Wilson, Assistant Deputy Minister, at the rate of \$3,500 per annum, from July 1, 1918.....	300 00	
	<i>Department of Railways and Canals—</i>		
350	To provide for the salary of one clerk, C. H. Edgett, First Division, Subdivision B, from January 1, 1919, at \$2,100.....	525 00	
	To provide for the salary of one clerk, W. M. Cosgrove, Second Division, Subdivision A, from January 1, 1919, at \$1,700.....	425 00	
	To provide for the salary of one clerk, J. E. O. Varin, Second Division, Subdivision B, from January 1, 1919, at \$1,400.....	350 00	

SCHEDULE—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
<b>CIVIL GOVERNMENT—Concluded.</b>		\$ cts.	\$ cts.
<i>Department of Railways and Canals—Con.</i>			
350	To provide for the salary of three clerks, Third Division, Subdivision A, F. E. Hernden at \$1,100, L. M. Bell and J. O. J. Pelletier, at \$1,050 each, from January 1, 1919.....	800 00	
	To provide for the salary of one clerk, O. White, Third Division, Subdivision B, from January 1, 1919, at \$600.....	150 00	
<i>Department of Trade and Commerce—</i>			
351	To provide a further amount for a promotion to First Division, Subdivision B.....	12 50	
	To provide a further amount for a promotion to Second Division, Subdivision A.....	150 00	
<i>Department of Labour—</i>			
352	To provide for one clerkship in First Division, Subdivision B, from 1st October, 1918.....	1,050 00	
	<i>Contingencies—</i>		
	Clerical and other assistance—Further amount required.....	1,500 00	
	Printing and Stationery—Further amount required.....	1,500 00	
<i>Post Office Department—</i>			
353	Contingencies—Clerical and other assistance—Further amount required.....	10,000 00	
<i>Civil Service Commission—</i>			
354	To provide for the promotion of one clerk to Third Division, Subdivision A.....	225 00	
	Contingencies—To provide for additional clerical assistance rendered necessary by increased work of Civil Service Commission; to cover cost of additional printing and stationery, and advertising; and to meet expenditure in connection with various examinations required by law, and hitherto unprovided for, including the payment of temporary examiner.....	20,000 00	
	To provide for the classification and re-organization of the Public Service, as required by the Civil Service Act, 1918, and to meet the cost of certain investigations conducted by the Civil Service Commission.....	46,650 00	
			98,937 43
<b>LEGISLATION.</b>			
<b>SENATE.</b>			
355	To provide an amount for the Speaker of the Senate of \$3,000 for the fiscal year 1918-19 in lieu of residence and attendants—Further amount required.....	1,845 00	
<b>HOUSE OF COMMONS.</b>			
356	To provide an amount for the Speaker of the House of Commons of \$3,000 for the fiscal year 1918-19 in lieu of residence and attendants—Further amount required.....	750 00	
<b>GENERAL.</b>			
357	To pay for Provincial Voters' Lists supplied after the passing of the <i>War-Times Election Act, 1917</i> .....	7,000 00	
			9,595 00

## SCHEDULE—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
<b>ARTS AND AGRICULTURE.</b>			
		\$ cts.	\$ cts.
358	For purchase of Seed Grain—Governor General's Warrant, September 3, 1918.....	1,000,000 00	
359	For purchase of Seed Grain—Governor General's Warrant, October 7, 1918.....	3,000,000 00	
360	For purchase of Seed Grain—Governor General's Warrant, October 24, 1918.....	2,000,000 00	
361	For purchase of Cotton Seed Meal—Governor General's Warrant, November 19, 1918.....	150,000 00	
362	For purchase of Stock Feed —Governor General's Warrant, July 2, 1918.....	300,000 00	
363	Contribution towards the cost of the monument to Louis Hebert at Quebec.....	1,000,00	6,451,000 00
<b>PENSIONS.</b>			
364	Pensions—European War—Further amount required.....	3,500,000 00	
365	Salaries and contingent expenses of the Board of Pension Commissioners for Canada—Further amount required.....	500,000 00	4,000,000 00
<b>DEPARTMENT OF MILITIA AND DEFENCE.</b>			
366	Cadet Services—Instructional Allowance to Cadet Corps.....	15,000 00	
367	Royal Military College—To cover increased cost of messing and fuel, additional allowances of officers, N.C. officers and men, extra cost of cadets' uniforms and value of cloth purchased in advance.....	17,000 00	
368	Gratuities—To William Taylor.....	356 85	
	F. X. Belanger.....	346 23	
	J. Mahoney.....	529 55	
	N. Villeneuve.....	714 34	
	R. Martin.....	544 27	
	W. Gallagher.....	914 01	
	E. Newbury.....	665 22	
	J. Bulger.....	799 84	
	J. Linloff.....	914 25	
	R. Bissonnette.....	1,031 77	
	C. Dugal.....	493 06	
	E. Pengelly.....	286 80	
	M. Chabot.....	354 20	
369	Civil Pensions—		
	Life pension to Robert Allen.....	120 12	
	“ “ Ronald Morrison.....	330 00	
	“ “ Walter Petipas.....	515 90	40,916 41
<b>RAILWAYS AND CANALS.</b>			
<i>(Chargeable to Capital.)</i>			
<i>Quebec and Saguenay Railway.</i>			
370	Construction—Further amount required.....		250,000 00
<b>RAILWAYS AND CANALS.</b>			
<i>(Chargeable to Income.)</i>			
<b>MISCELLANEOUS.</b>			
371	Surveys and Inspections—Railways—Further amount required.....		10,000 00

SCHEDULE—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS. <i>(Chargeable to Capital.)</i>	\$ cts.	\$ cts.
	PUBLIC BUILDINGS.		
372	Ottawa Parliament Building—Restoration—The plans for the said building and the method to be adopted for securing the reconstruction thereof to be subject to the approval of the Joint Committee appointed by the Prime Minister and the Leader of the Opposition—Further amount required.....		773,000 00
	PUBLIC WORKS. <i>(Chargeable to Income.)</i>		
	PUBLIC BUILDINGS. <i>Rents, Repairs, Furniture, Heating, etc.</i>		
373	Ottawa Public Buildings— Heating, including salaries of engineers, firemen and watchmen—Further amount required.....	20,000 00	
	Dominion Public Buildings— Heating—Further amount required.....	10,000 00	
	HARBOURS AND RIVERS. <i>Nova Scotia.</i>		
374	Battery Point—Breakwater repairs and reconstruction—Further amount required.....	690 00	
	Margaree Harbour—Repairs and improvements—Further amount required.....	5,350 00	36,640 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
375	Ocean and mail service between Canada and Great Britain— Further amount required.....	100,000 00	
376	Steam service between St. Catherines Bay and Tadoussac.....	886 67	100,886 67
	THE NAVAL SERVICE.		
377	Patrol of the northern waters of Canada—Further amount required.....		25,000 00
	OCEAN AND RIVER SERVICE.		
378	To provide for an honorarium to J. T. Rowan for special services rendered to the Royal Commission into pilotage and vessel traffic regulations.....		350 00
	GOVERNMENT OF THE YUKON TERRITORY.		
379	Grant to Local Council to cover share of expenses of influenza quarantine.....		5,000 00

## SCHEDULE—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	LABOUR.	\$ cts.	\$ cts.
380	Conciliation and Labour Act, including publication, printing, binding and distribution of the <i>Labour Gazette</i> , and allowance to correspondents, and for clerical assistance in preparing tables of statistics—Further amount required.....	10,000 00	
381	Industrial Disputes Investigation Act—Further amount required.....	15,000 00	
382	Administration Employment Offices, Co-ordination Act—Further amount required.....	10,000 00	35,000 00
	INDIANS.		
	NEW BRUNSWICK.		
383	Relief—Further amount required.....	2,000 00	
	MANITOBA, SASKATCHEWAN, ALBERTA AND NORTHWEST TERRITORIES.		
384	Field and Garden Seeds—Further amount required.....	18,000 00	
	GENERAL.		
385	To provide for expenses of epidemic of influenza—Further amount required, including Governor General's Warrant, January 23, 1919, for \$50,000.....	75,000 00	95,000 00
	SOLDIERS' LAND SETTLEMENT.		
386	Salaries of Board of Commissioners—Further amount required.	199 01	
	Advances to soldiers settling upon the land, and cost of administering <i>The Soldier Settlement Act, 1917</i> , including clerical assistance, and amount payable to W. F. O'Connor, K.C., as special Counsel to the Board, at the rate of \$2,000 per annum, from December 1, 1918—Further amount required.....	666 66	865 67
	MISCELLANEOUS.		
387	Canada Gazette—Further amount required.....	6,000 00	
388	Distribution of Parliamentary Documents and other Government publications—Further amount required.....	8,000 00	
389	Salaries and expenses of the Paris Agency—Further amount required.....	3,000 00	
390	To provide for expenses in connection with the funeral of the Right Honourable Sir Wilfrid Laurier.....	9,305 85	
391	To provide an amount to meet expenses in connection with the visit of Prince Fushimi of Japan.....	16,374 01	42,679 86
	EXCISE.		
392	Travelling expenses, rent, fuel, stationery, etc.—Further amount required.....		10,000 00
	RAILWAYS AND CANALS.		
	(Chargeable to Collection of Revenue.)		
	RAILWAYS.		
	Canadian Government Railways.		
393	Working Expenses—Further amount required.....	6,000,000 00	



SCHEDULE—*Concluded.*

No. of Vote.	SERVICE.	Amount.	Total.
	RAILWAYS AND CANALS— <i>Concluded.</i> (Chargeable to Collection of Revenue—Con.)	\$ cts.	\$ cts.
	CANALS.		
	<i>Soulanges.</i>		
394	Repairs and improvements to Lock No. 4, Soulanges—To repair break.....	50,000 00	
	<i>Lachine.</i>		
395	Rebuilding and replacing plant and materials destroyed by fire at Wellington Basin, May 24, 1918.....	33,700 00	6,083,700 00
	POST OFFICE—OUTSIDE SERVICE.		
	<i>Mail Service.</i>		
396	Further amount required.....	475,000 00	
	MISCELLANEOUS.		
	To pay certain railway mail clerks for extra services at the Port of Quebec in connection with checking incoming and outgoing British mails during the summer season of 1918..	272 00	
397	To pay certain employees in the office of the Superintendent of the Railway Mail Service, St. John, for extra services at the Port of St. John in connection with checking incoming and outgoing British mails during the winter season of 1917-18.....	62 88	
	To compensate Mr. Uriel Cormier, contractor for the mail service by water between Esquimaux Point and Natashquan, Quebec, for losses sustained when his barge was wrecked during a heavy storm on the 23th November, 1918, while performing the mail service between the points mentioned.....	496 00	475,830 88
	UNPROVIDED ITEMS, 1917-18.		
398	To cover unprovided items 1917-18, as per Auditor General's Report, part b, page 3, 1917-18.....		83,296 75
	Total.....		18,827,098 72

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer to the King's most Excellent Majesty.





## 9-10 GEORGE V.

### CHAP. 35.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1920.

[Assented to 6th June, 1919.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from His Excellency the Most Noble Victor Christian William, Duke of Devonshire, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Preamble.

**1.** This Act may be cited as *The Appropriation Act, No. 3, 1919.*

Short title.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and sixteen million, seven hundred and seventy-eight thousand, seventeen dollars and eighty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and being five-sixths of each of the several items, less deductions, as set forth in Schedule A to this Act.

\$116,778,017.83  
granted for  
1919-20.

**3.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole twenty-eight

\$28,933,622.56  
granted for  
1919-20.

twenty-eight million, nine hundred and thirty-three thousand, six hundred and twenty-two dollars and fifty-six cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and being one-sixth of each of the several items as set forth in Schedule B to this Act.

\$2,500,000.00  
granted for  
1919-20.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million, five hundred thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and set forth in Schedule C to this Act.

Account to  
be rendered  
in detail.

5. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

## SCHEDULE A.

Based on the Main Estimates, 1919-20. The amount of each vote hereby granted is five-sixths of that in the Estimates, less reductions in the first item of Resolution No. 29, \$4,000.00, and Resolution No. 205, \$100,000.00. For the remainder see Chapter 1.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	CIVIL GOVERNMENT.	\$ cts.	\$ cts.
5	Department of Militia and Defence— Salaries, including Deputy Minister at \$6,000.....	214,150 00	
	Contingencies.....	19,500 00	
9	Department of Immigration and Colonization— Salaries, including \$6,000 to Deputy Minister, \$2,500 for promotion and salary of W. R. Little as Commissioner of Immigration for Eastern District.....	139,767 50	
	Contingencies.....	35,000 00	
11	Royal Northwest Mounted Police— Salaries, including Deputy Minister and Controller at \$6,000, and Assistant Controller and Accountant at \$3,300.....	26,625 00	
	Contingencies.....	1,900 00	
14	Department of Customs and Inland Revenue Service— Salaries, including Commissioner and Chairman, Board of Customs at \$6,000, Assistant Commissioner of Customs at \$4,500, and Assistant Deputy Minister of Inland Revenue at \$4,500.....	463,387 50	
	Contingencies.....	43,000 00	
16	Department of Marine and Fisheries— Salaries, including Deputy Minister at \$6,000, Assistant Deputy Minister and Naval Constructor at \$4,500 each...	241,650 00	
	Contingencies.....	31,000 00	
17	Department of Naval Service— Salaries.....	238,900 00	
	Contingencies.....	50,000 00	
18	Department of Railways and Canals— Salaries, including Deputy Minister at \$6,000, Chief Engineer at \$5,500, Assistant Chief Engineer, Electrical Engineer, and Inspecting Engineer at \$4,500 each, Comptroller at \$3,900 and R. A. C. Henry at \$3,300.....	189,300 00	
	Contingencies.....	28,000 00	
19	Department of Public Works— Salaries, including Deputy Minister at \$6,000, Assistant Deputy Minister at \$4,500, and Departmental Solicitor at \$3,500.....	575,537 50	
	Contingencies.....	64,000 00	
21	Post Office Department— Salaries, including Deputy Minister at \$6,000, H. B. Verret, Assistant Deputy Postmaster General at \$4,500; Super- intendent Mail Contract Branch at \$5,000, Controller Railway Mail Service, Controller Postal Stores and Super- intendent of Staff Branch, at \$4,000 each.....	979,770 00	
	Contingencies, including \$50 to W. Cooch.....	125,000 00	
26	Department of External Affairs— Salaries, including Deputy Minister at \$6,000.....	50,075 00	
	Contingencies.....	15,500 00	
29	Department of Soldiers' Civil Re-establishment— Salaries, including Deputy Minister at \$6,000, Assistant Deputy Minister and Secretary at \$4,000, Superinten- dent of Expenditure at \$3,500, Assistant Secretary at \$2,525 and Accountant at \$2,500.....	71,200 00	
	Contingencies.....	25,000 00	
			3,628,262 50

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	IMMIGRATION AND COLONIZATION.	\$ cts.	\$ cts.
55	Salaries of Agents and Employees in Canada, Great Britain and Foreign countries.....	575,000 00	
56	Contingencies in Canadian, British and Foreign Agencies, and general immigration expenses.....	775,000 00	
57	Administration of Chinese Immigration:—		
	Salaries and Contingencies.....	32,000 00	
58	Relief of distressed Canadians in countries other than the United States.....	6,000 00	
59	Exhibitions—Salaries and general expenses.....	50,000 00	
			1,438,000 00
	MILITIA AND DEFENCE.		
78	Allowances, Active Militia.....	50,000 00	
79	Cadet Services.....	75,000 00	
80	Contingencies.....	25,000 00	
81	Departmental Library.....	1,000 00	
82	Engineer Services and Works.....	430,000 00	
83	Grants to Associations.....	25,000 00	
84	Headquarters and District Staffs.....	225,000 00	
85	Maintenance.....	150,000 00	
86	Permanent Force.....	2,575,000 00	
87	Printing and Stationery.....	70,000 00	
88	Royal Military College.....	185,000 00	
89	Salaries and Wages.....	260,000 00	
90	Surveys.....	35,000 00	
91	Transport and Freight.....	25,000 00	
92	Training Areas.....	35,000 00	
			4,166,000 00
	PUBLIC WORKS.		
	(Chargeable to Capital.)		
	PUBLIC BUILDINGS.		
109	Ottawa Parliament Building Restoration. The plans for the said building and the method to be adopted for securing the reconstruction thereof to be subject to the approval of the Joint Committee appointed by the Prime Minister and the Leader of the Opposition.....	2,000,000 00	
	Ottawa—New public building.....	900,000 00	
			4,450,000 00
	HARBOURS AND RIVERS.		
110	Port Arthur and Fort William—Harbour and river improvements.....	300,000 00	
	St. John Harbour—Improvements.....	750,000 00	
	Toronto Harbour—Improvements.....	500,000 00	
			4,450,000 00
	PUBLIC WORKS.		
	(Chargeable to Income.)		
	PUBLIC BUILDINGS.		
	Nova Scotia.		
111	Halifax—Dominion buildings—Improvements, repairs, etc.....	7,000 00	
	Halifax Post Office—Alterations to fittings.....	7,000 00	
	North Sydney—Public building—Improvements.....	5,000 00	
	New Brunswick.		
112	Moncton—Addition to Post Office.....	10,000 00	
	St. John—Dominion buildings—Improvements, repairs, etc.....	5,000 00	
	St. John Post Office—Alterations to fittings.....	3,000 00	
	St. John—Quarantine Station on Partridge Island—Rebuilding detention building destroyed by fire.....	16,000 00	
	St. John—Quarantine Station, Partridge Island, water supply..	1,500 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued.		
	PUBLIC BUILDINGS—Continued. Maritime Provinces Generally.		
113	Dominion public buildings—Improvements, repairs, etc.....	25,000 00	
	<i>Quebec.</i>		
	Dominion public buildings—Improvements, repairs, etc.....	35,000 00	
	Grosse Isle Quarantine Station—Boiler house, new boilers, etc.	30,000 00	
	Grosse Isle Quarantine Station—New buildings.....	400,000 00	
	Maisonneuve Postal Station "M," Montreal.....	60,000 00	
	Montreal—Dominion buildings—Improvements, repairs, etc.	30,000 00	
114	Montreal—Public building.....	500,000 00	
	Montreal General Post Office—Remodelling old building.....	22,000 00	
	Quebec—Reconstruction of store building on Marine Wharf.....	13,000 00	
	Quebec (Savard Park)—Isolated cottages for contagious diseases and disinfecting buildings.....	18,000 00	
	Sherbrooke public building—Addition.....	10,000 00	
	<i>Ontario.</i>		
	Amherstburg—Public building—Improvement of lighting sys- tem.....	800 00	
	Dominion public buildings—Improvements, repairs, etc.....	35,000 00	
	Hamilton—Public building.....	500,000 00	
	Hamilton Post Office—Electric wiring and fixtures, etc.....	3,100 00	
	Hamilton—Postal Station "B".....	35,000 00	
	Kingston R.M.C.—Enlargement of educational block.....	150,000 00	
	Ottawa Departmental buildings—Fittings, etc.....	75,000 00	
	Ottawa Departmental buildings—To connect with central heat- ing plant.....	34,000 00	
115	Ottawa—Local improvements on Carling Avenue, opposite Central Experimental Farm.....	6,616 20	
	Ottawa—Mines building—Improvement to heating and venti- lation.....	4,000 00	
	Pictou Post Office—Additions, etc.....	11,000 00	
	Stratford—Public building—Alterations and improvements.....	20,000 00	
	St. Thomas—Public building—Improvements.....	4,000 00	
	Toronto—Assistant Receiver General's building—Improve- ments and alterations.....	62,000 00	
	Toronto Dominion buildings—Improvements, repairs, etc.....	21,000 00	
	Toronto—Public building.....	500,000 00	
	Toronto Postal Station "A"—To complete.....	520,000 00	
	Walkerton—Rural mail shelter.....	1,200 00	
	<i>Manitoba.</i>		
	Dominion Public buildings—Improvements, repairs, etc.....	18,000 00	
116	Winnipeg Dominion buildings—Improvements, repairs, etc....	29,000 00	
	Winnipeg Immigration buildings—Improvements.....	3,000 00	
	<i>Saskatchewan.</i>		
	Dominion public buildings—Improvements, repairs, etc.....	15,000 00	
	Indian Head—Forestry Branch, Department of Interior— Buildings.....	17,000 00	
117	Regina—Alterations and fittings for office of Assistant Receiver General.....	3,500 00	
	Sutherland—Water supply for forest nursery station—To complete.....	2,900 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$	\$
	(Chargeable to Income)—Continued.	cts.	cts.
	PUBLIC BUILDINGS—Continued.		
	<i>Alberta.</i>		
	Calgary Dominion buildings—Improvements, repairs, etc.....	3,000 00	
	Calgary—Post office .....	400,000 00	
118	Calgary—Alterations and fittings for office of Assistant Receiver General.....	6,000 00	
	Dominion public buildings—Improvements, repairs, etc.....	15,000 00	
	Edmonton post office—Addition.....	100,000 00	
	Grande Prairie—Dominion Lands Office.....	8,000 00	
	<i>British Columbia.</i>		
	Dominion public buildings—Improvements, repairs, etc.....	17,000 00	
	New Westminster public building—Paving roadway.....	1,000 00	
	Vancouver Dominion buildings—Improvements, repairs, etc...	7,000 00	
119	Victoria Old Post Office Building—To pay taxes due the city for 1918.....	1,475 60	
	William's Head Quarantine Station—Water supply.....	80,000 00	
	William's Head Quarantine Station—Repairs to existing build- ings, fittings, etc.....	5,000 00	
	<i>Generally.</i>		
120	Experimental Farms—New buildings and improvements, renew- als and repairs, etc., in connection with existing buildings, fittings, etc.....	150,000 00	
	Flags for Dominion public buildings.....	5,000 00	
	Dominion public buildings—Generally.....	30,000 00	
	<i>Rents, Repairs, Furniture, Heating, etc.</i>		
	Ottawa Public Buildings—		
	Dominion Observatory and Geodetic Survey Building— Maintenance of grounds, etc.....	3,000 00	
	Elevator attendants.....	55,000 00	
	Gas and Electric light, including roads and bridges.....	65,000 00	
	Heating, including salaries of engineers, firemen and watch- men.....	250,000 00	
	Departments generally—Care and cleaning of Departmental buildings, including amount of \$100 to E. Snowdon for firing noon gun—Formerly voted under Civil Government Esti- mates.....	310,000 00	
	Repairs, furniture, grounds, snow and street maintenance, etc.....	450,000 00	
	Rideau Hall (including grounds), improvements, furniture, maintenance, etc.....	65,000 00	
	Rideau Hall—Allowance for fuel and light.....	17,000 00	
	Telephone service.....	62,000 00	
121	Dominion Public Buildings—		
	Dominion Immigration Buildings, repairs, furniture, etc.....	13,000 00	
	Dominion Quarantine Stations—Maintenance.....	4,000 00	
	Fittings and general supplies and furniture.....	100,000 00	
	Heating.....	315,000 00	
	Lighting.....	175,000 00	
	Power for running elevators, stamp-cancelling machines, etc..	65,000 00	
	Rents.....	915,000 00	
	Salaries of caretakers, engineers, firemen, etc.....	600,000 00	
	Supplies for caretakers, etc.....	35,000 00	
	Water.....	53,000 00	
	Yukon Public Buildings—Rents, repairs, fuel, light, water service and caretakers salaries.....	40,000 00	
	Victoria, B.C.—Astrophysical Observatory—(Little Saanich Mountain)—Maintenance, repairs, care of grounds, etc.....	3,000 00	



## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued.	\$ cts.	\$ cts.
	HARBOURS AND RIVERS.		
	Nova Scotia.		
	Arichat—Sand groyne.....	800 00	
	Arisaig—Repairs to wharf.....	3,000 00	
	Bailey's Brook—Repairs to pier.....	1,300 00	
	Barrington Passage—Repairs to wharf.....	3,000 00	
	Boisdale—Wharf.....	1,800 00	
	Chimney Corner—Breakwater wharf.....	6,200 00	
	Cribbin's Point—Repairs to wharf.....	2,000 00	
	Deep Brook—Repairs to wharf.....	1,000 00	
	Delaps Cove—Repairs to wharf.....	2,000 00	
	Devil's Island—Repairs to breakwater.....	10,000 00	
	Digby Pier—Renewals.....	3,000 00	
	East Bay Beach—Wharf extension.....	650 00	
	East Chezzetcook—Repairs to wharf.....	3,500 00	
	Ecum Secum—Completion of wharf.....	1,700 00	
	Feltzen South—Repairs to wharf.....	1,200 00	
	Fox Island—Repairing breakwater approach.....	1,270 00	
	Fourehu—Wharf extension.....	1,200 00	
	Gabarus—Extension of beach protection.....	1,000 00	
	Great Village—Repairs to wharf.....	1,000 00	
	Harbours and Rivers generally— Repairs and improvements.....	60,000 00	
	Irish Cove—Wharf extension.....	2,800 00	
	Inverness—Harbour Improvements.....	18,000 00	
	Little Bass River—Repairs to protection work.....	1,000 00	
	Livingstone's Cove—To repair and strengthen wharf.....	4,600 00	
122.	Malignant Cove—Repairs to wharf.....	1,250 00	
	Margaretville—Repairs to breakwater.....	1,500 00	
	Meteghan River—Breakwater repairs and improvements.....	2,000 00	
	McNair's Cove—Repairs to wharf.....	3,300 00	
	Neil's Harbour—Repairs to breakwater wharf.....	1,100 00	
	North Gut—Extension of wharf.....	1,200 00	
	North West Cove Tancook—Repairs to wharf.....	4,000 00	
	Petite Riviere—Repairs to breakwater.....	1,000 00	
	Port Hood—Wharf repairs and extension.....	7,000 00	
	Port Wade—Repairs to wharf.....	4,000 00	
	Sambro—Repairs to wharf.....	1,200 00	
	Sandy Cove—To repair and strengthen breakwater.....	5,700 00	
	Saw Pit—Wharf improvements.....	1,000 00	
	Scotch Cove (White Point)—Breakwater extension.....	8,400 00	
	South Side—Breakwater extension.....	2,100 00	
	Spry Bay, Josies—Wharf extension.....	5,760 00	
	Sydney Harbour—Repairs to quarantine wharf.....	1,000 00	
	Three Fathom Harbour—Repairs to breakwater.....	2,800 00	
	"The Points," West Bay—Repairs to wharf.....	1,500 00	
	Tiverton—Repairs to breakwater.....	1,000 00	
	Trout Cove—Removal of stone and gravel.....	2,500 00	
	West Chezzetcook—Repairs to breakwater.....	1,600 00	
	West Head—Breakwater improvements.....	3,000 00	
	West Ship Harbour—Repairs to wharf.....	900 00	
	Yarmouth Bar—Repairs and improvements.....	4,500 00	
	Prince Edward Island.		
	Bay Fortune—Repairs to breakwater.....	1,600 00	
	Belle River Harbour—Repairs and improvements to breakwater.....	900 00	
	China Point—Repairs to pier.....	1,200 00	
123.	Greek River—Repairs to wharf.....	500 00	
	Harbours and Rivers generally—Repairs and improvements.....	14,000 00	
	Jude's Point—Repairs to wharf.....	700 00	
	McPherson's Cove—Repairs to wharf.....	1,400 00	
	Mimingash Harbour—Reconstruction of breakwater.....	2,350 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$	\$
	(Chargeable to Income)—Continued.	cts.	cts.
	HARBOURS AND RIVERS—Continued.		
	Prince Edward Island—Concluded.		
	New London Harbour—Repairs and improvements.....	3,100 00	
	North Cardigan—Repairs to wharf.....	1,300 00	
	North Rustico—Repairs to breakwater.....	1,700 00	
123	Pinette—Reconstruction of wharf.....	2,200 00	
	Souris—To repair and strengthen breakwater.....	35,000 00	
	South Cardigan—Repairs to wharf.....	500 00	
	Wood Islands—Repairs to breakwaters.....	1,000 00	
	New Brunswick.		
	Back Bay—Wharf repairs and improvements.....	4,700 00	
	Bathurst—Repairs to wharf.....	2,000 00	
	Beaver Harbour—Repairs to wharf.....	1,200 00	
	Buctouche—Repairs to wharf.....	2,000 00	
	Campbellton—Repairs to wharfs.....	7,000 00	
	Cape Bald—Repairs to breakwater pier.....	3,200 00	
	Chockfish—To repair breakwaters.....	1,200 00	
	Dalhousie—Repairs to wharf and breakwater.....	750 00	
	Fort Dufferin—Reconstruction of breastwork.....	18,000 00	
	Grand Anse—Repairs to breastwork and groyne.....	1,500 00	
	Harbours and Rivers generally—Repairs and improvements.....	65,000 00	
	Leonardville (Deer Island)—Repairs to wharf.....	1,670 00	
124	Mizzenette—Wharf repairs and improvements.....	3,000 00	
	Moncton—Repairs to wharf.....	1,500 00	
	Negro Point—Breakwater repairs.....	15,000 00	
	Negusac—To complete repairs to wharf.....	4,700 00	
	Oak Point—Repairs to wharf.....	3,000 00	
	Oromocto—Repairs to wharf.....	1,300 00	
	Petit Rocher—Repairs to breakwater.....	9,000 00	
	Portage River—Breakwater repairs and improvements.....	1,000 00	
	Richibucto Beach—Breakwater repairs and improvements.....	1,250 00	
	Shippigan Gully—Repairs to breakwaters.....	17,000 00	
	Stonehaven—Breakwater improvements.....	1,600 00	
	Tracadie Beach—Breastworks.....	1,000 00	
	Tynemouth Creek—To repair and reconstruct breakwater.....	5,800 00	
	Quebec.		
	Anse à Beaufilets—Improvement of channel.....	2,500 00	
	Anse aux Gascons—Wharf.....	36,000 00	
	Anse au Griffond—Repairs to jetty.....	1,000 00	
	Anse St. Jean—Repairs to wharf.....	1,500 00	
	Baie St. Paul—Repairs to wharf.....	2,500 00	
	Batiscan—Wharf repairs and improvements.....	2,850 00	
	Belœil—Repairs to protection piers.....	3,700 00	
	Berthier (en bas)—Repairs to wharf.....	18,600 00	
	Cabano—Repairs to wharf.....	1,600 00	
	Cap St. Ignace—Repairs to wharf.....	4,000 00	
	Cap de la Madeleine—Repairs to wharf.....	1,000 00	
125	Champlain—Repairs to wharf.....	3,000 00	
	Cote Ste. Catherine Wharf—Repairs and improvements.....	2,000 00	
	East Templeton—Repairs to wharf.....	900 00	
	Esquimaux Point—Wharf improvements.....	2,700 00	
	Fabre—Repairs to wharf.....	1,100 00	
	Father Point—Repairs to wharf.....	600 00	
	Fort William—Wharf repairs and improvements.....	3,000 00	
	Garthby—Repairs to wharf.....	1,200 00	
	Gaspé Basin—Wharf improvements.....	3,300 00	
	Groindinos—Wharf repairs and improvements.....	850 00	
	Grosse Isle Quarantine Station Extension of wharfs.....	50,000 00	
	Grosse Isle—Repairs to wharf.....	6,500 00	
	Grosse Roche—Repairs to wharf.....	800 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued.	\$ cts.	\$ cts.
	HARBOURS AND RIVERS—Continued.		
	Quebec—Concluded.		
	Harbours and Rivers generally—Repairs and improvements....	75,000 00	
	Hudson—To complete reconstruction of wharf.....	1,350 00	
	Isle aux Grues—Repairs to wharfs.....	2,100 00	
	Isle Verte—Repairs to wharf.....	1,100 00	
	Laprairie—Rebuilding of ice breaker.....	1,800 00	
	Laprairie—Protection works—Maintenance and repairs.....	11,000 00	
	Les Eboulements—Repairs to wharf.....	3,800 00	
	Les Ecureuils—Repairs to wharf.....	1,400 00	
	Lotbinière—Repairs to wharf.....	2,900 00	
	Magog—Reconstruction of wharf.....	22,000 00	
	Malbaie (Gaspé Co.)—Repairs to wharf.....	2,500 00	
	Matane—To complete repairs to wharf.....	1,000 00	
	Mont Louis—Repairs to wharf.....	700 00	
	Montmagny—Repairs to wharf.....	2,000 00	
	Murray Bay—Repairs to wharf.....	2,400 00	
	Norway Bay—Repairs to wharf.....	1,500 00	
	Notre Dame du Portage—Repairs to wharf.....	1,500 00	
	Pierreville—Repairs to wharf.....	1,300 00	
	Piopolis—Repairs to wharf.....	1,500 00	
	Pointe à Elie—Repairs to breakwater-wharf.....	3,600 00	
	Pointe aux Trembles—Repairs to wharf.....	7,800 00	
	Pointe Fortune—Reconstruction of wharf.....	2,600 00	
	Pointe Pizeau, Sillery—Repairs to wharf.....	16,000 00	
125	Richmond—Reconstruction of ice breakers.....	13,300 00	
	Rimouski—Harbour improvements.....	69,000 00	
	Rivière du Loup (en bas)—Repairs to wharf.....	2,400 00	
	Rivière Ouelle—Repairs to wharf.....	1,200 00	
	St. Alphonse—Repairs to wharf.....	3,300 00	
	St. Andre de Kamouraska—Repairs to wharf.....	1,100 00	
	Ste. Anne de Beaupré—Wharf repairs and reconstruction.....	39,000 00	
	Ste. Anne de Chicoutimi—Repairs to wharf.....	1,750 00	
	St. Emelie—Repairs to wharf.....	600 00	
	Ste. Famille—Wharf repairs and reconstruction.....	17,000 00	
	St. Fulgence—Repairs to pier.....	1,000 00	
	St. Ignace de Loyola (north)—Repairs to wharf.....	4,400 00	
	St. Irenée—Repairs to wharf.....	2,100 00	
	St. Jean d'Orleans—Repairs to wharf.....	35,000 00	
	St. Jean Port Joli—Repairs to wharf.....	1,300 00	
	St. Laurent, Island of Orleans—Repairs to wharf.....	15,000 00	
	St. Michel de Bellechasse—Repairs to wharf.....	53,600 00	
	St. Paul, Ile aux Noix—Repairs to wharf approach.....	1,700 00	
	St. Pierre les Becquets—Repairs to wharf.....	2,000 00	
	St. Simeon—Wharf repairs and improvements.....	1,300 00	
	St. Sulpice—Repairs to wharf.....	1,200 00	
	St. Zotique—Wharf reconstruction and repairs.....	3,100 00	
	St. Joseph de Letellier—Repairs to wharf.....	1,200 00	
	Stratford Centre—Repairs to wharf.....	1,200 00	
	Sorel—Repairs to ice piers.....	4,500 00	
	Trois Pistoles—Repairs to wharfs and breakwater.....	3,700 00	
	Vercheres—Wharf.....	10,000 00	
	Verdun—Repairs to wharf approach.....	1,700 00	
	Ontario.		
	Bayfield—Repairs to pier.....	3,800 00	
	Belleville Harbour—Improvements to wharf and warehouse....	1,000 00	
	Burlington Channel—Repairs to pier.....	23,900 00	
126	Burlington—In full and final settlement of all claims of Hutchinson & Latimer in connection with their contract for revetment wall.....	2,000 00	
	Cobourg—Repairs to piers.....	26,800 00	
	Connaught Station—Wharf.....	4,900 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued, (Chargeable to Income)—Continued.	\$ cts.	\$ cts.
	HARBOURS AND RIVERS—Continued. Ontario—Concluded.		
	Cornwall—New wharf.....	5,000 00	
	Fighting Island—Detroit River—Dredging.....	60,000 00	
	French River dams—Repairs and maintenance.....	3,000 00	
	Goderich—Repairs to docks.....	2,700 00	
	Grand Bend—Repairs to piers.....	1,250 00	
	Haileybury—Repairs to wharfs.....	1,400 00	
	Harbours and Rivers generally—Repairs and improvements....	65,000 00	
	Hilton—Repairs to wharf.....	1,300 00	
	Huntsville—Repairs to wharf.....	840 00	
	Kagawong—Wharf.....	9,000 00	
	Kincardine—Repairs to piers.....	2,400 00	
	Kingston—Maintenance and operation of combined roadway wharf and bridges.....	11,300 00	
	Kingston—Harbour improvements.....	7,000 00	
	Kingston—Repairs to R.M.C. dock.....	1,350 00	
	Kingsville—Repairs to pier.....	850 00	
	Leamington—Repairs to pier.....	950 00	
126	Midland—Repairs to wharfs.....	3,340 00	
	Oakville—Repairs to pier.....	1,000 00	
	Owen Sound—Repairs to wharf.....	850 00	
	Parry Sound—Renewals to breastworks at Two and Seven Mile Narrows.....	1,250 00	
	Pelee Island—Repairs to piers.....	750 00	
	Pembroke—Repairs to wharf.....	1,500 00	
	Petawawa—Repairs to wharf.....	1,900 00	
	Port Burwell—Repairs to pier.....	5,700 00	
	Port Colborne—Repairs to breakwaters.....	52,000 00	
	Port Dover—Repairs to pier.....	4,500 00	
	Port Elgin—Repairs to wharf and breakwater.....	5,000 00	
	Port Findlay—Repairs to wharf.....	1,000 00	
	Port Hope—Repairs to pier.....	11,500 00	
	Port Rowan—Repairs to pier.....	1,000 00	
	Port Stanley—Harbour improvements.....	1,100 00	
	Puce—Repairs to harbour works.....	850 00	
	Sault Ste. Marie—Repairs to wharf.....	2,100 00	
	Southampton—Repairs to harbour works.....	6,000 00	
	Thessalon—Repairs to wharf.....	11,000 00	
	Wheatley—Repairs to pier.....	850 00	
	<i>Manitoba.</i>		
	Dauphin River—Wharf.....	6,700 00	
127	Delta—Closing channel.....	3,000 00	
	Harbours and Rivers generally—Repairs and improvements....	15,000 00	
	Le Pas—Wharf.....	19,000 00	
	Little Pembina River—Diversion to Pelican Lake.....	19,500 00	
	Red River—Repairs to channel protection work.....	5,000 00	
	<i>Saskatchewan and Alberta.</i>		
128	Harbours and Rivers generally—Repairs and improvements....	20,000 00	
	<i>British Columbia.</i>		
	Arrow Park—Repairs to wharf.....	940 00	
	Alice Arm—Landing float.....	2,000 00	
	Chilliwack—Repairs to wharf and landing.....	2,100 00	
	Comox—Repairs to wharf.....	20,300 00	
129	Dewdney—Repairs and additions to wharf.....	800 00	
	Fraser River—Dredging North Arm.....	100,000 00	
	Fraser River (lower)—Improvements.....	25,000 00	
	Fraser River—Improvements at Westham island.....	1,000 00	

SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$ cts	\$ cts.
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—Concluded.		
	British Columbia—Concluded.		
	Half Moon Bay—Wharf.....	6,500 00	
	Harbours and Rivers—Generally—Repairs and improvements.....	95,000 00	
	Harrop—Repairs to wharf.....	675 00	
	New Massett—Rebuilding wharf.....	10,500 00	
	Okanagan Centre—Wharf.....	5,800 00	
	Okanagan River—Reconstructing dam and repairing bank protection works.....	5,800 00	
	Old Massett—Repairs to wharf.....	4,000 00	
	Powell River—Addition to wharf and dredging.....	16,500 00	
	Port Clements—Repairs to wharf.....	4,200 00	
	Port Essington—Landing float.....	3,500 00	
129	Prince Rupert Quarantine Station—Repairs to wharf.....	4,500 00	
	Queen Charlotte City—Repairs to wharf.....	4,600 00	
	Refuge Bay—Repairs to wharf.....	4,000 00	
	Roberts Bay—Repairs to float and approach.....	4,500 00	
	Saanichton—Repairs to wharf.....	1,000 00	
	Shoal Bay—Repairs to wharf.....	1,100 00	
	Sidney—Repairs to wharf.....	7,000 00	
	Skidegate—Repairs to wharf.....	6,500 00	
	Spiller River—Repairs to wharf.....	3,000 00	
	Squamish—Repairs to wharf.....	675 00	
	Stewart—Reconstruction of wharf.....	34,000 00	
	Tofino—Repairs to wharf.....	1,700 00	
	Williams Head Quarantine Station—Repairs to wharf.....	20,000 00	
	Wolfsen Bay—Repairs to wharf.....	1,300 00	
	Generally.		
130	Harbours and Rivers—Generally.....	30,000 00	
	DREDGING.		
	Dredging—Maritime Provinces.....	350,000 00	
	Dredging—Ontario and Quebec.....	350,000 00	
131	Dredging—Manitoba, Saskatchewan and Alberta.....	45,000 00	
	Dredging—British Columbia.....	300,000 00	
	ROADS AND BRIDGES.		
	Banff—Repairs to bridge.....	3,500 00	
	Banff—New bridge.....	100,000 00	
	Canmore—Repairs to bridge.....	1,300 00	
	Capilano River, B.C.—Bridge—Contribution by Dominion Government, Provincial Government, and Municipality, each to contribute like amount.....	7,000 00	
	Dominion—Roads and bridges generally.....	5,000 00	
	Edmonton—Repairs to bridge.....	1,200 00	
132	Matapedia—Interprovincial bridge—Repairs.....	2,500 00	
	Ottawa-Hull—New bridge to replace present Union bridge over Ottawa River below Chaudière.....	120,000 00	
	North Temiskaming—Erection of bridge superstructure and repairs to substructure; Quebec Government to contribute \$15,000.....	55,000 00	
	Ottawa—Maintenance and repair of bridges and approaches.....	7,000 00	
	Portage du Fort—Repairs to bridges.....	5,000 00	
	St. Andrews, Man.—Improvements to river road.....	1,500 00	
	TELEGRAPH AND TELEPHONE LINES.		
	Nova Scotia.		
133	Pictou Island—Telephone cable.....	5,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Concluded.	\$ cts.	\$ cts.
	(Chargeable to Income)—Concluded.		
	<i>Prince Edward Island.</i>		
134	For contribution of half cost of reconstruction of telegraph lines jointly owned by the Anglo-American Telegraph Co. and the Dominion Government.....	18,700 00	
	<i>Quebec.</i>		
135	Improvements to repair service.....	3,000 00	
	<i>Saskatchewan and Alberta.</i>		
136	Peace River Line—Office and dwelling at Grande Prairie.....	4,000 00	
	Peace River Line—Woods Clearance Edmonton to Peace River	5,000 00	
	Repairs and improvements to office buildings.....	1,000 00	
	<i>British Columbia.</i>		
137	Mainland telegraph and telephone lines—General repairs and improvements.....	10,000 00	
	Vancouver Island Lines—Repairs and renewals.....	8,700 00	
	MISCELLANEOUS.		
	Architectural Branch—Salaries of architects, clerks of works, inspectors, draughtsmen, clerks and messengers of outside service.....	60,000 00	
	Accounts Branch—Salaries of agents and clerks, travelling and contingent expenses of outside service.....	25,000 00	
	Maintenance and operation of water storage dams on Ottawa river and tributaries, surveys in connection therewith, and settlement of land damages.....	125,000 00	
	Dry docks generally—Inspection, etc. ....	4,000 00	
	Engineering Branch—Salaries of engineers, inspectors, superintendents, draughtsmen, clerks and messengers of the outside service.....	435,000 00	
138	For operation and maintenance of inspection boats.....	22,000 00	
	Compassionate allowance to the widow of the late Neil McLellan who was drowned in the Madawaska River at Arnprior, Ont. on April 15, 1918, while at work as Assistant to the Slidemaster	2,000 00	
	Monument of His late Majesty King Edward VII.....	5,000 00	
	Monument to memory of the late Hon. Thos. D'Arcy McGee.	3,000 00	
	Monument to Sir Wilfrid Laurier.....	25,000 00	
	National Gallery of Canada.....	10,000 00	
	River gauging and metering.....	24,000 00	
	Surveys and inspections.....	85,000 00	
	To cover balance of expenditure for works already authorized for which the appropriations may be insufficient, provided the amount for any one work does not exceed \$200.....	5,000 00	
			11,854,961 80
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
	ATLANTIC OCEAN.		
139	Steam service between Canadian Atlantic ports and Australia and New Zealand.....	140,000 00	
140	Ocean and mail service between Canada and Great Britain.....	1,000,000 00	
141	Steam service or services between Canada and Newfoundland..	70,000 00	
142	Steam service or services between Canada and the West Indies or South America or both.....	340,666 66	
143	Steam service between Canada and South Africa.....	146,000 00	
144	Steam service between Halifax, St. John's, Nfld. and Liverpool	20,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS —Concluded.	\$ cts.	\$ cts.
	PACIFIC OCEAN.		
145	Steam service between Canada and Australia or New Zealand or both, on Pacific Ocean.....	180,509 00	
146	Steam service between Canada, China and Japan.....	253,333 34	
147	Steam service between Prince Rupert, B.C., and Queen Charlotte Islands.....	21,000 00	
148	Steam service between Victoria and San Francisco.....	3,000 00	
149	Steam service between Victoria, Vancouver, way ports and Skagway.....	12,500 00	
150	Steam service between Victoria and West Coast Vancouver Island.....	5,000 00	
151	Steam service between Vancouver and northern ports of British Columbia.....	16,800 00	
	LOCAL SERVICES.		
152	Steam service between Baddeck and Iona.....	5,825 00	
153	Steam service between Charlottetown, Victoria and Holiday's Wharf.....	2,500 00	
154	Steam service between Froude's Point and Lockeport, N.S....	600 00	
155	Steam service between Grand Manan and the Mainland.....	10,000 00	
156	Steam service between Halifax, Canso and Guysboro.....	5,000 00	
157	Steam service between Halifax and Newfoundland via Cape Breton ports.....	10,000 00	
158	Steam service between Halifax, Mahone Bay, Tancook Island and La Have River ports.....	4,000 00	
159	Steam service between Halifax and Spry Bay and ports in Cape Breton.....	4,000 00	
160	Steam service between Halifax, South Cape Breton and Bras d'Or Lake ports.....	6,000 00	
161	Steam service between Halifax and West Coast Cape Breton, calling at way ports.....	4,000 00	
162	Steam service between Halifax and Sherbrooke.....	2,000 00	
163	Steam service between Mulgrave and Canso.....	6,500 00	
164	Steam service between Mulgrave and Guysboro', calling at intermediate ports.....	5,500 00	
165	Steam service between Newcastle, Neguac and Eseuminac, calling at intermediate points on the Miramichi River and Miramichi Bay.....	2,500 00	
166	Steam service between Pelee Island and the mainland.....	8,000 00	
167	Steam service between Petit de Grat and the Intercolonial Railway terminus at Mulgrave.....	7,000 00	
168	Steam service on the Petitcodiac River between Moncton and way ports, and a port or ports on the west coast of Cumberland County.....	2,500 00	
169	Steam service between Pictou and Montague, calling at Murray Harbour and Georgetown.....	5,000 00	
170	Schooner service between Pictou, New Glasgow, Antigonish County ports and Mulgrave.....	1,000 00	
171	Steam service from the opening to the closing of navigation in 1919, between Pictou, Mulgrave and Cheticamp.....	7,500 00	
172	Steam service from the opening to the closing of navigation in 1919, between Port Mulgrave, St. Peter's, Irish Cove and Marble Mountain and other ports on the Bras d'Or Lakes....	6,500 00	
			2,314,734 00
	THE NAVAL SERVICE.		
187	Naval Service—To provide for the maintenance and upkeep of Ships, Naval College, Dockyards at Halifax and Esquimalt, and Royal Naval Canadian Volunteer Reserve.....	600,000 00	
188	Hydrographic Surveys.....	250,000 00	
189	Fisheries Protection Service—To provide for the repairs and maintenance of Fisheries Protection Steamers.....	400,000 00	
190	Radiotelegraph Service—To provide for the building and maintenance of wireless stations.....	285,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
THE NAVAL SERVICE— <i>Concluded.</i>		\$ cts.	\$ cts.
191	Tidal Service.....	50,000 00	
192	Patrol of the northern waters of Canada.....	40,000 00	
193	Life-saving stations—Including rewards for saving life.....	100,000 00	
194	Royal Naval College of Canada.....	100,000 00	1,805,000 00
OCEAN AND RIVER SERVICE.			
195	Maintenance and repairs to Dominion steamers and ice-breakers	1,500,000 00	
196	Examiners of masters and mates.....	18,000 00	
197	Investigations into wrecks.....	12,300 00	
198	Expenses of Schools of Navigation.....	8,000 00	
199	Registration of shipping.....	6,000 00	
200	Removal of obstructions in navigable waters.....	5,000 00	
201	Inspection of live stock shipments.....	3,000 00	
202	To continue subsidies for wrecking plants—Quebec, Maritime Provinces and British Columbia.....	35,000 00	
203	Unforeseen expenses.....	5,000 00	
204	Amount required for two boilers for C.G.S. "Montcalm".....	70,000 00	
205	Amount required for two motor patrol vessels for buoy and lighthouse service in British Columbia.....	150,000 00	1,812,300 00
PUBLIC WORKS.			
(Chargeable to Capital.)			
(Marine Department.)			
206	River St. Lawrence, Ship Channel.....	478,000 00	
207	To provide for construction and completion of dredging plant for St. Lawrence River from Montreal to Father Point.....	68,900 00	
208	Government Shipbuilding Programme:— Amount required for the construction of vessels in accordance with Government programme.....	30,000,000 00	30,546,900 00
LIGHTHOUSE AND COAST SERVICE.			
209	Agencies, rents and contingencies.....	192,000 00	
210	Salaries and allowances to lightkeepers.....	540,000 00	
211	Maintenance and repairs to lighthouses.....	750,000 00	
212	Construction of lighthouses and aids to navigation, including apparatus, submarine signals, and providing suitable boats for carrying on construction work.....	400,000 00	
213	Signal service.....	60,000 00	
214	Administration of pilotage.....	200,000 00	
215	Maintenance and repairs to wharfs.....	12,000 00	
216	To provide for breaking ice in Thunder Bay and Lake Superior and other points deemed advisable for the good of navigation.	40,000 00	
217	Amount required to pay pensions to the following retired pilots:—Ls. R. Demers, Jos. Lapointe, Paul Gobeil, Barthelemi Lachance, Alphonse Asselin, Chas. Normand, Nap. Rioux, Elzéar Desrosiers, Hubert Raymond, Arbel Bernier, Laurent Godbout, Adélme Pouliot, Edmond Laroche, L. E. Morin, A. T. Simard, Joseph Plante, Victor Vezina, J. G. Dupil, Raymond Baquet, Alfred Laroche, Theophile Corriveau, Alphonse Pouliot, Emilio Couillard, Trefle Delisle, David Dumas, Alfred Goudreau, Onesime Noel, F. X. Desmeules, Adjudant Baillargeon, Joseph Pouliot, Arthur Baillargeon, John A. Irvine, Camille Bernier.....	9,900 00	
218	To provide for telephones at different points throughout the Dominion in connection with aids to navigation.....	500 00	
219	Allowance to Harbour Master at Amherstburg, for supervision of lights and buoys in St. Clair river, Detroit river, Lake Erie, and other services during the season of navigation.....	400 00	



SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
<b>LIGHTHOUSE AND COAST SERVICE—Concluded.</b>		\$ cts.	f cts.
220	Compassionate allowance to Mrs. Robert McMenemy, widow of the late lightkeeper at Otter Head, Lake Superior, \$500, and compassionate allowance to Mrs. Wm. Sherlock, widow of the late lightkeeper at Michipicoten Island, east end, Lake Superior.....	1,000 00	2,205,800 00
<b>SCIENTIFIC INSTITUTIONS.</b>			
<b>DEPARTMENT OF MARINE.</b>			
224	Meteorological Service, including Magnetic Observatory, grants of \$500 each to Kingston and Montreal Observatories; also allowance of \$400 to L. F. Gorman, Observer at Ottawa.....		210,880 00
<b>MARINE HOSPITALS.</b>			
225	Marine Hospitals, including grants to institutions assisting sailors Shipwrecked and distressed seamen.....	75,000 00 3,000 00	78,000 00
<b>STEAMBOAT INSPECTION.</b>			
226	Steamboat inspection.....		87,827 77
<b>FISHERIES.</b>			
227	Salaries and disbursements of Fishery Officers and Guardians, Fisheries Patrol Service, and Oyster Culture.....	600,000 00	
228	Building fishways and clearing rivers.....	30,000 00	
229	Legal and incidental expenses.....	4,000 00	
231	To provide for the maintenance of a Fisheries Intelligence Bureau.....	5,000 00	
232	To provide for the inspection of pickled fish.....	15,000 00	
233	Salaries, construction and maintenance of fish-breeding establishments.....	365,000 00	
234	Marine Biological Board of Canada.....	26,000 00	1,045,000 00
<b>ROYAL NORTHWEST MOUNTED POLICE.</b>			
<b>NORTHWEST TERRITORIES, YUKON TERRITORY, PROVINCES OF ALBERTA, SASKATCHEWAN, MANITOBA, BRITISH COLUMBIA AND PART OF WESTERN ONTARIO.</b>			
254	Pay of force.....	1,007,984 90	
254	Subsistence, billeting, forage and dog feed, fuel and light, clothing, repairs and renewals, horses, arms and ammunition, stationery, medical stores, transport, water service, building repairs, and contingencies.....	1,236,520 18	
254	To compensate members of the Royal Northwest Mounted Police for injuries received while in the discharge of duty....	5,000 00	2,249,505 08
<b>MISCELLANEOUS.</b>			
280	Amount required to pay Consular officers abroad for services...	300 00	
281	Salaries and expenses of the Paris Agency.....	28,000 00	
282	Allowance to Mr. W. J. Stewart, Chief Hydrographer, for services performed under Order in Council of the 19th October, 1912, in relation to questions under consideration by the International Joint Commission, during the year 1919-20.....	1,000 00	
283	Amount required to meet expenses of the Lake of the Woods Technical Board and the Lake of the Woods Control Board..	6,000 00	

SCHEDULE A—Concluded.

No. of Vote.	SERVICE.	Amount.	Total.
	<i>MISCELLANEOUS—Concluded.</i>	\$ cts.	\$ cts.
299	Loan of \$25,000,000 to Provincial Governments to encourage the erection of dwelling houses in congested districts throughout Canada, on the terms and conditions set forth in the Order in Council of the 3rd of December, 1918—the amount of loan to any one province not to exceed the proportion of the said \$25,000,000 which the population of the said Provinces bears to the total population of Canada, as shown by the last federal census.....	25,000,000 00	
301	Canadian War Mission and Representation at Washington.....	50,000 00	25,085,300 00
	<i>CUSTOMS.</i>		
	Salaries and contingent expenses of the several ports in the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary Customs buildings and rentals.....	4,000,000 00	
	Salaries and travelling expenses of Inspectors of ports and of other officers on inspection and preventive service, including salaries and expenses in connection with the Board of Customs	500,000 00	
302	Miscellaneous—Printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc., for various ports of entry, express charges on samples, stationery and forms, legal expenses, premiums on guarantee bonds, and uniforms for Customs Officers.....	200,000 00	
	To provide for expenses of maintenance of revenue cruisers and for preventive service.....	105,000 00	
	Amounts to be paid to Department of Justice to be disbursed by and accounted for to it, for secret preventive service.....	10,000 00	4,815,000 00
	<i>POST OFFICE.</i>		
	<i>Outside Service.</i>		
	Salaries and allowances.....	10,428,354 75	
	Mail service.....	8,234,337 50	
310	Miscellaneous.....	843,838 00	
	Yukon Territory.....	195,000 00	19,701,530 25
	<i>SOLDIERS' CIVIL RE-ESTABLISHMENT— OUTSIDE SERVICE.</i>		
331	Buildings—Hospitals, Sanatoria, Soldiers' Homes, Vocational Training Centres, etc.....	1,300,000 00	
332	Equipment—Furnishing and Machinery .....	450,000 00	
333	Printing, Stationery and Office Supplies.....	85,000 00	
334	Maintenance of Patients.....	3,000,000 00	
335	Vocational Expense— Administration and Training.....	750,000 00	
336	Salaries— Administrative, Clerical, Training, Industrial .....	5,178,420 00	
337	Hospitals and Sanatoria—Salaries— Doctors and Nurses.....	2,000,000 00	
	Cooks, Orderlies and General Staff .....	500,000 00	
338	Pay and Allowance for ex-soldiers and sailors undergoing medical treatment.....	5,000,000 00	
	Vocational Training.....	3,500,000 00	
339	Contingencies and Travelling Expenses.....	1,000,000 00	22 763,420 00
	Total.....		140,258,421 40

## SCHEDULE B.

Based on the Main Estimates, 1919-20. The amount of each vote hereby granted is one-sixth of that in the Estimates. For the remainder see Chapter 1, and Schedule A of Chapter .

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	CHARGES OF MANAGEMENT.	\$ cts.	\$ cts.
	Offices of the Assistant Receivers General and Country Savings Banks—		
	Salaries.....	107,850 00	
	Contingencies.....	10,000 00	
	Printing Dominion Notes.....	300,000 00	
1	Printing, advertising, inspection, express, etc.....	50,000 00	
	Commission for payment of interest on public debt, purchase of sinking funds.....	80,000 00	
	Brokerage on purchase of sinking funds.....	6,000 00	
	English Bill stamps, postage, etc.....	3,000 00	
	Removal of foreign and uncurrent coin from circulation.....	15,000 00	
			571,850 00
	CIVIL GOVERNMENT.		
2	Governor General's Secretary's Office—		
	Salaries, including Governor General's Secretary, additional to salary authorized by R.S. c. 4, \$3,600; A. F. Sladen at \$4,000, J. F. Crowdy at \$3,500, and F. L. C. Pereira at \$2,800.....	31,150 00	
	Contingencies, including allowance of \$600 to A. F. Sladen, Private Secretary.....	66,600 00	
3	Privy Council Office—		
	Salaries, including Clerk of the Privy Council at \$6,000 and Capt. Wm. Wallace at \$2,600.....	49,525 00	
	Contingencies.....	10,000 00	
4	Administration of Justice—		
	Salaries, including Assistant Deputy Minister and Secretary at \$5,000; J. Chisholm, J. P. Bill and J. A. Renaud at \$4,500 each.....	177,887 50	
	Contingencies.....	21,000 00	
6	Department of the Secretary of State—		
	Salaries, including Deputy Minister at \$6,000.....	81,350 00	
	Contingencies.....	16,500 00	
7	Department of Public Printing and Stationery—		
	Salaries, including King's Printer at \$6,000, and Assistant King's Printer at \$4,500.....	71,787 50	
	Contingencies.....	6,800 00	
8	Department of the Interior—		
	Salaries, including Deputy Minister at \$6,000, and E. E. Turton, hereby promoted, at \$1,600.....	1,213,900 00	
	Contingencies.....	105,000 00	
10	Department of Indian Affairs—		
	Salaries, including Deputy Superintendent General at \$6,000..	136,612 50	
	Contingencies.....	19,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	CIVIL GOVERNMENT— <i>Concluded.</i>	\$ cts.	\$ cts.
12	Office of the Auditor General— Salaries, including Auditor General at \$1,000, additional to 7-8 Edw. VII, Chap. 6..... Contingencies.....	150,500 00 10,000 00	
13	Department of Finance and Treasury Board— Salaries, including Deputy Minister at \$6,000, Commissioner of Taxation who is also hereby made subject to the provisions of Part I of the Civil Service Superannuation and Retirement Act as from the first of October, 1912, with benefit of his service previous to first of June, 1908, at \$6,000, Assistant Deputy Minister at \$5,000, Comptroller of Dominion Currency at \$5,000, B. J. Roberts at \$2,700 and T. H. Siddall, C. N. Yetts and E. T. Langdon at \$1,600 each... Contingencies.....	173,225 00 42,000 00	
15	Department of Agriculture— Salaries, including Dairy and Cold Storage Commissioner at \$5,000, Seed Commissioner at \$5,000, Director of Experimental Farms at \$4,000, Live Stock Commissioner at \$3,600, and Dominion Entomologist at \$3,600..... Contingencies.....	465,737 50 110,000 00	
20	Department of Mines— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	422,747 50 5,500 00	
22	Department of Trade and Commerce— Salaries, including Deputy Minister at \$6,000 and Solicitor of Patents and Copyrights at \$6,000..... Contingencies.....	415,950 00 38,000 00	
23	Department of Labour— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	91,887 50 20,000 00	
24	High Commissioner's Office, London— Salaries..... Contingencies.....	23,300 00 62,863 00	
25	Department of Insurance— Salaries, including Superintendent of Insurance, \$1,000, additional to salary authorized by 7-8 Edw. VII, Chap. 69..... Contingencies.....	39,925 00 38,000 00	
27	Office of the Conservation Commission— Salaries, including Assistant to Chairman at \$6,000.....	42,700 00	
28	Department of Public Archives— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	61,737 50 8,500 00	
30	Civil Service Commission— Salaries, including Secretary at \$4,000, Chief of Organization Branch at \$2,800..... Contingencies.....	79,750 00 60,000 00	
			4,369,435 50
	ADMINISTRATION OF JUSTICE.		
31	Miscellaneous expenditure..... Living allowance for Judge of Atlin District, B.C.....	10,000 00 1,200 00	
	<i>Supreme Court of Canada.</i>		
32	Contingencies and disbursements, salaries of officers (Sheriffs, etc.), books, magazines, etc., for Judges, not exceeding \$300.. Law books and books for reference for Library and binding of same.....	7,500 00 8,000 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	AN. OBT.	Total.	
		\$ cts.	\$ cts.	
	<b>ADMINISTRATION OF JUSTICE—Concluded.</b>			
	<i>Exchequer Court of Canada.</i>			
33	Contingencies—Judges' travelling expenses, remuneration to Sheriffs, etc., printing, stationery, etc., and \$150 for Judges' books.....	6,000 00		
	Publication of Reports by contract.....	2,000 00		
	Miscellaneous expenses, Exchequer Court in Admiralty.....	500 00		
	Salary of Marshal in Admiralty, Quebec.....	333 34		
	To Chas. Morse, for furnishing reports of Exchequer Court decisions to legal periodicals.....	50 00		
	Printing, binding and distributing Exchequer Court Reports...	1,000 00		
	<i>Yukon Territory.</i>			
34	Travelling allowance of Judge.....	500 00		
	Living allowance of Judge.....	5,000 00		
	Salaries Territorial Court, Sheriff and clerk, \$4,000 each; stenographer, \$2,000.....	10,000 00		
	Living allowances of Court officers and Police Magistrate.....	6,800 00		
	Fees and expenses of witnesses, jurors and interpreters in criminal trials.....	5,000 00		
	Maintenance and transport of prisoners.....	14,000 00		
	Miscellaneous expenditure.....	8,000 00		
				85,883 34
	<b>DOMINION POLICE.</b>			
35	Amount required.....		187,000 00	
	<b>PENITENTIARIES.</b>			
36	Kingston.....	239,800 00		
	St. Vincent de Paul.....	203,100 00		
	Dorchester.....	118,800 00		
	Manitoba.....	84,000 00		
	British Columbia.....	97,500 00		
	Alberta.....	90,800 00		
	Saskatchewan.....	96,500 00		
General.....	36,200 00			
			966,700 00	
	<b>LEGISLATION.</b>			
	<i>Senate.</i>			
37	Salaries, including Clerk of the Senate at \$6,000 and contingent expenses.....	121,141 50		
	<i>House of Commons.</i>			
38	Salary of the Deputy Speaker.....	2,000 00		
	Salaries, including Clerk of the House of Commons at \$6,000; Parliamentary Counsel at \$6,000; Chief Clerk of Journals, Votes and Proceedings at \$3,500; and hereby appointing L. P. Moreau at \$1,400.....	200,925 00		
	Expenses of Committees, Sessional and extra Clerks, etc.....	62,350 00		
	Contingencies.....	56,235 00		
	Publishing Debates.....	60,000 00		
	Estimates of the Sergeant-at-Arms.....	75,900 00		
		<i>Library of Parliament.</i>		
39	Salaries, including General Librarian at \$6,000; and Parliamentary Librarian at \$6,000.....	37,650 00		
	Books for the General Library, including binding.....	18,000 00		
	Books for the Library of American History.....	1,000 00		
	Contingencies.....	12,500 00		

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	LEGISLATION—Concluded.	\$ cts.	\$ cts.
	General.		
40	Printing, printing paper and binding.....	250,000 00	
	Printing, binding and distributing the annual statutes.....	21,000 00	
	Contingent expenses in connection with the Voters' List.....	5,000 00	
	Contingencies of the Clerk of the Crown in Chancery, including the employment of temporary help.....	5,000 00	
	Provincial Voters' Lists.....	15,000 00	
			943,701 50
	ARTS AND AGRICULTURE.		
41	Experimental Farms—Maintenance of Central Farm, and establishment and maintaining of additional branch Stations	1,200,000 00	
42	Branch of Entomology.....	18,000 00	
43	For the administration and enforcement of the <i>Destructive Insect and Pest Act</i> .....	149,200 00	
44	For the development of the dairying industry, and the improvement of transportation, sale and trade in food and other products.....	155,000 00	
45	Towards the encouragement of cold storage warehouses for the better preservation and handling of perishable food products.	25,000 00	
46	Fruit Branch.....	122,500 00	
47	Health of Animals.....	465,000 00	
48	For the administration and enforcement of the <i>Meat and Canned Foods Act</i> .....	442,000 00	
49	Publications Branch.....	36,300 00	
50	International Institute of Agriculture to assist in maintenance thereof and to provide for representation thereat.....	10,000 00	
51	For the development of the Live Stock Industry.....	800,000 00	
52	To enforce the Seed Act, to test seeds for farmers and seed merchants, to encourage the production and use of superior seeds and to encourage the production of farm and garden crops.....	200,000 00	
53	For the administration and carrying out of the provisions of the <i>Agricultural Instruction Act</i> .....	25,000 00	
			3,648,000 00
	QUARANTINE.		
54	Salaries and contingencies of organized districts; public health in other districts; Tracadie and D'Arcy Island Lazaretto, and Public Works Health Act.....		241,000 00
	PENSIONS.		
61	Mrs. Wm. McDougall.....	1,200 00	
62	Lady Cartwright.....	1,200 00	
63	Pensions on account of the Fenian Raid, 1866-1870.....	1,200 00	
64	Pensions payable to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	1,202 31	
65	Pensions payable to militiamen and on active service Northwest Rebellion 1885.....	44,000 00	
	Pensions to families of members of the force who lost their lives while on duty:—		
66	Margaret Johnson Brooke.....	640 50	
67	Arthur Stewart Mountford Brooke.....	6 15	
68	Mrs. Elizabeth Wilmett.....	54 90	
69	Mrs. Elizabeth Fitzgerald.....	525 00	
70	Pension to J. B. Allan.....	450 00	
71	Pension to Mrs. Mary E. Fuller.....	600 00	
72	Pension to Madame Fabre.....	1,000 00	
73	Pension to Mrs. Mary L. Campbell.....	500 00	
74	Pension to the sisters of the late Col. Harry Baker, M.P.....	700 00	
75	Pension to Dr. Thomas Barnard Flint—Formerly voted under Legislation, House of Commons.....	2,500 00	
76	Pensions—European War and Active Militia.....	23,000,000 00	
77	Salaries and contingent expenses of the Board of Pension Commissioners for Canada.....	1,629,251 75	
			29,685,030 61

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	RAILWAYS AND CANALS. (Chargeable to Capital.)	\$ cts.	\$ - cts.
	RAILWAYS.		
	<i>Canadian Government Railways.</i>		
93	Construction and Betterments..... <i>Hudson Bay Railway.</i>	11,121,681 00	
94	Port Nelson Terminals..... <i>National Transcontinental Railway.</i>	100,000 00	
95	To pay claims for right of way..... <i>Miscellaneous Railway Equipment.</i>	125,000 00	
96	To acquire directly or indirectly, or to assist in acquiring during the current fiscal year, railway equipment and materials, for the purposes and upon the terms (save as herein varied) mentioned in chapter 38 of the statutes of 1918. The assistance herein provided for may be by way of advances to any Canadian Railway or Canadian Rolling Stock Company, or by way of equipment or materials acquired by the Minister.....	35,000,000 00	
	<i>Welland Ship Canal.</i>		
97	Construction.....	3,500,000 00	
	CANALS—CAPITAL.		
	<i>Trent Canal.</i>		
98	Construction and Betterments.....	1,000,000 00	50,896,681 00
	Towards construction of a high level bridge over the Otonabee river at Hunter Street, Peterboro, Ont.....	50,000 00	
	RAILWAYS AND CANALS. (Chargeable to Income.)		
	CANALS.		
	<i>Chambly.</i>		
99	Improvements..... <i>Carillon and Grenville Canal.</i>	40,000 00	
100	Improvements..... <i>Lachine Canal.</i>	17,000 00	
101	Dredging..... <i>Soulanges.</i>	25,000 00	
102	Improvements..... <i>Ontario St. Lawrence Canal.</i>	152,000 00	
103	Improvements.....	54,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	RAILWAYS AND CANALS— <i>Concluded.</i>	\$ cts.	\$ cts.
	(Chargeable to Income)— <i>Concluded.</i>		
	<i>Rideau.</i>		
104	To pay claim of John O'Toole and interest at 5% per annum thereon.....	2,646 83	
	<i>St. Peter's Canal.</i>		
105	Rebuilding of highway bridge.....	5,000 00	
	<i>Trent Canal.</i>		
106	Improvements.....	329,000 00	
	<i>Welland Canal.</i>		
107	Improvements.....	175,000 00	
	MISCELLANEOUS.		
	Arbitrations and awards.....	20,000 00	
	Board of Railway Commissioners for Canada—Maintenance and operation of, including \$800.00 for Clyde Leavitt as Chief Fire Inspector.....	190,150 00	
	Board of Railway Commissioners for Canada—To pay expenses in connection with cases before the Board.....	15,000 00	
	Contribution of the Government Railways to the Faculty of McGill University towards the foundation of a school of railway engineering and transportation in general, in connection with the Faculty of Applied Science.....	2,500 00	
	Contribution of the Government Railways to the Faculty of the Polytechnic School, Montreal, for the advancement of learning in connection with railway engineering and transportation in general.....	2,500 00	
	Contribution to International Association of Railways Congress.....	97 33	
	Costs of litigation.....	3,000 00	
	Commissioner of Highways—To provide for the organization and payment of staff of Commissioner of Highways, including A. W. Campbell, C.E., as Commissioner of Highways at \$5,000.00 per annum.....	25,000 00	
103	Governor General's car—Attendance, repairs and alterations... ..	5,000 00	
	Loan not exceeding \$35,000,000, repayable on demand with interest payable half yearly at the rate of six per centum (6%); to be used to meet expenditures made or indebtedness incurred in paying interest on securities in excess of amount available from net earnings, or paying maturing loans of the Canadian Northern Railway Company or any company included in the Canadian Northern Railway System, and for construction and betterments; said loan to be secured by mortgage upon the undertaking of the Canadian Northern Railway System, containing such terms and conditions as the Governor in Council may approve.....	35,000,000 00	
	Miscellaneous works not provided for.....	2,500 00	
	Printing and Stationery—Outside service.....	7,000 00	
	Surveys and Inspections—Canals, including salaries and expenses of experts employed temporarily.....	40,000 00	
	Surveys and Inspections—Railways, including salaries and expenses of experts employed temporarily.....	55,000 00	
	To provide for audit on behalf of the Government of any railway company in Canada.....	15,000 00	

33,182,394 16



SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	<b>MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS</b>		
	<b>LOCAL SERVICES.</b>		
173	Steam service between Quebec and ports on the North and /or South Shores of the Gulf of St. Lawrence, and /or between ports in Prince Edward Island, Nova Scotia, Newfoundland and the Magdalen Islands.....	70,000 00	
174	Steam service between St. Catherine's Bay and Tadoussac.....	886 67	
175	Steam service between St. John and ports in Cumberland Basin	3,000 00	
176	Steam service between St. John, N.B., and St. Andrew's, N.B., calling at intermediate points.....	4,000 00	
177	Steam service between St. John and Bridgetown.....	2,500 00	
178	Steam service between St. John and Digby.....	20,000 00	
179	Steam service between St. John, Digby, Annapolis and Granville, viz., along the coast west of Annapolis Basin.....	2,000 00	
180	Steam service between St. John, N.B., and ports on the Bay of Fundy and Minas Basin, and Margaretville, N.S.....	8,000 00	
181	Steam service or services between St. John, Westport and Yarmouth and other way ports.....	10,000 00	
182	Steam service during the year 1919 between St. Stephen, N.B., Ste. Croix River points, Deer Island, Campobello and the inner islands, Passamaquoddy Bay and L'Etete or Back Bay	6,000 00	
183	Steam service during the season of 1919, between Sydney and Bay St. Lawrence, calling at way ports.....	6,000 00	
184	Steam service during the season 1919, between Sydney and Whycocomagh.....	3,000 00	
185	Steam service from Sydney to Bras d'Or Lake ports, and ports on the East and West Coasts of Cape Breton.....	14,000 00	
186	Expenses in connection with the supervision of subsidized steamship services.....	3,000 00	
			152,336 67
	<b>SCIENTIFIC INSTITUTIONS.</b>		
	<b>DEPARTMENT OF THE INTERIOR.</b>		
	<i>Scientific Institutions.</i>		
221	Expenses connected with the Dominion Astronomical Observatory at Ottawa.....	31,000 00	
	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.....	8,500 00	
	<i>Geodetic Survey of Canada.</i>		
222	Investigations, triangulations, precise levelling, topographic and field astronomic work, etc.....	149,000 00	
	<i>International Boundaries.</i>		
223	Expenses connected with the survey and demarcation of International Boundaries, including \$1,000 to J. J. McArthur as International Boundary Commissioner.....	58,495 00	
			246,995 00
	<b>FISHERIES.</b>		
230	To assist in the conservation and development of deep sea fisheries and of the demand for fish and to provide for better transportation facilities for fish.....		100,000 00
	<b>MINES AND GEOLOGICAL SURVEY.</b>		
	<i>Department.</i>		
235	For experimental work relating to briquetting of lignite coal. (Revote).....	160,000 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	MINES AND GEOLOGICAL SURVEY—Concluded.	\$ cts.	\$ cts.
	<i>Mines Branch.</i>		
	Investigation of ore and other economic deposits, road and structural materials; wages; expenses of the fuel testing and the ore dressing plants; collection of mining and metallurgical statistics, etc. ....	134,000 00	
236	Publications, English and French editions of reports; purchase of books of reference, laboratory supplies, instruments, office contingencies. ....	40,000 00	
	To meet the expenses of a branch ore dressing plant and laboratories in B.C. ....	100,000 00	
	For the organization and equipment of the Explosives division under the <i>Explosives Act, Chap. 31, 4-5 George V.</i> ....	35,000 00	
	<i>Dominion of Canada, Assay Office.</i>		
237	Maintenance of Assay Office, Vancouver, B.C. ....	26,000 00	
	<i>Geological Survey.</i>		
	For explorations, surveys and investigations, wages of explorers, draughtsmen and others. ....	150,000 00	
	For publication of English and French editions of reports; maps, illustrations, etc. ....	65,000 00	
238	For maintenance of offices and museum: instruments, chemicals, books of reference; miscellaneous assistance, and contingencies. ....	50,000 00	
	For purchase of specimens. ....	5,000 00	
	Compensation to J. F. Lyons for quarters vacated. ....	400 00	
			765,400 00
	LABOUR.		
239	Conciliation and Labour Act, including publication, printing, binding and distribution of the <i>Labour Gazette</i> , and allowance to correspondents, and to provide for the payment of salary of Private Secretary to the Minister. ....	35,000 00	
240	Industrial Disputes Investigation Act. ....	40,000 00	
241	Fair Wages and Inspection Officers. ....	17,500 00	
242	Administration Employment Offices Co-ordination Act. ....	50,000 00	
243	To supplement amount provided by Statute, 8-9 Geo. V. Cap. 21, including \$50,000 for the establishment and maintenance of employment offices in Prince Edward Island, New Brunswick and Nova Scotia, notwithstanding anything to the contrary in the said Act. ....	200,000 00	
244	Administration Vocational Education Act. ....	25,000 00	
			367,500 00
	INDIANS.		
	ONTARIO AND QUEBEC.		
	Relief, medical attendance and medicines. ....	28,000 00	
245	Repairs to roads and bridges and drainage. ....	1,900 00	
	General expenses. ....	51,875 00	
	For clearing of land and purchase of stock in north western Ontario. ....	3,000 00	
	NOVA SCOTIA.		
	Salaries. ....	4,400 00	
	Relief. ....	11,000 00	
246	To provide for encouragement of agriculture. ....	1,000 00	
	Medical attendance and medicines. ....	6,000 00	
	Repairs to roads and dyking. ....	600 00	
	Miscellaneous and unforeseen. ....	5,300 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	INDIANS— <i>Concluded.</i>	\$ cts.	\$ cts.
	NEW BRUNSWICK.		
247	Salaries.....	1,984 00	
	Relief .....	10,000 00	
	Miscellaneous and unforeseen.....	850 00	
	Medical attendance and medicines.....	5,000 00	
	Repairs to roads.....	450 00	
	To provide for encouragement of agriculture.....	1,000 00	
	PRINCE EDWARD ISLAND.		
248	Salaries.....	600 00	
	Relief and seed grain.....	1,375 00	
	Medical attendance and medicines.....	850 00	
	Miscellaneous.....	400 00	
	MANITOBA, SASKATCHEWAN, ALBERTA AND NORTHWEST TERRITORIES.		
249	Implements, tools, etc.....	5,190 00	
	Field and garden seeds.....	2,013 00	
	Live stock.....	2,150 00	
	Supplies for destitute.....	149,364 00	
	Hospitals and medical attendance.....	108,696 00	
	Triennial clothing.....	6,000 00	
	Surveys.....	11,000 00	
	Sioux.....	7,545 00	
	Grist and saw mills.....	5,450 00	
General expenses.....	259,006 00		
	BRITISH COLUMBIA.		
250	Salaries.....	47,840 00	
	Relief to destitute.....	22,000 00	
	To assist Indians in farming, fruit culture and cleansing orchards.....	8,450 00	
	Hospital, medical attendance and medicines.....	53,200 00	
	Travelling expenses.....	20,000 00	
	Office, miscellaneous and unforeseen expenses.....	19,560 00	
Surveys.....	5,000 00		
	YUKON.		
251	Relief, medical attendance and medicines.....	11,000 00	
	General expenses.....	4,000 00	
	GENERAL.		
252	Payments to Indians surrendering their lands under provisions of Section 89 of the Indian Act, which will afterwards be repaid from the avails of the land.....	25,000 00	
	Relief to destitute Indians in remote districts.....	60,000 00	
	To prevent spread of Tuberculosis.....	10,000 00	
	Printing, stationery, etc.....	5,000 00	
	Grant to assist Indian Trust Fund Account 310 suppression of liquor.....	3,000 00	
	Surveys, Ontario, Quebec and Maritime Provinces.....	3,000 00	
	To provide for expenses in connection with epidemic of small-pox and other diseases.....	10,000 00	
	To provide an amount to pay Agents' fees in connection with registration of births, deaths and marriages.....	1,500 00	
	General legal expenses.....	5,500 00	
		INDIAN EDUCATION.	
253	Indian Education.....	735,515 00	
			1,741,563 00

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	GOVERNMENT OF THE NORTHWEST TERRITORIES.		
255	Salary of Commissioner.....	1,000 00	
	Salary of Mr. L. du Plessis, as Secretary to the Commissioner..	300 00	
	Salary of Mr. Geo. D. Pope, as Accountant to the Commissioner..	300 00	
	Schools.....	3,000 00	
	Relief to destitute, maintenance of insane patients and prisoners..	1,900 00	
	Investigations, travelling expenses, clerical assistance, printing, stationery and contingencies.....	1,500 00	
			8,000 00
	GOVERNMENT OF THE YUKON TERRITORY.		
256	Salaries and expenses connected with the administration of the Territory.....	75,000 00	
	Grant to Local Council.....	90,000 00	
	Grant to Local Council for maintenance of and repairs to roads.....	50,000 00	
			215,000 00
	DOMINION LANDS AND PARKS.		
257	Salaries of the Dominion Lands Outside Service.....	430,000 00	
	Dominion Lands contingencies, etc.....	220,000 00	
	Surveys of Dominion Lands, examination of survey returns, printing of plans, etc.....	700,000 00	
	Amount required to pay the fees of the Board of Examiners for D. L. Surveyors, of the Secretary, and of the Sub-examiners and for stationery, printing, rent of rooms and furniture, etc. (The fees of Messrs. E. Deville, Otto J. Klotz and W. M. Tobey, members of the Board, and J. A. Coté, Secretary, are to be paid out of this sum).....	2,400 00	
	To assist in publishing the transactions of the Association of Dominion Land Surveyors.....	125 00	
	Protection of Timber in Manitoba, Saskatchewan, Alberta, the N.W.T., and the Railway Belt in B.C.; tree culture in Manitoba, Saskatchewan, Alberta, and inspection and management of Forest Reserves.....	750,000 00	
	Grant to Canadian Forestry Association.....	4,000 00	
	For surveys and investigations of water resources and for administration of water powers, etc.....	172,000 00	
	Amount required to meet the expenses of the Dominion Power Board in connection with an investigation of the fuel and power resources of the Dominion.....	50,000 00	
	For surveys and inspections in connection with the administration of the Irrigation Act and for the reclamation of swamp lands by drainage, etc., including \$400 for P. Marchand as auditor of disbursements made by Companies acquiring lands under the Irrigation system.....	224,000 00	
	Grant to Western Canada Irrigation Association.....	1,000 00	
	Grant to Cypress Hills Water Users' Association.....	250 00	
	Grant to International Dry Farming Congress.....	3,000 00	
	Canadian National Parks.....	446,000 00	
	Administration of the North West Game Act, and the Migratory Bird Act.....	18,000 00	
	Engraving, lithographing, printing and preparation of maps, plans and kindred publications of the Dominion, including necessary materials for same.....	74,375 00	
	Costs of litigation and legal expenses.....	11,000 00	
	Ordnance Lands, salaries and expenses.....	1,595 00	
	Grant to Alpine Club of Canada.....	1,000 00	
	Amount required to meet uncollected portion of advances of Seed Grain made in the Western Provinces by the chartered banks to holders of unpatented Dominion Lands under the guarantee of the Dominion Government, also including commission payable to banks for collections, fees to Secretary-Treasurers of Municipalities and officers of the Provincial Departments of Agriculture, and clerical assistance.....	125,000 00	
			3,233,745 00

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.		Total.	
		\$	cts.	\$	cts.
<b>SOLDIERS' LAND SETTLEMENT.</b>					
258	Salaries of Board of Commissioners.....	16,000	00		
	Advances to soldiers settling upon the land, and cost of administering <i>The Soldier Settlement Act, 1917</i> , including clerical assistance.....	25,000,000	00		
				25,016,000	00
<b>MISCELLANEOUS.</b>					
259	<i>Canada Gazette</i> .....	37,000	00		
260	Printing Bureau—Plant, repair and renewals.....	10,000	00		
261	Printing Bureau—Plant—New.....	50,000	00		
262	Distribution of Parliamentary documents and other Government Publications.....	45,000	00		
263	Miscellaneous printing.....	100,000	00		
264	Contribution towards publication of International Catalogue of Scientific Literature.....	1,483	00		
265	Expenses under the Canada Temperance Act.....	1,000	00		
266	Expenses under the Naturalization Acts.....	4,000	00		
267	Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within fifteen days of next session.....	40,000	00		
268	Grant to the Interparliamentary Union for Peace.....	200	00		
269	For supply of Canadian publications to Library of High Commissioner's Office.....	1,000	00		
270	To provide for purchase of 650 copies of the Parliamentary Guide.....	1,950	00		
271	Public Archives.....	60,000	00		
272	To provide for the expenses of the Conservation Commission.....	98,000	00		
273	Expenses of litigated matters connected within the Department of Justice.....	13,000	00		
274	Annual contribution to the Canadian Law Library, London, England.....	500	00		
275	Consolidation and publication of Reports, Orders in Council and correspondence upon Provincial Legislation since 1905 (Revote).....	500	00		
276	Expenses under the Pecuniary Claims Convention with the United States (Revote).....	5,000	00		
277	Grant to Chief Constables' Association of Canada.....	500	00		
278	Cost of proceedings before the International Joint Commission.....	5,000	00		
279	To assist in suppression of the White Slave Traffic.....	2,500	00		
284	Grant to the National Battlefields Commission:—				
	(a) For expenses of administration.....	6,000	00		
	(b) For maintenance of the National Battlefields Park.....	30,000	00		
	(c) For maintenance of Martello Tower.....	450	00		
285	Contribution to McGill University towards the maintenance of a Regional Bureau for Canada, for the International Catalogue of Scientific Literature.....	2,000	00		
286	Canadian Press, Limited—Towards expenses of a National News Service.....	50,000	00		
287	Canadian Associated Press.....	8,000	00		
288	To provide for the administration of the <i>Business Profits War Tax Act, 1916</i> , and the <i>Income War Tax Act, 1917</i> : Appointments for the purpose may be made without reference to the provisions of the Civil Service Act.....	700,000	00		
289	Grant to assist the Canadian Association for the Prevention of Tuberculosis.....	10,000	00		
290	Grant to the Canadian Handicraft Guild.....	2,000	00		
291	Grant to assist the Canadian Branch of the St. John Ambulance Association.....	5,000	00		
292	Grant to the Victorian Order of Nurses.....	5,000	00		
293	Grant in aid of the Canadian General Council of the Boy Scouts Association.....	5,000	00		
294	Contribution to aid in carrying on the work of the Astronomical Society.....	2,000	00		
295	Grant to the Royal Society of Canada.....	4,000	00		

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	MISCELLANEOUS— <i>Concluded.</i>	\$ cts.	\$ cts.
296	Royal Academy of Arts.....	2,500 00	
297	Grant to the Canadian Mining Institute.....	3,000 00	
298	To provide for the salary of a Private Secretary S. Lelièvre, to the Speaker of the Senate.....	600 00	
300	To provide for the expenses, including salaries and contingencies of the Canada Trade Commission.....	100,000 00	1,412,183 00
	EXCISE.		
	Salaries of officers and inspectors of Excise, and to provide for increase depending on the result of Excise examinations.....	532,181 25	
	For extra duty-pay at large distilleries and other large factories	15,000 00	
	Duty-pay to officers serving longer hours at other than special survey.....	2,000 00	
	Excise travelling expenses, rent, fuel, stationery, etc.....	100,000 00	
	To provide for stamps, stationery, salaries, etc., in connection with War Tax.....	65,000 00	
303	Stamps for imported and Canadian tobacco.....	125,000 00	
	Excise provisional allowance of not more than \$150 each to Officers in Manitoba and West.....	12,000 00	
	Preventive service—Contingencies.....	12,000 00	
	Preventive service—Salaries.....	110,000 00	
	To enable the Department to supply methylated spirits to manufacturers, the cost of which will be recouped by the manufacturers to whom it is supplied and to pay rent, power, freight, salaries, etc.....	400,000 00	
	Minor revenue expenditure.—Formerly voted under Adulteration of Foods, etc.....	500 00	1,373,681 25
	RAILWAYS AND CANALS.		
	(Chargeable to Collection of Revenue.)		
	RAILWAYS.		
304	Canadian Government Railways; Towards Working Expenses.....	6,000,000 00	
	CANALS.		
305	Staff and repairs.....	1,800,000 00	
	Statistical officers.....	42,500 00	
	MISCELLANEOUS.		
	Railways.		
	Compassionate allowance to Stephen Holmes, father of (Miss) Myle Holmes, to cover cost of artificial limb, and doctors fees and expenses, etc., incurred as result of accident at Aitkens Crossing at Pirate Harbour on January 17, 1918.....	500 00	
306	Compassionate allowance to the widow and children of the late Amedee Belanger, who was killed while in discharge of duty in the employ of the Canadian Government Railways near L'Islet Station on April 7th, 1918.....	2,000 00	
	Compassionate allowance to Mrs. Agnes Alma Steadman, mother of Leslie Steadman who was killed while in discharge of his duty as a brakeman on Canadian Government Railways at St. John, N.B., on March 12, 1917.....	2,000 00	
	Canals.		
307	Compassionate allowance to Mrs. G. Peterkin, mother of late Herve Bazinet, who was drowned in discharge of his duty while in the employ of this Department, on the Lachine Canal, on May 9, 1918.....	2,000 00	7,849,000 00

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	<b>PUBLIC WORKS.</b>		
	(Chargeable to Collection of Revenue.)		
	SLIDES AND BOOMS, GRAVING DOCKS, LOCKS AND DAMS, ETC., WORKING EXPENSES, ETC.		
308	Slides and booms.....	54,900 00	
	Graving docks.....	69,300 00	
	Harbour and river works, etc.....	39,300 00	
	Collection of Public Works Revenues.....	7,000 00	
	<b>TELEGRAPH AND TELEPHONE LINES.</b>		
309	Prince Edward Island and mainland.....	7,000 00	
	Land and cable telegraph lines, Lower St. Lawrence and Mari- time Provinces, including working expenses of vessels required for cable service.....	202,000 00	
	Saskatchewan.....	61,700 00	
	Alberta.....	39,000 00	
	British Columbia—Mainland.....	66,000 00	
	British Columbia—Vancouver Island District.....	107,800 00	
	Yukon System (Ashcroft-Dawson).....	237,000 00	
	Telegraph and Telephone service generally.....	10,000 00	
			951,000 00
	<b>TRADE AND COMMERCE.</b>		
311	Canada's proportion of expenditure in connection with Inter- national Customs Tariffs Bureau.....	662 00	
312	Trade Commissioners and Commercial Agents, including expenses in connection with negotiations of treaties or in extension of commercial relations: miscellaneous advertising and printing, or other expenditures connected with Canadian trade.....	180,000 00	
313	Bounties on crude petroleum and zinc. To cover expenditure in connection with the administration of the Acts.....	4,000 00	
314	Salaries, rents, wages and contingencies under the Canada Grain Act.....	1,150,000 00	
315	Salaries and contingencies under the Inspection and Sale Act..	3,000 00	
316	Salaries and contingencies under the Cullers' Act, including an amount of \$600 for superannuated Cullers.....	6,000 00	
317	To provide for the construction, acquisition, leasing or expro- priation of terminal elevators.....	30,000 00	
318	Dominion Bureau of Statistics.....	125,000 00	
319	Canada Year Book.....	13,500 00	
320	Dominions Royal Commission.....	5,000 00	
321	Gold and Silver Marking Act.....	4,000 00	
322	West India Cable.....	38,933 33	
323	Supervision Lake and Ocean Freight Rates.....	6,000 00	
324	To provide for the development and extension of Canadian Trade.....	150,000 00	
325	Bureau of Industrial and Scientific Research:—Salaries and expenses, including printing and stationery, and the collection and distribution of information, and for Studentships, Fellow- ships, Special Problems and Forestry Studies.....	120,000 00	
326	Patent Record.....	25,000 00	
327	Grant to Canadian Engineering Standards Association for the promotion of uniformity of standards in metallic and other products.....	10,000 00	
328	To provide for bounty on linen yarns spun in Canada from Canadian flax, including expenses of supervision under Order in Council of September 3, 1918.....	30,000 00	
			1,901,095 33

SCHEDULE B—*Concluded.*

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	WEIGHTS AND MEASURES, GAS AND ELECTRIC LIGHT INSPECTION.		
	Salaries of inspectors and assistant inspectors of Weights and Measures and Preventive Service.....	173,910 00	
	Rent, fuel, travelling expenses, postage, stationery, etc., for Weights and Measures.....	95,000 00	
	Provisional allowance of not more than \$150 each to officers in Manitoba and west for Weights and Measures.....	7,000 00	
	Salaries of inspectors and assistant inspectors of Gas and Elec- tricity.....	85,000 00	
329	Rent, fuel, travelling expenses for Gas and Electricity inspection and the purchase and repairs of instruments.....	50,000 00	
	Provisional allowance of not more than \$150 each to officers in Manitoba and west for Gas and Electric Light.....	4,000 00	
	Export of electric power.....	1,000 00	
	The International Bureau of Weights and Measures.....	1,200 00	
	The International Electro-Technical Commission.....	400 00	
			417,510 00
	ADULTERATION OF FOOD, ETC.		
330	Adulteration of food and the administration of the Act respect- ing fertilizer, fraudulent marking and commercial feeding stuffs.....	70,000 00	
	Proprietary and Patent Medicines.....	3,000 00	
			73,000 00
	Total.....		\$173,601,735 36



## SCHEDULE C.

(Based on Supplementary Estimates, 1919-20.)

SUM granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purpose for which it is granted.

No. of Vote.	Service.	Amount.	Total.
	MISCELLANEOUS.	\$ cts.	\$ cts.
340	To provide for the continuance of the payment to those employees of the Civil Service to whom a War Bonus (including provisional allowance under item 419 voted at the last session of Parliament) was authorized to be paid under the provisions of the Order in Council dated the tenth day of December, 1918, and the Orders in Council incorporated therewith or in amendment thereof, and who are still in the Service, of amounts equal to one-fourth of the amounts so authorized to be paid to them during the fiscal year 1918-19, by way of a War Bonus for the first quarter of the fiscal year 1919-20.....	.....	2,500,000 00

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# The Bankruptcy Act.

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## 9-10 GEORGE V.

### CHAP. 36.

#### An Act respecting Bankruptcy.

[Assented to 7th July, 1919.]

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

#### SHORT TITLE.

1. This Act may be cited as *The Bankruptcy Act*. Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires or implies, the expression,—
- (a) “affidavit” includes statutory declaration and affirmation; “Affidavit.”
- (b) “alimentary debt” means a debt incurred for necessities or maintenance; “Alimentary debt.”
- (c) “appeal court” means the court having jurisdiction in bankruptcy, under this Act, on appeal; “Appeal court.”
- (d) “assignment” includes conveyance; “Assignment.”
- (e) “assignor” means the maker of an assignment, whether under this Act such maker may lawfully make such assignment or such assignment may lawfully be made, or not; “Assignor.”
- (f) “authorized assignment” means an assignment made as provided in this Act to an authorized trustee by an authorized assignor of all his property for the general benefit of his creditors; “Authorized assignment.”
- (g) “authorized assignor” means an insolvent assignor whose debts provable under this Act exceed five hundred dollars; “Authorized assignor.”
- (h) “available act of bankruptcy” means an act of bankruptcy available for a bankruptcy petition at the date of the presentation of a petition on which a receiving order is made; “Available act of bankruptcy.”

- "Banker.": (i) "banker" includes any person owning, conducting or in charge of any bank or place where money or securities for money are received upon deposit or held subject to withdrawal by depositors;
- "Chartered bank.": (j) "bank" or "chartered bank" means an incorporated bank carrying on the business of banking under *The Bank Act*;
- "Corporation.": (k) "corporation" includes any company incorporated or authorized to carry on business by or under an Act of the Parliament of Canada or of any of the provinces of Canada, and any incorporated company, wheresoever incorporated, which has an office in or carries on business within Canada, but does not include building societies having a capital stock, nor incorporated banks, savings banks, insurance companies, trust companies, loan companies or railway companies;
- "Court,"  
"The court.": (l) "court" or "the court" means the court which is invested with original jurisdiction in bankruptcy under this Act;
- "Creditor.": (m) "creditor" with relation to any meeting held under authority of this Act, shall, in the case of a corporation, include bond-holder, debenture holder, shareholder and member of the corporation, and each class thereof shall in meeting express its views or wishes in manner prescribed by General Rules."
- "Debt provable in bankruptcy.":  
"Provable debt.":  
"Debt provable.":  
"Debtor.": (n) "debt provable in bankruptcy" or "provable debt" or "debt provable" includes any debt or liability by this Act made provable in bankruptcy or in proceedings under an authorized assignment;
- (o) "debtor" includes any person, whether a British subject or not, who, at the time when any act of bankruptcy was done or suffered by him, or any authorized assignment was made by him, (a) was personally present in Canada, or (b) ordinarily resided or had a place of residence in Canada, or (c) was carrying on business in Canada personally or by means of an agent or manager, or (d) was a corporation or a member of a firm or partnership which carried on business in Canada; and where the debtor is a corporation, as defined by this section, the *Winding-up Act*, chapter one hundred and forty-four of the Revised Statutes of Canada, 1906, shall not extend or apply to it, notwithstanding anything in that Act contained, but all proceedings instituted under that Act before this Act comes into force may and shall be as lawfully and effectually continued under that Act as if the provisions of this paragraph had not been made;
- "Discharge.": (p) "discharge" means the release of a bankrupt or authorized assignor from all his debts provable in bankruptcy

bankruptcy or under an authorized assignment save such as are excepted by this Act;

- (g) "gazetted" means published in the *Canada Gazette*; "Gazetted."  
 (r) "general rules" includes forms; "General rules."  
 (s) "goods" includes all chattels personal and moveable property;" "Goods."  
 (t) "insolvent person" and "insolvent" include a person, whether or not he has done or suffered an act of bankruptcy, (i) who is for any reason unable to meet his obligations as they respectively become due, or (ii) who has ceased paying his current obligations in the ordinary course of business, or (iii) the aggregate of whose property is not, at a fair valuation, sufficient, or, if disposed of at a fairly conducted sale under legal process would not be sufficient, to enable payment of all his obligations, due and accruing due, thereout; "Insolvent person."  
 (u) "judge" means a judge of the court which is by this Act invested with original jurisdiction in bankruptcy; "Judge."  
 (v) "judgment" or "execution" or "attachment" shall have operation as if by law the liability of married women thereon and thereunder were personal as well as proprietary; "Judgment."  
 (w) "local newspaper" means a newspaper published in and having a circulation throughout the bankruptcy district or division wherein the debtor has resided or carried on business for the longest period during the six months immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment; "Local newspaper."  
 (x) "locality" of a debtor (whether a bankrupt, assignor or person who has proposed a composition, extension or arrangement to or with his creditors) means the place within a bankruptcy division or district whereat the debtor has carried on business for the longest period during the six months immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment, or where the greater portion of the property of such debtor is situate; "Locality."  
 (y) "oath" includes affirmation and statutory declaration; "Oath."  
 (z) "ordinary resolution" means a resolution carried in manner provided by subsection fourteen of section forty-two of this Act; "Ordinary resolution."  
 (aa) "person" includes corporation and partnership; "Person."  
 (bb) "petition" means petition in bankruptcy; "Petition."  
 (cc) "prescribed" means prescribed by General Rules within the meaning of this Act; "Prescribed."

- "Property." (dd) "property" includes money, goods, things in action, land, and every description of property, whether real or personal, movable or immovable, legal or equitable, and whether situate in Canada or elsewhere; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, in, arising out of, or incident to property as above defined;
- "Registrar." (ee) "registrar" includes any other officer who performs duties like to those of a registrar;
- "Resolution."  
"Secured creditor." (ff) "resolution" means ordinary resolution;  
(gg) "secured creditor" means a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor, or any part thereof, as security for a debt due or accruing due to him from the debtor;
- "Sheriff." (hh) "sheriff" includes bailiff and any officer charged with the execution of a writ or other process;
- "Special resolution." (ii) "special resolution" means a resolution decided by a majority in number of the creditors present, personally or by proxy, at a meeting of creditors and voting three-fourths in value of the proved debts on the resolution;
- "Trustee."  
"Authorized trustee." (jj) "trustee" or "authorized trustee" means, dependent upon the context, (a) one of the persons appointed by the Governor in Council, under authority of this Act as proper persons to be trustees in bankruptcy or otherwise hereunder, or (b) one of such persons named in a receiving order or in an authorized assignment to act, or who is otherwise hereunder authorized to act, as a trustee in bankruptcy, or under an authorized assignment or in connection with a proposal by a debtor for a composition, extension or arrangement to or with his creditors;
- "Wage-earner." (kk) "wage-earner" means one who works for wages, salary, commission or hire at a rate of compensation not exceeding fifteen hundred dollars per year, and who does not on his own account carry on business.

## PART I.

## BANKRUPTCY AND RECEIVING ORDERS.

*Acts of Bankruptcy.*Acts of  
bankruptcy.

**3.** A debtor commits an act of bankruptcy in each of the following cases:—

Assignment.

(a) If in Canada or elsewhere he makes an assignment of his property to a trustee or trustees for the benefit of his creditors generally, whether it is an assignment authorized by this Act or not;



- (b) If in Canada or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof; Fraudulent conveyance.
- (c) If in Canada or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would under this Act be void as a fraudulent preference if he were adjudged bankrupt; Fraudulent preference.
- (d) If with intent to defeat or delay his creditors he does any of the following things, namely, departs out of Canada, or, being out of Canada, remains out of Canada, or departs from his dwelling house or otherwise absents himself, or begins to keep house; Absconding.
- (e) If he permits any execution or other process issued against him under which any of his goods are seized, levied upon or taken in execution to remain unsatisfied until within four days from the time fixed by the sheriff for the sale thereof, or for fourteen days after such seizure, levy or taking in execution, or if the goods have been sold by the sheriff or the execution or other process has been held by him after written demand for payment without seizure, levy or taking in execution or satisfaction by payment for fourteen days, or if it is returned endorsed to the effect that the sheriff can find no goods whereon to levy or to seize or take; provided that where interpleader proceedings have been instituted in regard to the goods seized, the time elapsing between the date at which such proceedings were instituted and the date at which such proceedings are finally disposed of, settled or abandoned, shall not be taken into account in calculating any such period of fourteen days; Execution unsatisfied, goods sold by sheriff or no goods to be found.  
Proviso.
- (f) If he exhibits to any meeting of his creditors any statement of his assets and liabilities which shows that he is insolvent, or presents or causes to be presented to any such meeting a written admission of his inability to pay his debts; Exhibits statement showing insolvency.
- (g) If he assigns, removes, secretes or disposes of or attempts or is about to assign, remove, secrete or dispose of any of his goods with intent to defraud, defeat or delay his creditors or any of them; Intent to defraud.
- (h) If he makes any bulk sale of his goods without complying with the provisions of any Bulk Sales Act applicable to such goods in force in the province within which he carries on business or within which such goods are at the time of such bulk sale. Bulk sale.

*Petition and Receiving Order.*

4. (1) Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy a creditor may present to the court a bankruptcy petition. Bankruptcy petition.

Affidavit.

(2) The petition shall be verified by affidavit of the creditor or of some person on his behalf having knowledge of the facts, and be served on the debtor in the prescribed manner.

Conditions on which creditor may petition.

(3) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless,—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors amounts to five hundred dollars; and,

b) the act of bankruptcy on which the petition is grounded has occurred within six months before the presentation of the petition.

Court.

(4) The petition shall be presented to the court having jurisdiction in the locality of the debtor.

Proof of debt, etc.

(5) At the hearing the court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may adjudge the debtor a bankrupt and in pursuance of the petition, make an order, in this Act called a receiving order, for the protection of the estate.

May dismiss petition.

(6) If the court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or, in case an authorized assignment has been made, that the estate can be best administered under the assignment, or that for other sufficient cause no order ought to be made, it may dismiss the petition.

Stay of proceedings.

(7) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the court, on such security (if any) being given as the court may require for payment to the petitioner of any debt which may be established against him in due course of law and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

Receiving order on another petition.

(8) Where proceedings are stayed, the court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

Petition cannot be withdrawn.

(9) A creditor's petition shall not, after presentment, be withdrawn without the leave of the court.

(10) The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the service of the petition on which a receiving order is made against him.

Commencement of bankruptcy.

*Interim Receiver.*

5. The court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint an authorized trustee as interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

Interim receiver may be appointed.

*Trustee under receiving order.*

6. (1) On the making of a receiving order the trustee shall be thereby constituted receiver of the property of the debtor and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any action or other legal proceedings unless with the leave of the court and on such terms as the court may impose. But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

Receiving order shall vest property in trustee.

(2) The court may constitute as such receiver the trustee named in the petition or some other authorized trustee acting for or within the same bankruptcy district as such named trustee, having regard as far as the court deems just to the wishes of the creditors as proved by any sufficient evidence.

Selection of trustee.

(3) On a receiving order being made against a debtor the property of the debtor shall forthwith pass to and vest in the trustee named therein and in any case of change of trustee, shall pass from trustee to trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever.

Property of debtor vested in trustee.

(4) The court, upon the application of the trustee or of a creditor proceeding under authority of an ordinary resolution carried by the votes of a majority in number of the known creditors, and upon satisfactory proof that the affairs of the debtor can be more economically administered within another bankruptcy district or division, or for other sufficient cause, may at any time by order, transfer any proceedings under this Act, which are pending before it to

Transfer of proceedings to another division.

another bankruptcy district or division wherein thereafter they may be carried on as effectually as if therein commenced, or the court in which any such proceedings were commenced may of itself, for like cause upon satisfactory proof that such proceedings were commenced in good faith and not for the purpose of attempting to vest authority over the estate involved in any particular authorized trustee or in the authorized trustee acting for or within any bankruptcy district, and provided that such proceedings were commenced within the province of the debtor's locality, order that such proceedings be retained in the bankruptcy district or division in which they were commenced, although the court so ordering may not be the court in which the proceedings ought to have been commenced.

Order to proceed in same court.

### *Stay of Proceedings.*

Power to stay proceedings.

**7.** (1) The court may, at any time after the presentation of a bankruptcy petition against a debtor, order that any action, execution or other proceeding against the person or property of the debtor pending in any court other than the court having jurisdiction in bankruptcy shall stand stayed until the last mentioned court shall otherwise order, whereupon such action, execution or other proceeding shall stand stayed accordingly; and the court in which any such proceedings are pending may likewise, on proof that a bankruptcy petition has been presented against the debtor, stay such proceedings until the first mentioned court shall otherwise order.

Stay of proceedings.

(2) On the making of a receiving order every such action, execution or other proceeding for the recovery of a debt provable in bankruptcy shall, subject to the provisions of the next preceding section as to the rights of secured creditors, stand stayed unless and until the court shall, on such terms as it may think just, otherwise order.

Application of Part I.

**8.** (1) The provisions of this Part of this Act shall not apply to wage-earners or to persons engaged solely in farming or the tillage of the soil.

Certain acts of debtor not deemed an available act of bankruptcy.

(2) Notwithstanding anything in this Part appearing, no act or omission of a debtor in respect of any debt which,—

(a) was contracted or existed before the coming into operation of this Act; or

(b) is or is evidenced by any judgment or negotiable or renewable instrument the cause or consideration whereof (whether or not such judgment or instrument is a renewal or one of several renewals, had or made, before or after the coming into force of this Act, proceeding from the same cause or consideration) existed before the coming into operation of this Act;

shall be deemed an available act of bankruptcy, nor shall any such debt be deemed sufficient to found the presentation of a bankruptcy petition, but it shall be provable in any proceedings otherwise founded under this Part, and otherwise.

## PART II.

### ASSIGNMENTS AND COMPOSITIONS.

#### *Assignments.*

**9.** Any insolvent debtor whose liabilities to creditors, provable as debts under this Act, exceed five hundred dollars, may, at any time prior to the making of a receiving order against him, make to an authorized trustee appointed pursuant to section fourteen with authority in the locality of the debtor, an assignment of all his property for the general benefit of his creditors. An assignment so made is in this Act referred to as an "authorized assignment," and every assignment of his property other than an authorized assignment made by an insolvent debtor for the general benefit of his creditors shall be null and void.

Assignment  
for general  
benefit of  
creditors.

**10.** Every authorized assignment shall be valid and sufficient if it is in the form provided by General Rules or in words to the like effect; and an assignment so expressed shall, subject to the rights of secured creditors, vest in the trustee all the property of the assignor at the time of the assignment excepting such thereof as is held by the assignor in trust for any other person and such thereof as is, against the assignor, exempt from execution or seizure under legal process in accordance with the laws of the province within which the property is situate and within which the debtor resides.

Form of  
assignment.

#### *General Provisions Relating to Receiving Orders and Assignments.*

**11.** (1) Every receiving order and every authorized assignment made in pursuance of this Act shall take precedence over,—

Receiving  
orders and  
assignments  
to take  
precedence of  
attachments,  
executions,  
etc.

(a) all attachments of debts by way of garnishment, unless the debt involved has been actually paid over to the garnishing creditor or his agent; and,

(b) all other attachments, executions or other process against property, except such thereof as have been completely executed by payment to the execution or other creditor;

but shall be subject to a lien for one only bill of costs, including sheriff's fees, which shall be payable to the

garnishing, attaching, or execution creditor who has first attached by way of garnishment or lodged with the sheriff an attachment, execution or other process against property: Provided that this paragraph shall not apply to any execution or other process issued against real or immovable property under or by virtue of a judgment registered prior to the coming into operation of this Act, which judgment, as the result of such registration, became, under the laws of the province wherein it was entered, a charge, lien or hypothec upon or of such real or immovable property.

Purchaser  
in good faith  
at sale  
protected.

(2) An execution levied by seizure and sale on and of the goods of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the goods in good faith under a sale by the sheriff shall, in all cases, acquire a good title to them against the authorized trustee.

Sheriff to  
deliver  
property of  
debtor to  
trustee.

(3) If an authorized assignment or a receiving order has been made, the sheriff or other officer of any court having seized property of the debtor under execution or attachment or any other process, shall, upon receiving a copy of the assignment certified by the trustee named therein or of the receiving order certified by the registrar or other clerical officer of the court which made it, forthwith deliver to the trustee all the property of the execution debtor in his hands, upon payment by the trustee of his fees and charges and the costs of the execution creditor who has a lien as in this section provided. If the sheriff has sold the debtor's estate or any part thereof, he shall deliver to the trustee the moneys so realized by him less his fees and the said costs.

Notice of  
assignment  
to be  
published.

(4) No receiving order or authorized assignment or other document made or executed under authority of this Act shall be within the operation of any legislative enactment now or at any time in force in any province of Canada relating to deeds, mortgages, judgments, bills of sale, chattel mortgages, property or registration of documents affecting title to or liens or charges upon property real or personal, immovable or movable; but a notice in the prescribed form of such receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted, and not less than six days prior to said meeting be published in a local newspaper.

Canada  
Gazette to  
be kept on  
file by  
registrars,  
recorders  
or clerks,  
and notices  
indexed.

(5) The registrars of the courts of bankruptcy, the registrars of all land title and land registration offices and the recorders or clerks of all courts and offices wherein any documents of title relating to property are, according to the provisions of this Act or of the law of a province, registered, recorded or filed, shall keep on file for public reference a copy of each

issue of the *Canada Gazette* which contains any notice or notices, of, incident to or resulting from receiving orders or authorized assignments referring to bankrupts or assignors who resided or carried on business in the province wherein the said courts or offices are situated; and they shall also keep an index book wherein they shall enter alphabetically the name of each bankrupt and authorized assignor who resided or carried on business in such province prior to the date of the receiving order or assignment and in respect of whose estate a notice may at any time hereafter appear in the said *Canada Gazette*.

(6) A fee not exceeding twenty-five cents for each search and fifty cents for each certificate may be charged by such registrar, recorder or clerk. Fees.

(7) The King's Printer, upon request of any person who is by this Act required to keep on file for public reference a copy of the *Canada Gazette*, shall regularly supply to such person, *gratis*, two copies of every issue of such Gazette. Gazette to be supplied.

(8) Every receiving order and every authorized assignment (or a true copy certified as to such order by the registrar or other clerical officer of the court which has made it, and as to such assignment certified by the trustee therein named) shall be registered or filed by or on behalf of the trustee in the proper office in every district, county or territory in which the whole or any part of any real or immovable property which the bankrupt or assignor owns or in which he has any interest or estate is situate. Assignment to be registered in proper registry.

(9) The proper office in this section referred to shall be the land titles office, land registration office, registry office or other office wherein, according to the law of the province, deeds or other documents of title to real or immovable property may or ought to be deposited, registered or filed. Proper registry.

(10) From and after such registration or filing or tender thereof within the proper office to the registrar or other proper officer, such order or assignment shall have precedence of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within such office or within the district, county or territory which is served by such office, but subject to a lien for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed within such proper office their judgments, executions or attachments. Precedence of order or assignment.

(11) Every registrar or other officer for the time being in charge of such proper office to whom any trustee shall tender or cause to be tendered for registration or filing any such receiving order or authorized assignment shall register or file the same according to the ordinary procedure for registering or filing within such office documents which evidence liens or charges against real or immovable property. Affidavit upon registration.

perty (and subject to payment of the like fees) if at the time of the tender of such document for such purpose there be tendered annexed thereto as part thereof an affidavit substantially in the following form:—

“In the matter of *The Bankruptcy Act.*”

“Canada

“Province of

“I \_\_\_\_\_ of \_\_\_\_\_ in the province of \_\_\_\_\_, make oath and say—

“That the hereunto annexed document is tendered for registration (or filing) under the authority and direction

“of \_\_\_\_\_ of

“in the Province of \_\_\_\_\_ a duly

“appointed trustee under *The Bankruptcy Act.*

“Sworn before me at.....

“in the province of.....

“this \_\_\_\_\_ day of.....19....”

Attestation.

(12) Such affidavit may be sworn before such registrar or other officer, or before a notary public or a commissioner authorized to administer oaths for use in any of the courts of the province.

Penalty for refusing to register.

(13) Any such registrar or other officer, who upon tender of any such receiving order or assignment or a copy thereof, certified as aforesaid, with the proper fees, and with the request that such document be registered or filed as aforesaid, shall refuse or omit to forthwith register or file the same in manner hereinbefore indicated or who shall omit or refuse to comply with the provisions of subsection five of this section in so far as they are applicable to him, shall be guilty of an indictable offence punishable upon indictment or summary conviction by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

Application to compel registration.

(14) If the receiving order or authorized assignment is not registered, or filed, or if notice of said receiving order or assignment is not published within the time and in the manner prescribed by this section, an application may be made by any creditor or by the debtor to compel the registration or filing of the receiving order or assignment, or publication of such notice, and the judge shall make his order in that behalf and with or without costs, or upon the payment of costs by such person as he may, in his discretion, direct to pay the same; and such judge may, in his discretion, impose a penalty on the trustee for any omission, neglect or refusal to so register, file, or publish as aforesaid, in an amount not exceeding the sum of five hundred dollars, and such penalty when imposed shall forthwith be paid by the trustee personally into and for the benefit of the estate of the debtor.



(15) Saving and preserving the rights of innocent purchasers for value, neither the omission to publish or register as aforesaid, nor any irregularity in the publication or registration, shall invalidate the assignment or affect or prejudice the receiving order.

Assignment not invalidated by omission to register.

**12.** No advantage shall be taken of or gained by any creditor through any mistake, defect or imperfection in any authorized assignment or in any receiving order or proceedings connected therewith, if the same can be amended or corrected; and any mistake, defect or imperfection may be amended by the court. Such amendment may be made on application of the trustee or of any creditor on such notice being given to other parties concerned as the judge shall think reasonable; and the amendment when made shall have relation back to the date of the assignment or petition in bankruptcy, but not so as to prejudice the rights of innocent purchasers for value.

Amendment of assignment by judge.

*Composition, Extension or Scheme of Arrangement.*

**13.** (1) Where an insolvent debtor intends to make a proposal for,—

Composition, extension, or scheme of arrangement.

- (a) a composition in satisfaction of his debts; or,
- (b) an extension of time for payment thereof; or,
- (c) a scheme of arrangement of his affairs;

he may, either before or after the making of a receiving order against him or the making of an authorized assignment by him, require in writing an authorized trustee to convene at the office of such trustee a meeting of such debtor's creditors, for the consideration of such proposal. In case the convening of such meeting is required after a receiving order or assignment has been made only the trustee named in such order or assignment, or his successor, shall be authorized to convene it.

(2) The debtor shall at the time when he requires the convening of such meeting, or within such time as the trustee may then fix, lodge with the trustee,—

Proceedings by debtor.

- (a) a true statement of the debtor's affairs, including a list of his creditors, which list shall show the post office address of and the amount payable to each creditor, the whole statement being verified by the debtor by way of statutory declaration; and,
- (b) a proposal in writing signed by the debtor, embodying the terms of the proposed composition, extension or scheme and setting out the particulars of any sureties or securities proposed.

(3) The trustee shall, when so required, convene a meeting of creditors, and shall, at least ten days before the meeting, send to each creditor a notice of the time and place of such meeting and a copy of the debtor's

Proceedings by trustee.

statement of affairs and of his proposal; if at such meeting a majority in number of creditors who hold two-thirds in amount of the proved debts resolve to accept the proposal, either as made or as altered or modified at the request of the meeting, it shall be deemed to be duly accepted by the creditors, and if approved by the court shall be binding on all the creditors.

Creditor may assent or dissent by letter.

(4) Any creditor who has proved his debt may assent to or dissent from the proposal by a letter to that effect addressed postage prepaid and registered to the trustee, prior to the meeting, and any such assent or dissent if received by the trustee at or prior to the meeting shall have effect as if the creditor had been present and had voted at the meeting.

Application for approval.

(5) The trustee shall forthwith, if the proposal is accepted by the creditors, apply to the court to approve it.

Examination of debtor.

(6) If creditors who hold ten per cent or more in amount of proved debts request the examination of the debtor, the trustee shall cause him to be examined under oath before the registrar or other officer appointed for that purpose by General Rules and his testimony to be taken down in writing. The testimony, so taken, may be read upon the hearing of the application for the approval of the composition or scheme of arrangement. The court if not satisfied with such testimony as so taken, may direct that the debtor attend before the court for the purpose of further examination.

Court to hear report of trustee.

(7) The court shall, before approving the proposal, hear a report of the trustee as to the terms thereof, and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

Court may refuse to approve the proposal.

(8) If the court is of opinion that the terms of the proposal are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the court is required, where the debtor is adjudged bankrupt, to refuse his discharge, the court shall refuse to approve the proposal.

Reasonable security.

(9) If any facts are proved on proof of which the court would be required either to refuse, suspend or attach conditions to the debtor's discharge were he adjudged bankrupt, the court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than fifty cents on the dollar on all the unsecured debts provable against the debtor's estate.

Power of court.

(10) In any other case the court (subject to the provisions of subsection sixteen of this section) may either approve or refuse to approve the proposal.

Evidence of approval.

(11) If the court approves the proposal, the approval may be testified by the seal of the court being attached to the instrument containing the terms of the proposed composition, extension or scheme, or by the terms being embodied in an order of the court.

(12) A composition, extension or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable under this Act, but shall not release the debtor from any liability under a judgment against him in an action for seduction, or under an affiliation order or for alimony, or under a judgment against him as co-respondent in a matrimonial case or for necessaries of life or alimentary debts, except to such an extent and under such conditions as the court expressly orders in respect of such liability.

Approval binding on creditors, but does not release debtor from judgments.

(13) The provisions of a composition, extension or scheme under this Act may be enforced by the court on application by any person interested, and any disobedience of an order of the court made on the application shall be deemed a contempt of court.

Provisions may be enforced.

(14) If default is made in payment of any instalment due in pursuance of the composition, extension or scheme, or if it appears to the court, on satisfactory evidence, that the composition, extension or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the court was obtained by fraud, the court may, if it thinks fit, on application by the trustee or by any creditor, adjudge the debtor bankrupt, make a receiving order against him and annul the composition, extension or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition, extension or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the adjudication, shall be provable in the bankruptcy.

Proceedings in case of default.

(15) All parts of this Act shall, so far as the nature of the case and the terms of the composition, extension or scheme admit, apply thereto as if the terms "trustee," "bankruptcy," "bankrupt," "assignment," "authorized assignment," "assignor," "authorized assignor," "order" and "order of adjudication" included respectively a composition, extension or scheme of arrangement, a compounding, extending or arranging debtor and an order approving the composition, extension or scheme.

Definitions.

(16) No composition, extension or scheme shall be approved by the court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt or authorized assignor.

Priority of debts.

(17) The acceptance by a creditor of a composition, extension or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

Effect of acceptance.

Court may make order annulling bankruptcy or assignment.

(18) Where a debtor has been adjudged bankrupt or has made an authorized assignment, and the court subsequently approves the composition, extension or scheme, it may make an order annulling the bankruptcy or authorized assignment and vesting the property of the debtor in him or in such other person as the court may appoint on such terms and subject to such conditions, if any, as the court may declare.

Composition not binding in certain cases without assent.

(19) Notwithstanding the acceptance and approval of a composition, extension or scheme, it shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents, (as, for the purposes solely of proceedings relating to a composition, extension or scheme he may, notwithstanding any thing in this Act, so assent) to such composition, extension or scheme.

### PART III.

#### TRUSTEES AND ADMINISTRATION OF PROPERTY.

##### *Appointment of Trustees.*

Appointment of trustees.

**14.** (1) The Governor in Council may, upon application made to the Secretary of State of Canada, appoint sufficient fit and qualified persons to be trustees in bankruptcy and under authorized assignments and in proceedings by insolvent debtors to secure compositions, extensions and arrangements under this Act.

Limited jurisdiction.

(2) Every such trustee shall be appointed with authority limited territorially to the whole or part of some one or more bankruptcy districts or divisions but he shall, for the purpose of obtaining possession of, and realizing upon, the assets of a bankrupt or authorized assignor of whom he is trustee, have power to act as such anywhere. Trustees appointed pursuant to this section are in this Act referred to as "authorized trustees."

Application.

(3) Every person who applies to be appointed an authorized trustee shall state in his application full particulars of his qualifications, ability and previous business experience.

General security to be given by trustee.

(4) No authorized trustee shall accept any assignment or trust or execute any duties under this Act unless and until he has given security to the satisfaction of the Governor in Council, by bond or otherwise, executed to His Majesty as represented by such departmental officer as may be designated by the Governor in Council, for due accounting and for payment over and transfer of all moneys and property received by him as such trustee. If the security required is provided in cash the trustee shall be entitled

to be paid thereon such interest as may be prescribed by General Rules.

(5) Such departmental officer shall be a special trustee for the creditors and for the estate. Special trustee.

(6) The amount of such security shall not, at any time, be less than ten thousand dollars. Security.

(7) The said bond shall be kept in force by the trustee until such time as the appointment of the trustee is revoked or until he resign such appointment, and until the Governor in Council is satisfied that all moneys and properties received by the trustee have been duly accounted for and paid over to the parties entitled thereto, whereupon such bond shall be released and discharged. Security to be kept in force.

(8) Unless the creditors, either at the first meeting, or at a meeting convened by notice to all the known creditors, resolve to dispense with further security, the trustee shall give security by bond or otherwise to the registrar of the court in the bankruptcy district or division of the debtor's locality, in an amount satisfactory to the registrar, for the due accounting and payment over and transfer of all moneys and properties received or to be received by him as such trustee in respect of the estate of such debtor, and such security shall be given within thirty days of the date of the receiving order or the making of the assignment. The expense incident to the furnishing of such security may be charged by the trustee to the estate of the debtor. Additional security to be given by trustee.

(9) Should the trustee be unable or fail to give the security required, in the manner and within the time hereinbefore provided, he shall within ten days from the expiration of the said thirty days, by notice in writing, convene a meeting of creditors for the purpose of appointing a new authorized trustee, and should he neglect or refuse to call such meeting, he shall be guilty of an offence and subject to the penalties provided by this Act. Meeting to be called if security not given.

(10) In case the trustee fails to give the security provided by this section and a new trustee is not appointed by the creditors, the court may, on the application of any creditor, appoint from among the available authorized trustees a new trustee. New trustee appointed.

**15.** (1) A majority in number of the creditors who hold half or more in amount of the proved debts of twenty-five dollars or upwards may, at their discretion, at any meeting of creditors, substitute any other authorized trustee acting for or within the same bankruptcy district for the trustee named in the receiving order or to whom an authorized assignment has been made. New trustee may be substituted.

(2) An authorized trustee may be removed and another substituted or an additional authorized trustee may be appointed for cause, by the court. Removal.

Property of debtor to vest in new trustee.

(3) When a new trustee is appointed or substituted, all the property and estate of the debtor shall forthwith vest in the new trustee without any conveyance or transfer, and he shall gazette a notice of the appointment or substitution and register an affidavit of his appointment in the office of the registrar of the court from which the receiving order was issued, or in the case of an authorized assignment, in every office in which the original assignment or copy or counterpart thereof was lodged, registered or filed. Registration of such affidavit in any land registration district, land titles office, registry office or other land registration office, or lodging or filing such affidavit as aforesaid, shall have the same effect as the registration, lodging or filing of a conveyance or of a transfer to the new trustee.

Remuneration of removed trustee.

(4) The new trustee shall pay to the removed trustee, out of the funds of the estate, his proper remuneration and disbursements, which shall be ascertained as provided by section forty of this Act.

Trustee, not bound to act unless tendered fees and disbursements.

(5) No authorized trustee shall be bound to accept an authorized assignment or to act as trustee in matters relating to assignments or receiving orders or to compositions, extensions, or arrangements by debtors, if, in his opinion, the realizable value of the property of the debtor is not sufficient to provide the necessary disbursements and a reasonable remuneration for the trustee, unless and until the trustee has been paid or tendered a sum sufficient to defray such disbursements and remuneration.

*Official Name.*

Official name of trustee in bankruptcy or assignment proceedings.

**16.** (1) The official name of an authorized trustee acting in bankruptcy or authorized assignment proceedings shall be "The Trustee of the Property of . . . . . a Bankrupt (or Authorized Assignor)" (inserting the name of the bankrupt or assignor), and by that name the trustee may in any part of Canada or elsewhere hold property of every description, make contracts, sue or be sued, enter into any engagement binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

In composition or extension proceedings.

(2) The official name of an authorized trustee acting with respect to proceedings by a debtor for a composition of, or extension of time for the payment of, his debts, or an arrangement of his affairs shall be "The Trustee acting in *re* the proposal of . . . . . (insert the name of the debtor) for a composition of his debts" or "arrangement of his affairs."

*Duties and Powers of Trustees.*

Duties and powers of trustee.

**17.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the debtor

and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the debtor, be in the same position as if he were a receiver of the property, appointed by the court, and the court may, on his application enforce such acquisition or retention accordingly. Trustee to be receiver.

(3) Unless otherwise directed in writing by the inspectors, the trustee shall forthwith, on the making of a receiving order or execution of an authorized assignment, insure and keep insured in his official name until sold or disposed of by him all the insurable property of the debtor, to the full insurable value thereof, in insurance companies duly authorized to carry on business in the province wherein the insured property is situate. To insure property of debtor.

(4) All insurance covering property of the debtor in force at the date of the making of such receiving order or execution of such assignment shall, immediately upon such making or executing, and without any notice to the insurer or other action on the part of the trustee, and notwithstanding any statute or rule of law or contract or provision to a contrary effect, become and be, in the event of loss suffered, payable to the trustee, as fully and effectually as if the name of the trustee were written in the policy or contract of insurance as that of the insured, or as if no change of title or ownership had come about and the trustee were the insured. Losses payable to trustee.

**18.** Subject to the provisions of this Act, an authorized trustee may do all or any of the following things:— Powers of trustee to deal with property.

- (a) Give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;
- (b) Prove, rank, claim and draw a dividend in respect of any debt due to the debtor;
- (c) Exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act.

**19.** (1) Where any property of the debtor vesting in an authorized trustee consists of patented articles or goods which were sold to the debtor subject to any restrictions or limitations, the trustee shall not be bound by any such restrictions or limitations but may sell and dispose of any such patented articles, or goods as hereinbefore provided, free and clear of any such restrictions or limitations. Trustee to have right to sell patented articles.

Right of  
manufacturer.

(2) If the manufacturer or vendor of any such patented articles or goods objects to the disposition of them by the trustee as aforesaid and gives to the trustee notice in writing of such objection within five days after the date of the receiving order or authorized assignment, such manufacturer or vendor shall have the right to purchase such patented articles or goods at the invoice prices thereof, subject to any reasonable deduction for depreciation or deterioration.

Copyright.

(3) Where the property of a bankrupt or authorized assignor comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee shall not be entitled to sell, or authorize the sale of, any copies of the work, or to perform or authorize the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt or authorized assignor, nor shall he, without the consent of the author or of the court, be entitled to assign the right or transfer the interest or to grant any interest in the right by license, except upon terms which will secure to the author payments by way of royalty or share of the profits at a rate not less than that which the bankrupt or authorized assignor was liable to pay.

Powers  
exercisable  
by trustee  
with  
permission  
of inspectors

**20.** (1) The trustee may, with the permission in writing of the inspectors, do all or any of the following things:—

- (a) Sell all or any part of the property of the debtor (including the goodwill of the business, if any, and the book debts due or growing due to the debtor), by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;
- (b) Carry on the business of the debtor, so far as may be necessary for the beneficial winding-up of the same;
- (c) Bring, institute, or defend any action or other legal proceeding relating to the property of the debtor;
- (d) Employ a solicitor or other agent to take any proceedings or do any business, which may be sanctioned by the inspectors;
- (e) Accept as the consideration for the sale of any property of the debtor a sum of money payable at a future time subject to such stipulations as to security and otherwise as the inspectors think fit;
- (f) Mortgage or pledge any part of the property of the debtor for the purpose of raising money for the payment of his debts;
- (g) Refer any dispute to arbitration, compromise any debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, sub-



sisting or supposed to subsist between the debtor and any person who may have incurred any liability to the debtor, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

- (h) Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable against the estate;
- (i) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the debtor, made or capable of being made on the trustee by any person or by the trustee on any person;
- (j) Divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

(2) The permission given for the purposes of this section shall not be a general permission to do all or any of the above mentioned things but shall only be a permission to do any particular thing or things for which permission is sought in the specified case or cases.

Permission not general.

- (3) (a) All sales of property made by the trustee shall vest in the purchaser all the legal and equitable estate of the debtor therein;

Effect of sales of property by trustee.

(b) in the province of Quebec, if the sale has been made at public auction at the place prescribed and after advertisement as required for the sale of immoveable property by sheriff, in the district or place where such immoveable property is situate, the sale made by the trustee shall have the same effect as to mortgages, hypothecs, privileges or other real rights then existing thereon as if the same had been made by the sheriff in the said province under a writ of execution issued in the ordinary course, and the title conveyed by such sale in the said province shall have equal validity with a title created by sheriff's sale, and the conveyance of the trustee shall have the same effect as a sheriff's deed in the said province. Such sale shall be subject to the contribution to the building and jury fund provided for in the case of sheriff's sales. In case of false bidding the same recourse as in case of sheriff's sale may be exercised against the false bidder in the manner prescribed by General Rules.

Sales in province of Quebec.

**21.** The trustee, with the permission in writing of the inspectors, may appoint the debtor himself to superintend the management of the property of the debtor or any part thereof, or carry on the trade (if any) of the debtor for the benefit of his creditors, and in any other respect to aid in

Power to allow bankrupt to manage property.

administering the property in such manner and on such terms as the trustee may direct, and may, with like permission, make from time to time such allowance as he may think just to the debtor out of his property for the support of the debtor and his family, or in consideration of his services, if he is engaged in winding-up his estate, but any such allowance may be reduced by the court.

Allowance to bankrupt.

Protection of trustee from personal liability in certain cases.

**22.** (1) Where the trustee has seized or disposed of any property in the possession or on the premises of a debtor against whom a receiving order has been made or by whom an authorized assignment has been made, without notice of any claim by any person in respect of such property and it is thereafter made to appear that the property was not at the date of the making of said receiving order or assignment the property of the debtor, the trustee shall not be personally liable for any loss or damage arising from such seizure or disposal sustained by any person claiming such property, nor for the costs of any proceedings taken to establish a claim thereto, unless the court is of opinion that the trustee has been guilty of negligence in respect of the same.

Inspection of goods held in pledge.

(2) Where any goods of a debtor against whom a receiving order has been made or by whom an authorized assignment has been made, are held by any person by way of pledge, pawn, or other security, it shall be lawful for the trustee, after giving notice in writing of his intention to do so, to inspect the goods, and, where such notice has been given, such person as aforesaid shall not be entitled to realize his security until he has given the trustee a reasonable opportunity of inspecting the goods and of exercising his right of redemption if he thinks fit to do so.

Books to be kept by trustee.

**23.** The authorized trustee of a bankrupt or assignor shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor of the bankrupt or authorized assignor may, subject to the control of the court, personally or by his agent inspect any such books.

Report to creditors by trustee.

**24.** (1) The authorized trustee of a bankrupt or assignor shall from time to time report,—

(a) when required by the inspectors, to every creditor; and,

(b) when required by any specific creditor, to such creditor,

showing the condition of the debtor's estate, the moneys on hand, if any, and particulars of any property remaining

unsold. The trustee shall be entitled to charge against the estate of the debtor, for the preparation and delivery of any such report, only his actual disbursements.

(2) The authorized trustee of a bankrupt or assignor (but not the trustee under a composition, extension or arrangement of a debtor's debts or affairs) shall promptly after their receipt or preparation mail to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of,—

Documents  
to be  
forwarded  
to Ottawa.

(a) the notice referred to in subsection four of section eleven of this Act;

(b) the statement referred to in subsection one of section fifty-four of this Act;

(c) the abstract of receipts and disbursements and the dividend sheet referred to in subsection two of section thirty-seven of this Act;

(d) every order made by the court upon the application for discharge of any bankrupt or authorized assignor; and,

(e) the statement prepared by the trustee upon which a final dividend is declared.

(3) Any person shall be entitled to examine and make copies of all or any of the documents mentioned in subsection two hereof, which are in the possession of the trustee.

Right to  
examine.

#### *Administration of Estate.*

**25.** The property of the debtor divisible amongst his creditors (in this Act referred to as the property of the debtor) shall not comprise the following particulars:—

Description  
of debtor's  
property  
divisible  
amongst  
creditors.

(i) Property held by the debtor in trust for any other person;

(ii) Any property which as against the debtor is exempt from execution or seizure under legal process in accordance with the laws of the province within which the property is situate and within which the debtor resides.

But it shall comprise the following particulars:—

(a) All such property as may belong to or be vested in the debtor at the date of the presentation of any bankruptcy petition or at the date of the execution of an authorized assignment, and, in the case of a bankrupt, all property which may be acquired by or devolve on him before his discharge; and,

(b) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of the property as might have been exercised by the debtor for his own benefit at the date of said petition or assignment, or, in the case of such bankrupt, before his discharge.

Property not to be removed from province.

**26.** (1) No property of an estate of a bankrupt or of an authorized assignor shall be removed out of the province where such property was at the date when any receiving order or authorized assignment was made, without the consent in writing of the inspectors or the order of the court in which proceedings under this Act are being carried on or within the jurisdiction of which such property is situate.

Moneys to be deposited in bank.

(2) The trustee shall deposit in a chartered bank the proceeds of the sale of any property of the estate of the bankrupt or the authorized assignor and all other moneys realized on account of any trust estate which he is administering under this Act and he shall not withdraw or remove therefrom, without the consent in writing of the inspectors or the order of the court, any such moneys, except for payment of dividends and other charges incidental to the administration of the estate.

Not into private account.

(3) No trustee in a bankruptcy or under any authorized assignment or composition or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

Continuance of business by trustee.

**27.** If the trustee is directed to continue the business of a debtor he may incur obligations and make necessary or advisable advances, which obligations and advances so incurred or made shall be discharged or repaid to the trustee out of the assets of the debtor in priority to the claims of the creditors. Provided that,—

(a) the creditors or inspectors may by resolution limit the amount of the obligations or advances which may be made or paid by the trustee in the continuance of the business or the period of time for the continuance of the business; and,

(b) the trustee shall not be under obligation to continue the business if in his opinion the realizable value of the assets of the debtor is insufficient to fully protect him against possible loss from so doing, and if the creditors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss.

Law of set-off to apply.

**28.** (1) The law of set-off shall apply to all claims made against the estate, and also to all actions instituted by the trustee for the recovery of debts due to the debtor in the same manner and to the same extent as if the debtor were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

How claims are to rank where different estates.

(2) If any debtor who has made an authorized assignment or against whom a receiving order has been made, owes or owed debts both individually and as a member

of one or more different co-partnerships, the claims shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other or others after all the creditors of such other estate or estates have been paid in full.

*Settlement and Preferences.*

**29.** (1) Any settlement of property hereafter made, not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt or insolvent or makes an authorized assignment within one year after the date of the settlement, be void against the trustee in the bankruptcy or of the assignment and shall, if the settlor becomes bankrupt or insolvent or makes an assignment as aforesaid at any subsequent time within five years after the date of the settlement, be void against such trustee, unless the parties claiming under the settlement can prove that the settlor was, at the time of making the settlement, able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property passed to the trustee of such settlement on the execution thereof.

Avoidance  
of certain  
settlements.

(2) Any covenant or contract hereafter made by any person (hereinafter called "the settlor") in consideration of his or her marriage, either for the future payment of money for the benefit of the settlor's wife or husband or children, or for the future settlement on or for the settlor's wife or husband or children, of property, wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, shall, if the settlor is adjudged bankrupt or makes an authorized assignment as aforesaid, and the covenant or contract has not been executed at the date of the petition in bankruptcy or said assignment, be void against such trustee except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy or assignment proceedings under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors for valuable consideration in money or money's worth have been satisfied.

Certain  
marriage  
contracts  
void as  
against  
trustee.

(3) Any payment of money hereafter made (not being payment of premiums on a policy of life insurance in favour of the husband, wife, child or children of the settlor)

Payments  
and transfers  
void, subject  
to proof of  
certain facts.  
or

or any transfer of property hereafter made by the settlor in pursuance of such a covenant or contract as aforesaid, shall be void against the trustee unless the person to whom the payment or transfer was made prove either,—

- (a) that the payment or transfer was made more than six months before the date of the petition in bankruptcy or the date of the authorized assignment; or,
- (b) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or,
- (c) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor;

but, in the event of any such payment or transfer being declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the date of the said petition or assignment.

“Settle-  
ment”  
defined.

(4) “Settlement” shall, for the purpose of this section, include any conveyance or transfer of property.

Avoidance  
of general  
assignment of  
book debts.

**30.** (1) Where a person engaged in any trade or business makes an assignment to any other person of his existing or future book debts, or any class or part thereof, and is subsequently adjudicated bankrupt or makes an authorized assignment, the assignment of book debts shall be void against the trustee in the bankruptcy, or under the authorized assignment, as regards any book debts which have not been paid at the date of the petition in bankruptcy or of the authorized assignment, unless there has been compliance with the provisions of any statute which now is or at any time hereafter may be in force in the province wherein such person resides or is engaged in said trade or business as to registration, notice and publication of such assignments. Provided that nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for value, or in any authorized assignment.

“Assign-  
ment”  
defined.

(2) For the purposes of this section “assignment” includes assignment by way of security and other charges on book debts.

Avoidance  
of preference  
in certain  
cases.

**31.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred,

incurred, and every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor with a view of giving such creditor a preference over the other creditors or which has the effect of giving such creditor a preference over the other creditors shall, if the person making, incurring, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, incurring, taking, paying or suffering the same, or if he makes an authorized assignment, within three months after the date of the making, incurring, taking, paying or suffering the same, if made, incurred, taken, paid or suffered with such view as aforesaid, be deemed fraudulent and void as against the trustee in the bankruptcy or under the authorized assignment, or if it has such effect as aforesaid be presumed *primâ facie* to have been made with a view of giving such creditor a preference over the other creditors, whether it was made voluntarily or under pressure, and if held to have been made with such view, be deemed fraudulent and void as aforesaid.

(2) For the purposes of this section, the expression "creditor" shall include a surety or guarantor for the debt due to such creditor. "Creditor" defined.

**32.** (1) Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy or of an authorized assignment on an execution, attachment or other process against property; and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate, in the case of a bankruptcy or an authorized assignment,—

Payments, conveyances and contracts for adequate consideration, protected.

- (a) any payment by the bankrupt or assignor to any of his creditors;
- (b) any payment or delivery to the bankrupt or assignor;
- (c) any conveyance or transfer by the bankrupt or assignor for adequate valuable consideration;
- (d) any contract, dealing, or transaction by or with the bankrupt or assignor for adequate valuable consideration;

provided that both the following conditions are complied with, namely:—

(i) that the payment, delivery, conveyance, assignment, transfer, contract, dealing, or transaction, as the case may be, is in good faith and takes place before the date of the receiving order or authorized assignment; and,

(ii) that the person (other than the debtor) to, by, or with whom the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, transfer,

contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt or assignor before that time.

“Adequate valuable consideration” defined.

(2) The expression “adequate valuable consideration” in paragraph (c) of this section means a consideration of fair and reasonable money value with relation to that of the property conveyed, assigned or transferred, and in paragraph (d) hereof means a consideration of fair and reasonable money value with relation to the known or reasonably to be anticipated benefits of the contract, dealing or transaction.

Recovering proceeds if reconveyed.

**33.** If a person in whose favour any settlement of property, conveyance or transfer which is void under this Act has been made, shall have sold, disposed of, realized on or collected the property so conveyed or transferred, or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee as such, who may recover such property or the value thereof from the person in whose favour such settlement of property, conveyance or transfer was made or from any other person to whom the person in whose favour such settlement of property, conveyance or transfer was made may have resold, redispensed of or paid over the proceeds of such property as fully and effectually as the trustee could have recovered the same if it had not been so sold, disposed of, realized on or collected. Provided that where any person to whom such property has been sold or disposed of shall have paid or given therefor in good faith fair and reasonable consideration he shall not be subject to the operation of this section but the trustee’s recourse shall be solely against the person in whose favour such settlement was made for recovery of the consideration so paid or given or the value thereof; and further provided that in case the consideration payable for or upon any sale or resale of such property or any part thereof shall remain unsatisfied the trustee shall be subrogated to the rights of the vendor to compel payment or satisfaction.

Dealings with undischarged bankrupt.

**34.** (1) All transactions by a bankrupt with any person dealing with him *bona fide* and for value, in respect of property whether real or personal, acquired by the bankrupt after the making of a receiving order shall, if completed before any intervention by the trustee, be valid against the trustee, and any estate or interest in such property which by virtue of this Act is vested in the trustee shall determine and pass in such manner and to such extent as may be required for giving effect to any such transaction. For the purposes of this subsection, the receipt of any money, security, or negotiable instrument, from or by the order or direction of a bankrupt by his banker, and any payment



payment and any delivery of any security or negotiable instrument made to, or by the order or direction of a bankrupt by his banker, shall be deemed to be a transaction by the bankrupt with such banker dealing with him for value.

(2) Where a banker has ascertained that a person having an account with him is an undischarged bankrupt, then, unless the banker is satisfied that the account is on behalf of some other person, it shall be his duty forthwith to inform the trustee in the bankruptcy of the existence of the account, and thereafter he shall not make any payments out of the account, except under an order of the court or in accordance with instructions from the trustee in the bankruptcy, unless by the expiration of one month from the date of giving the information no instructions have been received from the trustee.

Bank must  
notify  
trustee.

**35.** If at any time a creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the bankrupt's or authorized assignor's estate, and the trustee, under the direction of the creditors or inspectors, refuses or neglects to take such proceeding after being duly required to do so, the creditor may, as of right, obtain from the court an order authorizing him to take proceedings in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the trustee as the court may prescribe, and thereupon any benefit derived from the proceedings shall, to the extent of his claim and full costs, belong exclusively to the creditor instituting the same; but if, before such order is granted, the trustee shall, with the approval of the inspectors, signify to the court his readiness to institute the proceedings for the benefit of the creditors, the order shall prescribe the time within which he shall do so, and in that case the advantage derived from the proceedings, if instituted within such time, shall belong to the estate.

Proceedings  
by creditor  
when trustee  
refuses to act.

#### *Contributories to Insolvent Corporations.*

**36.** (1) This section shall apply only to corporations which have become bankrupt or authorized assignors under this Act.

Insolvent  
corporations.

(2) Every shareholder or member of a corporation or his representative shall be liable to contribute the amount unpaid on his shares of the capital or on his liability to the corporation or to its members or creditors, as the case may be, under the Act, charter or instrument of incorporation of the company or otherwise; such shareholder or member will hereinafter be referred to as the "contributory."

Contributory  
shareholders.

Amount payable to trustee.

(3) The amount which the contributory is liable to contribute shall be deemed an asset of the corporation and a debt payable to the trustee forthwith upon the making of a receiving order against the corporation or on the execution by the corporation of an assignment for the general benefit of creditors.

Liability on transferred shares.

(4) If a shareholder has transferred his shares under circumstances which do not, by law, free him from liability in respect thereof, or if he is by law liable to the corporation or to its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the corporation for the purposes of this Act and shall be liable to contribute as aforesaid to the extent of his liabilities to the corporation or its members or creditors independently of this Act.

Payable to trustee.

(5) The amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid.

Demand on contributory by trustee.

(6) The trustee may from time to time make demand on any contributory requiring him to pay to the trustee within thirty days from and after the date of the service of such demand, the amount for which such person is so liable to contribute or such portion thereof as the trustee deems necessary or expedient. Any such demand shall be deemed to have been properly served if delivered personally to the contributory or if a copy of the same is mailed in a registered prepaid letter addressed to the contributory at his last known address or at the address shown in or by the stock register or other books of the corporation.

Notice of disputed liability.

(7) If the contributory disputes liability, either in whole or in part, he shall within fifteen days from the service of such demand give notice in writing to the trustee stating therein what portion of the demand is disputed and setting out his grounds of defence and he shall not thereafter, unless by leave of the court, be permitted to plead in any action or proceeding brought against him by the trustee any grounds of defence of which he has not notified the trustee within said fifteen days.

Recovery.

(8) If at the expiration of thirty days from the date of the service of such demand the contributory has not paid to the trustee the required amount, the trustee may, with the approval of the inspectors of the estate, institute in a court having jurisdiction in debt to such amount, an action or other proceeding for the recovery thereof.

Excessive or unjust demand.

(9) If the contributory considers the demand excessive or unjust he may apply to the court to reduce or disallow it.

Order of court.

(10) If the court considers the demand to be grossly excessive or unjust it may order the trustee to pay personally the costs of any such application.

Adjustment of rights of contributories.

(11) The court shall, on the application of any contributory, adjust the rights of the contributories among them-

selves without the intervention of the trustee and without expense to the estate.

### *Dividends.*

**37.** (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee in bankruptcy or in authorized assignment proceedings shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts. Such dividend as can be paid shall be so paid within six months from the date of the receiving order or assignment, and earlier, if required by the inspectors. Thereafter a further dividend shall be paid whenever the trustee has sufficient moneys on hand to pay to the creditors ten per cent, and more frequently if required by the inspectors, until the estate is wound up and disposed of.

Trustee to pay dividends promptly.

(2) So soon as a final dividend sheet is prepared the trustee shall send by mail to every creditor (1) a notice of the fact, (2) an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and (3) a copy of the dividend sheet with notice thereon (*a*) of the claims objected to and (*b*) whether any reservation has been made therefor. After the expiry of fifteen days from the date of the mailing of the last of said notices, abstracts and dividend sheets, dividends on all debts not objected to up to the time of payment shall be paid.

Abstract of receipts and disbursements.

(3) Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive, before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Right of creditor who has not proved debt before declaration.

(4) Where one partner of a firm is adjudged bankrupt, or makes an authorized assignment, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt or authorized assignor until all the separate creditors have received the full amount of their respective debts.

Dividends on separate property of bankrupt partner.

(5) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, on the application of any person interested, be declared together, and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to work done for and the benefit received by each property.

Dividends on joint and separate properties.

Final  
dividends.

(6) When the trustee has realized all the property of the bankrupt, or authorized assignor, or so much thereof as can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice by registered prepaid letter posted to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the court within a time limited by the notice (which shall be within thirty days after the mailing or service of the notice), he will proceed to make a final dividend without regard to their claims.

Division  
of property.

(7) After the expiration of the time so limited, or, if the court on application by any such claimant grants him further time for establishing his claim, then on the expiration of such further time, the property of the bankrupt, or authorized assignor shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

Distribution  
of estate of  
bankrupt  
after notice.

(8) Where a trustee has published the notice in the form and in the manner provided by section eleven, subsection four, of this Act and has mailed prepaid and registered a copy of such notice to each creditor of the bankrupt or assignor of whom he has notice or knowledge, such trustee shall at the expiration of thirty days from the date of the mailing of the last of the said notices or from the date of last publication (whichever date should last occur) be at liberty to distribute the proceeds of the estate of the bankrupt or assignor among the parties entitled thereto, having regard only to the claims of which the trustee has then notice, and shall not be liable for the proceeds of the estate or assets or any part thereof so distributed to any person of whose claim the trustee has not notice at the time of the distribution thereof. The trustee shall, not later than six months after he is at liberty pursuant to the provisions of this section to distribute the proceeds of the estate of the bankrupt or assignor, pay to the Receiver General of Canada all declared but unpaid dividends remaining in his hands, and shall at the same time provide a list of the names and post office addresses, so far as known, of the creditors entitled, showing the respective amounts payable to the respective creditors. The Receiver General shall, thereafter, upon application made, pay to any unpaid creditor his proper dividend as shown on such list, and such payment shall have effect as if made by the trustee.

No action  
for dividend.

(9) No action for a dividend shall lie against the trustee but if the trustee refuses to pay any dividend, the court may, if it thinks fit, order him to pay it, and also to pay

out of his own money interest thereon for the time that it is withheld and the costs of the application.

**38.** The debtor shall be entitled to any surplus remaining after payment in full of his creditors with interest as by this Act provided and of the costs, charges and expenses of the proceedings under the bankruptcy petition or under the authorized assignment.

Right of debtor to surplus.

#### *Appeals from Decisions of Trustee.*

**39.** If the debtor or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the court and the court may confirm, reverse or modify the act or decision complained of and make such order in the premises as it thinks just.

Appeal to court against trustee.

#### *Remuneration of Trustee.*

**40.** (1) The trustee in bankruptcy or in any other proceedings under this Act shall receive such remuneration as shall be voted to him by the creditors at any general meeting.

Remuneration of trustee.

(2) Where the remuneration of the trustee has not been fixed under the next preceding subsection before the final dividend, the trustee may insert in the final dividend sheet and retain as his remuneration a sum not exceeding five per cent of the cash receipts, subject to reduction by the court upon application of any creditor or of the debtor.

Limited to 5 per cent.

(3) The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts.

Not to exceed 5 per cent.

(4) The disbursements of a trustee shall in all cases be taxed by the prescribed authority unless such taxation is waived either by creditors at a general meeting called prior to the declaration of the final dividend, or by the inspectors.

Disbursements to be taxed.

#### *Discharge of Trustee.*

**41.** (1) When the affairs of an estate have been fully administered, or, for sufficient cause, before full administration, an authorized trustee may, upon his own request, be discharged from further performance of all or any of his duties and obligations with respect to such estate.

Discharge of trustee.

(2) Such discharge may be granted by order of the court.

How granted.

(3) The grant of such discharge (whether full or partial) shall operate as a release of the special security provided pursuant to subsection eight of section fourteen.

Release of security.

(4) The trustee shall finally dispose of all books and papers of the estate of the bankrupt or authorized assignor in manner prescribed by General Rules.

Disposal of books, etc.

## PART IV.

## CREDITORS.

*Meetings of Creditors.*Meetings of  
creditors.

**42.** (1) As soon as may be after the making of a receiving order against a debtor or after the making of an authorized assignment by a debtor, a general meeting of creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering the affairs of the debtor and to appoint inspectors and give directions to the trustee with reference to the disposal of the estate.

Notice of  
first meeting.

(2) It shall be the duty of the trustee to inform himself, by reference to the debtor and his records and otherwise, of the names and addresses of the creditors, and within five days from the date of the receiving order or assignment, to mail prepaid and registered to every creditor known to him a circular calling the first meeting of creditors at his office or some other convenient place to be named in the notice, for a date not later than fifteen days after the mailing of such notice.

Meeting of  
creditors  
by request.

(3) The trustee may at any time call a meeting of creditors, and he shall do so whenever requested in writing by twenty-five per cent in number of the known creditors holding twenty-five per cent in value of the known claims. But, after the first meeting he shall not be under obligation to give notice of any meeting to any creditors other than those who have proved their debts.

Notice of  
subsequent  
meetings.

(4) Meetings other than the first thereof shall be called by mailing or otherwise giving notice of the time and place thereof to each creditor at the address given in his proof of claim.

Chairman  
of meetings.

(5) At all meetings the chairman shall be such person as the meeting by resolution appoints, and he may with the consent of the meeting adjourn the meeting from time to time and from place to place.

Quorum.

(6) A meeting shall not be competent to act for any purpose except the election of a chairman of and the adjournment of the meeting, unless there are present or represented at least three creditors, or all the creditors if their number does not exceed three.

Adjournment.

(7) If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven nor more than twenty-one days.

Minutes of  
meeting.

(8) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book

kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

(9) A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy or under an authorized assignment to be due to him from the debtor, and the proof has been duly lodged with the trustee before the time appointed for the meeting.

Right of creditor to vote.

(10) For the purpose of voting, a secured creditor shall unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security.

Voting by secured creditor.

(11) A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, or by whom an authorized assignment has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

Creditor secured by bill or note.

(12) The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to, and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

Power of chairman to admit or reject proof.

(13) A creditor may vote either in person or by proxy deposited with the trustee at or before the meeting at which it is to be used. The trustee shall send to each creditor with the notice summoning the first meeting of creditors, a proxy in the form prescribed by General Rules; but neither the name of the trustee nor of any other person shall be printed or inserted in the proxy before it is so sent. A proxy shall not be invalid merely because it is in the form of a letter, telegram or cable.

Voting by proxy.

(14) Subject to the provisions of this Act, all questions at meeting of creditors shall be decided by resolution carried by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows:—

Scale of votes.

For every claim of or over twenty-five dollars and not exceeding two hundred dollars—one vote;

For every claim of over two hundred dollars and not exceeding five hundred dollars—two votes;

For every claim of over five hundred dollars and not exceeding one thousand dollars—three votes;

For every additional one thousand dollars or fraction thereof—one vote.

Claims  
acquired  
after assign-  
ment.

(15) No person shall be entitled to vote on a claim acquired after the assignment unless the entire claim is acquired, but this shall not apply to persons acquiring notes, bills or other securities upon which they are liable.

Secured  
creditor.

(16) A secured creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim and valued his security as hereinafter provided.

Trustee.

(17) The trustee, if a creditor or a proxy for a creditor, may vote as a creditor at any meeting of creditors, and, in addition, in case of a tie, shall have a casting vote, personally, as if he were a creditor holding a proved claim of twenty-five dollars.

Corporation.

(18) A corporation may vote at meetings of creditors as if a natural person, by an authorized agent.

No vote of  
trustee on  
remuneration.

(19) The vote of the trustee, or of his partner, clerk solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

### *Inspectors.*

Appointment  
of inspectors,  
revocation  
and remuneration.

**43.** (1) At the first or a subsequent meeting the creditors shall appoint one or more, but not exceeding five, inspectors of the administration by the trustee of the estate of the debtor.

(2) The powers of inspectors may be exercised by a majority of them.

(3) The creditors may, at any meeting, revoke the appointment of any inspector and in such event or in case of the death, resignation, or absence from the province of an inspector, may appoint another in his stead.

(4) Each inspector may be repaid his actual and necessary travelling expenses incurred in and about the performance of his duties, and such sums only.

(5) In the event of an equal division of opinion at a meeting of inspectors, the opinion of any absent inspector shall be sought in order to resolve the difference, and in the case of a difference which cannot be so resolved it shall be resolved by the trustee, unless it concerns his personal conduct or interest.

### *Debts Provable.*

Debts  
provable.

**44.** (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, shall not be provable in bankruptcy or in proceedings under an authorized assignment.



(2) Save as aforesaid, all debts and liabilities, present or future, to which the debtor is subject at the date of the receiving order or the making of the authorized assignment or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order or of the making of the authorized assignment, shall be deemed to be debts provable in bankruptcy or in proceedings under an authorized assignment.

(3) The court shall value, at the time and in the summary manner prescribed by General Rules, all contingent claims and all such claims for unliquidated damages as are authorized by this section, and after, but not before, such valuation, every such claim shall for all purposes of this Act, be deemed a proved debt to the amount of its valuation.

#### *Proof of Debts.*

**45.** (1) Every creditor shall prove his debt as soon as may be after the making of a receiving order or after the date of an authorized assignment. Proof of debts.

(2) A debt may be proved by delivering or sending through the post in a prepaid and registered letter to the trustee, a statutory declaration verifying the debt.

(3) The statutory declaration may be made by the creditor himself or by some person authorized by or on behalf of the creditor. If made by a person so authorized, it shall state his authority and means of knowledge.

(4) The statutory declaration shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The trustee may at any time call for the production of the vouchers.

(5) The statutory declaration shall state whether the creditor is or is not a secured creditor.

(6) Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

#### *Proof by Secured Creditors.*

**46.** (1) If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized. (Eng. Sch. 2 No. 10.) Proof by secured creditor.

(2) If a secured creditor surrenders his security to the trustee for the general benefit of the creditors, he may prove for his whole debt. (Eng. Sch. 2 No. 11.) May prove whole debt on surrender.

(3) If a secured creditor does not either realize or surrender his security, he shall within thirty days of the date of the receiving order, or of the making of the authorized assignment, or within such further time as may be allowed Secured creditor to value securities.

allowed by the inspectors, or in case they shall refuse, then within such further time as may be allowed by the court, file with the trustee a statutory declaration stating therein full particulars of his security or securities, the date when each security was given, and the value at which he assesses each thereof. He shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

Power of trustee.

(4) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

May order security to be sold.

(5) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the court may direct. If the sale be by public auction the creditor, or the trustee on behalf of the estate, may bid or purchase.

Creditor may require trustee to elect to exercise power.

(6) Notwithstanding subsections four and five of this section the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within one month after receiving the notice or such further time or times as the court may allow, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

Substitution of amount realized.

(7) Where a security has been realized as provided by this section, the net amount realized shall be paid to the secured creditor and shall be substituted for the amount at which he valued such security in his claim and shall be treated in all respects as an amended valuation by the secured creditor. The costs and expenses of any such sale shall be in the discretion of the court.

Secured creditor may amend.

(8) If the trustee has not elected to acquire the security as hereinbefore provided, a creditor may at any time within two months after filing his claim amend the valuation and proof on showing to the satisfaction of the trustee, or the court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the court shall order, unless the trustee shall allow the amendment without application to the court.

(9) Where a valuation has been amended in accordance with the foregoing subsection, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money, for the time being available for dividend, any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

Rights and liabilities of creditor where valuation amended.

(10) If a secured creditor does not comply with the foregoing subsections he shall be excluded from all share in any dividend.

Exclusion for non-compliance.

(11) Subject to the provisions of subsections five and six of this section, a creditor shall in no case receive more than one hundred cents in the dollar and interest as provided by this Act.

No creditor to receive more than 100 cents on dollar.

#### *Proof in respect of Distinct Contracts.*

**47.** If a debtor was, at the date of the receiving order or authorized assignment, liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts, against the properties respectively liable on the contracts.

Proof in respect of distinct contracts.

#### *Restricted Creditors.*

**48.** (1) Where a married woman has been adjudged bankrupt or has made an authorized assignment, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate hereafter lent or entrusted by him to his wife for the purposes of her trade or business, or claim any wages, salary or compensation for work hereafter done or services hereafter rendered in connection with her trade or business, until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied.

Postponement of husband's claim.

(2) Where the husband of a married woman has been adjudged bankrupt or has made an authorized assignment, his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate hereafter lent or entrusted by her to her husband for the purposes of his trade or business, or claim any wages, salary or compensation for work hereafter done or services hereafter rendered

Postponement of wife's claim.

in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied.

Postpone-  
ment of wage  
claims of  
relatives.

(3) Where any person or firm has been adjudged bankrupt or has made an authorized assignment, any father, son, daughter, mother, brother, sister, uncle or aunt of any such person or of any member of said firm shall not be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work hereafter done or services hereafter rendered to said person or firm exceeding an amount equal to three months' wages, salary or compensation, until all claims of the other creditors of said person or firm for valuable consideration in money or money's worth have been satisfied.

Postpone-  
ment of  
wage claims  
of share-  
holders and  
directors.

(4) Where any corporation has been adjudged bankrupt or has made an authorized assignment no officer, director or shareholder thereof shall be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work hereafter done or services hereafter rendered to such corporation exceeding an amount equal to three months' wages, salary or compensation, until all claims of the other creditors of said corporation for valuable consideration in money or money's worth have been satisfied.

#### *Interest.*

Interest.

**49.** On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order or authorized assignment and provable under this Act, the creditor may prove for interest at a rate not exceeding six per cent per annum to the date of the order or authorized assignment from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

#### *Debts payable at a future time.*

Debts  
payable at a  
future time.

**50.** A creditor may prove for a debt not payable at the date of the receiving order or of the authorized assignment as if it were payable presently and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of six per cent per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Priority of Claims.*

**51.** (1) Subject to the provisions of the next succeeding section as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority,—

Priority of claims.

Firstly, The fees and expenses of the trustee;

Secondly, The costs of the execution creditor (including sheriff's fees and disbursements) coming within the provisions of section eleven, subsections one and ten;

Thirdly, All wages, salaries, commission or compensation of any clerk, servant, travelling salesman, labourer or workman in respect of services rendered to the bankrupt or assignor during three months before the date of the receiving order or assignment.

(2) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith so far as the property of the debtor is sufficient to meet them.

Discharge.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

Partners and separate estates.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy or under an assignment shall be paid *pari passu*.

Equal payment.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order or assignment at the rate of six per cent per annum on all debts proved in the bankruptcy or under the assignment.

Surplus.

(6) Nothing in this section shall interfere with the collection of any taxes, rates or assessments now or at any time hereafter payable by or levied or imposed upon the debtor or upon any property of the debtor under any law of the Dominion, or of the province wherein such property is situate, or in which the debtor resides, nor prejudice or affect any lien or charge in respect of such property created by any such laws.

Taxes.

*Rights of Landlord.*

**52.** (1) Where the bankrupt or authorized assignor is a tenant having goods or chattels on which the landlord has distrained, or would be entitled to distrain, for rent, the right of the landlord to distrain or realize his rent by distress shall cease from and after the date of the receiving

Right of landlord to distrain or realize rent to cease, but priority accorded.

order or authorized assignment and the trustee shall be entitled to immediate possession of all the property of the debtor, but in the distribution of the property of the bankrupt or assignor the trustee shall pay to the landlord in priority to all other debts, an amount not exceeding the value of the distrainable assets, and not exceeding three months' rent accrued due prior to the date of the receiving order or assignment, and the costs of distress, if any.

May prove for surplus.

(2) The landlord may prove as a general creditor for (i) all surplus rent accrued due at the date of said receiving order or assignment; and (ii) any accelerated rent to which he may be entitled under his lease, not exceeding an amount equal to three months' rent.

May not prove as creditor for rent for unexpired term.

(3) Except as aforesaid the landlord shall not be entitled to prove as a creditor for rent for any portion of the unexpired term of his lease, but the trustee shall pay to the landlord for the period during which he actually occupies the leased premises from and after the date of the receiving order or assignment, a rental calculated on the basis of said lease.

Continued occupation by trustee.

(4) In case of continued occupation by the trustee of the leased premises for the purposes of the trust estate any payment of accelerated rent made to the landlord shall be credited to the occupation of the trustee.

Trustee may retain leased premises or may disclaim.

(5) Notwithstanding any provision or stipulation in any lease or agreement, where a receiving order or an authorized assignment has been made, the trustee may within one month from the date of any such receiving order or assignment, by notice in writing signed by him given to the landlord, elect to retain the premises occupied by the bankrupt or assignor at the time of the receiving order or assignment for the unexpired term of any lease under which such premises were held or for such portion of the term as he shall see fit, upon the terms of the lease and subject to payment of the rent therefor provided by such lease or agreement, or he may disclaim the lease or agreement. Should the trustee not give such notice within the time hereinbefore provided, he shall be deemed to have disclaimed the lease or agreement.

Power to assign or sublet.

(6) If the trustee so elects to retain such premises for such unexpired term or portion thereof and the provisions of the lease do not preclude the lessee from assigning the term or subletting the premises the trustee shall have power to assign or sublet for the unexpired term.

Effect of entry into possession.

(7) The entry into possession of the premises by the trustee during the said period of one month shall not be deemed to be evidence of an intention on the part of the trustee to elect to retain the premises nor affect his right to disclaim the lease or agreement.

*Disallowance of Claims.*

**53.** (1) The trustee shall examine every proof and the grounds of the debt, and may require further evidence in support of it. If he considers the claimant is not entitled to rank on the estate, or not entitled to rank for the full amount of his claim, or if directed by a resolution passed at any meeting of creditors or inspectors, he may disallow the claim in whole or in part, and in such case shall give to the claimant a notice of disallowance. The said notice may be given either by serving the claimant with a copy thereof personally or by mailing such copy in a registered prepaid letter, addressed to the claimant at his last-known address, or at the address shown in or by the claimant's proof. Such disallowance shall be final and conclusive unless within thirty days after the service or mailing of the said notice or such further time as the court may on application made within the same thirty days allow, the claimant appeals to the court in accordance with General Rules from the trustee's decision.

Disallowance  
of claims.

Notice.

Appeal.

(2) The court may also expunge or reduce a proof upon the application of a creditor or of the debtor, if the trustee declines to interfere in the matter.

Court may  
expunge or  
reduce proof.

## PART V.

## DEBTORS.

*Duties of Debtors.*

**54.** (1) Where a receiving order or an authorized assignment is made, the bankrupt or assignor shall make out and submit to the trustee a statement of and in relation to his affairs in the prescribed form verified by affidavit and showing the particulars of the debtor's assets, debts, and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given and such further or other information as may be prescribed or as the trustee may require. Such statement shall be submitted within seven days from the date of the receiving order or assignment, but the court may, for special reasons, extend the time.

Duty of  
debtors to  
submit  
statement.

(2) Any person stating himself in writing to be a creditor of the bankrupt or assignor, may personally or by agent inspect the statement at all reasonable times and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee.

Inspection  
by creditor.

Debtor to attend first meeting.

(3) Every debtor against whom a receiving order is made and every assignor who makes an authorized assignment shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

Duties generally.

(4) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and, generally, do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the trustee, or any creditor or person interested.

To aid trustee.

(5) He shall aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

Penalty for failure to perform duties imposed.

(6) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act and which is for the time being in his possession or under his control, to the trustee, or to any person authorized by the court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly.

#### *Arrest of Debtors.*

Arrest of debtors under certain circumstances.

**55.** (1) The court may, by warrant addressed to any constable or prescribed officer of the court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court may order under the following circumstances:—

(a) If, after the presentation of a bankruptcy petition against him, it appears to the court that there is probable reason for believing that he has absconded, or is about to abscond from Canada, with a view of avoiding payment of the debt in respect of which the bankruptcy petition was filed, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;



(b) If, after presentation of a bankruptcy petition against him or after an authorized assignment has been made by him, it appears to the court that there is probable cause for believing that he is about to remove his goods with a view of preventing or delaying possession being taken of them by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or any books, documents or writings which might be of use to the trustee or to his creditors in the course of the bankruptcy or authorized assignment proceedings;

(c) If, after service of a bankruptcy petition on him or after he makes an authorized assignment, he removes any goods in his possession above the value of twenty-five dollars without the leave of the trustee.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences. Payments after arrest

*Examination of Debtors and others.*

**56.** (1) Where a receiving order or an authorized assignment has been made, the trustee, upon ordinary resolution passed by the creditors present or represented at a meeting regularly called, or upon the written request or resolution of a majority of the inspectors of the estate, may, without an order, examine under oath before the registrar of the court or other prescribed person, the debtor or any person who is or has been an agent, clerk, servant, officer, director or employee of the debtor, respecting the debtor, his dealings or property, and, in the case of a bankrupt, as to any property, acquired or disposed of by him subsequently to the date of the receiving order. Examination of debtors and others.

(2) If the debtor, or any person liable to be examined as provided by the preceding subsection, is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fee, but refuses or neglects to attend as required by such appointment or summons, or, if attending, refuses to make satisfactory answers to any questions asked him or refuses to produce any book, document or other paper, having no lawful impediment made known to the examiner at the time of his sitting for such examination and allowed by him, the court may, by warrant, cause the debtor to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for any term not exceeding twelve months. Penalty for failure to attend for examination

(3) The amount of conduct money and witness fee shall be fixed by General Rules. Expenses and fees.

Trustee may require books and other property of debtor to be produced.

(4) If any person has, or is believed or suspected to have, in his possession or power any of the property of the debtor, or any book, document or paper of any kind relating in whole or in part to the debtor, his dealings or property, or shewing that such person is indebted to the debtor, such person may, upon ordinary resolution passed by the creditors present or represented at a regularly called meeting (exclusive of such person, if he is a creditor), or upon the written request or resolution of the majority of the inspectors of the estate, be required by the trustee to produce such book, document or paper for the information of such trustee, or to deliver over to him any such property of the debtor.

Examination on failure to produce.

(5) If such person fails to produce such book, document or other paper, or to deliver over such property, within four days of his being served with a copy of the said resolution and a request of the trustee in that behalf, or if the trustee or the majority of the inspectors is or are not satisfied that full production or delivery has been made, the trustee may, without an order, examine the said person before the registrar of the court or other prescribed person touching any such property, book or document or other paper which he is supposed to have received.

Compelling attendance.

(6) Any such person may be compelled to attend and testify, and to produce upon his examination any book, document or other paper which under this section he is liable to produce, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as is provided by subsections two and three of this section.

Admission of debt.

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

Admission of having debtor's property.

(8) If any person on such examination admits that he has in his possession any property belonging to the debtor, the court may, on the application of the trustee, order him to deliver to the trustee such property, or any part thereof, at such time, and in such manner, and on such terms, as to the court may seem just.

Re-direction of debtor's letters.

**57.** Where a receiving order is made against a debtor or where a debtor makes an authorized assignment, the court, on the application of the trustee, may from time to time order that for such time, not exceeding three months, as the court thinks fit, post letters, post packets and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction, shall be re-directed,

sent or delivered by the Postmaster General or the officers acting under him, or by the various telegraph and cable systems, government and other, operating in Canada, or by the operators thereof, to the trustee, and the same shall be done accordingly.

*Discharge of Bankrupt or Assignor.*

**58.** (1) Any debtor may, at any time after being adjudged bankrupt or making an authorized assignment, apply to the court for an order of discharge, to become effective not sooner than three months next after the date of his being adjudged bankrupt or of his making such assignment, and the court shall appoint a day for hearing the application.

Application for discharge.

(2) A bankrupt or authorized assignor intending to apply for his discharge shall produce to the registrar of the court a certificate from the trustee specifying the names and addresses of his creditors of whom the trustee has notice (whether they have proved or not) and it shall be the duty of the trustee to furnish such certificate upon request therefor by the bankrupt or authorized assignor. The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of the hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to each creditor who has proved his debt like notice.

Notice to creditors of hearing.

(3) The trustee shall file with the registrar of the court, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). If the bankrupt or assignor has been examined, the trustee shall also file such examination, and shall report to the court any fact, matter or circumstance which would, under this Act, justify the court in refusing an unconditional order of discharge.

Trustee to file report with registrar.

(4) On the hearing of the application the court shall take into consideration the report of the trustee, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor or with respect to his after-acquired property.

Court may grant or refuse discharge.

(5) The court shall refuse the discharge in all cases where the bankrupt or authorized assignor has committed any offence under this Act or any offence connected with his bankruptcy or assignment or the proceedings thereunder, unless for special reasons the court otherwise determines,

Powers of court to refuse, suspend or grant conditional discharge.

and shall on proof of any of the facts mentioned in the next succeeding section, either,—

- (a) refuse the discharge; or,
- (b) suspend the discharge for a period of not less than two years: provided that the period may be less than two years if the only fact proved of those hereinafter mentioned is that his assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities; or,
- (c) suspend the discharge until a dividend of not less than fifty cents in the dollar has been paid to the creditors; or,
- (d) require the bankrupt or assignor, as a condition of his discharge, to consent to judgment being entered against him by the trustee for any balance or part of any balance of the debts provable under the bankruptcy or assignment which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after-acquired property of the bankrupt or assignor in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt or assignor has, since his discharge, acquired property or income available towards payment of his debts.

Provided that, if at any time after the expiration of one year from the date of any order made under this section the bankrupt or assignor satisfies the court that there is no reasonable probability of his being in a position to comply with the terms of such order the court may modify the terms of the order, or of any substituted order, in such manner and upon such conditions as it may think fit.

Facts on which discharge may be refused, suspended or granted conditionally.

**59.** The facts referred to in the next preceding section are,—

- (a) that the assets of the bankrupt or assignor are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;
- (b) that the bankrupt or assignor has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or the making of the assignment;
- (c) that the bankrupt or assignor has continued to trade after knowing himself to be insolvent;

- (d) that the bankrupt or assignor has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;
- (e) that the bankrupt or assignor has brought on, or contributed to, his bankruptcy or assignment by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;
- (f) that the bankrupt or assignor has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;
- (g) that the bankrupt or assignor has, within three months preceding the date of the receiving order or assignment, incurred unjustifiable expense by bringing a frivolous or vexatious action;
- (h) that the bankrupt or assignor has, within three months preceding the date of the receiving order or of the making of the assignment, when unable to pay his debts as they became due, given an undue preference to any of his creditors;
- (i) that the bankrupt or assignor has, within three months preceding the date of the receiving order or of the making of the assignment, incurred liabilities with a view of making his assets equal to fifty cents in the dollar on the amount of his unsecured liabilities;
- (j) that the bankrupt or assignor has, on any previous occasion, been adjudged bankrupt or has made an authorized assignment or made a composition, extension or arrangement with his creditors;
- (k) that the bankrupt or assignor has been guilty of any fraud or fraudulent breach of trust.

**60.** (1) For the purposes of the preceding section the assets of a bankrupt or authorized assignor shall be deemed of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt or assignor has realized, or is likely to realize, or with due care in realization, might have realized an amount equal to fifty cents in the dollar on his unsecured liabilities, and a report by the trustee shall be *primâ facie* evidence of the amount of such liabilities.

Assets of debtor when deemed equal to fifty cents on dollar.

(2) For the purposes of this and the next preceding sections the report of the trustee shall be *primâ facie* evidence of the statements therein contained.

Report of trustee *primâ facie* evidence.

(3) Any statutory disqualification on account of bankruptcy shall cease if and when the bankrupt obtains from the court his discharge with a certificate to the effect that the bankruptcy was caused by misfortune without any misconduct on his part. The court may, if it thinks

Court may grant certificate.

fit, grant such a certificate, and a refusal to grant such a certificate shall be subject to appeal.

Examination  
of debtor  
may be read.

(4) At the hearing of the application, the court may read the examination of the bankrupt or assignor, and may put such further questions to him and receive such evidence as it may think fit.

Counsel.

(5) The trustee, the debtor and any creditor may attend and be heard in person or by counsel.

Power to  
suspend.

(6) The powers of suspending and of attaching conditions to the discharge of a bankrupt or authorized assignor may be exercised concurrently.

Fraudulent  
settlements.

(7) In either of the following cases, that is to say:—

(a) In the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or,

(b) In the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or makes an authorized assignment or compounds or arranges with his creditors, and it appears to the court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the court may refuse or suspend an order of discharge or grant an order subject to conditions, or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

Debts not  
released by  
order of  
discharge.

**61.** (1) An order of discharge shall not release the bankrupt or authorized assignor,—

(a) from any debt on a recognizance nor from any debt with which the bankrupt or assignor may be chargeable at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence, and he shall not be discharged from such excepted debts unless an order in council proceeding from the Crown in the proper right is filed in court consenting to his being discharged therefrom; or,

(b) from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which

he was party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party; or,

- (c) from any liability under a judgment against him in an action for seduction, or under an affiliation order, or for alimony or under a judgment against him as a co-respondent in a matrimonial case, except to such an extent and under such conditions as the court expressly orders in respect of such liability; or,  
 (d) from any debt or liability for necessaries of life, and the court may make such order for payment thereof as it deems just or expedient.

(2) An order of discharge shall release the bankrupt or assignor from all other debts provable in bankruptcy or under an authorized assignment. Debts released.

(3) An order of discharge shall not release any person who at the date of the receiving order or assignment was a partner or co-trustee with the bankrupt or authorized assignor or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him. Partner or co-trustee not released.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge. Evidence.

(5) Notice of the order of discharge of a bankrupt. or authorized assignor shall be forthwith gazetted. Notice of discharge.

**62.** (1) Where, in the opinion of the court, a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the court that the debts of the bankrupt are paid in full, the court may, on the application of any person interested, by order annul the adjudication. Power of Court to annul adjudication.

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done by the trustee, or other person acting under his authority, or by the court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the court may declare by order. Effect of annulment.

(3) Notice of the order annulling an adjudication shall be forthwith gazetted and published in a local paper. Notice.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor Filing bond or payment into court,  
enters

satisfaction of  
debt.

enters into a bond, in such sum and with such sureties as the court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into court.

## PART VI.

### COURTS AND PROCEDURE.

#### *Jurisdiction.*

Courts  
jurisdiction.

**63.** (1) The following named courts are constituted Courts of Bankruptcy and invested within their territorial limits as now established, or as these may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers:—

- (a) In the provinces of Alberta, British Columbia, Nova Scotia, Ontario and Prince Edward Island, the Supreme Court of the province;
- (b) In the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;
- (c) In the Province of New Brunswick, the King's Bench Division of the Supreme Court of the province;
- (d) In the province of Quebec, the Superior Court of the province; and,
- (e) In the Yukon Territory, the Territorial Court of the Yukon Territory.

Power of  
judge in  
chambers.

(2) Subject to the provisions of this Act and to General Rules, the judge of the court exercising jurisdiction in bankruptcy or in authorized assignment proceedings may exercise in chambers the whole or any part of his jurisdiction.

Appeal  
courts.

(3) The courts in this subsection named are constituted Appeal Courts of Bankruptcy, and, subject to the provisions of this Act with respect to appeals, are invested with power and jurisdiction to make or render on appeal asserted, heard and decided according to their ordinary procedure, except as varied by General Rules, the order or decision which ought to have been made or rendered by the court appealed from. All appeals asserted under authority of this Act shall be made,—

- (a) In the provinces of Alberta, Nova Scotia and Prince Edward Island, to the Supreme Court *in banc* of the province;



- (b) In the provinces of British Columbia, Manitoba and Saskatchewan, to the Court of Appeal of the province;
- (c) In the province of Ontario, to the Appellate Division of the Supreme Court of the province;
- (d) In the province of New Brunswick, to the Appeal Division of the Supreme Court of the province;
- (e) In the province of Quebec, to the Appeal side of the Court of King's Bench;
- (f) In the Yukon Territory, to the Court of Appeal of the province of British Columbia.

*Sittings and Distribution of Business of Courts.*

**64.** (1) The courts having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of their powers hereunder by the order of any other court.

Courts not subject to be restrained.

(2) Periodical sittings for the transaction of the business of such courts shall be held at such times and places and at such intervals as each of such courts shall for itself prescribe.

Periodical sittings.

(3) Except as otherwise provided by this Act, all the powers and jurisdiction in bankruptcy and otherwise conferred by this Act may and shall be exercised by or under the direction of one of the judges of the court upon which such powers and jurisdiction are so conferred, and the Minister of Justice shall from time to time assign a judge or judges of such court for that purpose. The judgment, decision or order of such judge shall be deemed the judgment, decision or order of the court, and references in this Act to the court shall, where necessary, apply to such judge exercising the powers and jurisdiction of such court. Provided that during vacation or during the illness of the judge so assigned or during his absence, or for any other reasonable cause, such powers and jurisdiction or any part thereof may be exercised by or under the direction of any judge of the court named for that purpose by the Chief Justice thereof.

Transaction of bankruptcy business by special judge.

(4) The Chief Justice of each court upon which such powers and jurisdiction are so conferred shall from time to time appoint and assign such registrars, clerks, and other officers in bankruptcy as he deems necessary or expedient for the transaction or disposal of matters in respect of which power or jurisdiction is given by this Act.

Registrar, clerks and officers.

(5) Each province of Canada shall constitute for the purposes of this Act, one bankruptcy district, but the Governor in Council may divide any such bankruptcy district into two or more bankruptcy divisions, and name or number them. A judge shall be assigned to each of such divisions to exercise therein the powers and jurisdiction conferred by this Act on the court of which he is a member.

Bankruptcy districts and divisions.

District or county judge may be assigned to bankruptcy division.

(6) In case the Chief Justice of the court having jurisdiction in bankruptcy in any province shall report to the Minister of Justice that it is impossible or highly inconvenient for any judge of his court to undertake to exercise within any bankruptcy division in such province the powers and jurisdiction conferred on such court, the Minister of Justice may, from time to time, assign to exercise within said division said powers and jurisdiction any district, county or other judge, who shall for all the purposes of this Act be deemed a judge of the court having jurisdiction in bankruptcy, and references in this Act to the court or to the judge of the court shall, where necessary, apply to such district, county or other judge, so assigned.

#### *Powers of Registrar.*

Powers of registrar.

**65.** (1) The registrars of the several courts exercising bankruptcy jurisdiction under this Act shall have the powers and jurisdiction in this section mentioned, and any order made or act done by such registrars in the exercise of the said powers and jurisdiction shall be deemed the order or act of the court.

Particulars.

(2) Subject to General Rules limiting the powers conferred by this section, a registrar shall have power,—

- (a) to hear bankruptcy petitions where they are not opposed, and to make receiving orders and adjudications thereon, where they are not opposed;
- (b) to hold examinations of debtors;
- (c) to grant orders of discharge where the application is not opposed;
- (d) to approve compositions, extensions or schemes of arrangement where they are not opposed;
- (e) to make interim orders in cases of urgency;
- (f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;
- (g) to hear and determine any unopposed or *ex parte* application;
- (h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property;
- (i) to hear and determine appeals from the decision of a trustee allowing or disallowing a creditor's claim where such claim does not exceed five hundred dollars.

Exception.

(3) A registrar shall not have power to commit for contempt of court.

#### *General Rules.*

General Rules.

**66.** (1) The Governor in Council may make, alter or revoke, and may delegate to the judges of the several courts exercising

exercising bankruptcy jurisdiction under this Act the power to make, alter or revoke, General Rules not inconsistent with the terms of this Act for carrying into effect the objects thereof.

(2) Such rules shall not extend the jurisdiction of the court, save and except that, for the purpose of enabling the provision of rules having application to corporations, but for such purpose only, the *Winding-up Act*, chapter 144 of the *Revised Statutes of Canada*, shall be deemed part of this Act.

(3) All General Rules, as from time to time made, shall be laid before Parliament within three weeks after made, or, if Parliament is not then sitting, within three weeks after the beginning of the next Session. Such rules shall be judicially noticed, and shall have effect as if enacted by this Act.

#### *Fees and Returns.*

**67.** All attorneys, solicitors and counsel acting for the trustee or for the estate of a debtor in respect of proceedings under this Act, shall be paid out of the assets of such estate their reasonable costs and fees as fixed in a tariff provided by General Rules; but, except as hereinafter provided, the aggregate amount of such costs and fees so payable out of the assets of estates whereof the gross proceeds exceed five thousand dollars shall not exceed five per centum of such gross proceeds. This provision shall not disentitle such attorneys, solicitors and counsel to any costs or fees which may be awarded against or be payable by persons other than the trustee or the estate of the debtor, and notwithstanding anything in this Act contained, in estates whereof the gross proceeds do not exceed five thousand dollars, the costs or fees payable may, by unanimous vote of the inspectors, be increased to any amount not to exceed ten per centum of the gross proceeds of such estate. Such tariff shall direct by whom and in what manner such costs and fees are to be collected and accounted for and to what account they shall be paid.

Tariff of costs  
and fees.

#### *Procedure.*

**68.** (1) All proceedings in bankruptcy or under authorized assignments subsequent to the presentation of a bankruptcy petition or the making of an authorized assignment shall be entitled "In the matter of the Bankruptcy" of the debtor, or "In the matter of the Authorized Assignment" of the debtor, as the case may be.

Title of  
papers.

(2) Subject to the provisions of this Act and to General Rules, the costs of and incidental to any proceeding in court under this Act shall be in the discretion of the court.

Costs.

- Adjournment. (3) The court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.
- Amendment. (4) The court may at any time amend any written process or proceedings under this Act upon such terms, if any, as it may think fit to impose.
- Extension of time. (5) Where by this Act, or by General Rules, the time for doing any act or thing is limited, the court may extend the time either before or after the expiration thereof, upon such terms, if any, as the court may think fit to impose.
- Evidence. (6) Subject to General Rules, the court may in any matter take the whole or any part of the evidence either *viva voce*, or by interrogatories, or upon affidavit, or, out of the Dominion of Canada, by commission.
- Consolidation of petitions. (7) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the court may consolidate the proceedings, or any of them on such terms as the court thinks fit.
- Power to change carriage of proceedings. (8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition.
- Continuance of proceedings on death of debtor. (9) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive.
- Stay of proceedings. (10) The court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just.
- Power to present petition against one partner. **69.** (1) Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm, without including the others.
- Power to dismiss petition against some respondents only. (2) Where there are more respondents than one to a bankruptcy petition the court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.
- Property of partners to be vested in same trustee. (3) Where a receiving order has been made on a bankruptcy petition by or against one member of a partnership, any other bankruptcy petition by or against a member of the same partnership shall be filed in or transferred to the court in which the first-mentioned petition is in course of prosecution, and unless the court otherwise directs, the same trustee shall be appointed as may have been appointed in respect of the property of the first mentioned member of the partnership, and the court may give such directions for consolidating the proceedings under the petitions as it thinks just.

**70.** (1) Where a member of a partnership is adjudged bankrupt, the court may authorize the trustee to commence and prosecute any action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the action shall be given to him, and he may show cause against it, and on his application, the court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and, if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the court directs.

Actions by trustee and bankrupt's partner.

(2) Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm, but in such case the court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath or otherwise, as the court may direct.

Actions in name of firm.

(3) Where a bankrupt or authorized assignor is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt or authorized assignor.

Action on joint contracts.

**71.** (1) Any order made by a court exercising jurisdiction in bankruptcy under this Act in any province of Canada shall be enforced in the courts having jurisdiction in bankruptcy in all other provinces of Canada in the same manner in all respects as if the order had been made by the Court hereby required to enforce it.

Enforcement of orders of courts throughout Canada.

(2) All courts having jurisdiction in bankruptcy in all provinces of Canada and the officers of such courts respectively shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy and in proceedings under authorized assignments, and an order of the court seeking aid, with a request to another of the said courts, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by the order, such jurisdiction as either the court which made the request or the court to which the request is made could exercise in regard to similar matters within their respective jurisdictions.

Courts to be auxiliary to each other.

**72.** (1) Any warrant of a court having jurisdiction in bankruptcy may be enforced in any part of the Dominion of Canada in the same manner and subject to the same privileges in, and subject to which, a warrant issued by any justice of the peace under or in pursuance of the *Criminal Code* may be executed against a person for an indictable offence.

Warrants of bankruptcy courts.

Search  
warrant.

(2) A search warrant issued by a court having jurisdiction in bankruptcy for the discovery of any property of a debtor may be executed in manner prescribed or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Commitment  
to prison.

**73.** Where the court commits any person to prison, the commitment may be to such convenient prison as the court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed, he shall be liable for every such refusal to a fine not exceeding five hundred dollars.

### *Review and Appeal.*

Court may  
review, etc.

**74.** (1) Every court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Appeals in  
bankruptcy.

(2) Any person dissatisfied with an order or decision of the court or a judge in any proceedings under this Act may,—

(a) if the question to be raised on the appeal involves future rights; or,

(b) if the order or decision is likely to affect other cases of a similar nature in the bankruptcy or authorized assignment proceedings; or,

(c) if the amount involved in the appeal exceeds five hundred dollars; or,

(d) if the appeal is from the grant or refusal to grant a discharge and the aggregate of the unpaid claims of creditors exceeds five hundred dollars;

appeal to the Appeal Court.

Supreme  
Court of  
Canada.

(3) The decision of the Appeal Court upon any such appeal shall be final and conclusive unless special leave to appeal therefrom to the Supreme Court of Canada is obtained from a judge of that court.

Jurisdiction.

(4) The Supreme Court of Canada shall have jurisdiction to hear and to decide according to its ordinary procedure any appeal so permitted and to award costs.

No stay of  
proceedings  
unless  
ordered.

(5) No such appeal to the Supreme Court of Canada shall operate as a stay of proceedings unless the judge who permits such appeal shall so order, and to the extent to which he shall order, and the appellant shall not be required to provide any security for costs, but unless he provides security for costs, in an amount to be fixed by the judge permitting the appeal, he shall not be awarded costs in the event of his success upon such appeal.

Decision  
final.

(6) The decision of the Supreme Court of Canada on any such appeal shall be final and conclusive.

## PART VII.

## SUPPLEMENTAL PROVISIONS.

**75.** Every married woman who carries on a trade or business, whether separately from her husband or not, shall be subject to the provisions of this Act as if she were a *feme sole*, and for all the purposes of this Act any judgment or order obtained against her, whether or not expressed to be payable out of her separate property shall have effect as though she were personally bound to pay the judgment debt or sum ordered to be paid.

Married woman.

**76.** Subject to such modifications as may be made by General Rules, the provisions of this Act shall apply to limited partnerships in like manner as if limited partnerships were ordinary partnerships, and, on all the general partners of a limited partnership being adjudged bankrupt or making an authorized assignment, the assets of the limited partnership shall vest in the trustee.

Application to limited partnerships.

**77.** (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

Evidence of proceedings at meetings of creditors.

(2) Until the contrary is proved, every meeting of creditors in respect to the proceedings whereof a minute has been so signed, shall be deemed to have been duly convened and held and all resolutions passed or proceedings thereat to have been duly passed or had.

Evidence of regularity.

(3) A copy of the *Canada Gazette* containing any notice inserted therein in pursuance of this Act, shall be evidence of the facts stated in the notice.

Evidence of facts in notice.

(4) The production of a copy of the *Canada Gazette* containing any notice of a receiving order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

Evidence of receiving order.

**78.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate, made by any court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings or other proceedings had under this Act shall if it appears to be sealed with the seal of any court having jurisdiction in bankruptcy, or purports to be signed by any judge thereof, or is certified as a true copy by any registrar thereof, be receivable in evidence in all legal proceedings whatever.

Evidence of proceedings in bankruptcy.

Swearing of affidavits.

**79.** Subject to General Rules, any affidavit to be used in a court exercising jurisdiction in bankruptcy under this Act may be sworn before any person authorized to administer oaths in the court having jurisdiction or before any registrar of the court or before any officer of a court having jurisdiction in bankruptcy authorized in writing in that behalf by the court, or before a justice of the peace for the province, county or place where it is sworn, or, in the case of a person who is out of Canada, before a notary public, a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides, he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British consul or vice-consul or by a notary public.

Seal of court.

**80.** Every court having jurisdiction in bankruptcy under this Act shall have a seal describing the court, and judicial notice shall be taken of the seal and of the signature of the judge or registrar of any such court in all legal proceedings.

Death of debtor or witness.

**81.** In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Computation of time.

**82.** (1) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a Sunday or a statutory holiday throughout the province where the act or proceeding is to be done or taken or a day on which the court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which shall not be one of the days in this section specified.



**83.** All notices and other documents for the service of which no special mode is directed may be sent by registered and prepaid post to the last known address of the person to be served therewith.

Service of notices.

**84.** (1) No proceeding in bankruptcy or under an authorized assignment shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that court.

Formal defect not to invalidate proceedings.

(2) No defect or irregularity in the appointment of an authorized trustee or an inspector shall vitiate any act done by him in good faith.

Or appointment of officials.

**85.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorized in that behalf under the seal of the corporation, a firm may act by any of its members, and a lunatic may act by his committee or by the guardian or curator of his property.

Acting of corporations, partners, etc.

**86.** Save as provided in this Act, the provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge, shall bind the Crown.

Certain provisions to bind Crown.

**87.** (1) All persons who are barristers, solicitors or advocates of any court in any province may practise as barristers, solicitors and advocates in the courts exercising bankruptcy jurisdiction under this Act in any or in all of the provinces.

Barristers, advocates and counsel.

(2) All persons who may practise as barristers, solicitors or advocates in the courts exercising bankruptcy jurisdiction under this Act shall be officers of such courts.

To be officers of the court.

**88.** Nothing in the provisions of this Act shall interfere with, or restrict the rights and privileges conferred on banks and banking corporations by *The Bank Act*.

Rights of banks.

## PART VIII.

### *Bankruptcy Offences.*

**89.** Any person who has been adjudged bankrupt or in respect of whose estate a receiving order has been made, or who has made an authorized assignment under this Act, shall in each of the cases following be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars

Bankruptcy offences.

dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment:—

Fraudulent  
debtors.

- (a) If he does not to the best of his knowledge and belief fully and truly discover to the trustee all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;
- (b) If he does not deliver up to the trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;
- (c) If he does not deliver up to the trustee, or as he directs, all books, documents, papers and writing in his custody or under his control relating to his property or affairs, unless he proves that he had no intent to defraud;
- (d) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals any part of his property to the value of fifty dollars or upwards or conceals any debt due to or from him, unless he proves that he had no intent to defraud;
- (e) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he fraudulently removes any part of his property to the value of fifty dollars or upwards;
- (f) If he makes any material omission in any statement relating to his affairs, unless he proves that he had no intent to defraud;
- (g) If, knowing or believing that a false debt has been proved by any person under the bankruptcy or authorized assignment, he fails for the period of a month to inform the trustee thereof;
- (h) If, after the presentation of a bankruptcy petition against him or after he makes an authorized assignment, he prevents the production of any book, document, paper or writing, affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment

ment or within six months next before the date of making thereof, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

- (j) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;
- (k) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after the making of an authorized assignment by him or within six months next before the date of making thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;
- (l) If, after the presentation of a bankruptcy petition against him or after the making of an authorized assignment by him or at any meeting of his creditors within six months next before such presentation or assignment, he attempts to account for any part of his property by fictitious losses or expenses;
- (m) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;
- (n) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him he obtains, under the false pretense of carrying on business and, if a trader, of dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless he proves that he had no intent to defraud;
- (o) If within six months next before the presentation of a bankruptcy petition against him, or next before the date of the making of an authorized assignment by him or after the presentation of a bankruptcy petition against him or the making of an authorized assignment by him he pawns, pledges or disposes

of any property which he has obtained on credit and has not paid for, unless in the case of a trader such pawning, pledging or disposing is in the ordinary way of his trade and unless in any case he proves that he had no intent to defraud;

- (*p*) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to an agreement with reference to his affairs or to his bankruptcy;
- (*q*) If he knowingly makes, or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested, or for whom or for which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan, or credit, the extension of a credit, the discount of any account receivable, or the making, acceptance, discount or endorsement of a bill of exchange, cheque, draft or promissory note, either for the benefit of himself or such person, firm or corporation;
- (*r*) If he, knowing that a false statement in writing has been made respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested or for whom or for which he is acting, procures upon the faith thereof, either for the benefit of himself or such person, firm or corporation, any of the benefits mentioned in the preceding paragraph.

**90.** Where an undischarged bankrupt or an undischarged authorized assignor,—

Undischarged  
bankrupt  
obtaining  
credit.

(*a*) either alone or jointly with any other person obtains credit to the extent of fifty dollars or upwards from any person without informing that person that he is an undischarged bankrupt or an undischarged authorized assignor; or,

Use of  
deceptive  
name.

(*b*) engages in any trade or business under a name other than that under which he was adjudicated bankrupt or made such authorized assignment without disclosing to all persons with whom he enters into any business transaction the name under which he was adjudicated bankrupt or made such authorized assignment;

he shall be guilty of an indictable offence and liable to a fine not exceeding five hundred dollars and to a term not exceeding one year's imprisonment, or to both such fine and such imprisonment.

**91.** (1) If any person who has on any previous occasion been adjudged bankrupt or made an authorized assignment or extension or arrangement with his creditors, is adjudged bankrupt, makes an authorized assignment or secures or asks for a composition, extension or arrangement with his creditors, he shall be guilty of an indictable offence and liable to a fine of one thousand dollars and to one year's imprisonment if, having, during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition or of the making of the authorized assignment or of the securing or asking for the composition, extension or arrangement, been engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof, as aforesaid, and if so engaged at the date of presentation of the petition or the making of the assignment or the securing or asking for the composition, extension or arrangement, thereafter, whilst so engaged, up to the date of the receiving order, or the making of the assignment or the securing or asking for the composition, extension or arrangement, or has not preserved all books of account so kept: Provided that a person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the making of the receiving order, or the assignment or of the securing or asking for the composition, extension or arrangement did not exceed five hundred dollars or if he proves that in the circumstances in which he traded or carried on business the omission was honest and excusable.

Bankrupt failing to keep proper books of account.

(2) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

Proper books of account defined.

(3) Paragraphs (*i*), (*j*) and (*k*) of section eighty-nine of this Act (which relate to the destruction, mutilation, and falsification and other fraudulent dealings with books and documents), shall, in their application to such books as aforesaid, have effect as if "two years next before the presentation of the bankruptcy petition" and "two years next before the date of the making of an authorized assignment" were substituted for the time mentioned in those paragraphs as the time prior to such presentation or making within which the acts or omissions specified in those paragraphs constitute an offence.

Destruction, mutilation or fraudulent dealings with books.

False claim,  
etc.

**92.** If any creditor, or any person claiming to be a creditor, in any bankruptcy proceedings, or in any proceedings pursuant to section thirteen of this Act, for obtaining a composition, extension or arrangement of a debtor's debts or of his affairs, or in any proceedings under an authorized assignment, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account, which is untrue in any material particular, he shall be guilty of an indictable offence, and shall on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding one year.

Order by  
court for  
prosecution  
on report  
of trustee.

**93.** Where an authorized trustee reports to any court exercising jurisdiction under this Act that, in his opinion, a debtor in respect of whose estate a receiving order has been made or who has made an authorized assignment has been guilty of any offence under this Act, or where the court is satisfied, upon the representation of any creditor or inspector that there is ground to believe that the debtor has been guilty of any such offence, the court shall, if it appears to the court that there is a reasonable probability that the debtor will be convicted, order that the debtor be prosecuted for such offence. Provided that it shall not be obligatory on the court, in the absence of any application by the trustee for such an order, to make an order under this section for the prosecution of an offence unless it appears to the court that the circumstances are such as to render a prosecution desirable.

Criminal  
liability  
after  
discharge or  
composition.

**94.** Where a debtor has been guilty of any criminal offence, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition, extension or scheme of arrangement has been accepted or approved.

Power for  
court to  
commit for  
trial.

**95.** (1) Where there is, in the opinion of the court, ground to believe that the bankrupt or any other person has been guilty of any offence under this Act, the court may commit the bankrupt or such other person for trial.

Powers of  
court.

(2) For the purpose of committing the bankrupt or such other person for trial, the court shall have power to take depositions, bind over witnesses to appear, admit the accused to bail, or otherwise.

Substance of  
offence  
charged in  
indictment.

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

(4) Where any person is prosecuted for an offence under this Act no other prosecution shall be instituted against him for the same offence under any other Act. Only one prosecution.

**96.** Any person who,—

(a) not being an authorized trustee, advertises or represents himself to be such; or, Pretending to be trustee.

(b) being an authorized trustee, either before providing the bond required by section fourteen, subsection four of this Act, or after providing the same, but at any time while the said bond is not in force, acts as or exercises any of the powers of an authorized trustee; or, Trustee acting without bond.

(c) having been appointed an authorized trustee fails to observe or to perform any of the provisions of this Act, or fails duly to do, observe or perform any act or duty which he may be ordered to do, observe or perform by the court, pursuant to any of the provisions of this Act; Non-compliance.

shall be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment.

**97.** Any person who maliciously institutes or carries on against any person who has not done or suffered any act of bankruptcy any proceeding in bankruptcy under this Act shall be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years imprisonment, or to both such fine and such imprisonment. Malicious proceedings.

**98.** This Act shall come into operation at a day to be named by proclamation of the Governor in Council. Commencement.







## 9-10 GEORGE V.

### CHAP. 37.

An Act to constitute a Board of Commerce for Canada.

[Assented to 7th July, 1919.]

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

#### SHORT TITLE.

1. This Act may be cited as *The Board of Commerce Act*. Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
- (1) " Board " means the Board of Commerce of Canada, as by this Act constituted;
  - (2) " Costs " includes fees, counsel fees and expenses;
  - (3) " Exchequer Court " means the Exchequer Court of Canada;
  - (4) " Minister " means the Prime Minister or such other minister as may be designated by the Governor in Council for the purpose;
  - (5) " Secretary " means the Secretary of the Board; and
  - (6) " Special Act " means the *Combines and Fair Prices Act, 1919*.

#### CONSTITUTION.

3. (1) There shall be a Board, known as the Board of Commerce of Canada, consisting of three commissioners appointed by the Governor in Council. Commissioners.

(2) Such Board shall be a court of record; and have an official seal which shall be judicially noticed. Powers and seal.

(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council for cause provided that,— Tenure of office.

(a) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and

(b) if a judge of any superior court in Canada is appointed Chief Commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

(4) A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment.

Chief Commissioner.

4. (1) One of such commissioners shall be appointed by the Governor in Council Chief Commissioner.

Qualification.

(2) Any person may be appointed Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

Commissioner to act in his absence.

(3) A Commissioner shall have all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he has so acted in the absence or disability of the Chief Commissioner within the meaning of this section.

Chief Commissioner may authorize a Commissioner to exercise certain of his powers.

5. Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same shall have the like force and effect as if signed by the Chief Commissioner.

Quorum.

6. (1) Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case: Provided that,—

When one Commissioner may act.

(a) In any case where there is no opposing party and no notice to be given to any interested party any one commissioner may act alone for the Board; and,

One Commissioner may be authorized to report to Board.

(b) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as to the Board seems proper;

Decision where opinion equal.

(c) in case of an equal division of opinion as between two commissioners the other commissioner shall be called upon for his opinion.

(2) The Chief Commissioner, when present, shall preside, and a commissioner, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Presiding  
Commissioner.

(3) No vacancy in the Board shall impair the right of the remaining commissioners to act.

Vacancy.

7. Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested person to act as commissioner *pro hac vice*; and the Governor in Council may also, in the case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice*; Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board.

Where interested in matter, etc., Governor in Council may appoint another person to act.

8. The commissioners shall, during their term of office, reside in the city of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines.

Residence.

9. The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section.

Whole time to be devoted to duties.

#### OFFICES.

10. (1) The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

Offices and furniture, etc., in Ottawa.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment.

At other places.

#### SITTINGS AND DISPOSAL OF BUSINESS.

11. The Board whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada.

Sittings.

Times for sitting.

**12.** (1) The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

May sit in open court or in camera.

(2) They may, subject to the provisions of this Act, sit either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court.

Rules.

**13.** Subject to the provisions of this Act, the Board may make rules and provisions respecting,—

- (a) the sittings of the Board;
- (b) the manner of dealing with the matters and business before the Board;
- (c) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings and to preside thereat; and,
- (d) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees; and in the absence of other rule or provision as to any such matter, it shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs.

#### EXPERTS.

Experts to be appointed.

**14.** The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. He may also establish an advisory council to the Board, consisting of persons skilled and experienced in matters affecting industry, trade and commerce, and selected from among the labouring, manufacturing and commercial classes.

#### SECRETARY.

Secretary.

**15.** There shall be a Secretary of the Board who shall be appointed by the Governor in Council, hold office during pleasure, and reside in the City of Ottawa.

Duties.

- 16.** (1) It shall be the duty of the Secretary,—
- (a) to attend all sessions of the Board;
  - (b) to keep a record of all proceedings conducted before the Board or commissioner under this Act;
  - (c) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;
  - (d) to obey all rules and directions which may be made or given by the Board, or the Chief Commissioner, touching his duties or office;

(e) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order. Records.

(3) Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. Certified copies to be given.

**17.** In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary who shall thereupon act in the place of the Secretary, and exercise his powers. Board may appoint acting secretary in certain cases.

#### STAFF.

**18.** (1) There shall be attached to the Board such officers, clerks, stenographers and messengers as may be required. Appointment of staff.

#### SALARIES AND PAYMENTS.

**19.** (1) The Chief Commissioner shall be paid such annual salary, and each of the other commissioners such annual salary, as may be determined by the Governor in Council. Salary of commissioner.

(2) The Secretary shall be paid an annual salary to be determined by the Governor in Council. Salary of secretary.

(3) Such salaries shall be paid monthly out of such moneys as Parliament may appropriate for the purpose. How paid.

**20.** The officers, clerks, stenographers and messengers attached to the Board shall receive such salaries or remunerations as may be approved by the Governor in Council upon the recommendation of the Board. Salaries of staff how fixed.

**21.** Whenever the Board, by virtue of any power vested in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for service and expenses as the Governor in Council may, upon the recommendation of the Board determine. Payment of persons appointed to do special service.

Salaries to be  
voted by  
Parliament.

**22.** The salaries or remuneration of all such officers, clerks, stenographers and messengers and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament.

#### FRANKING PRIVILEGE.

Franking.

**23.** All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council.

#### ANNUAL REPORT.

Report.

**24.** The Board shall, within two months after the thirty-first day of March in each year, make to the Governor in Council through the Minister an annual report for the year next preceding the thirty-first day of March, showing briefly,—

- (a) applications of the Board and summaries of the findings thereon under this Act;
- (b) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;
- (c) such other matters as appear to the Board to be of public interest in connection with the persons, companies and matters subject to this Act; and,
- (d) such matters as the Governor in Council directs.

Laid before  
Parliament.

(2) The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament.

#### GENERAL JURISDICTION AND POWERS.

Administra-  
tion of Com-  
bines and  
Fair Prices  
Act.  
Jurisdiction.

**25.** The Board shall be charged with the general administration of *The Combines and Fair Prices Act, 1919*, which Act is hereinafter referred as to "The Special Act."

(2) The Board and its members shall have jurisdiction, as to matters of law and of fact, to investigate, inquire, hear, determine, order, appoint, direct, permit, sanction, approve or prohibit as it or they, by this Act or by the Special Act, or by the special direction from time to time of the Governor in Council may be authorized and empowered.

(3) The Board may order and require the doing forthwith or within any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, of any act, matter or thing required or authorized under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which in its opinion is contrary to this Act or to the Special Act. Powers.

**26.** The Board may make orders and regulations,— Orders and regulations.  
 (a) with respect to any matter, act or thing which by this Act or the Special Act is sanctioned, required to be done, or prohibited;  
 (b) generally for carrying this Act into effect; and, without limiting the general powers by this section conferred;  
 (c) as in this Act specifically provided.

**27.** The Board may, of its own motion, or shall upon the request of the Minister, inquire into, hear and determine any matters or things which under this Act, or under the Special Act, it may inquire into, hear or determine upon application or complaint, and with respect thereto shall have the same powers as upon any application or complaint, are vested in it by this Act. May inquire into any matter referred to it, etc.

**28.** Any power or authority vested in the Board under this Act or the Special Act may, though not so therein expressed, be exercised from time to time, or at any time, as the occasion may require. Powers to be exercised from time to time.

**29.** The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing, whether or not arising or required to be done under this Act or the Special Act, which affects or concerns trade, commerce, or industry, and the Board shall without delay comply with the requirements of such reference. Governor in Council may ask for reports.

**30.** When any act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case, in its opinion, so require, upon notice and hearing, or in its discretion upon *experts* application, extend the time so specified. Time for making order may be extended.

**31.** The Board may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest Counsel may be instructed by Minister of Justice.  
 which

which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly.

Stating a case for the Supreme Court of Canada.

**32.** (1) The Board may, of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which, in the opinion of the Board, is a question of law or of jurisdiction.

Decision remitted to Board.

(2) The Supreme Court of Canada shall hear and determine such question or questions of law arising thereon, and remit the matter to the Board with the opinion of the Court thereon.

Not to be bound by decision of any other court.

**33.** (1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Nor affected by pendency of any suit.

(2) The pendency of any suit, prosecution or proceeding in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive.

#### ORDERS AND DECISIONS.

Orders, when may be made to come into force.

**34.** The Board may direct in any order that such order or any portion or provision thereof, shall come into force at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

Interim order may be granted.

(2) The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application.

Order may be given granting whole or part of application or other relief.

**35.** Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that



applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other or further relief.

**36.** The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined, provided that no such interim order shall have effect for a longer period than forty days.

Interim  
*ex parte*  
orders may  
be granted.

**37.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstances necessary to give it jurisdiction to make such order.

No order  
need disclose  
reason for  
jurisdiction.

**38.** (1) Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

Decision may  
be made rule  
or decree of  
Exchequer or  
Superior  
Court.

(2) To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:—

Procedure.

“ To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).

“ Dated this                      day of                      A.D. 19

“A. B.

“ Chief Commissioner of the Board of Commerce  
“ of Canada.”

(Seal)

(3) The secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

Certified  
copy such to  
registrar.

(4) When a decision or order of the Board under this Act, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree

Rescinding  
order.

of such court, and may, in like manner, be made a rule, order or decree of such court.

Option of Board to enforce order.

(5) It shall be optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action.

Rules, regulations, etc., effect of publication in Canada Gazette.

**39.** Any rule, regulation, order or decision of the Board shall, when published by the Board, or by the leave of the Board, for three weeks in the *Canada Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof.

#### REVIEW AND APPEAL.

Review and rehearing, etc.

**40.** The Board may review, rescind, change, alter, or vary any order or decision made by it, or may rehear any application before deciding it.

Governor in Council may vary or rescind any order, regulation or decision of Board.

**41.** (1) The Governor in Council may, in His discretion, either upon petition of any person interested, lodged within one month after the making of the order, decision, rule or regulation, or within such further time as the Board under special circumstances may allow, or of His own motion, at any time, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to Supreme Court of Canada upon a question of jurisdiction.

(2) An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless a judge of said court upon application within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, allows the same; and the costs of such application shall be in the discretion of the judge.

Appeal on question of law or jurisdiction, or both.

(3) An appeal shall also lie from the Board to such court upon any question which, in the opinion of the Board, is a question of law or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

(4) No appeal after leave therefor has been obtained under subsection two or three of this section, shall lie unless it is entered in the said court thirty days from the making of the order granting leave to appeal.

Limit of time for entering appeal.

(5) Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the secretary notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

Security and setting down case.

(6) On the hearing of any appeal the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Inferences may be drawn.

(7) The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

Commissioner may have counsel. Costs and rules of practice.

(8) The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act.

(9) Save as provided in this section,—

Decisions of commissioner when final.

(a) every decision or order of the Board shall be final; and

(b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or any other process or proceeding in any court.

#### PRACTICE AND PROCEDURE.

**42.** The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure.

Rules of procedure.

#### NOTICE AND SERVICE.

**43.** Any notice required or authorized by this Act or by the Special Act to be given in writing,—

Notices how given.

(a) by the Board, may be signed by the Chief Commissioner, or the Secretary;

(b) by any person, company, corporation or association may be signed by such person, company, corporation or association, or a duly authorized agent, officer, representative, solicitor or counsel.

Services of  
process.

**44.** Service of any notice, summons, regulation, order direction, decision, report or other document, or copy of any thereof, unless in any case otherwise provided, may be effected,—

(a) upon an incorporated company, by delivery to the president, managing director or secretary thereof in person, or by mailing by registered letters, postage prepaid, addressed to the president, managing director and secretary at the head office or chief place of business of said company;

(b) upon a firm, co-partnership or individual, by delivery to any member of such firm or co-partnership or to such individual, or at the last place of abode of any such member or of such individual to any adult member of his household, or at the office or place of business of the firm or individual to a clerk in such firm's or individual's employ.

Provided that if in any case within the jurisdiction of the Board it shall be made to appear to the satisfaction of the Board that service cannot conveniently be made in the manner above provided, the Board may order and allow service to be made by publication of the document of notice thereof for any period not less than three weeks in the *Canada Gazette*, and also, if required, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner above provided.

Notice  
required of  
applications  
to Board.

**45.** Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow shorter notice.

#### AMENDING PROCEEDINGS.

Amendments.

**46.** The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

#### COSTS.

Costs.

**47.** (1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a certain sum, or may be taxed.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

(3) The Board may prescribe a scale under which such costs shall be taxed.

#### WITNESSES AND EVIDENCE.

**48.** The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles, to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

Witnesses  
and evidence.

(2) The Board may issue commissions to take evidence in a foreign country, and may make all proper orders for the purpose, and for the return and use of the evidence so obtained.

Commissions.

**49.** The Board may accept or require evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

Evidence  
upon  
affidavits.

(2) All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

Administra-  
tion of oaths.

(3) All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter or proceeding before the Board.

Persons auth-  
orized for  
Supreme or  
Exchequer  
Courts may  
act.

(4) Any oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or posses-

Outside of  
Canada.

sion of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

Seal and  
signature,  
evidence of.

(5) Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities.

(6) No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury.

Witness fees.

**50.** Every person summoned to attend before the Board, or person appointed under this Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

No person  
excused from  
attending or  
bringing  
documents  
on ground  
that evidence  
may  
incriminate  
him.

**51.** No person shall be excused from attending and producing books, papers, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, contract, agreement, or document so produced shall be used or receivable against such person in any criminal proceedings thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding.

**52.** (1) A copy of any regulation, order, or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy and sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of signature of the Secretary.

Certified  
copies of  
orders, etc.  
of Board  
*prima facie*  
evidence.

(2) A certificate by the Secretary sealed with the seal of the Board stating that no order or regulation respecting any specified matter or thing has been made by the Board, shall be *prima facie* evidence of the fact stated therein without proof of the signature of the Secretary.

And that  
no proceeding  
had before  
the Board.

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to the King's most Excellent Majesty.





# The Naturalization Act, 1919.

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## 9-10 GEORGE V.

### CHAP. 38.

An Act to amend and consolidate the Acts relating to British Nationality, Naturalization and Aliens.

[Assented to 7th July, 1919.]

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

R.S., c. 77;  
1906, cc. 31, 45;  
1908, c. 48;  
1914, c. 44.

### PART I.

#### NATURAL-BORN BRITISH SUBJECTS.

1. (1) The following persons shall be deemed to be natural-born British subjects, namely:—

Definition of natural-born British subject.

- (a) Any person born within His Majesty's dominions and allegiance; and,
- (b) Any person born out of His Majesty's dominions, whose father was a British subject at the time of that person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted, or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown; and,
- (c) Any person born on board a British ship whether in foreign territorial waters or not;

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act. (Imp. Act, 1918.)

(4) The certificate of a Secretary of State of Canada that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive. (Imp. Act, 1918.)

## PART II.

### NATURALIZATION OF ALIENS.

Certificate  
of natural-  
ization.

**2.** (1) The Secretary of State of Canada may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State of Canada,—

- (a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and,
- (b) that he is of good character and has an adequate knowledge of either the English or French language; and,
- (c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in Canada for not less than one year immediately preceding the application, and previous residence, either in Canada or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State of Canada, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died, or whose marriage has been dissolved, the requirements of this section as to residence shall not apply, and the Secretary of State of Canada may, in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application. (5 Geo. V, Chap. 7.)

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State of Canada thinks fit, be treated as equivalent to a period of residence in Canada. (Imp. Act, 1918.)

3. A person to whom a certificate of naturalization is granted by the Secretary of State of Canada shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and as from the date of his naturalization have to all intents and purposes the status of a natural-born British subject. (Naturalization Act, 1914.)

Effect of certificate of naturalization.

4. The Secretary of State of Canada may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. (Imp. Act, 1914.)

Special certificate in case of doubt.

5. (1) Where an alien obtains a certificate of naturalization, the Secretary of State of Canada may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

Persons under disability.

(2) The Secretary of State of Canada may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act a certificate of naturalization shall not be granted to any person under disability. (Imp. Act, 1918; Naturalization Act, 1914.)

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State of Canada for a certificate of naturalization under this Act, and the Secretary of State of Canada may grant to him a certificate on such terms and conditions as he may think fit. (Imp. Act, 1918; Naturalization Act, 1914.)

Persons previously naturalized.

7. (1) Where the Secretary of State of Canada is satisfied that a certificate of naturalization granted by him under this Act, or granted under any Naturalization Act heretofore in force in Canada, has been obtained by false representation or fraud, or by concealment of material circumstances

Revocation of certificate of naturalization.

circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State of Canada may recommend that the certificate be revoked and the Governor in Council may by order revoke the same accordingly.

(2) Without prejudice to the foregoing provisions the Secretary of State of Canada may recommend the revocation of a certificate of naturalization granted by him or granted under any Naturalization Act heretofore in force in Canada in any case in which he is satisfied that the person to whom the certificate was granted either,—

- (a) has, during any war in which His Majesty is engaged, unlawfully traded or communicated with the enemy or with the subject of any enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or,
- (b) was not of good character at the date of the grant of the certificate; or,
- (c) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative or employee of a British subject, firm, or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or,
- (d) remains, according to the law of a state at war with His Majesty, a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good. (Imp. Act, 1918, Sec. 1.)

(3) The Secretary of State of Canada, may, if he thinks fit, before making a recommendation under this section, refer the case for such inquiry as is hereinafter specified, and in any case to which subsection one or paragraphs (a) (b) or (d) of subsection two of this section applies, the Secretary of State of Canada shall, by notice given to or sent to the last known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, the Secretary of State of Canada shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a Commission constituted for the purpose by the Governor in Council upon the recommendation of the Secretary of State of Canada, presided over by a person who is or has been a Judge of the Supreme Court of Canada, or the Exchequer Court of Canada, or of a Superior Court of a province, and shall be conducted in such manner as the Governor in Council shall direct, provided that any such

inquiry may, if the Governor in Council thinks fit, instead of being held as aforesaid, be held by the Superior Court of the province in which the case arises, and the practice and procedure upon any inquiry so held shall be regulated by the rules of the Court. The members of any Commission appointed under this section shall have all the powers vested in a Commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

(5) Where a certificate of naturalization is revoked the revocation shall have effect from such date as the order of revocation may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars. (Imp. Act, 1918.)

8. (1) Where a certificate of naturalization is revoked the Governor in Council may upon recommendation of the Secretary of State of Canada by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects and any such person shall thereupon become an alien but except where the Governor in Council directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation and they shall remain British subjects:

Effect of  
revocation of  
certificate of  
naturaliza-  
tion.

Provided that,—

(a) It shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and,

(b) An order, as aforesaid shall not be made in the case of a wife who was at birth a British subject, unless the Governor in Council is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate. (Imp. Act, 1918, Sec. 7A (1) (b).)

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as

a subject of the state to which he belonged at the time the certificate was granted, and shall thereafter, for the purposes of this Act and of *The Immigration Act*, be deemed never to have been naturalized. (Imp. Act, 1918.)

(4) (A) Where a certificate of naturalization has been granted in Canada during the present war to a person who, at, or at any time before the grant of the certificate, was the subject of a country which at the date of the grant was at war with His Majesty, the Governor in Council may upon the recommendation of the Secretary of State of Canada refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked, and if such question shall be answered in the affirmative, the Governor in Council may revoke the certificate but this provision shall not apply to a person who at birth was a British subject.

(B) No certificate of naturalization shall, before the expiration of a period of ten years after the termination of the present war, be granted in Canada to any subject of a country which at the time of the passing of this Act was at war with His Majesty, but this provision shall not apply to a person who,

- (1) having served in His Majesty's forces or in the forces of His Majesty's allies or of any country acting in naval or military co-operation with His Majesty was not discharged from such service by reason of his enemy nationality, sympathy or associations; or,
- (2) is a member of a race or community known to be opposed to the enemy governments; or,
- (3) was at birth a British subject. (Imp. Act, 1918.)

Power of Governments of United Kingdom or of British possessions to grant or revoke certificates of Imperial naturalization.

9. (1) The Secretary of State having charge of the administration of the *British Nationality and Status of Alien Acts, 1914, and 1918*, in the United Kingdom and the Government of any British possession shall have the same power to grant a certificate of naturalization or to revoke a certificate of naturalization under or pursuant to the *British Nationality and Status of Alien Acts 1914, and 1918*, as the Secretary of State of Canada has under this Act. (Imp. Act, 1918.)

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State of Canada under this Act. (Naturalization Act, 1914, Sec. 8, ss. 2.)

Conditional application of section.

10. The next preceding section shall not apply to any of the Dominions specified in the first Schedule of this Act, unless the Legislature of that Dominion adopts Part II of the *British Nationality and Status of Aliens Act, 1914*. (Naturalization Act, 1914, Sec. 9.)



## PART III.

## GENERAL.

## NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

**11.** The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien. R.S., c. 77, s. 32. (Imp. Act, 1918.) National status of married women.

(a) Provided that the wife of an alien may be naturalized in like manner and with the same effect as if she were a feme sole, but her naturalization shall not affect the status of her children of alien male parentage whether born before or after the date of her naturalization;

(b) Provided that where a man ceases during the continuance of his marriage to be a British subject, it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject; (5 George V, chap. 7); and,

(c) Provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume British nationality. and thereupon the Secretary of State of Canada, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization. (Imp. Act, 1918.)

**12.** A woman who, having been a British subject, has by or in consequence of her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be a British subject. (R.S., c. 77, s. 33; Imp. Act, 1918; Naturalization Act, 1914.) Status of widows.

**13.** (1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country: Status of children.

Provided that where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may within one year after attaining his majority make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject. (R.S., c. 77, s. 34; Imp. Act, 1918; Naturalization Act, 1914.)

#### LOSS OF BRITISH NATIONALITY.

Loss of British nationality by foreign naturalization.

**14.** A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject. (Imp. Act, 1918; Naturalization Act, 1914.)

Declaration of alienage.

**15.** (1) Any person who, by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject. (Imp. Act, 1918; Naturalization Act, 1914.)

Power of naturalized subjects to divest themselves of their status in certain cases.

**16.** Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by order in council, to declare that the convention has been entered into by His Majesty; and from and after the date of the order any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid. (R.S., c. 77, s. 8; Imp. Act, 1918; Naturalization Act, 1914.)

Saving of obligations incurred before loss of naturalization.

**17.** Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject. (Imp. Act, 1918; Naturalization Act, 1914.)

## STATUS OF ALIENS.

**18.** Real and personal property of every 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; and a title to real and personal property of every 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:

Capacity of alien as to property.

Provided that this section shall not operate so as to,—

Proviso.

- (1) Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
- (2) Qualify an alien to be the owner of a British ship; or
- (3) 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 given to him; or
- (4) Affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, eighteen hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before that day. (R.S., c. 77, ss. 4, 5, 6, 7; Imp. Act, 1918; Naturalization Act, 1914.)

**19.** An alien shall be triable in the same manner as if he were a natural-born British subject. (Criminal Code, s. 922; Imp. Act, 1918; Naturalization Act, 1914.)

Trial of alien.

## PROCEDURE AND EVIDENCE.

**20.** An alien desiring to be naturalized shall apply for a decision establishing that he is qualified and fit to be naturalized under the provisions of this Act to any Judge of any Superior Court, or to any Judge of any Circuit, District or County Court, and in the North West Territories to such authorities or persons as the Governor in Council may prescribe. (New.)

Application to Court.

**21.** The application shall be delivered at the office of the clerk or other proper office of the court during office hours, and such application shall be posted by such clerk or other proper officer in a conspicuous place in his office. Such notice shall be posted up at least three months before the application is heard by the court. (New.)

Posting of application.

**22.** At any time after the filing of such application and previous to the hearing of the application, any person objecting to the naturalization of the alien may file in court

Opposition to application.

an opposition in which shall be stated the ground of his objection. (R.S., c. 77, s. 18; Naturalization Act, 1914.)

Proof of  
qualification.

**23.** The applicant shall produce to the court such evidence, that he is qualified and fit to be naturalized under the provisions of this Act, as the court may require, and shall also personally appear before the court for examination unless it is established to the satisfaction of the court that he is prevented from so appearing by some good and sufficient cause. (Naturalization Act, 1914.)

Order of  
naturaliza-  
tion.

**24.** If the court decides that the alien is a fit and proper person to be naturalized and possesses the required qualifications, a certified copy of such decision shall be transmitted by the clerk of the court to the Secretary of State of Canada together with the application and such other papers, documents and reports as may be required by any regulation made hereunder. (Naturalization Act, 1914.)

Issue of  
certificate of  
naturaliza-  
tion.

**25.** The Secretary of State of Canada may thereupon in his absolute discretion issue a certificate of naturalization and shall send the same to the clerk of the court to whom the application for naturalization was made. Upon the applicant taking and subscribing the oath of allegiance, which may be so taken and subscribed by any person duly authorized to administer judicial oaths by the laws of the province in which the applicant resides, the clerk shall deliver the certificate to the applicant. (New.)

Regulations  
by Secretary  
of State.

**26.** (1) The Governor in Council may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:—

- (a) The forms to be used for the purposes of this Act including the form and registration of certificates of naturalization granted by the Secretary of State of Canada;
- (b) The form and registration of declarations of alienage and declaration of resumption or retention of British nationality;
- (c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization;
- (d) The persons by whom the oath of allegiance may be administered and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;
- (e) The form in which the taking and subscription of oaths of allegiance are to be attested;
- (f) The registration of oaths of allegiance;
- (g) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;

(h) The imposition and application of fees in respect of any registration authorized to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath.

(2) Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force as if it had been enacted therein. (Imp. Act, 1918; Naturalization Act, 1914.)

**27.** Any declaration made under this Act or under any Act hereby repealed 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 Secretary of State of Canada or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned. (Imp. Act, 1918; Naturalization Act, 1914.)

Evidence of declarations.

**28.** A certificate of naturalization issued under this Act or under the *British Nationality and Status of Aliens Act, 1914*, or under any Act or law passed by or in force in any British possession in which Part II of the said *British Nationality and Status of Aliens Act, 1914*, has been adopted or is in force may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or person authorized to issue such naturalization certificates or by any person authorized by such officer or person in that behalf. (Naturalization Act, 1914.)

Evidence of certificates of naturalization.

**29.** Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State of Canada, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Secretary of State of Canada, authorized to be inserted in the register. (Imp. Act, 1918; Naturalization Act, 1914.)

Evidence of entries in registers.

**30.** If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months. (Imp. Act, 1918; Naturalization Act, 1914.)

Penalty for false representations or statement.

Form of  
oath of  
allegiance.

**31.** The oath of allegiance shall be in the form set out in the Second Schedule to this Act. (Imp. Act, 1918; Naturalization Act, 1914.)

SUPPLEMENTAL.

Saving for  
letters of  
denization.

**32.** Nothing in this Act shall affect the grant of letters of denization by His Majesty. (Imp. Act, 1918.)

Definitions.

**33.** (1) In this Act, unless the context otherwise requires,—

“British  
Subject.”

(a) The expression “British subject” means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory;

“Alien.”

(b) The expression “alien” means a person who is not a British subject;

“Certificates  
of naturaliza-  
tion.”

(c) The expression “certificate of naturalization” means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act;

“Disability.”

(d) The expression “disability” means the status of being a married woman, or a minor, lunatic, or idiot;

“Territorial  
waters.”

(e) The expression “territorial waters” includes any port, harbour, or dock;

“Court.”

(f) The expression “court” where used in this Act, shall mean court or judge.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization, has been granted. (Imp. Act, 1918.)

Certain  
Acts  
repealed.

**34.** The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the second column of the said Schedule. (New.)

Short title.

**35.** This Act may be cited as *The Naturalization Act, 1919.*

SCHEDULES.

FIRST SCHEDULE.

LIST OF DOMINIONS.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Newfoundland. Imp. Act, 1918.

SECOND SCHEDULE.

OATH OF ALLEGIANCE.

“ I, A.B., swear by Almighty God that I will be faithful and bear allegiance to His Majesty King George the Fifth, His Heirs and Successors, according to law. So help me God.” Imp. Act.

THIRD SCHEDULE.

Title or Short Title.	Extent of Repeal.
The Naturalization Act, 1914, 4-5 George V, chapter 44.....	The whole.
An Act to amend The Naturalization Act, 1914, 5 George V, chapter 7.....	The whole.

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## 9-10 GEORGE V.

### CHAP. 39.

An Act to amend The Business Profits War Tax Act, 1916.

[Assented to 7th July, 1919.]

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

1916, c. 12;  
1917, c. 6;  
1918, c. 10.

1. Section twenty-six of *The Business Profits War Tax Act, 1916*, chapter eleven of the statutes of 1916, as enacted by chapter ten of the statutes of 1918, is repealed, and the following is substituted therefor:—

“26. The provisions of section three of this Act shall not continue in force after the thirty-first day of December, one thousand nine hundred and nineteen.

Tax continued for another twelve months.

“Provided, however, that with respect to every business liable to taxation hereunder the period for which the returns shall be made and during which it shall be liable for assessment shall be at least sixty months, commencing with the beginning of the first accounting period ending after the thirty-first day of December, one thousand nine hundred and fourteen, or for such less period as the business may have been carried on from the beginning of the said accounting period to the end of the period for which the said tax may be levied under this Act.

“Provided, also that the tax payable in respect of any business with a capital of not less than twenty-five thousand dollars and under fifty thousand dollars shall be payable for all accounting periods ending after the thirty-first day of December, one thousand nine hundred and seventeen.”

When tax on businesses from \$25,000 to \$50,000 capital begins.

2. The word “ending” is substituted for the word “commencing” in the proviso to the said section twenty-six hereinbefore repealed, and this amendment shall be deemed to have come into force on the twenty-fourth day of May, one thousand nine hundred and eighteen.

Clerical error corrected.





## 9 - 10 GEORGE V.

### CHAP. 40.

#### An Act to amend The Canada Grain Act.

[Assented to 7th July, 1919.]

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

1912, c. 27;  
1913, c. 21;  
1914, c. 33;  
1915, c. 10;  
1916, c. 6.

**1.** Section two of *The Canada Grain Act*, chapter twenty-seven of the statutes of 1912, is amended by inserting the following paragraph immediately after paragraph (c) thereof:—

“(cc) ‘Board of Appeal’ means the Board of Grain Appeal for Canada,”

“Board of Appeal.”

and by inserting the following paragraph immediately after paragraph (t) thereof:—

“(tt) ‘Primary Grain Dealer’ means any person, firm or corporation which contracts with the producer to purchase or handle grain for commerce, in any manner for which a license (other than a license for a Primary Grain Dealer) is not required under the provisions of this Act.”

“Primary Grain Dealer.”

**2.** Section fifty-seven of the said Act is hereby amended by adding thereto the following as subsection five:—

“(5) In all cases where, pursuant to any rules and regulations under subsection two of this section, a warehouse receipt for grain in store is issued by a private elevator, the person to whom such warehouse receipt is issued, and all subsequent legal holders thereof, shall have good title to the grain therein described as fully and effectually as to the like effect as if such warehouse receipt had been issued by a terminal elevator under the provisions of this Act.”

Rights of holder of warehouse receipts from private elevator.

**3.** Subsection seven of section ninety-five of the said Act is repealed and the following is substituted therefor:—

“(7) In the month of August in each year, stock shall be taken of the quantity of each grade of grain in the terminal elevators; if the total surplus of grain is found in excess of one-quarter of one per cent of the gross amount of

Stock-taking.

Disposal of surplus.

Application  
of proceeds.

the grain received in the elevator during the crop year, such excess surplus shall be sold annually by the Board of Grain Commissioners and the proceeds thereof paid to the said Board. Such proceeds shall be applied towards the cost of the administration of *The Canada Grain Act* in such manner as the Governor in Council may direct."

Additional  
stock-  
taking.

4. Section ninety-five of the said Act is amended by adding thereto the following subsection:—

"(8) The Board at any time it deems advisable may order an additional weigh-up or stock-taking in any terminal elevator for the purpose of ascertaining the correct quantity and grades of grain in store."

Disputes as  
to grading.

5. Section one hundred and one of the said Act is repealed and the following is substituted therefor:—

"101. (1) Whenever in any division or district, the owner or possessor of any grain inspected therein is dissatisfied 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 a further appeal to the Board of Appeal, 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 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. If the owner or possessor so desires he may call for a fresh sample to be drawn by the inspector for use on re-inspection or appeal, the expense therefor to be borne by the applicant, and in case it be drawn for the purpose of appeal it shall be sent to the Secretary of the said Board.

Final appeal  
to Board of  
Appeal.

Fresh sample  
may be  
required.

When no  
appeal.

Costs of  
appeal.

"(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 of Appeal 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 the cost shall be paid by the Board of Appeal."

Board of  
Grain  
Appeal.

6. Section one hundred and two of the said Act is repealed and the following is substituted therefor:—

"102. (1) There shall be a board to be known as the Board of Grain Appeal, to consist of three members who must be expert and experienced in the inspection of grain, to be appointed by the Governor in Council.

“(2) Each member shall hold office during good behaviour for a period of ten years from the date of his appointment, but he may be removed at any time by the Governor in Council for cause, provided that when a member reaches the age of seventy years his office shall *ipso facto* become vacant.

Tenure of office.

Age limit.

“(3) A member upon the expiration of his term of office, if under seventy years of age, shall be eligible for reappointment.

Re-appointment.

“(4) One of such members shall be appointed by the Governor in Council as Chairman of the Board and he shall be entitled to hold the office of Chairman so long as he continues a member of the Board. The Chairman, when present, shall preside at the meetings of the Board.

Chairman.

“(5) Two members shall be a quorum. No vacancy in the Board shall impair the right of the remaining two members to act.

Quorum.

“(6) The salaries of the members of the Board of Appeal shall be such as are fixed by the Governor in Council.

Salaries.

“(7) The fees to be charged by the Board of Appeal shall be set by the said Board of Appeal on or before the first day of September in each year, and shall be approved by the Governor in Council.

Fees.

“(8) The members of the Board of Appeal shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any other office or employment.

Other employment forbidden.

“(9) No member or officer of the Board shall, directly or indirectly, hold any interest in any corporation subject to this Act, or directly or indirectly deal in or be financially interested in grain or hold any interest in any grain elevator or warehouse or in any partnership, corporation or business engaged in the grain trade or in the transportation or storage of grain.

No interest in corporations or grain transactions.

“(10) The members and such officers of the Board of Appeal as the Governor in Council may direct shall, before acting as such, take and subscribe an oath of office in the form following:—

Oath of office.

“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 Chairman (or member,) of the Board of Grain Appeal for Canada, and that while I continue to be such Chairman (or member, or as the case may be), I will not directly or indirectly deal in or be financially interested in grain or hold any interest in any grain elevator or warehouse, or in any partnership, corporation or business engaged in the grain trade or in the transportation or storage of grain. So help me God.

Form.

“(11) The Board of Appeal shall hear all appeals from the decisions of the chief inspector on samples of grain,

Duties of Board.

as provided in section one hundred and one, and perform such other duties as are prescribed by the Governor in Council by regulation or otherwise.

Offices.

“(12) The offices of the Board of Appeal shall be in such place as the Governor in Council may direct, but for the purpose of better considering any particular appeal, the Board of Appeal or any of its members duly appointed in any special case by the Board of Appeal may hold sittings at any other place in the division.”

Sittings.

**7.** Section one hundred and three of the said Act is repealed and the following is substituted therefor:—

By-laws.

“**103.** The Board of Appeal may make by-laws for the better carrying out of the business of the Grain Survey Board of any district in the Division, and for the establishment of a schedule of fees for survey services.”

**8.** (1) Subsection one of section one hundred and four of the said Act is repealed and the following is substituted therefor:—

Calgary survey board.

“**104.** (1) A survey board with offices at Calgary shall be established and appointed for the district of Calgary in the Western Inspection Division, with such powers and under such special regulations and restrictions as the Board may determine.”

(2) Subsection three of the said section is repealed and the following is substituted therefor:—

Certain sections to apply.

“(3) The provisions of section one hundred and one, (‘Grain Survey Board’ being substituted for ‘Board of Appeal’), and section one hundred and three of this Act, shall apply to any such survey board.”

Sections to come in force by proclamation.

**9.** Sections five, six, seven and eight of this Act shall come into force upon and from such date as may be prescribed by proclamation by the Governor in Council.

**10.** Section one hundred and nineteen of the said Act is repealed and the following is substituted therefor:—

Annual licenses.

“**119.** (1) All licenses issued under this Act shall expire on the thirty-first day of August in each year.

(2) The Board shall,—

Powers of Board.

(a) require all track-buyers and owners and operators of elevators, warehouses and mills, and all grain commission merchants and primary grain dealers to take out annual licenses;

(b) fix the amount of bonds to be given by the different operators of elevators, mills and flat warehouses, and by grain commission merchants, track-buyers and primary grain dealers;

(c) require the person so licensed to keep books in form approved by the Board;

(d) supervise the handling and storage of grain, in and out of elevators, warehouses and cars;

(e) enforce rules and regulations made under this Act.

(3) The Board, in its discretion, may accept security of persons, firms or corporations to whatever amount and in whatever form shall be deemed necessary by them in lieu of bonds. Security in lieu of bonds.

(4) Any person who engages in any business for which a license is required under this Act without first obtaining such license shall be guilty of an offence and liable, on summary conviction, to a penalty of not less than five hundred dollars and not exceeding two thousand dollars and costs, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment. Penalty for non-compliance.

**11.** Section one hundred and twenty of the said Act is amended by adding the following subsection immediately after subsection two thereof:—

“(2a) The Board shall have all the powers of a commissioner appointed under the provisions of Part I of the *Inquiries Act*, chapter one hundred and four of the Revised Statutes of Canada, 1906.” Examination of witnesses, etc.

**12.** Subsection one of section one hundred and thirty-seven of the said Act is amended by striking out the words “during the first week in September,” in the second line thereof, and substituting therefor the following:—“on or before the fifteenth day of August.” Annual statement of rates for storage.

**13.** Section one hundred and fifty-one of the said Act is amended by adding thereto the following subsection:—

“(3) The railway company shall on the allotment of any site for a new elevator and on the transfer of any lease notify the Board, stating the location and to whom allotted or transferred, and shall furnish the Board on or before the first day of October of each year with a list of all elevators and warehouses on its lines.” Notice and lists of new elevators and transfers.

**14.** Section one hundred and sixty of the said Act, is amended by adding thereto the following subsection:—

“(5) Notwithstanding the provisions of subsection four of this section, the owner, possessor or holder of a cash purchase ticket shall not be deprived of his right to payment or redemption of the same as against the warehouseman or his surety, if he does not avail himself of the provisions of subsection four.” Rights of holder of cash purchase ticket preserved.

**15.** Subsection three of section one hundred and sixty-six of the said Act is repealed and the following is substituted therefor:—

No receipt or certificate to contain modification of legal liability of issuer.

“(3) Except as in this Part mentioned, or except as otherwise provided by order or regulation of the Board approved by the Governor in Council, no receipt or certificates shall contain language in any way limiting or modifying the legal liability of the person issuing the same nor shall any of the parties thereto enter into any agreement whatever, other than that provided for in the aforesaid warehouse receipt. The entering into any such agreement shall be an offence and the agreement shall be void.”

**16.** (1) Subsection one of section one hundred and ninety-seven of the said Act is repealed and the following is substituted therefor:—

Order for cars.

“**197.** (1) The applicant or his agent duly appointed in writing shall furnish to the railway agent the name and the post office address of the applicant and the section, township and range on which the grain was grown, for insertion in the car order book; and each car order shall be consecutively numbered in the car order book by the railway agent, who shall fill in with ink all particulars of the application except the applicant's signature, which shall be signed by the applicant or his agent duly appointed in writing.”

(2) The following subsection is added at the end of the said section:—

Who may not act as agents.

“(3) No agent, employee, owner or operator of any elevator company, or of any grain company or of any person licensed under this Act, shall either directly or indirectly act as agent within the meaning of this section.”

**17.** Section two hundred and one of the said Act is amended by adding the following words at the end thereof:—

Posting of notices of applications for cars.

“and such notice shall be made out in duplicate, one copy of which shall be kept on file by the agent, and the other shall be posted up in a conspicuous place in the waiting room or in the place of business of the person in charge of the car order book. The notices shall be open for examination by all persons for a period of not less than sixty days from the time said cars were awarded.”

**18.** Section two hundred and fifteen of the said Act is amended by adding thereto the following subsection:—

Buying of grain consigned for sale on commission not allowed.

“(2) No person, firm or corporation, licensed as a grain commission merchant, shall directly or indirectly buy for their own account any grain consigned to them for sale on commission.”

**19.** Section two hundred and nineteen of the said Act is amended by adding thereto the following subsection:—

Proceeds to settle each transaction.

“(3) The proceeds or balances of all such carload lots shall only be applied in settlement of each specific transaction.”



**20.** The said Act is amended by inserting the following heading and section immediately after section two hundred and nineteen:—

“PRIMARY GRAIN DEALER.

“**219A.** (1) No person, firm or corporation shall carry on the business of Primary Grain Dealer without first having obtained a license so to do from the Board and entered into a bond, with sufficient sureties, for such amount and in such form as is approved by the Board.

License and bond for Primary Grain Dealers.

“(2) The annual fee for such license shall be five dollars.

Fee.

“(3) It shall be the duty of every Primary Grain Dealer to make all contracts in writing in duplicate in the form H of the Schedule to this Act (said duplicates to be signed by both parties thereto, and one of said duplicates to be delivered to the producer), and to properly account for and settle in full for contracts entered into.”

Contracts in duplicate and settlement in full for contracts.

**21.** Section two hundred and twenty is amended by inserting the words “ and Primary Grain Dealers ” after the word “ buyers ” in the third line thereof.

Part III to apply to such licenses.

**22.** The said Act is amended by inserting the following section immediately after section two hundred and twenty-seven thereof:—

“**227A.** The delivery of grain to any warehouseman of a country, terminal, public or other elevator for storage, although it be mingled with other grain, and the shipping or removing of grain from its original place of storage in any of the elevators aforesaid, shall be deemed a bailment and not a sale.”

Delivery of grain deemed a bailment, not a sale.

**23.** Section two hundred and forty-four of the said Act is amended by adding thereto the following subsection:—

“(2) If any corporation is convicted of an offence under this section, every officer of such corporation who knowingly had any part or share in the commission of such offence, shall also be personally liable to the said penalties, and in default of payment to imprisonment for not less than one month or more than one year.”

Personal liability of officers of corporations.

**24.** Subsection one of section two hundred and forty-five of the said Act is amended by striking out the words “ not exceeding one hundred and fifty dollars and not less than twenty-five dollars ” in the last two lines thereof and substituting therefor the following words:—“ of not less than twenty-five dollars for the first offence, a penalty of not less than two hundred and fifty dollars or two months in jail for a second offence, and to a penalty of not less than five hundred dollars or three months in jail for a third offence.”

Penalty for offences relating to applications for cars.

25. The Schedule to the said Act is amended by adding thereto the following form:—

“H

(Section 219 A)

Purchase Note Form for Primary Grain Dealer.

License Season 191—191—

License No.....

Purchase Note made out by Licensed Primary Grain Dealer.

.....Station.....191

I (We) have this day purchased from.....

.....of.....

(Name)

(Address)

.....bushels of.....

(Kind of grain)

.....cents per bushel basis.....

in store Fort William or Port Arthur. Delivery to be made in car(s) on track at.....on or before

(Station)

.....191.... To be billed by seller to

.....

(Destination)

I (We) agree to make an advance of \$.....on receipt of Bill(s) of Lading. Balance to be paid on receipt of weight and grade certificates and railroad expense bill. The spread between grades to be governed by that existing on the date of inspection, if grain then saleable, otherwise on first date thereafter that sale can be made.

Government weight and grade to govern.

Remarks.....

.....

.....

Accepted by..... Per.....

(Seller)

(Buyer)

”



# 9-10 GEORGE V.

## CHAP. 41.

An Act to amend the Canada Shipping Act (Pilotage and Harbour Masters).

[Assented to 7th July, 1919.]

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

1907, cc. 46, 47;  
1908, cc. 64, 65;  
1912, c. 51;  
1913, c. 49;  
1914, cc. 48, 49;  
1916, cc. 12, 13.

**1.** Section four hundred and thirty-two of the *Canada Shipping Act*, Revised Statutes of Canada, 1906, chapter one hundred and thirteen, is repealed and the following is substituted therefor:—

“**432.** Notwithstanding anything in this Part, the Governor in Council may, when it appears to him to be in the interest of navigation, appoint the Minister to be the pilotage authority for any pilotage district, or for any part thereof; and the said Minister shall thereupon supersede the then existing pilotage authority for that district or part of a district: Provided that nothing in this Part shall authorize the Minister to sit as a tribunal for the trial of offences of which pilots may be accused before the pilotage authority; but such Minister may, in any case not provided for by Part X of this Act, designate a tribunal or officer to try any such offence.”

Minister may be appointed pilotage authority by Governor in Council. (Omits requirement of recommendation of shipping interest or council of Board of Trade.)

**2.** Paragraph (*h*) of section eight hundred and sixty-two of the said Act is repealed, and the following paragraphs are added at the end of the said section:—

Harbour master fees.

“(h) for every ship over seven hundred tons and not over one thousand tons register, five dollars;

Between 700 and 1,000 tons.

“(i) for every ship over one thousand tons register, seven dollars.”

Over 1,000 tons.

**3.** Section eight hundred and sixty-five of the said Act is repealed and the following is substituted therefor:—

Harbour masters' salary increased from \$600 to \$1,200.

“**865.** The salary or remuneration of each harbour master shall from time to time be fixed by the Governor in Council, but shall not exceed the rate of one thousand two hundred dollars per annum, and shall be subject to the conditions hereinafter contained.”





# 9-10 GEORGE V.

## CHAP. 42.

An Act to amend the Canada Shipping Act (Transfers and Mortgages of Ships).

R.S. c. 113;  
1907, cc. 46,  
47;  
1908, cc. 64, 65;  
1909, c. 34;  
1910, c. 61;  
1911, c. 27;  
1912, c. 51;  
1913, c. 49;  
1914, cc. 13,  
48, 49;  
1916, cc. 12,  
13.

[Assented to 7th July, 1919.]

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

Transfers, mortgages, or transfers of mortgages of ships to be subject to approval.

1. (1) A transfer, or a mortgage or a transfer of a mortgage of a British ship registered in Canada to a person not qualified to own a British ship, or to a foreign controlled company, shall not have any effect unless the same is approved by the Minister of Marine and Fisheries on behalf of His Majesty.

Penalty for violation of provision.

(2) Any person who makes or purports to make such a transfer, mortgage or transfer of mortgage without this approval shall, in respect of each offence, incur a penalty of a fine not exceeding five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment, and such penalty may be imposed either upon summary conviction or upon indictment.

(3) The expression "foreign controlled company" means any corporation,—

Definition of "foreign controlled company."

- (a) where the majority of the directors, or persons occupying the position of directors by whatever name called, are not British subjects; or,
- (b) where the majority of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or,
- (c) where the control is by any other means whatever in the hands of persons who are not British subjects; or,
- (d) where the executive is a foreign controlled company, or where the majority of the executive are appointed by a foreign controlled company.

A corporation shall not be deemed to be a British subject for the purposes of this section unless it is established in and subject to the laws of some part of His Majesty's

Dominions or of some British Protectorate, and has its principal place of business therein.

Power to require and obtain particulars regarding ownership of ships by foreign controlled company.

(4) The said Minister may require any person who is the owner or mortgagee of a British ship registered in Canada, or who applies to be registered as the owner or mortgagee of a British ship registered in Canada, to furnish to him such particulars as appear necessary to him for the purpose of ascertaining whether or not that person is, or is a trustee for, or otherwise represents, a foreign controlled company, and, in the case of a corporation, may also require the secretary, or any other officer of the corporation performing the duties of secretary, to furnish those particulars.

Penalty for failing to supply particulars or furnishing false particulars.

If any person fails to supply such particulars as it is in his power to give when required, or furnishes particulars which are false in any material particular, he shall be guilty of an offence and shall incur a penalty of a fine not exceeding five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment, and such penalty may be imposed either upon summary conviction or upon indictment.

Forfeiture on owner ceasing to be a British subject, or becoming a foreign controlled company.

**2.** Where, after the passing of this Act, any person who is the owner or mortgagee of a British ship registered in Canada ceases to be a British subject or becomes a foreign controlled company, that ship, or, in the case of a mortgagee of a ship, the interest of the mortgagee, shall be subject to forfeiture under Part I of the *Merchant Shipping Act, 1894*.

"Ship" to include share in a ship.

**3.** In this Act, unless the context otherwise requires, any reference to a ship shall include a reference to a share in a ship.

Duration of Act.

**4.** This Act shall continue in operation for three years.

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# The Pension Act.

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## 9-10 GEORGE V.

### CHAP. 43.

An Act to provide pensions to or in respect of Members of the Canadian Naval, Military and Air Forces.

[Assented to 7th July, 1919.]

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

#### SHORT TITLE.

1. This Act may be cited as *The Pension Act*.

Short title.

#### INTERPRETATION.

2. In this Act and in any regulation made under the provisions of this Act, unless the context otherwise requires,—

- (a) "appearance of the disability" includes the reappearance of a disability which has been reduced sufficiently to permit the member of the forces to serve in a theatre of actual war; "Appearance of the disability."
- (b) "applicant" means any person who has made an application for a pension, or any person on whose behalf an application for a pension has been made, or any member of the forces in whom a disability is shown to exist at the time of his retirement or discharge or at the time of the completion of treatment or training by the Department of Soldiers' Civil Re-establishment; "Applicant."
- (c) "child" means a legitimate child of a member of the forces whether such child is born before or after the award of pension; "child" also includes his step-child, his adopted child, his foster-child, or his illegitimate child; "Child."
- (d) "Commission" means the Board of Pension Commissioners for Canada; "Commission."
- (e) "dependent condition" means the condition of being without earnings or income sufficient to provide for maintenance. An applicant resident in Canada shall be considered to be in a dependent condition when such applicant is not in receipt of earnings or income

- income equivalent to the amount of pension provided for such an applicant;
- “Died.”  
“Death.” (f) “died” or “death” includes death presumed for official purposes;
- “Disability.” (g) “disability” means a wound, injury or disease;
- “Improper conduct.” (h) “improper conduct” includes wilful disobedience of orders, self-inflicted wounding and vicious or criminal conduct;
- “Member of the Forces.” (i) “member of the forces” means any person who was enlisted, enrolled or drafted during the war (i) for service in the military forces of Canada on active service, (ii) for service on the high seas in the naval forces of Canada, or (iii) for service in the air forces of Canada: Provided, however, that after the Declaration of Peace, the words “member of the forces” shall not extend to or include any person who, notwithstanding that he was so enlisted, enrolled or drafted is not at the time serving by virtue only of *The Military Service Act, 1917*, or under an attestation or declaration in which he expressed his readiness to serve overseas or on the high seas;
- “Military Service.”  
“Minister.” (j) “military service” includes naval or air service;
- (k) “Minister” means the Minister of Soldiers’ Civil Re-establishment or such other Minister as the Governor in Council may from time to time determine;
- “Pension.” (l) “pension” means pension on account of the death or disability of a member of the forces and includes addition to pension, temporary pension, additional payment, final payment or any other payment made by the Commission to or in respect of any member of the forces;
- “Pensioner.” (m) “pensioner” means any person who has been awarded a pension;
- “Theatre of actual war.” (n) “theatre of actual war” means:—
- (i) in the case of the Military or Air Forces, the zone of the Allied Armies on the continents of Europe, of Asia or of Africa or wherever the member of the forces has sustained injury or disability directly by a hostile act of the enemy;
- (ii) in the case of the Naval Forces, the high seas or wherever contact has been made with hostile forces of the enemy, or wherever the member of the forces has sustained injury or disability directly by a hostile act of the enemy;
- “War.” (o) “war” means the war which commenced on the fourth day of August, 1914, in which His Majesty and His Majesty’s Allies were engaged.

## COMMISSION.

Commission. **3.** (1) There shall be a Commission to be known as “The Board of Pension Commissioners for Canada” which shall

shall consist of three Commissioners who shall be appointed by the Governor in Council.

(2) Each Commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but shall be removable at any time for cause by the Governor in Council. Tenure of office.

(3) A Commissioner shall cease to hold office upon reaching the age of seventy years. Age limit.

(4) A Commissioner, on the expiration of his term of office, shall, if not disqualified by age, be eligible for reappointment. Eligible for re-appointment.

(5) One of the Commissioners shall be appointed by the Governor in Council to be Chairman of the Commission. Chairman.

(6) The Chairman shall be paid a salary of seven thousand dollars per annum, and each of the other Commissioners shall be paid a salary of five thousand dollars per annum. Such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Salaries.

(7) Each Commissioner shall devote the whole of his time to the performance of his duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. No other occupation.

(8) The approval of the Commission to the award of any pension, or the refusal of any pension, shall be evidenced by the personal signature of at least one of the Commissioners. Action evidenced by personal signature.

4. The Commission shall be provided with suitable offices at the city of Ottawa for the Commissioners and for the officers and employees of the Commission, such branch offices elsewhere as may be required and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Commission. Department offices and equipment.

5. (1) The Commission shall have all the powers and duties of a deputy head of a Department for the purposes of *The Civil Service Act, 1918*. Powers of deputy head.

(2) The salaries or other remuneration of the officers, clerks and employees of the Commission, and all the expenses of the Commission incidental to the carrying out of this Act, shall be paid out of moneys to be provided by Parliament. Payment of salaries.

6. (1) The Commission shall be attached to the Department of Soldiers' Civil Re-establishment or such other Department as the Governor in Council may from time to time determine. Department.

(2) The Commission shall furnish the Minister with such reports, statements and information as he may at any time require. Report to Minister.

Annual report. (3) The Commission shall, immediately after the conclusion of the fiscal year, make an annual report in such form and with such details as the Minister may direct. Such report shall be laid before Parliament within ten days after the making thereof, or, if Parliament is not then in session, within ten days after the commencement of the next session of Parliament.

Exclusive jurisdiction and final decision.

7. Subject to the provisions of this Act and of any regulation made under the provisions of this Act, the Commission shall have full power and authority and exclusive jurisdiction to deal with all matters pertaining to pensions, to consider all applications for pensions, and to award, refuse, cancel, pay and administer pensions, and from its decision there shall be no appeal except as provided in section eighteen of this Act. It shall also have power to pay pensions, allowances and gratuities or other grants awarded in virtue of the *Militia Pension Act*, Revised Statutes of Canada, 1906, chapter forty-two, or any amendment to that Act, or awarded to or in respect of members of those forces who served in connection with the Fenian Raids or the Northwest Rebellion.

Militia pensions, Fenian Raid and N. W. Rebellion grants.

Additional powers.

8. The Governor in Council may transfer to the Commission full power and authority and exclusive jurisdiction to consider, award, pay, administer and deal with any pensions, allowances, gratuities or other grants authorized by any other statute or law of Canada.

Judicial powers on inquiries.

9. (1) The Commission shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Power to take evidence on oath.

(2) The Commission shall have power to appoint a person or persons to hear and receive evidence with respect of any matter pertaining to pensions, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada.

Regulations.

10. The Commission shall have power, with the approval of the Minister, to make such regulations as it deems necessary for carrying out the provisions of this Act.

#### GENERAL.

Pensions to be awarded according to prescribed rates.

11. (1) The Commission shall award pensions to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the rates set out in

Schedule B of this Act, when the disability or death in respect of which the application for pension is made was attributable to or was incurred or aggravated during military service.

Provided that when a member of the forces has, during leave of absence from military service, undertaken an occupation which is unconnected with military service, no pension shall be paid for disability or death incurred by him during such leave unless his disability or death was attributable to his military service.

Provided, further, that when a member of the forces has suffered disability or death after the declaration of peace, no pension shall be paid unless such disability was incurred or aggravated or such death occurred, as the direct result of military service.

(2) When a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Soldiers' Civil Re-establishment for treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such treatment.

Pension for disability or death during treatment.

**12.** A pension shall not be awarded when the death or disability of the member of the forces was due to improper conduct as herein defined; provided that the Commission may, when the applicant is in a dependent condition, award such pension as it deems fit in the circumstances.

Cases of intemperance or improper conduct.

**13.** A pension shall not be awarded unless an application therefor has been made within three years,—

Time within which application must be made.

- (a) after the date of the death in respect of which pension is claimed;
- (b) after the date upon which the applicant has fallen into a dependent condition;
- (c) after the date upon which the applicant was retired or discharged from the forces; or,
- (d) after the declaration of peace.

**14.** (1) A pension shall be awarded to or in respect of a member of the forces in accordance with the rank or acting rank for which he was being paid pay and allowances at the time of the appearance of the disability for which he is pensioned or the appearance of the disability which resulted in his death. No variation of rank after the appearance of the disability shall affect any pension. Any award of a pension heretofore made contrary to this section shall be reviewed and determined for the purpose of future payments in accordance with the provisions of this section.

Pensions to be according to rank or acting rank at time of appearance of disability.

(2) In cases in which during the present war a member of the forces has voluntarily reverted from a rank which he held in the Canadian Expeditionary Force to a lower

Pension in cases of voluntary reversion.

rank in order to proceed to a scene of hostilities, the pension to or in respect of him shall be awarded in accordance with the rank from which he reverted, except when, previous to the appearance of his disability, he has been promoted to a rank higher than that from which he reverted.

Amount not affected by previous condition in life.

**15.** The occupation or income or condition in life of a person previous to his becoming a member of the forces shall not in any way affect the amount of pension awarded to or in respect of him.

Order to pay pension to another if pensioner incapable, or for non-support.

**16.** When the Commission is of opinion that the pensioner is incapable of expending or is not expending the pension in a proper manner, or that he is not maintaining the members of his family to whom he owes the duty of maintenance, the Commission may order that the pension be paid to such person as it may appoint, in order that the money may be expended by him for the benefit of the pensioner and the members of his family. The expenses connected with such payment, if any, shall be paid by the Commission.

Pension suspended on imprisonment or paid to defendant.

**17.** When a pensioner has been sentenced to imprisonment for a period of six months or more, the payment of his pension shall be suspended and his pension shall not be paid to him during his imprisonment; provided, however, that the Commission shall have discretion to pay the pension to any person who was being or was entitled to be supported by the pensioner at the time of his arrest.

Appeals and rehearing.

**18.** Two or more Commissioners shall sit for the purpose of hearing the appeals of dissatisfied applicants or pensioners. Any such appeal shall be made in writing within one year of the date of the decision appealed from, and may be presented either personally, by agent or by counsel. The decision of the Commission upon such appeal shall be final.

Assignment of right of action for damages as a condition for pension.

**19.** If a disability or death for which a pension is payable under this Act is caused under circumstances creating a legal liability upon some person to pay damages therefor, the Commission, as a condition to payment of the pension, shall require the pensioner to assign to His Majesty any right of action he may have to enforce such liability of such person or any right which he may have to share in any money or other property received in satisfaction of such liability of such person. The cause of action so assigned may be prosecuted or compromised by the Commission and any money realized thereon shall be paid into the Consolidated Revenue Fund of Canada. Provided that any money realized thereon in excess of

the capitalized value of the pension awarded and the costs, if any, of the recovery shall be paid to the pensioner.

**20.** Accounts for fees or charges for services rendered with respect of any application for a pension shall be submitted to the Commission for approval, and shall not be collectable unless and until the Commission shall have approved of them. Fees and charges to be approved.

**21.** (1) Pensions shall be payable monthly at the end of each month. Provided that pensions for disabilities of less than twenty per cent in extent shall be paid at the pensioner's option semi-annually at the end of the months of May and November in each year. Payments.

(2) It shall be a matter within the discretion of the Commission whether a pensioner shall be paid any instalment of his pension which has remained unclaimed by or for him for more than two years from the date such instalment became due. Unclaimed instalments.

(3) No pension shall be assigned, charged, attached, anticipated, commuted or given as security, and the Commission may, in its discretion, refuse to recognize any power of attorney granted by a pensioner with reference to the payment of his pension. Pensions not to be assigned or charged.

(4) The unpaid balance of pension due to a deceased pensioner shall not be deemed to form part of the assets of his estate. The Commission may, in its discretion, pay such balance to his widow or children or to any other person who has been maintained by him, or may apply it, or a portion of it, in payment of the expenses of his last sickness and burial. If no order for the payment of such balance is made by the Commission such balance shall be paid into the Consolidated Revenue Fund of Canada. Disposal of unpaid balances.

**22.** If a person is entitled to a pension under this Act, and is also entitled to a pension, gratuity or allowance under any other Act passed by the Parliament of Canada, such person, or, in the case of a child, the parent or guardian, or tutor of such child, shall elect which pension, gratuity or allowance he desires to accept, but no person shall receive two pensions, gratuities or allowances. No person to receive two pensions.

Election in case of several pensions.

#### CHILDREN.

**23.** (1) No pension shall be paid to or in respect of a child, who, if a boy, is over the age of sixteen years, or, if a girl, is over the age of seventeen years, except when such child and those responsible for its maintenance are without resources and the child is unable owing to physical or mental infirmity, to provide for its own maintenance, or where such child is following and is making satisfactory progress in a Pensions to children.

Age limit.

281 course

Marriage. course of instruction approved by the Commission, in which cases the pension may be continued until such child has attained the age of twenty-one years. No pension shall be paid in respect of a child after its marriage.

Payable only if child was maintained at appearance of disability, with certain exceptions.

(2) No pension shall be paid to or in respect of a child unless such child was acknowledged and maintained by a member of the forces in respect of whom a pension is claimed at the time of the occurrence or appearance of the disability for which he is pensioned or which resulted in his death; provided, however, that a legitimate child born subsequent to the appearance of such disability shall be entitled to a pension. Provided also that the Commission may, in its discretion, award a pension to or in respect of any child entitled in the opinion of the Commission to be maintained by the member of the forces in respect of whom pension is claimed.

Paid to parents or guardian.

(3) The pension for a child shall be paid to its mother or father or to its guardian or to a person appointed by the Commission.

Adopted child, foster child, or child not maintained by family, discretion of Commission.

(4) When a child has been given in adoption or has been removed from the person caring for it, by a competent authority, and placed in a suitable foster home, or is not being maintained by and does not form part of the family cared for by the member of the forces or the person who is pensioned as the widow, divorced wife, or parent of the member of the forces, or by the woman awarded a pension under subsection three of section thirty-three of this Act, the pension for such child may, in accordance with the circumstances and in the discretion of the Commission, be continued or discontinued or retained for such child for such period as the Commission may determine or increased to the rate payable for orphan children. Any such award shall be subject to review at any time.

Children of pensioner Classes 1-5.

(5) The children of a pensioner who was pensioned in any of Classes 1 to 5 mentioned in Schedule A and who has died, shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not, provided that the death occurs within five years after the date of retirement or discharge or the date of the commencement of pension.

Orphan child.

**24.** When a member of the forces has died leaving an orphan child, or when his widow, divorced wife, parent, or the woman awarded a pension under subsection three of section thirty-three of this Act, has died leaving an orphan child of such member of the forces, such orphan child shall be entitled to a pension in accordance with the provisions of Schedule B.

PENSIONS



## PENSIONS FOR DISABILITIES.

**25.** (1) Pensions for disabilities shall be awarded or continued in accordance with the extent of the disability of the applicant or pensioner. Pensions for disabilities.

(2) The estimate of the extent of a disability shall be based on the Instructions and a Table of Disabilities to be made by the Commission for the guidance of physicians and surgeons making medical examinations for pension purposes. Estimate of extent of disability.

(3) No deduction shall be made from the pension of any member of the forces who has served in a theatre of actual war on account of any disability or disabling condition which existed in him previous to the time at which he became a member of the forces: Provided that no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious or was not of a nature to cause rejection from service. No deduction for disability prior to service except for wilful concealment, etc.

(4) No deduction shall be made from the pension of any member of the forces owing to his having undertaken work or perfected himself in some form of industry. No deduction if work undertaken.

**26.** (1) Temporary pensions subject from time to time to review and medical re-examination shall be awarded or continued as long as the disability remains changeable in extent. Permanent pensions shall be awarded, or pensions shall be continued permanently, whenever the disability is, or becomes, apparently permanent in extent: Provided that if it subsequently appears that such a disability has changed in extent the pension shall be adjusted accordingly. Temporary pensions for disability.

(2) Whenever a pensioner is required by the Commission to be medically re-examined he shall be paid a reasonable amount for travelling expenses and subsistence and loss of wages. If any pensioner unreasonably refuses or neglects to be medically re-examined his pension shall be suspended and no pension shall be paid to him for the period during which such refusal or neglect continues. Permanent pension for disability.

**27.** (1) A member of the forces holding the rank of Sub-Lieutenant (Naval) or Lieutenant (Militia) or a lower rank who is totally disabled and helpless whether entitled to a pension of Class One or of a lower class and who is, in addition, in need of attendance, shall be entitled, if he is not cared for under the jurisdiction of the Department of Soldiers' Civil Re-establishment, to an addition to his pension subject to review from time to time, of an amount in the discretion of the Commission not exceeding four hundred and fifty dollars per annum. Medical re-examination expenses paid.

(2) Penalty for refusal.

Extra allowance for total disability, and requiring attendance, in lower ranks.

Extra allowance for total and helpless disability in higher ranks.

(2) If such a member of the forces holds the rank of Lieutenant Commander (Naval) or Major (Militia) he shall be entitled to an addition to his pension not exceeding ninety dollars per annum, and if he holds the rank of Lieutenant (Naval) or Captain (Militia) he shall be entitled to an addition to his pension not exceeding three hundred and fifty dollars per annum.

Time from which payment of pensions for disability shall commence.

**28.** Pensions awarded for disabilities shall be paid from the day following that upon which the applicant was retired or discharged from the forces except,—

- (a) in the case of a member of the forces passed immediately on retirement or discharge under the jurisdiction of the Department of Soldiers' Civil Re-establishment for treatment or training which prevents him from obtaining or continuing employment, in which case the pension shall be paid from the day following that upon which the treatment or training of such member of the forces by the Department of Soldiers' Civil Re-establishment is completed;
- (b) in the case in which a pension is awarded to an applicant the appearance of whose disability was subsequent to his retirement or discharge from the forces, in which case the pension shall be paid from the day upon which the application for pension has been received;
- (c) in the case of a legitimate child born subsequent to the award of a pension, in which case the pension for such child shall be paid from the date of its birth; and,
- (d) in the case in which a member of the forces marries subsequent to the award of a pension, in which case the addition to pension for a married member of the forces shall be paid from the date of his marriage.

Refusing to undergo medical or surgical treatment.

**29.** (1) If an applicant or pensioner should in the opinion of the Commission undergo medical or surgical treatment, and the applicant or pensioner in the opinion of the Commission unreasonably refuses to undergo such treatment, the pension to which the extent of his disability would otherwise have entitled him may be reduced, in the discretion of the Commission, by not more than one-half.

Functional or hysterical disability.

(2) When in the opinion of a medical neurological expert an applicant for pension or a pensioner has a disability which is purely functional or hysterical no pension shall be paid, but such member of the forces shall immediately be referred to a Neurological Centre for treatment. In cases in which the functional or hysterical disability disappears as the result of treatment the Commission may, in its discretion, award a gratuity in final payment not

Treatment.

Allowance.

exceeding five hundred dollars but no pension shall be paid. When as the result of treatment the functional or hysterical disability has not disappeared a pension shall be awarded in accordance with the extent of the disability, provided the applicant or pensioner has not unreasonably refused to accept or continue treatment.

**30.** The pension to or in respect of a member of the forces shall be discontinued upon his beginning a course of re-training under the jurisdiction of the Department of Soldiers' Civil Re-establishment. Upon the completion of such course of re-training, his case shall be re-considered, and pension to commence from the date of completion of training shall be awarded in accordance with the extent of his disability.

Discontinuance of pensions, and renewal on subsequent retirement or discharge.

**31.** (1) When a member of the forces is married but his wife does not live with him, and is not maintained by him, the additional pension for a married member of the forces may, in the discretion of the Commission, be refused, or, if awarded, may be paid to the wife.

Payments to wife under certain conditions.

(2) The Commission may, in its discretion, award or refuse to a pensioner who is a married woman the additional pension for a married member of the forces.

Power to refuse pension to wife.

(3) When the member of the forces has no wife, or the additional pension on account of his wife has been refused, an amount equivalent to the additional pension for a married member of the forces may be paid to him if he is maintaining, or in the opinion of the Commission is substantially assisting in maintaining, one or both of his parents.

Maintenance of parents.

**32.** When a pensioner has died as the result of the disability for which he was pensioned and his estate is not sufficient to pay the expenses of his last sickness and burial, the Commission may pay such expenses, or a portion thereof, but the payment in any such case shall not exceed one hundred dollars.

Sickness and burial expenses limited to \$100.

#### PENSION FOR DEATHS.

**33.** (1) No pension shall be paid to the widow of a member of the forces unless she was married to him before the appearance of the disability which resulted in his death, and in the case of the widow of a pensioner, unless she was living with him or was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

No pension to widow unless married before disability, or living with or maintained by pensioner.

(2) Subject to paragraph one of this section, the widow of a pensioner who, previous to his death, was pensioned

When pensioned prior to disability.

for disability in any of the Classes 1 to 5 mentioned in Schedule A shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not, provided that the death occurs within five years after the date of retirement or discharge or the date of commencement of pension.

Pension to unmarried wife at discretion of Commission.

(3) A woman who, although not married to the member of the forces, was living with him in Canada at the time he became a member of the forces and for a reasonable time previously thereto, and who, at such time, was publicly represented by him as his wife may, in the case of his death and in the discretion of the Commission, be awarded a pension equivalent to the pension she would have received had she been his legal widow. The Commission may also award a pension if, in its opinion, an injustice would be done by not recognizing a woman as the wife of a member of the forces although there is no evidence that she had been publicly represented by him as his wife.

Pension to divorced or legally separated woman awarded alimony.

(4) A woman who has been divorced or legally separated from a member of the forces who has died shall not be entitled to a pension unless she was awarded alimony or an alimentary allowance, in which case she shall be entitled if she is in a dependent condition to the equivalent of the widow's pension or to the equivalent of the alimony or alimentary allowance which was awarded her, whichever is the smaller in amount.

Power to refuse pension to widow separated prior to enlistment and not assigned pay.

(5) The Commission may, in its discretion, refuse to award a pension to a widow of a member of the forces who, at the time he became a member of the forces and for a reasonable time previously thereto, was separated from him and was not being maintained by him during such time.

Pension to parent or person replacing parent when dependent.

**34.** (1) A parent or any person in the place of a parent with respect of a member of the forces who has died shall be entitled to a pension when such member of the forces left no child, widow, or divorced wife who is entitled to a pension, or a woman awarded a pension under subsection three of section thirty-three of this Act, and when such parent or person is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent, maintained by him.

Pension to orphan children cared for by dependent parent or person.

(2) In cases in which a member of the forces has died leaving orphan children in addition to a parent or person in the place of a parent who was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to such a parent or person, and if such orphan children are being cared for by a parent or person to whom the pension has been awarded, such children shall only be entitled to pension at the rate provided for children who are not orphans.

(3) When a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by the member of the forces at the time of his death, subsequently falls into a dependent condition, such parent or person may be awarded a pension provided he or she is incapacitated by mental or physical infirmity from earning a livelihood, and provided also that in the opinion of the Commission such member of the forces would have wholly or to a substantial extent maintained such parent or person had he not died.

Pension to parent or person becoming mentally or physically incapacitated.

(4) The pension to any parent or person in the place of a parent shall be subject to review from time to time, and shall be continued, increased, decreased or discontinued in accordance with the amount deemed necessary by the Commission to provide a maintenance for such parent or person, but in no case shall such pension exceed the amount of pension prescribed for parents in Schedule B of this Act.

Pension to such parent or person subject to review, etc.

Provided that the pension to a widowed mother shall not be reduced on account of her earnings from personal employment.

And provided, further, that the pension to a parent or person in the place of a parent shall not be reduced on account of the payment of municipal insurance on the life of a deceased member of the forces to such parent or person.

**35.** (1) A brother or sister of a member of the forces who has died shall be entitled to a pension when such member of the forces left no child, widow, or divorced wife, nor a woman awarded a pension under subsection three of section thirty-three of this Act, entitled to pension, and when such brother or sister is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent maintained by him.

Pension to dependent brother or sister.

(2) If such brother or sister is in a dependent condition and is an orphan, or if he or she subsequently becomes an orphan by the death of his or her parent or parents, he or she shall be entitled to a pension not in excess of the amount provided in Schedule B for orphan children.

If an orphan or becomes an orphan.

(3) No pension shall be paid to or in respect of a brother over the age of sixteen years or of a sister over the age of seventeen years.

Age limits.

(4) No pension shall be paid to or in respect of a brother or sister after the marriage of such brother or sister.

Marriage.

(5) When a brother over the age of sixteen years or a sister over the age of seventeen years is in a dependent condition and was wholly or to a substantial extent maintained by a member of the forces at the time of his death, such brother or sister may, in the discretion of the Commission, be awarded a pension not in excess of the amount provided in Schedule B for orphan children while such

When over age limit but wholly or partially maintained.

brother or sister is incapacitated by mental or physical infirmity from earning a livelihood.

Pension  
subject to  
review, etc.

(6) The pension to a brother or sister shall be subject to review from time to time, and shall be continued, increased, decreased or discontinued in accordance with the amount necessary to provide a maintenance for such brother or sister, but in no case shall such pension exceed the amount of pension provided for brothers and sisters in Schedule B of this Act, or, in the case of orphan brothers and sisters, the amount of pension provided in Schedule B for orphan children.

One pension  
only.

**36.** (1) No person shall be awarded more than one pension in respect of death.

Exceptions.

(2) Except when children are awarded pensions, or parents are awarded a pension jointly, or brothers or sisters are awarded pension, or a pension is divided among several applicants, not more than one pension shall be awarded in respect of the death of any one member of the forces.

Apportion-  
ment of  
pension  
between  
several  
applicants.

**37.** The Commission may, in its discretion, apportion a pension between several pensionable applicants. Any such award may from time to time be reviewed and varied. Upon the discontinuance or reduction of a pension to one such pensioner, the pension awarded to any other such pensioner may, in the discretion of the Commission, be continued or increased, provided the total pension paid to the several pensioners does not exceed the amount prescribed in the Schedules to this Act.

Date of  
payment of  
pension.

**38.** Pensions with respect of the death of a member of the forces shall be paid from the first day of the month following the month in which the report of the death is made, except,—

Exceptions.

- (a) in the case in which the member of the forces dies after being pensioned, in which case the pension shall be paid from the day following the day of his death;
- (b) in the case in which a pension is awarded to a parent who was not wholly or to a substantial extent maintained by the member of the forces at the time of his death, in which case the pension shall be paid from a day to be fixed in each case by the Commission; and,
- (c) in the case of a posthumous child of a member of the forces born subsequent to the first day of the month in which the report of death is made, in which case the pension for such child shall be paid from the date of his birth.

Additional  
allowance to  
widow and  
children.

**39.** When a pension is awarded to the widow or children, or both, of a member of the forces who is not a pensioner, on account of his death, an additional payment equivalent to two months' pension shall be paid.

**40.** The pension of any female pensioner who is found to be a common prostitute or who openly lives with any man in the relationship of man and wife without being married to him shall be suspended, discontinued or cancelled.

Power to cancel pension of prostitute or adulteress.

**41.** Upon the marriage or re-marriage of the mother, widow, or divorced wife of a deceased member of the forces who is receiving a pension, or of a woman awarded a pension under subsection three of section thirty-three of this Act, her pension shall cease, and she shall then be entitled to be paid one year's pension as a final payment.

Pension to cease on marriage, or re-marriage.

#### PENALTIES.

**42.** Any person who by any false representation, personation or fraud obtains, or attempts to obtain, a pension for himself or for any other person shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding two years, or to a fine not exceeding one thousand dollars, or to both imprisonment and fine.

False representation or fraud.

**43.** Any person who lends or gives or attempts to lend or give money or credit or any other consideration for the assignment, charging, attachment, anticipation, commutation or giving as security of a pension shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding one year, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine. Provided, however, that the provisions of this section shall not apply to loans, credits or consideration made or given without interest or other profit by the Canadian Patriotic Fund, or by any other patriotic or benevolent corporation, society or association approved by the Commissioners.

Inducements to assign, charge or attach pensions.

**44.** Any person who collects or attempts to collect any fees or charges for services rendered with respect of any application for a pension, the amount of which fees or charges has not been approved by the Commission, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine.

Collecting fees or charges on application for pensions.

**45.** Any person who wilfully makes any false statement under oath to the Commission with reference to any pension or application for pension, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine.

False statement under oath or otherwise.

SUPPLEMENTARY PENSIONS IN RESPECT OF MEMBERS OF  
ALLIED FORCES.

Supplemen-  
tary pension  
on disability  
of members  
of His  
Majesty's  
forces other  
than those of  
Canada,  
to effect  
equalization.

**46.** When a person who was domiciled and resident in Canada at the beginning of the war has been awarded a smaller pension than he would have been entitled to under this Act for a disability incurred during the war in any of His Majesty's naval, military or air forces other than the naval, military or air forces of Canada, he shall, on resuming his residence in Canada and during the continuance of such residence, be entitled to such additional pension as will make the total of the two pensions received by him equal to the pension he would have been awarded in respect to such disability, had he been serving in the military service of Canada.

Supplemen-  
tary pension  
to widow and  
children of  
member of  
His Majesty's  
forces or of  
His Allies,  
to effect  
equalization.

**47.** When a person in any of His Majesty's naval, military or air forces other than the naval, military or air forces of Canada or in the naval, military or air forces of one of His Majesty's Allies, who was domiciled and resident in Canada at the beginning of the war has died during the war or thereafter as the result of a disability incurred during the war or demobilization, and his widow or children have been awarded a smaller pension than they would have been entitled to under this Act in respect of his death, such widow and such children if they were domiciled and resident in Canada at the beginning of the war, shall be entitled during the continuance of their residence in Canada to such additional pension as will make the total of the two pensions received by them equal to the pension that would have been awarded if the person aforesaid had died in the military service of Canada.

COMING INTO FORCE.

Commence-  
ment of Act.

**48.** This Act shall come into force on the first day of the second month following its sanction, and shall be retroactive only to confirm decisions given and action taken by the Commission. All cases affected by this Act shall be reviewed and future payments shall be made at the rates and in accordance with the provisions set forth herein.

Previous  
payments  
valid.

**49.** Nothing in this Act shall in any way affect payments which have already been made in accordance with previously existing regulations.

REPEAL.

Repeal.

**50.** The provisions of any statute, enactment, regulation or order of the Governor in Council which is inconsistent

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with



with this Act and, in particular, the order of the Governor in Council dated the third day of June, 1916 (Privy Council number 1334) and of any order of the Governor in Council amending or implementing the said order number 1334 are hereby repealed.

SCHEDULE

SCALE OF PENSIONS

PERCENTAGE OF DISABILITY—CLASS

Rank or Rating of Member of Forces.	Rate per Annum.	Class 1 Total 100%	Class 2 99%-95%	Class 3 94%-90%	Class 4 89%-85%	Class 5 84%-80%	Class 6 79%-75%	Class 7 74%-70%	Class 8 69%-65%
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
All Ratings below Petty Officer (Naval); Rank and File (Military).....	Member of Forces...	600 00	570 00	540 00	510 00	480 00	450 00	420 00	390 00
Chief Petty Officer and Petty Officer (Naval); Squad., Battery or Company Sergt.-Major and Q. M. Sergeant (Military); Sergeant, including Staff-Sergt. and Colour-Sergt. (Military).....	Bonus.....	120 00	114 00	108 00	102 00	96 00	90 00	84 00	78 00
Naval Cadet and Midshipman (Naval) Master Gunner not W.O. (Military) Regimental Sergt.-Major not W.O. (Military); Regimental Q.M. Sergt. (Military).....	Member of Forces...	637 50	605 63	573 75	541 88	510 00	478 13	446 25	414 38
Warrant Officer and Chief Warrant Officer (Naval); Warrant Officer (Military).....	Bonus.....	82 50	78 37	74 25	70 12	66 00	61 87	57 75	53 62
Sub-Lieutenant (Naval); Lieutenant (Military)....	Member of Forces...	775 00	736 25	697 50	658 75	620 00	581 25	542 50	503 75
Lieutenant (Naval); Captain (Military).....	“	850 00	807 50	765 00	722 50	680 00	637 50	595 00	552 50
Lieutenant Commander (Naval); Major (military).....	“	900 00	855 00	810 00	765 00	720 00	675 00	630 00	585 00
Commander and Captain under three years' seniority (Naval); Lieutenant-Colonel (Military).....	“	1,000 00	950 00	900 00	850 00	800 00	750 00	700 00	650 00
Captain (Naval); Colonel (Military).....	“	1,260 00	1,197 00	1,134 00	1,071 00	1,008 00	945 00	882 00	819 00
Commodore and higher ranks (Naval); Brigadier-General and higher ranks (Military).....	“	1,560 00	1,482 00	1,404 00	1,326 00	1,248 00	1,170 00	1,092 00	1,014 00
Above Ranks.....	“	1,890 00	1,795 50	1,701 00	1,606 50	1,512 00	1,417 50	1,323 00	1,228 50
	Additional pension for Married members of the Forces ...	2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00
		180 00	171 00	162 00	153 00	144 00	135 00	126 00	117 00
Additional pension for children for above ranks	First child	144 00	138 00	132 00	126 00	120 00	114 00	108 00	102 00
	Second child	120 00	114 00	108 00	102 00	96 00	90 00	84 00	78 00
	Subsequent children.	96 00	93 00	90 00	87 00	84 00	81 00	78 00	75 00

The bonus payments set forth in this Schedule shall be paid during the year commencing the first day of the second month following the date of sanction of this Act.

A.

FOR DISABILITIES.

AND ANNUAL AMOUNT OF PENSIONS.

Class 9	Class 10	Class 11	Class 12	Class 13	Class 14	Class 15	Class 16	Class 17	Class 18	Class 19	Class 20
64%-60%	59%-55%	54%-50%	49%-45%	44%-40%	39%-35%	34%-30%	29%-25%	24%-20%	19%-15%	14%-10%	9%-5%
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
360 00	330 00	300 00	270 00	240 00	210 00	180 00	150 00	120 00	90 00	60 00	30 00
72 00	66 00	60 00	54 00	48 00	42 00	36 00	30 00	24 00	18 00	12 00	6 00
382 50	350 63	318 75	286 88	255 00	223 13	191 25	159 38	127 50	95 63	63 75	31 88
49 50	45 37	41 25	37 12	33 00	28 87	24 75	20 62	16 50	12 37	8 25	4 12
465 00	426 25	387 50	348 75	310 00	271 25	232 50	193 75	155 00	116 25	77 50	38 75
510 00	467 50	425 00	382 50	340 00	297 50	255 00	212 50	170 00	127 50	85 00	42 50
540 00	495 00	450 00	405 00	360 00	315 00	270 00	225 00	180 00	135 00	90 00	45 00
600 00	550 00	500 00	450 00	400 00	350 00	300 00	250 00	200 00	150 00	100 00	50 00
756 00	693 00	630 00	567 00	504 00	441 00	378 00	315 00	252 00	189 00	126 00	63 00
936 00	858 00	780 00	702 00	624 00	546 00	468 00	390 00	312 00	234 00	156 00	78 00
1,134 00	1,039 50	945 00	850 50	756 00	661 50	567 00	472 50	378 00	283 50	189 00	94 50
1,620 00	1,485 00	1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
108 00	99 00	90 00	81 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
96 00	90 00	84 00	78 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
72 00	66 00	60 00	54 00	48 00	42 00	36 00	30 00	24 00	18 00	12 00	6 00
72 00	66 00	60 00	54 00	48 00	42 00	36 00	30 00	24 00	18 00	12 00	6 00

Members of the forces permanently disabled to a less extent than five per cent shall be entitled to a final payment not exceeding \$100.

## SCHEDULE B.

## SCALE OF PENSIONS FOR DEATHS.

Rank or Rating of Member of Forces.	Rate per Annum.		
	Widow or Dependent Parents.	Child or Dependent Brother or Sister.	Orphan child or Orphan Brother or Sister.
	\$ cts.	\$ cts.	\$ cts.
All ratings below Petty Officer (Naval); Rank and file (Military).....	* 480 00		
Bonus.....	* 96 00		
Chief Petty Officer and Petty Officer (Naval); Squad, Battery or Company Sergt.-Major and Q.M. Sergeant (Military); Sergt., including Staff-Sergt. and Colour-Sergt. (Military).....	* 510 00		
Bonus.....	* 66 00		
Naval Cadet and Midshipman (Naval); Master Gunner not W.O. (Military); Regimental Sergt.-Major not W.O. (Military); Regimental Q.M. Sergeant (Military).....	* 620 00		
Warrant Officer and Chief Warrant Officer (Naval); Warrant Officer (Mili- tary).....	* 680 00		
Sub-Lieutenant (Naval); Lieutenant (Military).....	* 720 00		
Lieutenant (Naval); Captain (Military).....	* 800 00		
Lieutenant Commander (Naval); Major (Military).....	* 1,008 00		
Commander and Captain under three years' seniority (Naval); Lieutenant- Colonel (Military).....	* 1,248 00		
Captain (Naval); Colonel (Military).....	* 1,512 00		
Commodore and higher ranks (Naval); Brigadier-General and higher ranks (Military).....	* 2,160 00		
Additional pension for children or dependent brothers or sisters for above ranks.....	First..... * 180 00	* 360 00	
	Second..... * 120 00	* 240 00	
	Subsequent. * 96 00	* 192 00	

\*Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

The bonus payments set forth in this Schedule shall be paid during the year commencing the first day of the second month following the date of sanction of this Act.

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 44.

#### An Act respecting The Canadian Patriotic Fund.

[Assented to 7th July, 1919.]

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

1914, 2nd.  
Sess., c. 8;  
1915, c. 2;  
1918, c. 35.

**1.** Sections three and sixteen of *The Canadian Patriotic Fund Act, 1914*, chapter eight of the statutes of 1914 (second session) are hereby repealed and the following sections are substituted therefor:—

**“3.** The objects of the Corporation shall be to receive, collect, administer and distribute the fund hereinbefore mentioned, for the assistance, in case of need, of the wives, children and dependents, resident in Canada, of officers and men who during the War which began in August, 1914, may be, or may have been, engaged on active service with the Naval, Military or Air forces of His Majesty or of His Majesty's Allies. Objects.

**“16.** When the objects of the Corporation have been fully carried out, or when under the powers conferred by this Act, the Corporation has divested itself of all moneys received or collected for the purposes of the said Corporation and of all rights, titles and interests to or in any moneys to be received or collected for those purposes, and when the accounts of the Corporation have been audited to the satisfaction of the Auditor General of Canada, and a summary of that audit, containing such particulars as the Governor in Council sees fit to require, has been published in the *Canada Gazette* for such period as the Governor in Council requires, the Governor in Council, by Proclamation, to be published in the *Canada Gazette* and in such other manner, if any, as He requires, for such periods respectively as He requires, may declare that the Corporation shall be dissolved on the date fixed by the Proclamation, and on and after that date the Corporation shall cease to exist.” How  
corporation  
to be  
dissolved.

**2.** Subsection three of section one of chapter two of the statutes of 1915 is hereby repealed. Repeal.





## 9-10 GEORGE V.

### CHAP. 45.

An Act concerning the Investigation and Restraint of Combines, Monopolies, Trusts, and Mergers and the withholding and enhancement of the price of commodities.

[Assented to 7th July, 1919.]

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

#### GENERAL.

This Act may be cited as *The Combines and Fair Prices Act, 1919.* Short title.

**2.** The expression “combine” is used in this Act with intended relation to articles of commerce, and it shall be deemed to have reference only to such combines, immediately hereinafter defined, as, with relation as aforesaid, have, in the opinion of The Board of Commerce of Canada (or of a single member thereof acting under authority of and for the purposes of section eight of this Act) operated, or are likely to operate, to the detriment of or against the interest of the public, consumers, producers or others, and, limited as aforesaid, the said expression as used in this Act shall be deemed to include,—

- (a)* mergers, trusts and monopolies, so called, and, Definitions.  
“Combine.”
- (b)* the relation resulting from the purchase, lease or other acquisition by any person of any control over or interest in the whole or part of the business of any other person, and, Expression to include,  
Mergers, trusts, etc.  
Control over business of others.
- (c)* any actual or tacit contract, agreement, arrangement or combination which has or is designed to have the effect of (1) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing; or (2) preventing, limiting or lessening manufacture or production; or (3) fixing a common price, or a resale price, or a common rental, or a common cost of storage Contracts, agreements, arrangements or combinations.

or transportation, or enhancing the price, rental or cost of article, rental, storage or transportation; or (4) preventing or lessening competition in, or substantially controlling, within any particular district, or generally, production, manufacture, purchase, barter, sale, transportation, insurance or supply; or (5) otherwise restraining or injuring commerce.

“Combine”  
not to apply  
to workmen  
or employees.

(2) The expression “combine” does not include combinations of workmen or employees for their own reasonable protection as such workmen or employees;

“Minister”

(3) The expression “Minister” as used in this Act means the Prime Minister or such other minister as the Governor in Council may designate for the purpose, and the expression “Board” means the Board of Commerce of Canada.

“Board.”

Board  
of Com-  
merce of  
Canada.

3. The Board of Commerce of Canada, hereinafter referred to as “the Board,” shall have the general administration of this Act which shall be read and construed as one with *The Board of Commerce Act*.

PART 1.

COMBINES.

Powers  
Board.

4. The Board is empowered and directed to restrain and prohibit the formation and the operations of combines.

Board of its  
own motion  
may issue  
complaint  
and hold  
investigation.

5. (1) Whenever the Board shall have reason to believe that a proceeding by it to restrain or prohibit the formation or operation of a combine would be in the public interest, it may, of its own motion, issue and serve upon any person concerned whom it may have information so justifying, a complaint stating its charges as against such person and containing a notice of a hearing upon a day and at a place therein fixed.

Attendance  
of parties.

(2) The person so complained of shall appear at the place and time fixed, and show cause why an order should not be made by the Board requiring such person to cease or desist from the acts or practices in and by such notice charged against him.

Intervening  
parties.

(3) Any other person, upon application and upon good cause shown, may be allowed by the Board to intervene and appear in said proceeding in person or by counsel.

Application  
to member  
of Board  
for order  
directing an  
investigation.

6. (1) Any British subject, resident in Canada and of full age, who is of opinion that a combine exists or is being formed may apply in writing to any member of the Board except the Chief Commissioner for an order directing an investigation into such alleged combine and fixing a time and place for the hearing of the applicant or his counsel.



(2) The application shall be accompanied by a statutory declaration setting forth,— Statutory declaration.

(a) the name and address of the applicant, and at his election, the name and address of any counsel whom he may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent him; Particulars.

(b) the nature of the alleged combine and the names of the persons believed to be concerned therein; and,

(c) the manner in which and, where possible, the extent to which the alleged combine is believed to operate to the detriment of, or against the interest of, consumers, producers or others of the public.

7. If the Commissioner is satisfied from a perusal of the application and declaration that there is reasonable ground for believing that a combine exists, or is being formed, that it is in the public interest that an investigation be held and that further preliminary inquiry is unnecessary, he may forthwith direct an investigation under the provisions of this Act. Otherwise he shall, within a reasonable time after receipt of such application, fix a time and place for a hearing before him in support of the application and shall send or cause to be sent due notice thereof by registered letter to the applicant or to any counsel whom in or by his application or declaration the applicant may have authorized to receive communications on his behalf. Commissioner may forthwith direct an investigation, or give notice of preliminary inquiry.

8. (1) The applicant may appear on such hearing in person or by his counsel. If, upon the evidence adduced, the Commissioner is satisfied that there is reasonable ground for believing that a combine exists or is being formed and that it is in the public interest that an investigation should be held, he shall direct an investigation under the provisions of this Act, or, if not so satisfied, he may refuse to make any order. In any case he may adjourn such hearing pending the supply of further evidence in support of the application. Preliminary hearing and findings by commissioner.

(2) For the purposes of the hearing the Commissioner shall have all the powers vested in the Board of which he is a member to summon before him and enforce the attendance of witnesses, to hear evidence on oath or on solemn affirmation and compel the production of such books, papers, other documents and things as he deems requisite. Powers of commissioner, as to witnesses, evidence on oath and production of papers.

9. (1) Whenever a Commissioner makes an order for an investigation he shall sign the same and transmit it to the Secretary of the Board, and, whether or not he shall have made such an order, the Commissioner shall transmit to the Secretary the application, the statutory declaration and any evidence taken before him. Order of Commissioner transmitted to secretary, and also all documents.

Notice to  
Chief  
Commis-  
sioner and  
parties.

(2) The Secretary shall forthwith in writing notify the Chief Commissioner of the Board, and, as well, the applicant or his authorized counsel, of the result of any application. In the case of an investigation ordered, the Chief Commissioner shall fix the time and place for such investigation, of which the Secretary shall notify in writing the applicant or his authorized counsel.

Chief Com-  
missioner  
may, of his  
own  
motion,  
order  
investiga-  
tion, in any  
case.  
Notice.

(3) The Chief Commissioner, notwithstanding the refusal of the Commissioner to order an investigation, may, of his own motion, if upon the materials transmitted by the Commissioner he, said Chief Commissioner, shall be of opinion that an order ought to have been made, make such order and fix a time and place for such investigation, whereupon the Secretary shall notify in writing the applicant or his authorized counsel accordingly.

Procedure  
when inves-  
tigation  
ordered.

**10.** When an investigation shall have been ordered the Board shall issue and serve upon the person complained of a complaint in manner provided in section five of this Act. Likewise the person complained of shall appear and show cause, and other persons may be allowed to intervene and in a proper case an order may be issued and served, as in and by said section five is provided.

Full and  
expeditious  
inquiry  
by Board.

Investigation  
to be  
thorough and  
complete as  
public interest  
demands.

**11.** (1) The Board shall fully, carefully and expeditiously inquire into and pronounce respecting all matters, whether of fact or of law, which shall come properly before it pursuant to the provisions of this Part of this Act. In deciding any question that may affect the scope or extent of any investigation it shall consider what is required to make the investigation as thorough and complete as the public interest demands, and, whether or not it makes or could lawfully make or issue with respect to any particular subject matter any consequential order of a binding character, it may make findings and declarations concerning such matter if, in the course of any investigation, such matter comes properly before it and is relevant generally to the inquiry being made.

Power to  
make such  
findings  
as are  
relevant.

Order of  
Board  
upon inves-  
tigation, to  
direct person  
complained  
of to cease  
practices  
proved  
against him.

(2) If, upon the hearing of any investigation, the Board shall be of opinion that a combine exists or is being formed and that the person complained of is a party thereto, it may issue and cause to be served on such person an order requiring him to cease or desist from the acts or practices actually proved against him, whether or not these are the same as those alleged in the complaint, and which in whole or in part constitute the operations of a combine or the processes of the formation of such, and to cease and desist as well from any other act or practice in pursuance of the operations of such combine or the formation thereof, to the extent to which the Board shall deem it reasonable or necessary to prohibit.

(3) Any person whom the Board shall have so ordered to cease or desist from any act or practice in pursuance of the operations of a combine or the formation thereof, and who thereafter shall omit or refuse to desist from such act or practice, shall be guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days or such further extension of time as in the opinion of the Board may be reasonable or necessary, from the date of the service upon such person of the Board's order, or to imprisonment for a term not exceeding two years; and any director or officer of a company or corporation who shall assent to or acquiesce in such omission or refusal by his company or corporation shall be guilty of such offence personally, and cumulatively with his company or corporation and with his co-directors or associate officers.

Penalty for omitting or refusing to cease from practices, according to order of Board.

Personal and cumulative liability of director or officer of company.

(4) Whenever, in the opinion of the Board, upon or after an investigation held in pursuance of the powers conferred by this Part of this Act, an offence has been committed against this section, the Board may remit to the Attorney General of any province within which such offence shall have been committed, for such action as such Attorney General may be pleased to institute because of the conditions appearing, certified copies of the record of the case, as before the Board, including all evidence taken, with a statement of the facts and a recommendation that prosecution be instituted.

Prosecution by Attorney General of province.

Papers transmitted.

(5) No prosecution for an offence against this section or against section four hundred and ninety-eight of the *Criminal Code* shall be commenced except upon the written authority of the Board.

No prosecution unless authorized in writing by Board.

(6) For the purposes of the trial of any indictment for any offence against this section, section five hundred and eighty-one of the *Criminal Code*, authorizing speedy trials without juries, shall apply.

Speedy trials.

**12.** Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court of Canada, it appears to the satisfaction of the Governor in Council that, with regard to any article of commerce, there exists any combine to promote unduly the advantage of manufacturers or dealers at the expense of consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of custom imposed on the article, or on any like article, the Governor in Council may direct that either such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Governor in Council may admit article free of duty or reduce duty if satisfied, as a result of investigation under this Act, that combine exists at expense of consumers.

If owner or holder of patent makes use of exclusive rights to unduly limit production or restrain or injure trade, application may be made to Exchequer Court to revoke patent.

**13.** In case the owner or holder of any patent issued under the *Patent Act* has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce, or so as to restrain or injure trade or commerce in relation to any such article or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article such patent shall be liable to be revoked. And, if the Board reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Trade Unions Act not affected.

**14.** This Act shall not be construed to repeal, amend or in any way affect the *Trade Unions Act*, chapter one hundred and twenty-five of the Revised Statutes, 1906.

Combines Investigation Act repealed.

**15.** *The Combines Investigation Act*, chapter nine of the Acts of nineteen hundred and ten, is wholly repealed.

## PART II.

### FAIR PRICES.

Definition.  
"Necessary of life."

**16.** For the purposes of this Part of this Act, the expression "Necessary of life" means a staple and ordinary article of food (whether fresh, preserved, canned, or otherwise treated) clothing and fuel, including the products, materials and ingredients from or of which any thereof are in whole or in part manufactured, composed, derived or made, and such other articles of any description as the Board may from time to time by special regulation prescribe.

Unreasonable accumulation or withholding forbidden.

**17.** (1) No person shall accumulate or shall withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business.

Excess of necessities of life and stock-in-trade to be offered for sale at reasonable and just prices.

(2) Every person who shall at any time hold any necessary of life beyond an amount thereof reasonably required as aforesaid, and every person who shall hold for purpose of sale, whether as manufacturer, wholesaler, jobber, retailer or otherwise, any stock-in-trade of any necessary of life,

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shall

shall offer for sale the said excess amount, or the said stock-in-trade as the case may be, at prices not higher than are reasonable and just: Provided, however, that this section shall not apply to or extend to any accumulating or withholding by any farmer, gardener, or other person, of the products of any farm, garden or other land cultivated by him, nor shall any manufacturer, wholesaler or jobber, because of anything herein contained, be under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers or jobbers, respectively, nor shall any person be under obligation to sell otherwise than in accordance with the ordinary course of business.

Proviso as to farmers and gardeners, and as to manufacturers selling to classes of persons accustomed to purchase from them.

**18.** (1) The Board is empowered and directed to inquire into and to restrain and prohibit,—

Powers of Board to restrain and prohibit violation of Act, unfair profits, and practices to unfairly enhance prices.

- (a) any breach or non-observance of any provision of this Act;
- (b) the making or taking of unfair profits for or upon the holding or disposition of necessaries of life;
- (c) all such practices with respect to the holding or disposition of necessaries of life, as, in the opinion of the Board, are designed or calculated to unfairly enhance the cost or price of such necessaries of life.

(2) For the purposes of this Part of this Act, an unfair profit shall be deemed to have been made when, pursuant to and after the exercise of its powers by this Act conferred, the Board shall declare an unfair profit to have been made, and an unfair enhancement of cost or price shall be such enhancement as has resulted from the making of an unfair profit.

Unfair profit defined for purposes of this Act.

(3) The Board and each Commissioner thereof, shall deposit with its secretary all orders and declarations made by it or him under this Part of this Act, and the same shall be open at all reasonable times to the inspection of any person.

Orders of Board open to inspection.

**19.** (1) In addition to its general powers, otherwise provided, the Board may, by notice in writing under the hand of its Secretary, require any person who operates, controls, or manages any cold storage plant, packing house, cannery, factory, mine, warehouse, or other premises in which or in any part of which any necessary of life is prepared, manufactured, produced or held by such person for himself or for another, or who in any manner deals in any necessary of life, to make and render unto such Board, and or the Dominion Statistician, within a time set in such notice, or from time to time, and such person shall make and render unto such Board or Statistician, precisely as required, a written return under oath or affirmation showing in detail,—

Powers of Board to order operator of cold storage plant, packing house, cannery, factory, mine, or other premises to make prescribed returns.

## Particulars.

- (a) the species and amount of any necessary of life held by such person at any indicated time or times, including any time preceding the passing of this Act, where and for whom said necessary is held, and if held for another upon what terms held;
- (b) the time when any or all of such necessary of life was prepared, manufactured, produced, acquired, or taken into possession;
- (c) the cost of such necessary of life, including all charges and expenses of an overhead or other nature, affecting such cost;
- (d) the price at which such necessary of life, if already sold, has been sold, or, if unsold, is held for sale;
- (e) such other information, deemed by the Board to concern any necessary of life, as the Board may require, including a full disclosure of all existing contracts or agreements which such person or his principal or agent may have at any time entered into with any other person touching or concerning the sale or resale prices of any necessary of life, or the period of time during which any necessary of life should be held, as bailee or otherwise, before sale or resale, or limiting the quantity of any necessary of life which should be sold to any one buyer or combination of buyers or within any limited district.

Board may investigate business and examine premises and appoint examiners.

(2) If, after the receipt by the Board of any such return made in purported compliance with this Part of this Act, the Board shall consider that any circumstances so justify, or if, after a return under these regulations has been required, none is made or none is made within the time set in the notice requiring such return or within such further time as the Board may upon special application to it allow, the Board shall have power to investigate the business and to enter and examine the premises, books, papers, and records of the person making or failing to make such return, as the case may be, and, for those purposes the Board may appoint an examiner or examiners and may authorize in writing any examiner so appointed to investigate such business and to enter and examine the premises, books, papers and records of such person, and to take the evidence under oath or affirmation of any person whom such examiner may believe has knowledge relating to such matters as ought to have been included within a proper return, according to the circumstances.

Access to premises and records.

(3) Every person who is in possession or control of any such premises, books, records or papers shall give and afford to such examiner admission and access thereto whenever and as often as demanded.

No one to impede examination.

(4) No person shall in any manner impede or prevent or attempt to impede or prevent any such investigation or examination.

(5) Every person in any manner required by such examiner to give evidence under oath or affirmation touching or concerning the matters committed to such examiner for investigation shall attend before said examiner and give evidence whenever so required.

Attendance of parties as required.

**20.** Whenever, in the opinion of the Board, an offence has been committed against this Part of this Act, the Board may remit to the Attorney General of any province within which such offence shall have been committed, for such action as such Attorney General may be pleased to institute because of the conditions appearing, certified copies of (a) any return or returns which may have been made or rendered pursuant to this Act and are in the possession of the Board and relevant to such offence; and of (b) the evidence taken on any such investigation or examination and the report of the examiner.

Board may transmit papers to Attorney General of Province upon offence being committed.

(2) The Board may, in lieu of, or before, remitting any such case to the Attorney General, except in cases where it has reached its conclusion solely by means of proceedings under section nineteen of this Act, declare or find as to the guilt of the person concerned, and it may order or prohibit the doing or omission of any act or practice relevant to or connected with the offence, and in case of disobedience by such person of any term of such order he shall be guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars and costs for every day after the expiration of four days or such further extension of time as in the opinion of the Board may be reasonable or necessary, from the date of the service upon such person of the Board's order during which such person continues to disobey or to omit to perform such order, or to imprisonment for a term not exceeding two years; and any director or officer of a company or corporation who shall assent to or acquiesce in such disobedience by his company or corporation, shall be guilty of such offence personally, and cumulatively with his said company or corporation and with his co-directors or associate officers.

Board may declare or find as to guilt of party concerned, and order or prohibit any act or practice.

Penalty for disobeying order.

Personal and cumulative liability of officers of company.

(3) The Board may, when the circumstances seem to it to so require, recommend to any Attorney General a prosecution under this Part of this Act, and furnish such Attorney General with a certified copy of the record of any case which has been before it, including any evidence taken, and with any other relevant proofs or information.

Board may recommend prosecution by Attorney General.

**21.** (1) No prosecution for a contravention or non-observance of any provision of this Part of this Act shall be commenced, otherwise than at the instance of the Attorney General of a province, without the written leave of the Board expressing whether such prosecution shall be

No prosecution other than by Attorney General except on written leave of Board.

by way of indictment or under Part XV of the *Criminal Code*.

Place of  
prosecution.

(2) Such prosecution shall be commenced only in the judicial district, county or municipality in which some or all of the necessary of life with respect to which the alleged offence was committed was situated at the time of the commission of the offence, or in the judicial district, county or municipality in which the person charged resides or carries on business.

Penalty for  
contravening  
or failing to  
observe  
provisions  
of this Part,  
except section  
20.

**22.** (1) Any person who contravenes or fails to observe any of the provisions of this Part of this Act other than section twenty shall be guilty of an indictable offence and liable upon indictment or upon summary conviction under Part XV of the *Criminal Code* to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years or to both fine and imprisonment as specified, and any director or officer of any company or corporation who assents to or acquiesces in the contravention or non-observance by such company or corporation of any of the said provisions shall be guilty of such offence personally and cumulatively with his company or corporation and with his co-directors or associate officers.

Speedy trials.

(2) For the purposes of the trial of any indictment for any offence against this Part of this Act, section five hundred and eighty-one of the *Criminal Code*, authorizing speedy trials without juries, shall apply.

Order in  
Council  
continued.

**23.** All proceedings instituted or had under Order in Council P.C. 3069 of the eleventh day of December, 1918, but not fully concluded, shall continue and may proceed under this Part of this Act, with the Board substituted for the Minister of Labour, as fully and effectually as if said Order in Council continued in force, notwithstanding the rescission thereof.

Governor in  
Council may  
admit  
necessary of  
life free of  
duty, or  
reduce duty,  
to secure  
reasonable  
competition.

**24.** Whenever, from or as a result of an investigation under the provisions of this Act, it appears to the satisfaction of the Governor in Council with regard to any necessary of life, that the making or taking of unfair profits thereon is facilitated by the duties of custom imposed on such necessary of life, the Governor in Council may direct either that such necessary of life be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.





# 9-10 GEORGE V.

## CHAP. 46.

### An Act to amend the Criminal Code.

[Assented to 7th July, 1919.]

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

1907, cc. 7, 8,  
9, 45;  
1908, cc. 10, 18;  
1909, c. 9;  
1910, cc. 10,  
11, 12, 13;  
1912, cc. 18, 19;  
1913, c. 13;  
1914, c. 24;  
1915, c. 12;  
1917, cc. 13,  
14, 26;  
1918, c. 16.

1. The following sections are inserted immediately after section ninety-seven of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada:—

“ 97A. (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

Unlawful associations.

“ (2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Chief Commissioner of Dominion Police or by the Commissioner of the Royal Northwest Mounted Police, and may thereupon be forfeited to His Majesty.

“ (3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated

associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

(4) In any prosecution under this section, if it be proved that the person charged has,—

- (a) attended meetings of an unlawful association; or,
- (b) spoken publicly in advocacy of an unlawful association; or,
- (c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise;

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

“(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

“(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable, with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized may be carried away and may be forfeited to His Majesty.

“(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case.

“97B. (1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change, or otherwise, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

Publishing,  
etc., seditious  
books, etc.

“(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

“(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

“(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in the last preceding section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, truck, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Chief Commissioner of Dominion Police, or to the Commissioner of the Royal Northwest Mounted Police.”

2. (1) Paragraph (a) of subsection one of section one hundred and eighteen of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, as enacted by chapter thirteen of the statutes of 1913 is amended by inserting after the word “person” in the first line thereof the words “or is carrying concealed.”

Carrying  
concealed  
weapons  
without a  
permit an  
offence.

(2) The said subsection is further amended by inserting the following paragraph immediately after paragraph (d):—

Aliens not  
to have  
weapons  
without a  
permit.

“(d 1) being an alien, has in his possession any weapon, air gun, device or contrivance aforesaid, without having a permit therefor, which permit may be issued in same manner, by the same persons, and as near as may be in the same form, as in the case of the other permits referred to in this section; or”

Limits within which permit is to be in force.

(3) Subsection two of the said section is amended by adding the following at the end thereof:—

“but such permit shall not be good or have any force or effect beyond the limits within which the person granting the same has jurisdiction or has power to exercise and perform the duties of his office.”

Form of permit amended.

(4) Form seventy-six of the said Act, as enacted by chapter thirteen of the statutes of 1913, is amended by inserting the following after the words “*insert duration of permit*” the words “*and county, city, town or other limits within which permit is to be in force.*”

(5) Subsection five of the said section is repealed, and the following is substituted therefor:—

Immigration officers added to those who may carry weapons.

“(5) Nothing in this section shall apply to the having upon his person or the carrying by any member of His Majesty’s Naval, Military or Militia Forces, or by any peace officer or immigration officer of any weapons, devices or contrivances which he is by law permitted or authorized so to have or carry, or to any *bona fide* sale made by any manufacturer of or person trading wholesale in such weapons, devices or contrivances to any person *bona fide* dealing in such articles and having an established and fixed place of business.”

**3.** The following section is inserted immediately after section one hundred and twenty-eight of the said Act:—

Carrying or discharging firearms without authority on militia property an offence.

“**128A.** Any person who, without authority from the Minister of Militia and Defence, carries or discharges any firearm upon any property or premises under the control or management of the said Minister shall be guilty of an offence and liable, upon summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding sixty days or to both fine and imprisonment.”

**4.** Section one hundred and thirty-three of the said Act is repealed.

Section stating intentions that are not seditious. Penalty for speaking seditious words and for seditious libel increased.

**5.** Section one hundred and thirty-four of the said Act is amended by striking out the words “two years” before the word “imprisonment” in the second line of the said section, and by inserting the words “for a term of not more than twenty years” after the said word “imprisonment”.

6. Paragraph (a) of section one hundred and fifty-seven of the said Act is amended by inserting, after the word "offenders" in the third line thereof, the words "or being an officer of a Juvenile Court."

Provision re bribing peace officers, etc., extended to officers of Juvenile Courts.

7. The following section is inserted immediately after section two hundred and forty-two B as enacted by chapter thirteen of the statutes of 1913:—

"242c. Upon any prosecution under section two hundred and forty-two A, evidence that a man has, without lawful cause or excuse, left his wife without making provision for her maintenance for a period of at least one month from the date of his so leaving, or for the maintenance for the same period of any child of his under the age of sixteen years, shall be *prima facie* evidence of neglect to provide necessaries under this section."

What shall be *prima facie* evidence of neglect to supply necessaries.

8. The following section is inserted immediately after section three hundred and sixteen of the said Act:—

"316A. (1) Any person who is suffering from venereal disease in a communicable form, who knowingly or by culpable negligence communicates such venereal disease to any other person shall be guilty of an offence, and shall be liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Communicating venereal disease.

"Provided that a person shall not be convicted under this section if he proves that he had reasonable grounds to believe that he was free from venereal disease in a communicable form at the time the alleged offence was committed.

"Provided, also, that no person shall be convicted of any offence under this section upon the evidence of one witness, unless the evidence of such witness be corroborated in some material particular by evidence implicating the accused.

"(2) For the purposes of this section, 'venereal disease' means syphilis, gonorrhoea, or soft chancre."

9. The following section is inserted immediately after section three hundred and seventy-seven of the said Act:—

"377A. Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding two years and not less than one year who steals any automobile or motor car, and the provisions of section one thousand and thirty-five shall not apply or extend to any person convicted of an offence under the provisions of this section."

Penalty for theft of motor cars.

10. Section three hundred and ninety-four of the said Act, as enacted by chapter eighteen of the statutes of 1912, is amended by inserting in each case the words "boom chains, chains, lines or shackles" after the words "description

Taking possession of boom chains, etc., without

consent of owner an offence.

tion of lumber ” in the sixth line of subparagraph (i), the fourth and seventh lines of subparagraph (ii) and the fifth line of paragraph (b).

Dealers in second hand goods purchasing marked boom chains, etc., without written consent of owners of mark guilty of an offence.

11. The following section is inserted immediately after section four hundred and thirty-one of the said Act:—

“ 431A. (1) Every one who, being a dealer in second hand goods of any kind, trades or traffics in or has in his possession for sale any boom or other chains, lines or shackles for the use of rafting, storing, fastening or towing lumber or logs, and who purchases, trades or traffics in any boom or other chain, line or shackle which has upon it the trade mark duly registered or other mark or name of any person, without the written consent of such person, or who, without such consent, has in his possession any such boom chains or other description of chains, lines or shackles for the purpose of sale or traffic, is guilty of an offence, and shall be liable on summary conviction to a penalty of twenty-five dollars or imprisonment for any term not exceeding thirty days for a first offence, and of fifty dollars or imprisonment for sixty days for any subsequent offence.”

Notice of appeal, Judge of Appellate Court given powers to extend time and name persons to be served.

12. Paragraph (b) of subsection one of section seven hundred and fifty, as amended by chapter thirteen of the statutes of 1913, is repealed, and the following is substituted therefor:—

“(b) The appellant shall give notice of his intention to appeal by filing in the office of the clerk of the court appealed to a notice in writing setting forth with reasonable certainty the conviction or order appealed against and the court appealed to, and the notice shall be served upon the respondent and the Justice who tried the case, or, in the alternative, upon such person or persons as a judge of the court appealed to shall direct, and such service shall be within ten days of the making of the conviction or order complained of, or within such further time, not exceeding an additional twenty days, as a judge of the court appealed to may see fit to fix either before or after the expiration of the said ten days.”

Procedure in case of corporations in summary trials of indictable offences.

13. Section seven hundred and seventy-three A of the said Act is repealed, and the following is inserted immediately after section seven hundred and seventy-eight of the said Act:—

“778A. (1) When the person to be charged is a corporation, the summons may be served on the mayor or chief officer of such corporation, or upon the clerk or secretary or the like officer thereof, and may be in the same form as if the defendant were a natural person.

“(2) The corporation in such case shall appear by attorney, who may on its behalf elect, and confess or deny the charge, and thereupon the case shall proceed as if the defendant were a natural person.

“(3) If the corporation does not appear and confess or deny the charge, the magistrate may proceed in the absence of the defendant as upon a preliminary investigation.”

**14.** Section eight hundred and twenty-eight of the said Act, as amended by chapter nine of the statutes of 1909, is amended by adding thereto the following proviso:—

“And provided also that no prisoner shall have a right to re-elect later than thirty days before the day fixed for the next sittings of the court at which trials by jury can be had, unless the prisoner was committed for trial within forty days before the said date, in which event he must re-elect not later than ten days before the day fixed for the next sittings of the court at which trials by jury can be had.”

Prisoner  
must re-elect  
40 days  
before jury  
trials com-  
mence, or, if  
committed  
in that  
period, ten  
days before.

**15.** Section nine hundred and twenty-eight of the said Act is amended by substituting the word “or” for the word “and” in the sixth line thereof.

Crown's  
right to  
challenge  
when jurors  
stood by  
are recalled.

**16.** This Act shall come into operation on the first day of October next.

Commence-  
ment of Act.







# 9-10 GEORGE V.

## CHAP. 47.

An Act to amend The Customs Tariff, 1907.

[Assented to 7th July, 1919.]

1907, c. 11;  
 1909, c. 10;  
 1910, c. 16;  
 1911, c. 7;  
 1913, c. 15;  
 1914, c. 26;  
 1914, (2) c. 5;  
 1915, c. 3;  
 1916, c. 7;  
 1918, c. 17.

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

1. This Act may be cited as *The Customs Tariff Amendment Act, 1919*. Short title.

2. Schedule A to the Customs Tariff, 1907, as amended by chapter fifteen of the Acts of 1913, by chapter three of the Acts of 1915, by chapter seven of the Acts of 1916, by chapter seventeen of the Acts of 1918, and by Orders in Council, is amended by striking out tariff items:—24, 25, 25a, 26, 27, 28, 28a, 29, 60, 61, 83, 84, 210, 267a, 290, 329a, 337, 343, 345, 348, 350, 351, 356, 384, 386, 446, 447, 448, 591, the several enumerations of goods respectively, and the several rates of duties of Customs, if any, set opposite each of the said items, and to provide that the following items, enumerations and rates of duties be inserted in said Schedule A:— Schedule A amended.

Tariff Items.	—	British Preferential Tariff.	Inter-mediate Tariff.	General Tariff.
24	Chicory, raw or green..... per pound	2½ cents.	3 cents.	3 cents.
25	Chicory, kiln dried, roasted or ground.... per pound	3 cents.	5 cents.	5 cents.
25a	Coffee, extract of, n.o.p., and substitutes thereof of all kinds..... per pound	5 cents.	7 cents.	7 cents.
26	Coffee, roasted or ground, and all imitations thereof and substitutes therefor, including acorn nuts, n.o.p., per pound.....	3 cents.	5 cents.	5 cents.
27	Coffee, roasted or ground, when not imported direct from the country of growth and production..... per pound	3 cents. and 7½ p.c.	5 cents. and 10 p.c.	5 cents. and 10 p.c.

Tariff Items.	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
28 Coffee, green, imported direct from the country of growth and production, and green coffee purchased in bond in the United Kingdom ..... per pound	2½ cents.	3 cents.	3 cents.
28a Tea imported direct from the country of growth and production, and tea purchased in bond in the United Kingdom..... per pound When in wrappings, cartons or other packages weighing five pounds or less, the weight of the wrappings, cartons or other packages to be included in the weight for duty.	7 cents.	10 cents.	10 cents.
29 Coffee, green, n.o.p..... per pound	2½ cents. and 7½ p.c.	3 cents. and 10 p.c.	3 cents. and 10 p.c.
60 Wheat, n.o.p.....	Free.	Free.	Free.
60a Wheat when imported from a country which imposes a Customs duty on wheat grown in Canada..... per bushel	8 cents.	12 cents.	12 cents.
61 Wheat flour, n.o.p.; semolina, n.o.p.....	Free.	Free.	Free.
61a Wheat flour and semolina when imported from a country which imposes a Customs duty on wheat flour or semolina manufactured in Canada ..... per barrel	30 cents.	50 cents.	50 cents.
83 Potatoes, n.o.p., and potatoes dried, desiccated or otherwise prepared, n.o.p.....	Free.	Free.	Free.
83a Potatoes when imported from a country which imposes a Customs duty on potatoes grown in Canada..... per bushel	12½ cents.	20 cents.	20 cents.
84 Potatoes dried, desiccated or otherwise prepared when imported from a country which imposes a Customs duty on such articles produced in Canada.....	15 p.c.	30 p.c.	30 p.c.
210 Peroxide of soda; soda, sulphate of, crude, known as salt cake; silicate of soda in crystals or in solution; bichromate of soda; nitrate of soda or cubic nitre; sal soda; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda; prussiate of soda and sulphite of soda.....	Free.	Free.	Free.
210b Barilla or soda ash..... per pound	1/5 cent.	3/10 cent.	3/10 cent.
267a Crude petroleum in its natural state, .7900 specific gravity or heavier at 60 degrees temperature, when imported by oil refiners to be refined in their own factories.....	Free.	Free.	Free.
290 Cement, Portland, and hydraulic or water lime, in barrels, bags, or casks, the weight of the package to be included in the weight for duty .....per one hundred pounds	5 cents.	8 cents.	8 cents.
329a Iron ore.....	Free.	Free.	Free.
337 Lead, old, scrap, pig and block..... per pound	¾ cent.	1 cent.	1 cent.
343 Tin, in blocks, pigs or bars; tin strip waste, and tin foil.....	Free.	Free.	Free.
345 Zinc dust, sheets and plates; sal ammoniac skimmings and seamless drawn tubing of zinc.....	Free.	Free.	Free.

Tariff Items.	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
345a Zinc spelter and zinc in blocks, pigs, bars or rods ..... per pound	¾ cent.	1 cent.	1 cent.
348 Copper in blocks, ingots or pigs ..... per pound	1 cent.	1½ cents.	1½ cents.
348b Brass and copper scrap.....	Free.	Free.	Free.
348c Brass in blocks, ingots or pigs; copper in bars or rods, not less than six feet in length, unmanufactured, n.o.p.; copper in strips, sheets or plates, not polished, planished or coated; brass or copper tubing, in lengths not less than six feet, and not polished, bent or otherwise manufactured	5 p.c.	10 p.c.	10 p.c.
348d Copper in bars or rods when imported by manufacturers of trolley, telegraph and telephone wires, electric wires and electric cables for use only in the manufacture of such articles in their own factories.....	Free.	Free.	Free.
356 Nickel in bars and rods, strips, sheets or plates....	Free.	Free.	Free.
356a Nickel silver and German silver in bars, rods, strips, sheets, plates or anodes.....	5 p.c.	10 p.c.	10 p.c.
384 Rolled iron or steel sheets and strips, polished or not, number fourteen gauge and thinner, n.o.p.; Canada plates; Russia iron; terne plates and rolled sheets of iron or steel, coated with zinc, spelter or other metal, of all widths or thicknesses, n.o.p.; and rolled iron or steel hoop, band, scroll or strip, number fourteen gauge and thinner, galvanized, or coated with other metal, or not, n.o.p.....	7½ p.c.	12½ p.c.	12½ p.c.
384a Rolled iron or steel hoop, band, scroll or strip, number fourteen gauge and thinner, and rolled iron or steel sheet, when imported by manufacturers for use only in their own factories in the manufacture of galvanized iron or steel hoop, band, scroll, strip or sheet.....	Free.	Free.	Free.
386 Rolled iron or steel, and cast steel, in bars, bands, hoop, scroll, strip, sheet or plate, of any size, thickness or width, and steel blanks for the manufacture of milling cutters when of greater value than three and one-half cents per pound...	7½ p.c.	12½ p.c.	12½ p.c.
446 Cultivators, harrows, horse-rakes, seed drills, manure spreaders and weeders and complete parts thereof.....	10 p.c.	15 p.c.	15 p.c.
446b Ploughs and complete parts thereof.....	12½ p.c.	17½ p.c.	17½ p.c.
446c Windmills and complete parts thereof, not including shafting.....	12½ p.c.	17½ p.c.	17½ p.c.
447 Portable engines with boilers, in combination, horse-powers and traction engines for farm purposes; wind-stackers, and threshing machine separators, including baggers, weighers and self-feeders therefor, and complete parts of all articles specified in this tariff item.....	12½ p.c.	17½ p.c.	17½ p.c.
448 Hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm, road or field rollers, post hole diggers, snaths; and other agricultural implements, n.o.p.....	12½ p.c.	20 p.c.	20 p.c.
591 Farm wagons and complete parts thereof.....	15 p.c.	20 p.c.	20 p.c.

Tariff Items.	—	British Preferential Tariff.	Inter-mediate Tariff.	General Tariff.
591a	Freight wagons, drays and sleighs, and complete parts thereof.....	17½ p.c.	25 p.c.	25 p.c.
705a	Settlers' effects, viz.:—Machines, vehicles and implements for agricultural purposes, moved by mechanical power, if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister of Customs..... Provided that the said machines, vehicles and implements may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months actual use in Canada.	Free.	Free.	Free.

3. Subsections one and two of section three of chapter three of the Acts of 1915 are amended by striking out the rate of duty "5 p.c.," under the words "British Preferential Tariff" and substituting therefor the word "nil" in each subsection.

Duties under  
Customs  
Tariff War  
Revenue Act,  
1915,  
reduced.

4. Section three of chapter three of the Acts of 1915 is amended by inserting the following paragraphs immediately after paragraph (q) thereof:—

Exemptions  
from duties  
imposed by  
section three  
of Customs  
Tariff War  
Revenue Act,  
1915.

"(r) materials imported to be used in the manufacture of goods enumerated in tariff items 446, 446b, 446c, 447, 448, 449, 450 and 591;

"(s) olive oil and peanut oil for canning fish;

"(t) materials imported prior to the first day of September, 1920, to be used in the manufacture of oleomargarine as described in *The Dairy Industry Act, 1914*, and amendments thereto;

"(u) linen or cotton clothing, n.o.p.;

"(v) goods enumerated in the following tariff items in Schedule A: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 25a, 26, 27, 28, 28a, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 39a, 41, 42, 43, 44, 46, 46a, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 60a, 61, 61a, 62, 63, 63a, 64, 65, 67, 68, 69, 69a, 70, 71, 71a, 72, 73, 74, 76, 81, 82, 83, 83a, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 97a, 98, 99, 99a, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 113, 113a, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 133, 136, 136a, 137, 138, 140, 140a, 141, 152, 152a, 155, 170, 210b, 227, 267a, 268, 269, 270, 271, 272, 273, 274, 275, 276, 276a, 277, 277a, 279, 281, 290, 329a, 337, 343, 345a, 348, 384, 384a,

386, 387a, 411, 444, 446, 446b, 446c, 447, 448, 449, 450, 456, 459, 460, 461, 461a, 462, 462a, 469, 472, 475, 520, 521, 522, 523, 533a, 551, 553, 554, 555, 556, 557, 558, 563, 565, 566, 567, 568, 568a, 569, 581, 587, 588, 591, 599, 601, 602, 603, 604, 605, 606, 607, 611, 611a, 612, 617, 625, 626, 627, 631, 638, 638a, 639, 641, 642, and 705a.

“(w) crude cotton seed oil for refining purposes.”

5. Schedule B to the Customs Tariff, 1907, is amended by providing that the following items, enumerations, and rates of drawback of Customs duties be inserted in said Schedule: Schedule B amended.

Item No.	Goods.	When subject to Drawback.	—
1025	Materials, not including machinery.	When used prior to first day of September, 1920, in the manufacture of oleomargarine as described in The Dairy Industry Act, 1914, and amendments thereto.....	99 p.c.
1026	Materials.....	When used in the manufacture of goods enumerated in tariff items 446, 446b, 447 448 and 591.....	30 p.c.

6. This Act shall be deemed to have come into force on the sixth day of June, one thousand nine hundred and nineteen, and to have applied to all goods mentioned in the preceding sections, imported or taken out of warehouse for consumption on and after that day, and to have also applied to goods previously imported for which no entry for consumption was made before that day. Commencement of Act.

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer to the King's most Excellent Majesty.





# 9-10 GEORGE V.

## CHAP. 48.

### An Act to amend the Dominion Elections Act.

[Assented to 7th July, 1919.]

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

**1.** This Act may be cited as *The Dominion By-Elections Act, 1919.* Short title.

**2.** In the case of a by-election of a member to serve in the House of Commons, to wit an election other than a general election following upon the dissolution of a Parliament, and excepting a by-election for the electoral district of Yukon, the *Dominion Elections Act*, being chapter six of the Revised Statutes, 1906, as amended, shall apply as if further amended in the following respects:—

(A) By striking out from said *Dominion Elections Act* the sections included within Parts One and Two thereof and striking out also the sections and portions of sections of Part Three thereof, and the forms in Schedule One to said Act, as specified and to the extent specified, in Schedule A to this Act; the whole to the end that said Part Three of said *Dominion Elections Act*, as deemed amended as aforesaid, and the forms in Schedule One to that Act, shall, with substitute Parts One and Two and substitute forms, hereinafter provided, apply alike to all the provinces but not to the Yukon Territory.

(B) By substituting for Part One of said *Dominion Elections Act* the two sections numbered five and six following:—

#### “PART I.

#### “ELECTORAL FRANCHISE.

**“5.** (1) Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election

R.S. c. 6.

Short title.

Act to apply to by-elections except for Yukon.

Amendments to *Dominion Elections Act*.

Sections substituted for Part I of *Dominion Elections Act*.

Who may vote.

election of a member, who, not being an Indian ordinarily resident on an Indian reservation,—

“(a) is a British subject by birth or naturalization; and,

“(b) is of the full age of twenty-one years; and,

“(c) has ordinarily resided in Canada for at least twelve months, and in the electoral district wherein such person seeks to vote for at least two months, immediately preceding the issue of the writ of election.

“(2) For the purposes of this Act, the allegiance or nationality of a person, as it was at the birth of such person, shall be deemed incapable of being changed, or of having been changed, merely by reason or in consequence of marriage or change of allegiance or naturalization of any other person, or otherwise than by personal naturalization of such first mentioned person. Provided, however, that this subsection shall not apply to any person born on the continent of North America, nor to any person who in person applies to and obtains from any judge having jurisdiction in naturalization proceedings a certificate under the hand of such judge and the seal, if any, of his Court, to the effect following:—

TO ALL WHOM IT MAY CONCERN.

This is to certify that from evidence submitted before me, I am satisfied that A.B. of.....in the province of.....(occupation)..... is a person naturalized as a British subject by operation of law, who, but for such naturalization, would be entitled at the date of the issue of this certificate to be personally naturalized in Canada.

Dated at.....this..... day of.....19....

.....  
*Judge of, etc.*

Absence while serving not to disqualify.

“6. (1) Notwithstanding anything in this Act contained, a person otherwise qualified as an elector shall not be incompetent to be enumerated as an elector, or to vote at an election, by reason only of his absence from the electoral district in which such election is held, while serving His Majesty within or without Canada, in time of war or otherwise, in any military or naval capacity, or in any air service, or while acting as a war correspondent in connection with any war in which any military, naval or air forces of Canada are or have been serving. Provided that no such person shall be qualified to be enumerated as an elector or to vote at an election unless he has been



for the period of one month a resident of the district in which the election is held.

“(2) If the name of any person qualified as an elector under this section is upon the list of voters he may, upon tendering his vote at an election, be required to take, in addition to any other oath by this Act authorized, either oath set forth in form AAA.

Oaths that may require to be taken by person on voters' list.

“(3) If the name of any such person is not upon the list of voters, such person shall nevertheless be entitled to vote upon his offering to take, and taking, if so requested,—

Oaths that may require to be taken by person when not on list.

- “(a) any oath by this Act authorized, and not inconsistent as aforesaid, omitting any statement therein as to his name being upon such list;
- “(b) either applicable oath set forth in form AAA; and
- “(c) the oath in form BBB.”

(C) By substituting for Part Two of said *Dominion Elections Act* the fifteen sections numbered seven to twenty-one, inclusively, following:—

Sections substituted for Part II of *Dominion Elections Act*.

“PART II.

“VOTERS' LISTS.

“7. (1) For the purposes of any Dominion election held within the limits of a province the voters' lists shall, except as hereinafter provided, be those prepared and completed for the several polling divisions, under the laws of that province, within one year immediately preceding the issue of the writ for such election, and which were, under such laws, in force, or had been last in force, for the purposes of provincial elections, with the addition, however, to such lists, in manner hereinafter provided, of the names of such persons, male and female, as, being capable and qualified under this Act to be voters within any polling division (whether or not so capable or qualified under the laws of such province) are not named on the list of such polling division.

What to be the voters' list for Dominion Election.

“8. If under the laws of any province no such lists have been prepared within such period of time, or if the laws of the province do not provide for the making of such lists, the voters' lists for such Dominion election shall be wholly prepared and completed in manner hereinafter provided.

When no lists.

“9. The legal custodian of any provincial voters' list shall deliver certified copies thereof, or of any part thereof, as last revised and corrected, to any person applying, on payment therefor of a fee not exceeding that, if any, allowed by the provincial law in the like case, and not exceeding

Certified copies of voters' lists to be furnished by custodian upon payment of fees.

in any case ten cents for a printed list and one cent for every two names in writing, if the list or part of the list is written.

Polling divisions and voters' lists for the several divisions.

“**10.** The polling divisions shall be those established for or adopted on the occasion of the Dominion General Elections held on the seventeenth day of December, nineteen hundred and seventeen, and any polling division which on that occasion was subdivided, alphabetically, may be similarly subdivided at any election held under authority of this Act, and the returning officer shall prepare or cause to be prepared, from the voters' list for the polling division, a separate list for each polling station, made up in alphabetical order according to the initial letter of the surname of each voter, and shall designate each separate polling station by the initial letters of the persons who may vote in such station, as 'From A to K', 'From L to R', 'From S to Z', or as the case may be. Voters shall vote in the station so designated, according to their initials, and the returning officer shall appoint a deputy returning officer for each such station, and deliver or cause to be delivered to him in due time a correct and certified list of the persons who may vote at such deputy's station.

Voters' lists in polling divisions in cities and towns in places with over 1,000 population.

“**11.** (1) In polling divisions wholly or partly contained within places having a population of more than one thousand persons and which places are, under the provincial law, cities or towns, the voters' lists shall be prepared and completed under a personal registration system and the rules and directions set forth in Schedule B to this Act shall apply.

“(2) The Secretary of State of Canada is empowered to decide upon the best available evidence, for all the purposes of this Act, whether any place is a city or town and whether it has a population of over one thousand persons.

Voters' lists in polling divisions in cities and towns in places where population under 1,000.

“**12.** In polling divisions whereof no parts are contained within places having a population of more than one thousand persons and which places are, under the provincial law, cities or towns, the voters' lists shall be prepared and completed under an enumeration system and the rules and directions set forth in Schedule C to this Act shall apply.

Names added to list.

“**13.** Except at polling stations of polling divisions which are wholly or partly contained within the limits of places having a population of more than one thousand persons, and which places are, under the laws of a province, cities or towns, the deputy returning officer shall, while the poll is open, if required by any person whose name is not on the voters' list, administer to such person oath number one in form Z of Schedule One to this Act, and, such oath having been taken, the deputy returning officer shall at once cause such person's name to be added to the voters' list, with the word *sworn* written thereafter, and subject to the two next following sections of the Act, such person may thereupon vote.

“14. Every deputy returning officer may, and, when required by any candidate, agent or elector so to do, shall, administer to any person who claims the right to vote at such deputy’s polling station either one or both of the oaths set forth in form Z to Schedule One of this Act, and if such person refuses to take such oath or oaths he shall not be permitted to vote at the election, and if his name is on the voters’ list or has been entered in the poll book, erasing lines shall be drawn through such name and the words *refused to be sworn* shall be written thereafter. The poll clerk shall make such additions, alterations and erasures in the voters’ list, and such entries in the poll book, as the deputy returning officer directs him to make, as is required by any provision of this Act.

Oaths, when to be tendered, person refusing not to vote.

“15. Every voter whose name is on the voters’ list, and has not been erased therefrom in accordance with the foregoing provisions of this Act, shall be entitled to vote.

Persons on voters’ list entitled to vote.

“16. (1) Any deputy returning officer, candidate, agent, or poll clerk who belongs to a polling division other than that at which he is employed on the polling day shall, subject to the provisions of subsection four of this section, be permitted to vote at the polling division where he is so employed if he produces a certificate from the revising officer, registrar or enumerator of the polling division to which he belongs that he is a qualified voter in such polling division, which certificate such revising officer, registrar or enumerator shall, subject to the provisions of the next following subsection, give *gratis* to any qualified elector who is so stationed outside of his polling division.

How election officers obtain right to vote at poll where they are employed.

“(2) In issuing such certificates the revising officer, registrar or enumerator,—

“(a) shall not issue any thereof in blank nor issue more than two to the agents of any candidate for use in any one polling division;

“(b) shall number consecutively, in the order of its issue, every such certificate and truly date and sign the same.

“(3) Every such certificate shall contain in writing the name of the person to whom it is issued and shall state that such person is a qualified elector, the polling division in which he is entitled to vote, and, if he is a deputy returning officer, agent or poll clerk, the polling station for which he is appointed.

“(4) Every such deputy returning officer, candidate, agent or poll clerk who claims the right to vote by virtue of such certificate shall, if required before voting, take the oath in form V to Schedule One of this Act, and such oath, with the corresponding certificate of the revising officer, registrar or enumerator shall be filed with the deputy returning officer at the polling station where the person taking it has voted.

Date, etc., when revising officers, etc. sit, to be advertised.

“17. All revising officers, registrars and enumerators shall advertise in newspapers or by posted notices, according to directions which shall be given by the Secretary of State, their names and post office addresses, the days and hours when they shall sit for the purposes of this Act, and the dates when they respectively will post up or certify the lists of voters.

Compensation to revising officer, etc., how to be paid.

“18. The compensation of revising officers, registrars, enumerators, and all other officers and persons engaged in or about the preparation and revision of lists, and all expenses consequent thereupon or authorized by this Act, shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund of Canada, but such sums as shall be determined by the Governor in Council and no more shall be allowed or paid for such services and expenses.

FALSE REGISTRATION AND PENALTIES.

Penalty for applying to be registered, etc. as voter in name of dead, etc. voter, or to be registered, etc., twice.

“19. Every person who applies under this Act to be registered or enumerated as a voter in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once registered or enumerated under this Act as a voter entitled to vote at a pending election, applies to be again registered in the same electoral district as a voter entitled to vote at the same election, shall be guilty of the offence of personation and liable to the penalties imposed in this Act upon persons guilty of that offence.

Penalty for falsely answering interrogatories necessary to entitle person to be registered as voter.

“20. Any person making a claim to be registered as a voter at any registration sittings, and answering and declaring any of the interrogatories necessary to entitle a person to be registered a voter as by this Act hereinbefore provided, knowing the same to be false, shall, in addition to any other punishment provided by law, be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months.

Penalty for Registrar, etc., falsely signing, etc., statutory declaration to be used for registration of voters.

“21. Any registrar, deputy registrar, notary public, commissioner for oaths, justice of the peace or other functionary or person who falsely signs any statutory declaration to be used for the purpose of procuring the registration of voters under this Act, certifying or declaring that such declaration was made before him, or who signs it prior to the same being signed by the person purporting to declare to the same or otherwise than in the presence of the declarant, shall, for every such act, be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months.”

Sections substituted for sections 69 and 275.

(D) By substituting in place of sections sixty-nine and two hundred and seventy-five in Part Three of said *Dominion Elections*

*Elections Act*, these being sections included within Schedule A to this Act, the two sections, numbered the same as those which they replace, following:—

«QUALIFICATIONS OF CANDIDATES.

“ 69. Except as in this Act otherwise provided, any British subject, male or female, who is of the full age of twenty-one years, may be a candidate at a Dominion election. Women made eligible as candidates at Dominion elections.

“ 275. Every person who votes, or induces or procures any person to vote, at an election, knowing that he, or such person, is not entitled to vote thereat, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years and, in addition to such punishment for such offence, shall forfeit the sum of two hundred dollars to any person who sues therefor, with costs. In any suit for recovery of such penalty the burden of the proof of such person being entitled to vote at the election shall be upon the person sued and not upon the person suing.» Penalty for illegally voting increased from a fine of \$100.

(E) By substituting in place of the form Z Number One in Schedule One of said *Dominion Elections Act* the form Z Number One at the end of Schedule D to this Act. Amendments in forms.

3. In the case of such a by-election, chapter twenty of the Acts of 1918, *An Act to confer the Electoral Franchise upon Women*, shall not apply. 1918, c. 20 not to apply.

SCHEDULE A.

Sections and Parts of Sections of the Dominion Elections Act affected.	Extent to which deemed amended by the striking out of sections or parts thereof.
(a) Sections five to sixty-five, inclusively (Being the whole of Parts One and Two.)	The whole of all the sections.
(b) Section sixty-nine.	The whole section.
(c) Section seventy-eight.	The words “the provinces of Saskatchewan and Alberta and”.
(d) Section eighty.	The words “the provinces of Saskatchewan and Alberta and”.
(e) Section eighty-one.	All the words which follow the figures “153”.
(f) Section eighty-six.	The words “the provinces of Saskatchewan and Alberta and”.
(g) Section eighty-eight.	The words “the provinces of Saskatchewan and Alberta and”.
(h) Section ninety-three.	The words “the provinces of Saskatchewan and Alberta and”.
(i) Section ninety-four.	The words “the provinces of Saskatchewan and Alberta and”.

SCHEDULE A—*Con.*

Sections and Parts of Sections of the Dominion Elections Act affected.	Extent to which deemed amended by the striking out of sections or parts thereof.
(j) Section one hundred and seven.	The words "except in the provinces of Saskatchewan and Alberta where they shall be in form L." in subsection two and all of subsection four.
(k) Section one hundred and thirteen.	The words "the provinces of Saskatchewan and Alberta and".
(l) Section one hundred and sixteen.	The words "the provinces of Saskatchewan and Alberta and".
(m) Section one hundred and forty-three.	The whole section.
(n) Section one hundred and forty-four.	The whole section.
(o) Section one hundred and forty-seven.	The words "and in the province of Prince Edward Island his qualification also".
(p) Section one hundred and forty-eight.	The whole section.
(q) Section one hundred and forty-nine.	The whole section.
(r) Section one hundred and fifty.	The whole section.
(s) Section one hundred and fifty A.	The whole section.
(t) Section one hundred and fifty-one.	The whole section.
(u) Section one hundred and fifty-two.	The whole section.
(v) Section one hundred and fifty-two A.	The whole section.
(w) Section one hundred and fifty-three.	The whole section.
(x) Section one hundred and fifty-four.	The whole section.
(y) Section one hundred and fifty-five.	The whole section.
(z) Section one hundred and fifty-six.	The words "the provinces of Saskatchewan and Alberta and".
(aa) Section one hundred and fifty-seven.	The whole section.
(bb) Section one hundred and fifty-eight.	The whole section.
(cc) Section one hundred and fifty-nine.	The whole section.
(dd) Section one hundred and seventy-one.	The words "and in Prince Edward Island the words <i>objected to</i> opposite the name of the person voting whose right has been objected to on the ground of want of qualification" and also the whole of subsection two.
(ee) Section one hundred and seventy-four.	The whole of subsection three.
(ff) Section one hundred and seventy-six.	The whole section.
(gg) Section two hundred and forty-seven.	The whole section.
(hh) Section two hundred and forty-eight.	The whole section.
(ii) Section two hundred and fifty-three.	The whole section.
(jj) Section two hundred and fifty-four.	The whole section.
(kk) Section two hundred and seventy-five.	The whole section.
(ll) Forms F, L, P, X, X No. 1 and Z No. 1.	The whole of such forms.

## SCHEDULE B.

*Rules and Directions for Personal Registration of Voters*  
(Section 11) applicable only to polling divisions  
wholly or partly contained in cities or towns of more  
than one thousand population.

## REGISTRARS.

(1) The returning officer shall, immediately after receipt by him of the writ for the election, appoint under his hand sufficient competent and reliable persons, one only for each city or town which is wholly or partly contained in the electoral district for which the election is pending, to be registrars of voters, and every such registrar shall, before acting as such, take the oath in form *CCC*, but the Secretary of State of Canada may authorize the returning officer to appoint, where deemed necessary, sufficient assistant registrars who shall, before acting as such, take the oath in form *CCC*, prefixing the word 'assistant' to the word 'registrar' wherever in such form the word 'registrar' occurs. Such assistant registrars shall, within the limits of their several appointments, while acting as such, have the powers and perform the duties of registrars.

(2) Every registrar shall, immediately after taking such oath, post up or cause to be posted up in conspicuous places within the city or town or part thereof for which he has been appointed, sufficient copies of a poster notice in form *DDD* with dates, hours and place of sitting properly stated therein. He shall so post or cause to be posted not less than six copies of the notice per thousand of the population which is within the territorial limits of his appointment.

(3) Every registrar shall provide, within the city or town or part thereof for which he is appointed, a convenient place, properly lighted and heated, and being the place mentioned in such notice, for the purpose of the registration of voters. He shall, for such purpose, attend and sit thereat for six days, except Sunday, during the period for registration, (to be fixed and notified by the Governor in Council) from nine o'clock in the forenoon until nine o'clock in the afternoon, with intermissions from one o'clock to two o'clock and from six o'clock to seven o'clock. All persons desiring to be registered as voters shall attend in person before the registrar.

(4) When a person claiming to be entitled to be registered as a voter applies for registration, the registrar shall proceed as follows:—

(a) He shall administer to the applicant, orally, under oath or solemn affirmation, the interrogatories contained in Form *EEE*.

- (b) If it appears to the registrar from the answers given by the applicant to such interrogatories that the applicant is entitled to be registered, the registrar shall announce that the application is granted, and the applicant's name, occupation, address and proper polling division shall be written on the registrar's preliminary, or compilation, list; but if it appears to such registrar that such applicant is not entitled to be registered, or if the applicant refuses to answer any of such interrogatories or to be sworn or to solemnly affirm, the registrar shall announce that the application is refused and the applicant's name shall not be written on such preliminary list.
- (c) Wherever the language of the applicant is not understood by the registrar an interpreter may be sworn and may act; in the event of inability to secure an interpreter the application shall, for the time being, be refused.
- (d) When an application for registration is refused and the applicant demands a certificate of such refusal the registrar shall sign, date and deliver to the applicant a certificate in form *FFF* which shall state the applicant's name, address and occupation, as given, and the reason for such refusal.
- (5) If any person who claims to be entitled to be registered is unable to personally attend the registration sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bonâ fide* absence from the city or town wherein he is entitled to be registered, any other person who is a relative or employer of such first-mentioned person and who has a personal knowledge of the facts may appear before the registrar, who shall administer to him, orally, under oath or solemn affirmation the interrogatories contained in form *GGG*, and if he substantiates (a) the cause of absence to be such as by this subsection set forth and (b) all things requisite to the registration of such first-mentioned person, saving personal appearance, that person may be registered as if he had personally appeared. The registrar shall announce and otherwise proceed as hereinbefore provided in the case of an applicant personally appearing.
- (6) The registrar shall, with reasonable expedition and within two days after the closing of the registration:—
- (a) Prepare from the preliminary or compilation list kept by him a true, complete and final list, certified as such under his hand, for each polling division which is wholly or partly contained within the city or town or part thereof for which he is appointed. Such list shall show the names thereon alphabetically arranged according to surnames.



(b) Post a certified copy of every such list in a conspicuous place in the city or town hall, if any, and in at least two other conspicuous places in the polling division to which the list relates.

(c) Deliver or send by registered mail to each of the candidates one other certified copy of every such list.

(7) The registrar shall preserve an original of such list which shall be accessible to all persons who may apply to see it or to take extracts therefrom.

(8) Immediately after the registrar shall have posted up such lists he shall transmit or deliver to the revising officer for the city or town for or for part of which such registrar is appointed, a certified copy of the list prepared by him with an affidavit in form *HHH*.

(9) Every registrar shall, while sitting as such, be a conservator of the peace and be clothed with the same powers as a justice of the peace in his province. He may appoint, if necessary, such constables for the maintenance of order and for the arrest of and detention of persons guilty of personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance. He may also, if necessary, forcibly remove or direct the forcible removal of any person from the place wherein the registration is taking place. He and the constables appointed by him shall have power to act without taking any oath.

(10) In the event of the death or illness of any registrar or of his neglect or refusal to perform any duty imposed upon him by this Act, the returning officer may appoint another person with power, after taking the oath in form *CCC*, to act in such registrar's place and stead.

#### REVISING OFFICERS.

(11) In the provinces of British Columbia, Ontario, New Brunswick, Nova Scotia and Prince Edward Island, the Senior County Court Judges; in the provinces of Alberta, Saskatchewan and Manitoba the District Court Judges; and in the province of Quebec, in the judicial districts of Montreal and Quebec, the Chief Justice or the Acting Chief Justice of the Superior Court, and in all other judicial districts the Senior Superior Court Judges, shall be and be known as revising officers under this Act, one only of such officers to act within each city or town, in so far as such city or town is wholly or partly contained in the electoral district for which the election is pending, but each of such judges shall have jurisdiction over every electoral district which is within his judicial district, to appoint therein where necessary, for all or any of the towns or cities within such judicial district, when an election is

pending, fit persons, as additional or substitute revising officers, and to define the territorial limits of their jurisdiction. Such revising officers shall revise the voters' lists prepared by registrars under this Act, hear appeals from the rulings of the registrars, finally certify such lists and cause them to be printed and delivered to the deputy returning officers. He shall also appoint a clerk who shall perform all directions of the revising officer given in the execution of the purposes of this Act, provided that in the case of further or substitute appointments of revising officers hereunder these rules shall be so read as to give the same effect to the action within his territorial jurisdiction of a revising officer over part of a city or town as to the action of a revising officer over the whole of a city or town.

(12) Every revising officer shall, for the purposes of this Act, have jurisdiction and authority, on appeal and otherwise as by this Act provided, over the same territorial area as the registrar who prepared the lists which the revising officer is empowered to revise. He shall, unless he be a judge, before acting as such, be sworn before a judge of a court of record to the faithful performance of his duties. He shall dispose of all matters coming before him in manner not inconsistent with the provisions of this Act and, save as otherwise provided, may prescribe or confirm such procedure as to notice, evidence or otherwise as, in his judgment, is fair and reasonable according to the circumstances, and in case any matter or thing respecting the revising of lists for the purposes of the pending election is not specifically or sufficiently provided for in this Act, the revising officer shall deal with the same on principles of equity and justice.

(13) The revising officer shall first sit at such place as he may fix and notify by previous public advertisement for four days, on the twenty-first day before the polling day. He shall continue in session as revising officer for six days excluding Sunday.

#### METHOD OF REVISION.

(14) The revising officer shall revise the lists of voters to which his appointment relates, in the following manner, but in accordance with all other provisions in these rules contained, that is to say:—

(a) All the names appearing on such lists and against which no appeals have been asserted to him and also all the names appearing on any provincial list adopted as a basis for the preparation of voters' lists pursuant to section eight of this Act shall be allowed to stand without investigation as to qualification;

(b) Opposite to or at the side of the name of any person struck off such list of voters he shall write the words "struck off" followed by his initials.

(c) The onus of substantiating sufficient *primâ facie* ground to strike off any name shall be upon the applicant, and the person whose name has been objected to shall not be called upon for any evidence or proof until the revising officer avers that in his opinion such *primâ facie* ground has been established, nor shall the absence or non-attendance of any person whose name has been objected to relieve the applicant from substantiating such *primâ facie* case. No complaint or appeal shall be heard by the revising officer to strike names off the list of voters unless two days' notice in writing has been given by mailing it registered and prepaid to the person affected, addressed as on the list of voters or to his last known residence.

(d) If an applicant has been refused registration by the registrar such refusal may be reviewed by the proper revising officer upon presentation to such revising officer of a certificate in Form *FFF*, but, notwithstanding the provisions of this rule, any person claiming to be entitled to be placed on any list of electors preparable for any polling division which is wholly or partly contained within any city or town or part thereof under the provisions of this Part may, notwithstanding that he has neglected or omitted to apply for registration at any of the sittings of any registrar, and, as well, any person who has applied and has been refused registration, (whether or not he obtains or presents a certificate in Form *FFF*) may apply at any of the sittings of the revising officer to have his name entered on such list of voters, and he shall be entitled to have his name entered on such list if, after *viva voce* examination on oath the revising officer shall be of opinion that such applicant possesses the necessary qualifications; no notice of application shall in such cases be required.

(e) The revising officer may, without previous notice, complaint or appeal, correct any mistake which is proved to him to have been made by the registrar in respect of any name, residence, occupation or otherwise howsoever.

(f) In all proceedings under this Act the revising officer shall have, with reference to the matters in this Act contained, all the powers which belong to or might be exercised by a judge of a court of record in any action pending in his court.

(15) On the twelfth day before the polling day the revising officer shall

(a) initial all changes or additions made by him to each list of a polling division, and shall write and sign at the foot or end thereof the words following—

“I certify that the foregoing is a correct list of the voters in polling division No. . . . (or as the case may be) of the electoral district of . . . . ., as revised on appeal by me this . . . . . day of . . . . ., 19. . . . .

Revising Officer for the city (or town)  
of .....  
Electoral District of.....  
in the province of ....."

- (b) deliver or mail by registered letter to each of the candidates a statement of such changes or additions as he has made in the lists of voters on appeal;
- (c) cause to be printed such number of such lists as the Clerk of the Crown in Chancery may advise will be sufficient for the purpose of the election. Such printing shall be superintended by the revising officer's clerk.

(16) Upon completion of printing the revising officer shall carefully compare the printed lists with the originals in his hands, making necessary corrections so that the printed copies shall accord with the written copy, and thereafter certifying under his hand as true copies all such printed lists and dispatching to the Clerk of the Crown in Chancery the original lists from which the printing was done and twelve copies of such printed lists, and to each of the candidates or their agents twenty copies thereof.

(17) The revising officer shall so provide that the printing of such lists shall be completed and copies thereof be delivered to the candidates or their agents at least four days before the polling day.

(18) All lists of voters printed and certified as hereinbefore provided shall be and be considered official lists of voters of the polling division to which they relate.

(19) In the event of a revising officer's death, resignation, inability or refusal to act the Governor in Council may appoint another to act in his stead.

(20) The revising officer shall deliver or cause to be delivered, at or before eight o'clock in the morning of the polling day, or sooner if the returning officer so directs, deliver to the deputy returning officer for the polling division to which it relates a certified copy of the voters' lists for such deputy returning officer's polling division which list shall be the official list for such polling division.

SCHEDULE C.

*Rules and Directions for Enumeration of Voters (Section 12) applicable only to polling divisions whereof no parts are contained within cities or towns of more than one thousand population.*

(1) The returning officer shall, immediately after receipt by him of the writ of election, appoint under his hand sufficient competent and reliable persons, one only for each polling division, to be enumerators of voters, and every

of such enumerators shall, before acting as such, take the oath in Form *E* as in Schedule One to the *Dominion Elections Act*. Whenever a competent person can be secured as enumerator within the limits of the polling division to be enumerated such person shall be appointed and only in case of necessity shall enumerators be selected from outside polling divisions.

(2) Each enumerator shall, after taking such oath, whenever the returning officer so directs, and strictly regarding and observing the terms of section eight of this Act, compile a list of the persons who are qualified as electors to vote within the polling division for which the enumerator has been appointed at the election then pending, making at least three plainly written copies of such list, with the names of the voters placed or added thereon or thereto by him arranged in alphabetical order, stating the occupation and residence of each voter and writing the letter *W* in brackets, thus [*W*], after the name of every female voter whose name he places on, adds to or permits to remain on said list, the whole as in form *JJJ* to this Act.

(3) Each enumerator shall complete, date at his place of residence and sign such copies of the voters' list on the fifteenth day before the polling day and not otherwise; two of such copies he shall post up in two of the most public and conspicuous places within such polling division and another he shall retain for revision. He shall on the same day deliver or send by registered mail to each of the candidates a copy of such list. He shall attach to each of the copies so posted up a written notice signed by him and designating a place within the polling division and a time where and when electors may conveniently find him during the hours between two and six o'clock in the afternoon of every day except Sunday of the five days next following the fourteenth day before the polling day. He shall attend and remain at such designated place during the designated times.

(4) If any enumerator, at any time after posting up any voters' list, and not later than the tenth day before the polling day, is fully satisfied from representations made to him by any credible person that the name of any person who is qualified as an elector to vote at the election then pending within the polling division for which the enumerator has been appointed has been omitted from the voters' list he shall add such name to the copy of the list in his possession, below his signature, and attest by his initials such addition. If in like manner fully satisfied that the name of any person who is not qualified as aforesaid appears on such list he may draw erasing lines through such name and attest by his initials in like manner. If he finds that the occupation, addition or residence of any voter is inac-

curately stated on the list he may correct the inaccuracy and attest by his initials as aforesaid.

(5) Every enumerator, having revised and corrected such retained copy of the voters' list compiled by him shall write at the foot of such copy and close to the last name thereon, on the ninth day before the polling day, a certificate in the form of the second certificate contained in said form *JJJ*. He shall also on the same day deliver or mail by registered letter to each of the candidates a statement of the additions made to and of the changes made in the list posted pursuant to these rules, and, at or before eight o'clock in the morning of the polling day, or sooner if the returning officer so directs, deliver to the deputy returning officer for the polling division to which it relates the said list so retained and certified, which shall be the official voters' list for such polling division, but such list shall be subject to further correction on the polling day as by section thirteen of this Act provided.

(6) In the event of the death or illness of any enumerator or of his neglect or refusal to perform any duty imposed upon him by this Act, the returning officer may appoint another person, with power, after taking the oath in form E in Schedule One to the *Dominion Elections Act* to act in such enumerator's place and stead.

SCHEDULE D.

FORM AAA.

*Oaths of Military, Naval or Air Service elector or War Correspondent. (Sec. 6.)*

*Oath No. 1.*

You swear that your absence from (*or non-residence during the period necessary to qualification of an elector in, as the case may be*) the electoral district of ..... which, but for the provisions of section 6 of the *Dominion Elections Act* would have rendered you incompetent to vote at this election, was while serving His Majesty within (*or without*) Canada in a military (*or naval*) capacity (*or in the air service*) as.....  
.....  
(*here state deponent's rank and the nature of his service*) and that you are now and have been for the past thirty days resident in this polling division. So help you God.

*Oath No. 2 (Sec. 6.)*

You swear that your absence from (*or non-residence during the period necessary to qualification of an elector in,*

as the case may be) the electoral district of.....  
 which, but for the provisions of section 6 of the  
*Dominion Elections Act* would have rendered you incom-  
 petent to vote at this election, was while acting as a war  
 correspondent in.....  
 (*here state place of absence*) in connection with the.....  
 .....war. So help you God.

FORM BBB.

*Oath of Qualification, notwithstanding absence. (Sec. 6.)*

You swear that you were qualified to have your name  
 upon the list of voters for this polling division at the time  
 when such list was prepared, except for the fact of your  
 absence from Canada. So help you God.

FORM CCC.

*Oath of Registrar.*

I, the undersigned, appointed registrar for the city  
 (or town) of.....in the electoral district  
 of.....under the *Dominion Elections Act*,  
 do solemnly swear (*or affirm*) that I will faithfully discharge  
 and perform all the duties of the office without partiality,  
 fear, favour or affection and in every respect according to  
 law. So help me God.

Sworn (or affirmed) before me at.....  
 in the province of.....this.....  
 day of.....19...

A.B. Registrar.

A Justice of the Peace (*or as the case may be*).

FORM DDD.

*Registration of Voters.*

Electoral District of.....

Public notice is hereby given:—

(1) That the undersigned has been appointed registrar  
 to prepare the list of voters for every polling division in  
 the above-mentioned electoral district that is wholly or  
 partly contained within the city (or town) of.....

(2) That registration sittings shall be held from the  
 .....day of.....19..  
 until the.....day of.....19..,

both inclusive, between the hours of nine o'clock in the  
 forenoon and nine o'clock in the afternoon, with inter-

missions from one o'clock to two o'clock and from six o'clock to seven o'clock.

(3) That all persons desiring and requiring to be registered as voters must apply personally at the place herein-after stated, to wit:.....

(Signed).....

Registrar for the city (or town)  
of.....

FORM EEE.

*Interrogatories to be administered orally, under oath or affirmation, to applicants in person for registration as voters.*

You do swear (or affirm) to make true and full answer to such questions as I shall now address to you. (So help you God.)

1. What is your surname?
2. What is your full Christian name or names?
3. Where is your ordinary place of residence and what is your post office address?
4. What is your occupation?
5. Do you now reside in polling division No.....  
(or as the case may be) of the electoral district of  
.....for which you now apply to be registered?
6. Are you of the full age of twenty-one years?
7. Are you a British subject?
8. Are you such by birth or by naturalization? State which.
9. If by naturalization when and how were you naturalized?
10. Have you a certificate from a judge entitling you to be registered as a voter?
11. Have you ordinarily resided in Canada for twelve months or more immediately preceding the..... day of.....last? (Here mention the date of the writ of election.)
12. Have you resided in this electoral district of..... for two months or more immediately preceding the date just mentioned?
13. Have you served within or without Canada in any of His Majesty's Imperial or Canadian Military, Naval or Air Forces during the state of war? If you have so served state when and where.
14. Are you in any respect disqualified to vote at the pending election for this electoral district?
15. Are you now registered as a voter in any other polling division in this electoral district?



Sworn before me this.....day of.....  
A.D....., at.....

(Signature).....

Registrar.

FORM FFF.

*Certificate of Refusal to Register.*

This is to certify that

.....(name)  
.....(address)  
.....(occupation)

on this.....day of.....19...  
applied to me for registration as a voter in polling division  
No.....(or as the case may be) in the electoral  
district of.....and that I refused his  
application for the reason that, etc.

A.B.

Registrar for the city (or town)  
of.....

FORM GGG.

*Interrogatories to be administered orally, under oath or  
affirmation, to person appearing before Registrar and  
applying for registration of another person as a voter.*

You do swear (or affirm) to make true and full answer  
to such questions as I shall now address to you.  
(So help you God.)

1. What is the surname of the person for whom you  
apply that he be registered?
2. What is his full Christian name or names?
3. Where is his ordinary place of residence and what  
is his post office address?
4. What is his occupation?
5. Does he now reside in polling division No.....  
(or as the case may be) of the electoral district of  
.....for which he now, through you,  
applies to be registered?
6. What is your Christian name, surname, ordinary  
place of residence and post office address?
7. Are you related to the applicant and if you are what  
is the relationship or is he in your employ?
8. How long and how well have you known him?
9. Is he of the full age of twenty-one years?
10. Is he a British subject?

11. Is he such by birth or by naturalization? State which and if by naturalization state when and how was he naturalized.
12. Has he a certificate from a judge entitling him to be registered as a voter?
13. Has he ordinarily resided in Canada for twelve months or more immediately preceding the..... day of.....last? (Here mention the date of the writ of election.)
14. Has he resided in this electoral district of..... for two months or more immediately preceding the date just mentioned?
15. Has he served within or without Canada in any of His Majesty's Imperial or Canadian Military, Naval or Air Forces during a state of war? If he has so served state when and where.
16. Is he in any respect disqualified to vote at the pending election for this electoral district?
17. Is he now registered as a voter in any other polling division in this electoral district?
18. What is the reason why the applicant does not attend before me in person? Is he disabled or absent? If disabled what is his disability? If absent do you know where he is and that he was and will be unable to attend here before me?

FORM HHH.

*Affidavit of Registrar.*

Canada:  
 Province of.....  
 To wit:—

I,.....of the  
 .....of.....in the province  
 of.....(occupation) make oath and say:—

- (1) That I am registrar under the *Dominion Elections Act* for the city (or town) of..... in the electoral district of.....
- (2) That as such registrar I have set down in the list of electors appended hereto for (*state the polling division*) according to the best of my knowledge, information and belief, the name of every person entitled to be entered thereon.
- (3) That I have not entered upon the said list the name of any person which I have any reason to know or believe ought not to be entered thereon.
- (4) That I have not intentionally omitted from the said list the name of any person which I have any reason to know or believe ought to be entered thereon.

(5) That I have to the best of my knowledge and belief discharged the duties required of me by the *Dominion Elections Act*.

Sworn, etc., as in Form CCC.

A.B.

Registrar for the city (or town)  
of.....

FORM JJJ.

*Enumerator's List of Voters.*

Electoral district of .....

Polling Division No.....

No.	Name.	Occupation. or Addition.	Residence.	REMARKS. This column is for the use of the Poll Clerk on Polling Day.
1	Allen John.....	Labourer.....	16 Elgin St.	
2	Baker, Miss Mary.....	W Clerk.....	12 Luke St.	
3	Carter, Miss Jane.....	W Spinster.....	Pine Road.	
4	Dow, Mrs. Ann.....	W Married Woman.	Back lots.	
5	Dow, Mrs. Jane.....	W Widow of Peter.	"	
6	Dow, John.....	Farmer.....	"	
7	Egan, William.....	Grocer.....	136 Sparks St.	

I certify that the foregoing is a true copy of the voters' list in polling division No..... (or as the case may be) of the electoral district of....., as prepared by me for use in the election of a member (or members, as the case may be) of the House of Commons for the said electoral district, now pending.

I. J.  
Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

I certify that the foregoing is a correct list of the voters in Polling Division No..... (or as the case may be) of the electoral district of....., as revised (or, if no correction is made, as finally approved) by me this ..... day of ....., 19...

I. J.  
Enumerator.

## FORM Z No. 1.

*Oath to be taken by Electors.*

You do swear that you are a British subject, that you are not an Indian ordinarily resident on an Indian reservation, that you are of the full age of twenty-one years, that you ordinarily resided in Canada for at least twelve months, and in this electoral district of . . . . . (*as the case may be*) for at least two months, immediately preceding the issue of the Writ for this election and that you are now resident in this polling division. So help you God.

N.B.—*This oath must not be put to any member or former member of his Majesty's Canadian Forces qualified to vote under section six of this Act, but the voter may be sworn as to his qualifications under such sections. In swearing a voter under section sixteen, omit the last ten words before the oath.*

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 49.

An Act to amend The Dominion Forest Reserves and Parks Act.

[Assented to 7th July, 1919.]

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

1911, c. 10;  
1913, c. 18,  
1914, c. 32;  
1916, c. 15,  
1918, c. 4.

The Schedule to *The Dominion Forest Reserves and Parks Act*, chapter ten of the statutes of 1911, as amended by chapter eighteen of the statutes of 1913, and chapter thirty-two of the statutes of 1914, is amended as follows:—

**1.** Paragraph one of the said Schedule, as amended by chapter eighteen of the statutes of 1913, is amended by striking out the figures " 23 " in the sixth line of the amendment to said paragraph and inserting after the figures " 31 " in the seventh line of the said amendment the words " the south half and northwest quarter of section 23 " and by striking out the figures and words " 74·21 square miles " in the last line of said amendment and inserting therefor " 73·96 square miles."

BRITISH  
COLUMBIA.  
Long Lake  
Forest  
Reserve.

**2.** (1) Paragraph four of the said Schedule is amended by striking out the figures and words " 729 chains, more or less, to the northwest corner of section 34, township 21, range 16, west of the sixth meridian; thence due south 440·25 chains " in the fifteenth to eighteenth line of the said paragraph and inserting the following: " 607·50 chains, more or less, to the northwest corner of the northeast quarter-section 35, township 21, range 16, west of the sixth meridian, thence south 40·25 chains, more or less, to the northwest corner of the southeast quarter of section 35, township 21, range 16, west of the sixth meridian; thence west 121·50 chains, more or less, to the northwest corner of the southwest quarter of section 34, township 21, range 16, west of the sixth meridian, thence due south 400 chains "; and by striking out the figures and words " 1,042·72 chains, more or less, to the place of beginning, containing by

Niskoniith  
Forest  
Reserve.

admeasurement 125 square miles, more or less," in the last three lines of the said paragraph and inserting therefor the following: "151.72 chains, more or less, to the southeast corner of section 6, township 21, range 15, west of the sixth meridian, thence due north 40.25 chains, more or less, to the southeast corner of the northeast quarter of section 6, township 21, range 15, west of the sixth meridian, thence due east 325 chains, more or less, to the southwest corner of the northwest quarter of section 1, township 21, range 15, west of the sixth meridian, thence due south 40.25 chains, more or less, to the southwest corner of section 1, township 21, range 15, west of the sixth meridian, thence east 566 chains, more or less, to the place of beginning, containing by admeasurement 122.25 square miles, more or less."

(2) The amendment to paragraph four made by chapter eighteen of the statutes of 1913, is amended by striking out the words and figures "Hefferty Lake, the south half and that part of the northwest quarter of section 2 that lies south of the south bank of Hefferty Creek and those parts of sections 3 and 10 lying to the south of the south bank of Hefferty Creek," in the sixteenth to twentieth lines from the end of the said amendment and inserting therefor the following: "Heffley Lake, the southeast quarter and that part of the northwest quarter of section 2 that lies south of the south bank of Heffley Creek, legal subdivisions 4 and 5 of section 3 and those portions of section 10 and the north half of section 3 lying to the south of the south bank of Heffley Creek"; also by striking out the words and figures "Section 30" in the twenty-seventh line from the end of the said amendment and inserting therefor "the south half and the northwest quarter of section 30"; by striking out the words and figures "that part of section 31" in the twenty-fifth line from the end of the said amendment and inserting therefor "that part of the southwest quarter-section 31"; and by striking out the words and figures "191.75 square miles" in the last line of the amendment to paragraph four, made by chapter thirty-two, of the statutes of 1914, and inserting therefor, "190.80 square miles."

Tranquille  
Forest  
Reserve.

3. The amendment to paragraph five of the said Schedule, made by chapter eighteen of the statutes of 1913, is amended by adding after the figure "5" in the thirteenth line from the end of the said amendment the figures "30"; by striking out the words "and the northwest quarter of section 19" in the seventh and eight lines from the end of the said amendment and inserting therefor the following:—"the west half of section 18, the north half of section 19, the north half of section 29, and the south half of section 32"; by striking out the words and figures "except sections 30, 31, 32, 33, 34, 35, 36 and west half of section 19," in the sixth and seventh

lines from the end of the said amendment and inserting therefor the following: "except sections 1, 11, 24, 25, 30, 31, 32, 33, 34, 35, 36, the north half of section 2, the north-west quarter of section 3, the east half of section 10, the west half of section 12, the north half and southwest quarter of section 13, the south half and northeast quarter of section 14, the south half of section 15, the west half of section 19, the southeast quarter of section 23, and the southeast quarter of section 26"; by striking out the words and figures "Section 35, the northwest quarter of section 25, northeast quarter of section 33, the north half of section 34 and west half of section 36" in the third, fourth and fifth lines from the end of the said amendment and inserting instead thereof the following:—"the south half and the northwest quarter-section 35, the north half section 34 and the northeast quarter-section 33"; also by striking out the figures and words "141.6 square miles" in the last line of the said amendment and inserting therefor the words "129.6 square miles."

4. (1) Paragraph six of the said Schedule is amended by striking out the words and figures "thence northerly following the southwesterly boundary of Cornwall's Ranch to a point where said boundary intersects the section line between sections 15 and 16, township 20, range 25, west of the sixth meridian," in the 13th to 16th lines of the said paragraph, and inserting therefor: "thence westerly following the southwesterly boundary of Cornwall's Ranch to a point where the said boundary intersects the northern boundary of township 19, range 25, west of the sixth meridian; thence west along the said boundary to the northeast corner of the northwest quarter of section 33, township 19, range 25, west of the sixth meridian; then north 161.25 chains, more or less, to the southeast corner of the south-west quarter-section 16, township 20, range 25, west of the sixth meridian; thence east 40.5 chains, more or less, to the southeast corner of the southeast quarter-section 16, township 20, range 25, west of the sixth meridian;" paragraph 6 is also amended by eliminating legal subdivisions 5 and 6 of section 29 and legal subdivisions 7 and 8 of section 30, township 19, range 25, west of the 6th meridian from the area included in the Hat Creek Reserve as described in the said paragraph and by striking out the figures and words "205 square miles" in the last line of the said paragraph, and inserting therefor the figures and words "204.12 square miles."

Hat Creek  
Forest  
Reserve.

(2) The amendment to paragraph six made by chapter 18 of the statutes of 1913, is amended by striking out the figures "15" in the 12th line of the said amendment; by inserting after the words "the south half" in the 18th line of the said amendment the words and figures "and legal subdivisions 10 and 11." by striking out the words and

figures "and 14" in the 10th line from the end of the said amendment and inserting therefor "the southwest quarter-section 14"; by inserting before the figures "11" in the 10th line, from the end of the said amendment the word "and"; and by striking out the figures and words "135.25 square miles" in the last line of the said amendment and inserting therefor the figures and words "134.50 square miles."

Larch Hills  
Forest  
Reserve.

5. Paragraph seven of the said Schedule is amended by inserting after the words "Mara Lake" in the thirteenth line from the end of the said paragraph the following: "to its intersection with the north boundary of the south half of section 23, township 21, range 8, west of the sixth meridian thence west 35 chains, more or less, to the northeast corner of the southwest quarter-section 23, township 21, range 8, west of the 6th meridian; thence north 80.75 chains, more or less, to the southeast corner of the northwest quarter-section 26, township 21, range 8, west of the 6th meridian; thence east 41 chains, more or less, to the southwest corner of the fractional northwest quarter-section 25, township 21, range 8, west of the 6th meridian; thence south 40.25 chains, more or less, to the southwest corner of the southwest quarter-section 25, township 21, range 6, west of the 6th meridian; thence east 26 chains more or less to the point where the north boundary of section 24, township 21, range 8, west of the 6th meridian intersects the west boundary of the right of way of the Shuswap and Okanagan Railway, thence following along said west boundary of the right of way in a southerly direction to the point where the said west boundary of the right of way intersects the east boundary of legal subdivision 13, section 24, township 21, range 8, west of the sixth meridian, thence south along the east boundary of legal subdivisions 12 and 13, section 24, township 21, range 8, west of the 6th meridian to the point where it intersects the west shore line of Mara Lake; thence northeasterly following said westerly shore line of Mara Lake;" also by striking out the figures and words "23.25 square miles" in the two last lines of the amendment made by chapter thirty-two of the statutes of 1914 and inserting therefor the figures and words "22.37 square miles."

MANITOBA.  
Riding  
Mountain  
Forest  
Reserve.

6. Paragraph ten, chapter 10, of the said Schedule, as amended by paragraph three, chapter thirty-two of the statutes of 1914, is repealed and the following is substituted therefor:—

10. "*Riding Mountain Forest Reserve* situated in the province of Manitoba and more particularly described as follows:—Consisting of all of the sections in township 18, range 16; the following sections in township 18, range 17,—sections 1, 13, 24, 25, 26, 35, 36 and the east half



of section 12; the following sections in township 18, range 19:—sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; the following sections in township 18, range 20:—sections 22, 23, 24, 25, 26, 27, 34, 35 and 36: All of the sections in township 19, range 16 and 17; the following sections in township 19, range 16:—sections 33, 34, 35 and 36; those portions of sections 31 and 32 lying north of the north shore of Clear Lake that portion of the west half of section 30, lying south of Clear Lake and the northeast quarter of section 3; the following sections in township 19, range 19:—these parts of sections 5, 6, 7 and 18 lying west of the west shore of Long Lake; the following sections in township 19, range 20:—sections 1, 2, 11, 12, 13 and 14, all of the sections in township 20, range 16, except the east half of section 25 and the north half and the southeast quarter-section 36; all of the sections in township 20, ranges 17 and 18: all of the sections in township 20, range 19, except sections 5, 6, 7, the west half section 8 and that part of section 4 lying west of the west shore of Clear Lake; the following sections in township 20, range 20:—sections 25, 26, 27, 34, 35 and 36, the northeast quarter of section 30 and legal subdivisions 12 and 13 in section 29; all of the sections in township 20, range 21, except sections 6, 7 and 18; the following sections in township 20, range 22:—sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; all of the sections in township 21, range 16, except sections 1, 12, 13, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35 and 36; the south half and northeast quarter of section 14 and the northeast quarter of sections 11, 28, and 31: all of the sections in township 21, ranges 17, 18, 19, 20, 21, 22 and 23; the following sections in township 22, range 17:—sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, and 18, the west half of sections 1 and 12, the south half of sections 14 and 15, and the southwest quarter of section 13; all of the sections in township 22, ranges 18, 19, 20, 21, 22, 23, 24, 25 and 26; all of the sections in township 23, range 18, except sections 13, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35 and 36, the north half and southeast quarter of section 12, and the northeast quarter of section 1; all of the sections in township 23, range 19, except sections 31, 32, 33, 34, 35 and 36; all of the sections and fractional sections in township 23, range 20, lying east and south of the Vermilion River except sections 35 and 36; all of the sections in township 23, range 21, except sections 12, 13, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and the north half of sections 1 and 22; all of the sections in township 23, range 22, except sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; all of the sections in township 23, range 23, except sections 31, 32, 33, 34, 35 and 36; all of the sections in the south half of township 23, range

24 and legal subdivisions 15 and 16 in section 31, and legal subdivisions 13 and 14 in section 32; all of the sections in the south half of township 23, range 25; the following sections in township 23, range 26,—sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17; all being west of the first meridian and containing by admeasurement 1,158.43 square miles, more or less.”

Spruce Woods  
Forest  
Reserve.

7. Paragraph twelve of the said Schedule is amended by striking out the words and figures “ thence due south 81.38 chains, more or less, to the southwest corner of section 3, township 9, range 13, west of the first meridian; thence due east 487.50 chains, more or less, to the place of beginning ” in the sixteenth to the twentieth lines from the end of the said paragraph, and inserting therefor the following “ thence south 41.44 chains, more or less, to the southwest corner of the northwest quarter of section 3, township 9, range 13, west of the first meridian; thence east 40 chains, more or less, to the southwest corner of the northeast quarter of section 3, township 9, range 13, west of the first meridian; thence south 39.95 chains, more or less, to the southwest corner of the southeast quarter of section 3, township 9, range 13, west of the first meridian; thence east 448.14 chains, more or less, to the point of beginning;” also by striking out the figures and words “224.50 square miles” in the last line of the said paragraph 12 and inserting therefor the figures and words “ 224.25 square miles.”

Procupine  
Forest  
Reserve  
No. 1.

8. The amendment made to paragraph fourteen of the said Schedule by paragraph eight, chapter eighteen of the statutes of 1913, is amended by striking out the figures “ 5, 6 ” in the 11th line of the said amendment, by striking out the figures “ 22 ” in the 11th line from the end of the said amendment and by striking out the figures and words “465.5 square miles” in the 2nd last line of the said amendment and inserting therefor the figures and words “463 square miles.”

SASKAT-  
CHEWAN.  
Pines  
Forest  
Reserve.

9. The amendment made to paragraph sixteen of the said Schedule by paragraph nine, chapter eighteen of the statutes of 1913, is amended by striking out the words and figures, “ the southwest quarter-section 3, the fractional south half of section 4, and the fractional southeast quarter of section 5 ” in the 19th to 22nd lines of the said amendment and inserting therefor “ the west half section 3, fractional section 4, the fractional southeast quarter of section 5, fractional section 9 and the fractional section 10 ”; and by striking out the figures and words “ 13.40 square miles ” in the last line of the said amendment and inserting therefor the figures and words “ 11.81 square miles.”

**10.** The amendment made to paragraph eighteen of the said Schedule by paragraph four, chapter thirty-two of the statutes of 1914, is amended by striking out the concluding part of the said amendment beginning at the word " nine " (9) in the fourteenth line from the end thereof and inserting therefor the following: " the following sections in township 41, range 9;—sections 1, 2, 11, 12, 16, 17, 18, 19, 20, the northwest quarter-section 7, the south half of sections 13 and 14 and the west half of section 21; all of the sections in township 41, range 10, except sections 1, 2, 35, 36 and the north half of sections 25 and 26; all of the sections in township 41, range 11; all of the sections in township 42, ranges 1, 2, 3, 4 and 5; all of the sections in township 43, range 1; all of the sections in township 43, range 2, exception sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33; all of the sections and fractional sections of township 43, range 3 lying west of Etomami River and the north half of section 35; all of the sections in township 43, ranges 4 and 5; the following sections of township 43, range 6, sections 29, 30, 31 and 32; the following sections of township 43, range 7, sections 31, 32, 33, 34, 35 and 36, north half of sections 26, 27 and 30, and the northwest quarter of section 29; the following sections in township 43, range 8:—sections 34, 35 and 36, and the north half of sections 25, 26, 27, 31, 32 and 33; the following sections in township 43, range 9:—the north half of sections 34, 35 and 36; all of the sections in township 43, range 10:—the following sections in township 43, range 11:—sections 25, 35, 36 and those portions of sections 13, 23, 24, 26, 27 and 34 lying north of the north shore of Bjork Lake; all of the sections in township 44, ranges 1, 4, 5, 6, 7, 8, 9, 10 and 11; all of the sections in township 44, range 2, except sections 4, 5 and 6; all of the sections in township 44, range 3, except sections 1, 2, 3, 4, 5, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 and that part of section 6 lying east of the east bank of the Etomami River; all being west of the second meridian and containing by admeasurement 2,305.5 square miles, more or less."

Porcupine  
Forest  
No. 2.

**11.** (1) Paragraph twenty-four of the said Schedule is amended by eliminating the northeast quarter-section 2, township 11, range 3, west 5th meridian, from the area included in the Rocky Mountains Forest Reserve as described in the said paragraph and by striking out the figures and words " 18·213 square miles " in the last line of the said paragraph and inserting therefor the figures and words " 18,121·10 square miles."

ALBERTA.  
The Rocky  
Mountain  
Forest  
Reserve.

(2) The amendment to paragraph twenty-four made by chapter eighteen, statutes of 1913 is amended by striking out the words and figures " south half of section 4, south half and northwest quarter of section 5," in the thirty-

seventh and thirty-eighth lines from the end of the said amendment and by inserting before the figure "6" in the thirty-ninth line from the end of the said amendment the figures "4, 5"; also by striking out the figures and words "2,683.65 square miles" in the last line in the said amendment and inserting therefor the figures and words "2,682.9 square miles."

BRITISH  
COLUMBIA.  
Nicola  
Forest  
Reserve.

**12.** Paragraph twenty-eight of the said Schedule, as enacted by chapter eighteen of the statutes of 1913, is amended by striking out the figures "25" in the eighth line of the said paragraph and inserting after the figures "36" in the ninth line of the said paragraph the words and figures "the north half and the southwest quarter of section 25"; by striking out the words and figures "the southeast quarter of section 11 of the northeast quarter of section 10" in the twentieth and twenty-first lines of the said paragraph and inserting therefor "the northwest quarter of section 1, northeast quarter section 10, the southeast quarter of section 11, the west half of section 14, the south half and the northeast quarter of section 15, the east half of section 22, and the west half of section 23"; by striking out the words and figures "sections 16 and 22" in the thirty-first and thirty-second lines of the said paragraph and inserting therefor "section 16 and the west half of section 22"; by striking out the words and figures "that portion of the west half of section 31" in the twenty-ninth and thirtieth line from the end of the said paragraph and inserting therefor "these portions of legal subdivision 3, 4, 11, 12, 13 and 14 of section 31," and by striking out the figures and words "505.75 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "502.62 square miles."

Fly Hill  
Forest  
Reserve.

**13.** Paragraph twenty-nine as enacted by chapter eighteen of the statutes of 1913, is amended by adding after the words and figures "range 11" in the twelfth line of the said paragraph the words and figures: "except the north half and southwest quarter of section 7 and the north half and the southwest quarter of section 18"; by inserting after the figure "8" in the eighteenth line of the said paragraph the words and figures "and the northeast quarter of section 23"; by striking out the words and figures "the south half of sections 13 and 22" in the twenty-first and twenty-second lines of the said paragraph and inserting therefor "the south half of section 22, the southwest quarter of section 13"; by adding after the figures "34" in the thirty-first line of the said paragraph the following "the north half of section 30, and legal subdivisions 12, 13, 14, 15, in section 29"; by striking out the figures "28" in the thirty-third line of the said paragraph and inserting therefor

“ the east half of section 28 ”; by striking out the figures “ 25 ” in the third line from the end of the said paragraph and the figures “ 36 ” in the same line and inserting therefor “ the west half of section 25 and the north half and southwest quarter of section 36 ”; and by striking out the figures and words “ 223.75 square miles ” in the last line of the said paragraph and inserting therefor the figures and words “ 219.75 square miles.”

**14.** Paragraph thirty as enacted by chapter eighteen of the statutes of 1913, is amended by adding after the words and figures “ range 24 ” in the twenty-fourth line of the said paragraph the words and figures “ except the northwest quarter of section 19 and the south half of section 30 ”; also by striking out the figures “ 25, 26, 27, 34, 35, 36 ” in the seventh line from the end of the said paragraph and inserting therefor “ the south half of the northeast quarter-section 25, the south half of section 26, the south half and the northwest quarter of section 27, the north half and the southwest quarter of section 34 and the north half and southeast quarter of section 36,” and by striking out the figures and words “ 255 square miles ” in the last line of the said paragraph and inserting therefor the figures and words “ 251.75 square miles.”

Arrowstone  
Forest  
Reserve.

**15.** Paragraph thirty-one as enacted by chapter eighteen of the statutes of 1913, is amended by striking out the words and figures “ sections 30 and 31, the west half of sections 6, 7, 18, 19 and the northeast quarter of section 19 ” in the fourth and fifth lines of the said paragraph and inserting therefor the following: “ section 30, the south half, the northwest quarter and legal subdivisions 9, 10 and 15 of section 31, the west half of section 19, the northwest quarter of section 18 and the southwest quarter of section 6 ”; by striking out the word and figure “ section 1 ” in the sixth line of the said paragraph and inserting after the word and figure “ section 3 ” in the eighth line of the said paragraph the words and figures “ and the south half, the northwest quarter and legal subdivisions 9 and 10 of section 1 ”; also by striking out the figures and words “ 45.25 square miles ” in the second line from the end of the said paragraph and inserting therefor the figures and words “ 43.81 square miles.”

Mount Ida  
Forest  
Reserve.





## 9-10 GEORGE V.

### CHAP. 50.

#### An Act to amend The Dominion Lands Act.

[Assented to 7th July, 1919.]

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

1908, c. 20;  
1909, c. 11;  
1914, cc. 27,  
28;  
1918, c. 19.

**1.** Subsection three of section twenty-seven of *The Dominion Lands Act*, chapter twenty of the statutes of 1908, as enacted by section three of chapter twenty-seven of the statutes of 1914, is amended by repealing the word "five" in the eighth line thereof and substituting therefor the word "seven."

Rate of interest increased on overdue instalments for pre-emptions.

**2.** Subsection five of section twenty-eight of the said Act, as enacted by section four of chapter twenty-seven of the statutes of 1914, is amended by repealing the word "five" in the sixth line thereof and substituting therefor the word "seven."

Also on overdue instalments for home-stead entries.

**3.** Subsection two of section thirty-nine of the said Act, as enacted by chapter twenty-seven of the statutes of 1914, is amended by adding the following proviso thereto:—

"Provided that notwithstanding anything in this Act where a lease has been granted for mining rights on or under School Lands, as provided by section eight and section thirty-seven of this Act, and in the opinion of the Minister the proper carrying on of mining operations will destroy the surface of the land for agricultural purposes, the Minister may sell the surface rights of the said land to the lessee of the said mining rights at a price to be fixed by an Inspector of Dominion Lands as the actual market value of the land at the time of such sale, irrespective of its mining value. The sum realized from such sale shall become part of the School Fund, as provided by section forty-two of this Act."

Sale of surface rights in certain cases to lessee of mining rights.

**4.** (1) Paragraph (b) of subsection two of section fifty-nine of the said Act, as amended by chapter nineteen

of the statutes of 1918, is hereby repealed and the following is substituted therefor:—

Limit of area to be included in timber permits.

“(b) Permits to cut timber as cordwood, pulpwood, fence posts or telegraph poles, or for mining purposes, over tracts of land not exceeding one square mile in area, except in the case of permits to cut pulpwood which may apply to tracts of such area as may be determined by the Governor in Council:

Period for which such permits are to be in force.

Provided that no person shall be granted more than one permit at a time; that a permit shall not be transferable, except with the consent of the Minister and subject to such conditions as he may impose; that it shall not be for a longer period than one year, and shall only be renewable for one year thereafter, except in the case of a permit to cut pulpwood which shall be renewable from year to year under regulations established by the Governor in Council; and that for any permit or renewal there shall be payable such fee and annual rental as may be fixed by the Governor in Council.”

(2) The said section fifty-nine is amended by inserting immediately after subsection two thereof the following subsection:—

Exclusive rights to cut pulpwood may be granted in certain cases.

“(2a) Notwithstanding the foregoing subsection, if it is shown to the satisfaction of the Minister that the establishment of a paper or pulp-mill requiring large capital expenditure is dependent upon the acquiring of the right to cut pulpwood in the vicinity of such mill in sufficient quantity to justify such expenditure, the Minister may, with the approval of the Governor in Council and subject to such regulations as the Governor in Council may provide, enter into an agreement granting the exclusive right to cut timber for pulpwood within a specified area until the specified quantity which has been agreed upon as justifying the expenditure shall have been cut.

Proviso.  
Report by qualified officers.

Provided that no such agreement shall be entered into until after inspection and report by one or more qualified officers of the Department showing:—

- (a) an estimate of the amount of expenditure required for the entire undertaking of the contracting party including its power development, if any;
- (b) the quantity of timber which will be required to be granted in order to satisfy the said expenditure;
- (c) the nature of the timber to be cut, its comparative adaptability for pulpwood and other purposes, and a recommendation concerning the minimum size of the timber which may be cut;
- (d) the area which will be required to be reserved in order to supply the said quantity of timber suitable for pulpwood;
- (e) any other matters relative to the inquiry including the manner in which the public interest will be affected.



Provided further, that before entering into any such agreement, the Minister shall require the contracting party to furnish a bond from an approved guarantee company in an amount not less than three per centum of the amount proposed to be expended upon the paper or pulp undertaking (but exclusive of the amount proposed to be expended upon the water-power development, if any, the guarantee for which is provided for under the Dominion Water-Power Regulations) for the purpose of guaranteeing the faithful performance of such agreement; and that such agreement shall provide that the initial development shall be completed and placed in operation within such period not exceeding five years after such agreement is executed as may be stipulated therein.”

Proviso.  
Bond to be  
given by  
contracting  
party.

5. Section sixty-one of the said Act is amended by repealing the word “five” in the third line thereof, and substituting therefor the word “seven.”

Also on  
timber  
dues.

6. Section eighty-eight of the said Act is repealed, and the following section is substituted therefor:—

“88. 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 shall be six per cent per annum, whether that interest is payable under the terms of any sealed or unsealed instrument or not, and the interest payable upon any such sum as aforesaid, when the payment of the said sum is overdue, shall be at the rate of seven per cent per annum.”

Rate of  
interest  
increased  
on arrears.

7. Subsection one of section ten of the said Act is amended by adding thereto the following words:—

“Provided further that no person shall obtain any rights under this section who settles on land reserved for soldier settlement after such land has been so reserved.”

Settling on  
lands reserved  
for soldier  
settlement.





## 9-10 GEORGE V.

### CHAP. 51.

An Act to amend The Dry Docks Subsidies Act, 1910.

[Assented to 7th July, 1919.]

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

1910, c. 17;  
1912, c. 20;  
1914, c. 29;  
1917, c. 27.

**1.** This Act may be cited as *The Dry Docks Amendment Act, 1919*. Short title.

**2.** Paragraph (b) of subsection one of section eight of *The Dry Docks Subsidies Act, 1910*, chapter seventeen of the statutes of 1910, is repealed, and the following is substituted therefor:—

“(b) if of the second class, a sum not exceeding four and one-half per cent of the cost of the work as fixed and determined under subsection two of this section, half-yearly during a period not exceeding thirty-five years from the time the Governor in Council has determined under this Act that the work has been completed. Subsidies for second class docks.

No bonds, debentures or other securities, shall be issued with respect to and as a charge upon any dock until it has been established to the satisfaction of the Minister that not less than one-half million dollars have been spent on the work and the material upon or for such dock, and that there are no outstanding and unsettled liens, encumbrances or claims upon or in respect of such dock, but thereafter the Minister may permit the issue of bonds, debentures, or other securities, and any subsidy mentioned by this section may, with the approval of the Minister, be assigned to a trustee for the holder of such bonds, debentures, or other securities, and the subsidy shall, in that event, be payable directly to such trustee, but, until the dock has been completed to the satisfaction of the Minister, the total amount of the bonds, debentures, or other securities issued shall not at any time Issue of bonds, etc.

exceed seventy-five per cent of the amount actually expended for the work and the materials upon or for the dock, and in no case shall any bonds, debentures or other securities be issued without the consent in writing of the Minister.

Advances  
during con-  
struction.

Provided, however, that half-yearly payments on account of the subsidy at the rate of four and one-half per cent per annum on seventy-five per cent of the cost of all work done and materials provided at the time of such payment may be made during the construction of the said dock, and for such period as may be determined by the Governor in Council, not exceeding thirty-five years from (and including) the first payment thereof, the amount of such cost to be determined by the Chief Engineer of the Department of Public Works, but no such payment on account shall be made until the work done and materials provided shall have cost the sum of at least one-half million dollars. No such payments on account shall be made unless the said Chief Engineer reports that the work of construction of the dry dock with respect to which the payment is to be made has been done to his satisfaction, and no subsidy shall be paid except payments on account as aforesaid unless the Governor in Council, in the manner prescribed in section ten of this Act, has determined that the work required by the agreement is completed. The total subsidy including such payments on account during construction shall not, however, in any case, exceed the amount of subsidy hereinbefore authorized."

Not to apply  
to previous  
agreements.

**3.** The provisions of section two of this Act shall not apply or extend to any agreement heretofore made for the construction of any dry dock.

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## 9-10 GEORGE V.

### CHAP. 52.

An Act to amend The Fisheries Act, 1914.

[Assented to 7th July, 1919.]

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

1914, c. 8;  
1917, c. 16;  
1918, c. 22.

1. Subsection two of section eighteen of *The Fisheries Act, 1914*, chapter eight of the statutes of 1914, is hereby repealed and the following is substituted therefor:—

“(2) (a) The annual fee for a salmon cannery license shall be five hundred dollars, and in addition, four cents for each case of forty-eight one-pound cans, or the equivalent thereto, of sockeye salmon, and three cents for each case of forty-eight one-pound cans, or the equivalent thereto, of any other species of salmon, including steel head (*salmo rivularis*) packed in such cannery during the continuance in force of the license. The said five hundred dollars shall be paid before the license is issued, and the remainder of the license fee shall be paid as the Minister may from time to time by regulation prescribe.

License fee for salmon cannery increased from \$50 in B.C.

“(b) The annual fee for a salmon curing establishment license shall be fifty dollars.”

Fee for salmon curing.

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## 9-10 GEORGE V.

### CHAP. 53.

An Act respecting the Rate of Interest to be paid on Loans by His Majesty to the Harbour Commissioners of Montreal and Quebec.

[Assented to 7th July, 1919.]

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

1. Notwithstanding the provisions of the Statutes mentioned in the Schedule to this Act, any advance on loan made under either of the said Acts after the first day of April, nineteen hundred and nineteen, by His Majesty to the Montreal Harbour Commissioners or the Quebec Harbour Commissioners, as the case may be, shall bear interest at the rate of five per centum per annum.

Five per cent interest to be paid on advances made after 1st April, 1919.

### SCHEDULE.

4-5 George V, Chapter 41.

7-8 George V, Chapter 4.

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## 9-10 GEORGE V.

### CHAP. 54.

An Act to encourage the Construction and Improvement of Highways.

[Assented to 7th July, 1919.]

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

- 1.** This Act may be cited as *The Canada Highways Act*. Short title.
- 2.** In this Act and in any regulation made hereunder, Definitions.  
unless the context otherwise requires:—
  - (a) “highway” includes culverts;
  - (b) “improvement” includes reconstruction but does not include maintenance;
  - (c) “Minister” means the Minister of Railways and Canals;
  - (d) “Province” means any Province of Canada, but does not include the Northwest Territories or the Yukon Territory.
- 3.** (1) For the purpose of constructing and improving Grant of  
twenty  
millions.  
highways in Canada the Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada of the sum of twenty million dollars during the period of five years from the first day of April, one thousand, nine hundred and nineteen.  
(2) Subject to the conditions hereinafter mentioned, Mode of  
allotment.  
such sum shall be allotted and paid as follows:—
  - (a) Eighty thousand dollars shall be paid each year to the Government of each province;
  - (b) The remainder of such sum shall be allotted and paid to the Governments of the respective provinces in proportion to the populations of the said provinces respectively, as determined by the latest Federal census of each province.

Conditions  
under which  
payments  
will be made.

4. The said payments shall be made subject to the following conditions:—

- (a) Any highway for which aid is granted shall be constructed or improved, as the case may be, in accordance with the terms of an agreement to be made by the Minister with the Government of the Province. Such agreement must be approved by the Governor in Council and shall contain such provisions as to location, cost, description, specifications, time and method of construction, supervision and other necessary particulars as are essential to protect the public interest. Except for reasons set forth in such Order in Council and except with the consent of both Governments, all expenditure under this Act shall be by tender and contract;
- (b) The aid to be given in any case shall be forty per cent of the amount which in the opinion of the Minister is the actual, necessary and reasonable cost of the construction or improvement of such highway, as the case may be.

Regulations.

5. The Governor in Council may make such regulations, to be published in the *Canada Gazette* as are deemed advisable for giving effect to the objects and purposes of this Act.

Annual  
report.

6. The Minister shall annually lay before Parliament during the first ten days of the session a report of all proceedings under this Act for the last preceding fiscal year, which report shall contain a statement of the moneys expended, the highways with respect to which payments have been made hereunder, and the work done by the several provinces on such highways.

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## 9-10 GEORGE V.

### CHAP 55.

An Act to amend The Income War Tax Act, 1917.

[Assented to 7th July, 1919.]

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

1. (1) Paragraph (c) of section two of *The Income War Tax Act, 1917*, chapter twenty-eight of the statutes of 1917, is repealed, and the following is substituted therefor:—

“(c) ‘normal tax’ means the tax authorized by paragraph (a) of subsection one of section four of this Act.”

Definitions.  
“Normal tax.”

(2) Paragraph (e) of section two of the said Act, as enacted by chapter twenty-five of the statutes of 1918, is repealed, and the following is substituted therefor:—

“(e) ‘surtax’ means the taxes authorized by paragraph (b) of subsection one of section four of this Act.”

“Surtax.”

(3) Paragraph (h) of section two, as enacted by the said statute of 1918, is repealed.

(4) The following paragraphs are added to section two:—

“(j) ‘Persons employed in Canada’ means all persons who receive, directly or indirectly, salary, wages, commissions, fees or other remuneration derived from sources within Canada for personal services, any part of which is performed in Canada.

“Persons employed in Canada.”

“(k) ‘Commissioner of Taxation’ means the officer appointed by the Governor in Council pursuant to the provisions of this Act, having such powers and performing such duties as are assigned to him by the Governor in Council or by the Minister under the provisions of this Act.”

“Commissioner of taxation.”

2. (1) Subsection one of section three of the said Act is amended by inserting after the word “be” in the ninth line thereof the words “whether derived from sources within Canada or elsewhere” and after the word “contract” in the twenty-second line thereof the following: “and including the salaries, indemnities or other remuneration

neration of members of the Senate and House of Commons of Canada and officers thereof, members of Provincial Legislative Councils and Assemblies and Municipal Councils, Commissions or Boards of Management, any Judge of any Dominion or Provincial Court appointed after the passing of this Act, and of all persons whatsoever whether the said salaries, indemnities or other remuneration are paid out of the revenues of His Majesty in respect of His Government of Canada, or of any province thereof, or by any person, except as provided in section five of this Act."

(2) Paragraph (a) of subsection one of section three of the said Act; paragraph (b) of the said subsection one as enacted by section two of the said statute of 1918, and paragraph (d) of the said subsection one, as amended by section two of the said statute of 1918, are repealed, and the following paragraphs are enacted in lieu thereof:—

Allowance for depreciation and for exhaustion of mines, gas and oil wells, and timber limits.

"(a) such reasonable amount as the Minister, in his discretion, may allow for depreciation, and the Minister in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair;

Exemption in respect of children.

"(b) for the purposes of the normal tax only, two hundred dollars for each child under eighteen years of age who is dependent upon the taxpayer for support;

Dividends from corporations liable to tax.

"(d) dividends received by or credited to shareholders of a corporation which is liable to taxation under the provisions of this Act shall not be liable to the normal tax in the hands of the shareholders, but shall be liable to the supertax and surtax provisions of this Act or any amendment thereto. The amount of the exemption from the normal tax to the shareholder shall not exceed the net amount of such dividends after the deduction of the interest or carrying charges, if any, in respect of such dividends;

Personal and living expenses.

"(e) in determining the income no deduction shall be allowed in respect of personal and living expenses, and in cases in which personal and living expenses form part of the profit, gain or remuneration of the taxpayer, the same shall be assessed as income for the purposes of this Act;

Losses.

"(f) deficits or losses sustained in transactions entered into for profit but not connected with the chief business, trade, profession or occupation of the taxpayer shall not be deducted from income derived from the chief business, trade, profession or occupation of the taxpayer in determining his taxable income."

(3) Subsection four of section three of the said Act is repealed, and the following is substituted therefor:—

“(4) The share of a taxpayer in the undivided or undistributed gains and profits of a corporation shall not be deemed to be taxable income of the taxpayer, unless the Minister is of opinion that the accumulation of such undivided and undistributed gains and profits is made for the purpose of evading the tax, and is in excess of what is reasonably required for the purposes of the business.”

Undistributed  
profits of  
corporations.

(4) Section three of the said Act is amended by adding thereto the following subsections:—

“(5) Dividends or shareholders' bonuses paid or credited to its shareholders by a corporation on or after the first day of January, one thousand nine hundred and seventeen, shall be taxable as income of the shareholder in the year in which the same are received or credited unless paid exclusively out of a surplus or accumulated profits on hand prior to the first day of January, one thousand nine hundred and seventeen. No dividend or shareholder's bonus shall be deemed to be paid or credited out of surplus or accumulated profits on hand prior to the first day of January, one thousand nine hundred and seventeen, if the earnings of the corporation since the beginning of the accounting period which ended in the year one thousand nine hundred and seventeen are sufficient to provide for the said dividend and other taxable dividends paid or credited since the said date.

Dividends  
and share-  
holders'  
bonuses.

“(6) Income of a beneficiary of an estate shall be deemed to include the amount accruing during each taxation year to which he, his heirs or assigns are entitled from the income of the estate whether distributed or not.

Income from  
an estate.

“(7) Any part of the remuneration of a taxpayer retained by his employer in connection with an employee's superannuation or pension fund or plan shall be allowed as an exemption or deduction from the income of the taxpayer for income tax purposes, and any payment to an employee out of such fund or plan shall be included as taxable income of the employee.”

Money  
retained by  
employer for  
pension, etc.

**3.** (1) Subsections one and two of section four of the said Act, as enacted by section three of the said statute of 1918, are repealed and the following are substituted therefor:—

“**4.** (1) There shall be assessed, levied and paid upon the income during the preceding year of every person residing in Canada for six months or more of such year or who having been resident in Canada has left Canada with the intention of resuming residence in Canada or who is employed in Canada or is carrying on any business in Canada, except corporations and joint stock companies, the following taxes:

Tax.

(a) Four per centum

upon all income exceeding one thousand dollars but not exceeding six thousand dollars in the case of unmarried persons and widows or widowers without dependent

Normal tax.

children,

children, and persons who are not supporting dependent brothers or sisters under the age of eighteen years, or a dependent parent or parents, grandparent or grandparents, and exceeding two thousand dollars but not exceeding six thousand dollars in the case of all other persons, and

Eight per centum  
upon all income exceeding six thousand dollars.

And in addition thereto the following surtax:

Surtax.

“(b) One per centum upon the amount by which the income exceeds five thousand dollars and does not exceed six thousand dollars;

Two per centum upon the amount by which the income exceeds six thousand dollars and does not exceed eight thousand dollars;

Three per centum upon the amount by which the income exceeds eight thousand dollars and does not exceed ten thousand dollars;

Four per centum upon the amount by which the income exceeds ten thousand dollars and does not exceed twelve thousand dollars;

Five per centum upon the amount by which the income exceeds twelve thousand dollars and does not exceed fourteen thousand dollars;

Six per centum upon the amount by which the income exceeds fourteen thousand dollars and does not exceed sixteen thousand dollars;

Seven per centum upon the amount by which the income exceeds sixteen thousand dollars and does not exceed eighteen thousand dollars;

Eight per centum upon the amount by which the income exceeds eighteen thousand dollars and does not exceed twenty thousand dollars;

Nine per centum upon the amount by which the income exceeds twenty thousand dollars and does not exceed twenty-two thousand dollars;

Ten per centum upon the amount by which the income exceeds twenty-two thousand dollars and does not exceed twenty-four thousand dollars;

Eleven per centum upon the amount by which the income exceeds twenty-four thousand dollars and does not exceed twenty-six thousand dollars;

Twelve per centum upon the amount by which the income exceeds twenty-six thousand dollars and does not exceed twenty-eight thousand dollars;

Thirteen per centum upon the amount by which the income exceeds twenty-eight thousand dollars and does not exceed thirty thousand dollars;

Fourteen per centum upon the amount by which the income exceeds thirty thousand dollars and does not exceed thirty-two thousand dollars;

Fifteen per centum upon the amount by which the income exceeds thirty-two thousand dollars and does not exceed thirty-four thousand dollars;

Sixteen per centum upon the amount by which the income exceeds thirty-four thousand dollars and does not exceed thirty-six thousand dollars;

Seventeen per centum upon the amount by which the income exceeds thirty-six thousand dollars and does not exceed thirty-eight thousand dollars;

Eighteen per centum upon the amount by which the income exceeds thirty-eight thousand dollars and does not exceed forty thousand dollars;

Nineteen per centum upon the amount by which the income exceeds forty thousand dollars and does not exceed forty-two thousand dollars;

Twenty per centum upon the amount by which the income exceeds forty-two thousand dollars and does not exceed forty-four thousand dollars;

Twenty-one per centum upon the amount by which the income exceeds forty-four thousand dollars and does not exceed forty-six thousand dollars;

Twenty-two per centum upon the amount by which the income exceeds forty-six thousand dollars and does not exceed forty-eight thousand dollars;

Twenty-three per centum upon the amount by which the income exceeds forty-eight thousand dollars and does not exceed fifty thousand dollars;

Twenty-four per centum upon the amount by which the income exceeds fifty thousand dollars and does not exceed fifty-two thousand dollars;

Twenty-five per centum upon the amount by which the income exceeds fifty-two thousand dollars and does not exceed fifty-four thousand dollars;

Twenty-six per centum upon the amount by which the income exceeds fifty-four thousand dollars and does not exceed fifty-six thousand dollars;

Twenty-seven per centum upon the amount by which the income exceeds fifty-six thousand dollars and does not exceed fifty-eight thousand dollars;

Twenty-eight per centum upon the amount by which the income exceeds fifty-eight thousand dollars and does not exceed sixty thousand dollars;

Twenty-nine per centum upon the amount by which the income exceeds sixty thousand dollars and does not exceed sixty-two thousand dollars;

Thirty per centum upon the amount by which the income exceeds sixty-two thousand dollars and does not exceed sixty-four thousand dollars;

Thirty-one per centum upon the amount by which the income exceeds sixty-four thousand dollars and does not exceed sixty-six thousand dollars;

Thirty-two per centum upon the amount by which the income exceeds sixty-six thousand dollars and does not exceed sixty-eight thousand dollars;

Thirty-three per centum upon the amount by which the income exceeds sixty-eight thousand dollars and does not exceed seventy thousand dollars;

Thirty-four per centum upon the amount by which the income exceeds seventy thousand dollars and does not exceed seventy-two thousand dollars;

Thirty-five per centum upon the amount by which the income exceeds seventy-two thousand dollars and does not exceed seventy-four thousand dollars;

Thirty-six per centum upon the amount by which the income exceeds seventy-four thousand dollars and does not exceed seventy-six thousand dollars;

Thirty-seven per centum upon the amount by which the income exceeds seventy-six thousand dollars and does not exceed seventy-eight thousand dollars;

Thirty-eight per centum upon the amount by which the income exceeds seventy-eight thousand dollars and does not exceed eighty thousand dollars;

Thirty-nine per centum upon the amount by which the income exceeds eighty thousand dollars and does not exceed eighty-two thousand dollars;

Forty per centum upon the amount by which the income exceeds eighty-two thousand dollars and does not exceed eighty-four thousand dollars;

Forty-one per centum upon the amount by which the income exceeds eighty-four thousand dollars and does not exceed eighty-six thousand dollars;

Forty-two per centum upon the amount by which the income exceeds eighty-six thousand dollars and does not exceed eighty-eight thousand dollars;

Forty-three per centum upon the amount by which the income exceeds eighty-eight thousand dollars and does not exceed ninety thousand dollars;

Forty-four per centum upon the amount by which the income exceeds ninety thousand dollars and does not exceed ninety-two thousand dollars;

Forty-five per centum upon the amount by which the income exceeds ninety-two thousand dollars and does not exceed ninety-four thousand dollars;

Forty-six per centum upon the amount by which the income exceeds ninety-four thousand dollars and does not exceed ninety-six thousand dollars;

Forty-seven per centum upon the amount by which the income exceeds ninety-six thousand dollars and does not exceed ninety-eight thousand dollars;



Forty-eight per centum upon the amount by which the income exceeds ninety-eight thousand dollars and does not exceed one hundred thousand dollars;

Fifty-two per centum upon the amount by which the income exceeds one hundred thousand dollars and does not exceed one hundred and fifty thousand dollars;

Fifty-six per centum upon the amount by which the income exceeds one hundred and fifty thousand dollars and does not exceed two hundred thousand dollars;

Sixty per centum upon the amount by which the income exceeds two hundred thousand dollars and does not exceed three hundred thousand dollars;

Sixty-three per centum upon the amount by which the income exceeds three hundred thousand dollars and does not exceed five hundred thousand dollars;

Sixty-four per centum upon the amount by which the income exceeds five hundred thousand dollars and does not exceed one million dollars;

Sixty-five per centum upon the amount by which the income exceeds one million dollars.

“(2) Corporations and joint stock companies, no matter how created or organized, shall pay ten per centum upon income exceeding two thousand dollars. Any corporation or joint stock company the fiscal year of which is not the calendar year, shall make a return and have the tax payable by it computed upon its income for its fiscal year ending within the calendar year for which the return is being made.”

Corporation tax.

(2) Subsection three of section four of the said Act is repealed and the following is substituted therefor:—

“(3) Any persons carrying on business in partnership shall be liable for the income tax only in their individual capacity; provided, however, that a husband and wife carrying on business together shall not be deemed to be partners for any purpose under this Act. A member of a partnership or the proprietor of a business whose fiscal year is other than the calendar year shall make a return of his income from the business, for the fiscal period ending within the calendar year for which the return is being made, but his return of income derived from sources other than his business shall be made for the calendar year.”

Partnerships.

(3) Subsection five of section four of the said Act is repealed and the following is substituted therefor:—

“(5) Taxpayers shall be entitled to the following deductions from the amount that would otherwise be payable by them for taxes under the provisions of this Act:—

Deductions allowed from tax.

“(a) the amount paid by such taxpayer for corresponding accounting periods under the provisions of Part I of *The Special War Revenue Act, 1915*, and any amendments thereto, or *The Business Profits War Tax Act, 1916*, and any amendments thereto: Provided, that in computing the taxable income here-

Payments under Part I Special War Revenue Act, 1915, Business Profits War Tax Act, 1916.

under the taxpayer shall not include any taxes paid under the said Acts in the expenses of his business, and the Minister shall have power to determine any questions that may arise in consequence of any difference in the several periods for which the taxes under the said Acts and under this Act, respectively, are payable, and the decision of the Minister shall be final and conclusive. In the case of a partnership, each partner shall be entitled to deduct such portion of the tax paid by the partnership under *The Business Profits War Tax Act, 1916*, and any amendments thereto, as may correspond to his interest in the income of the partnership: Provided that such deduction shall not affect the liability of the taxpayer to tax hereunder in respect of any income which does not form part of the profits assessed under *The Business Profits War Tax Act, 1916*, but such income shall be assessed for income tax purposes in the same manner as if it were the only income of the taxpayer.

Income tax paid in any other portion of Empire or in any foreign country.

“(b) The amount paid to Great Britain or any of its self-governing colonies or dependencies for income tax in respect of the income of the taxpayer derived from sources therein, and the amount paid to any foreign country for income tax in respect of the income of the taxpayer derived from sources therein, if, and only if, such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Canada: Provided, that such deduction shall not at any time exceed the amount of tax which would otherwise be payable under the provisions of section three of chapter twenty-five of the statutes of 1918, or of any amending Act, in respect of the said income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country; and further provided, that the said deduction shall be allowed only if the taxpayer furnishes evidence satisfactory to the Minister showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.”

4. Section five of the said Act is amended by adding thereto the following paragraph:—

Income from pensions not liable to tax.

“(l) Income derived from any pension granted to any member of His Majesty’s military, naval or air forces for any disability suffered by the pensioner while serving in any of His Majesty’s forces during the war that began in August, one thousand nine hundred and fourteen, and the income derived from any pension granted to any dependent relative of any person who

was killed or suffered any disability while serving in the said forces in the said war."

5. (1) Subsection one of section seven of the said Act is repealed and the following is substituted therefor:—

"7. (1) Every person liable to taxation under this Act shall, on or before the thirtieth day of April in each year, without any notice or demand, and any person whether liable to taxation hereunder or not, upon receipt of a notice or demand in writing from the Commissioner of Taxation or any officer authorized to make such demand, deliver, to the Minister a return, in such form as the Minister may prescribe, of his total income during the last preceding year. In such return the taxpayer shall state an address in Canada to which all notices and other documents to be mailed or served under this Act may be mailed or sent."

Annual returns.

(2) Subsection three of section seven of the said Act is amended by striking out the words "liable to taxation hereunder" in the first line thereof.

(3) Subsection four of section seven of the said Act, as amended by chapter twenty-five of the statutes of 1918, is amended by striking out the words "any portion of which is liable to taxation under this Act" in the third line thereof, and substituting the words "in excess of such an amount as the Minister may prescribe" and also by striking out the words "twenty-eighth day of February" in the seventh line thereof and substituting therefor the words "thirty-first day of March."

(4) Section seven of the said Act is amended by adding thereto the following subsection:—

"(6) Every person required to make a return under subsection one of this section who fails to make a return within the time limited therefor shall be subject to a penalty of twenty-five per centum of the amount of the tax payable, and every other person who is required to make a return under the provisions of this section who fails to do so within the time limited therefor, will be subject to a penalty of ten dollars for each day during which the default continues, and all such penalties shall be assessed and collected from the person liable to make the return in the same manner in which taxes are assessed and collected."

Penalty for not making return.

6. Section eight of the said Act is amended by adding thereto the following subsection:—

"(4) If a taxpayer fails or refuses to keep adequate books or accounts for Income Tax purposes, the Minister may require the taxpayer to keep such records and accounts as he may prescribe."

Books of account must be kept.

Penalty section confined to enforcement of s. 8, special penalty having been provided to enforce provisions of s. 7 of Act.

Date of assessment and penalty changed.

**7.** Subsection one of section nine of the said Act is amended by striking out the words "two next preceding sections" in the second line thereof and substituting therefor the words "next preceding section."

**8.** (1) Subsection one of section ten of the said Act is repealed and the following is substituted therefor:—

"**10.** (1) The Minister shall, on or before the thirty-first day of October in each year, or on or before such other date as he may in any case or cases prescribe, determine the several amounts payable for the tax, and shall thereupon send by registered mail a notice of assessment, in such form as the Minister may prescribe, to each taxpayer, notifying him of the amount payable by him for the tax. The tax shall be paid within one month from the date of mailing of the notice of assessment. In default of payment within the said one month from the date of the mailing of the assessment notice, a penalty of five per centum of the amount of such tax shall be added thereto, and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the said tax and penalty remain unpaid."

(2) Section ten of the said Act is amended by adding thereto the following subsections:—

Refunds.

"(4) The Minister may refund any tax or penalty wrongfully or illegally assessed and collected, but no refund shall be allowed because of any alleged error in the assessment unless application therefor is made within twelve months of the date of the payment of the tax or penalty.

No bank charges for discount, etc., on cheques for income tax or penalty.

"(5) Any chartered bank of Canada shall receive for deposit, without any charge for discount or commission, any cheque made payable to the Receiver General of Canada in payment of tax or penalty imposed by this Act, whether drawn on the bank receiving the cheque or on any other chartered bank in Canada."

**9.** Section twenty-two of the said Act is repealed and the following is substituted therefor:—

Administration by Minister.

"**22.** The Minister shall have the administration of this Act and the control and management of the collection of the taxation levied hereby, and of all matters incident thereto, and of the officers and persons employed in that service. The Minister may make any regulations deemed necessary for carrying this Act into effect, and may thereby authorize the Commissioner of Taxation to exercise such of the powers conferred by this Act upon the Minister, as may, in the opinion of the Minister, be conveniently exercised by the Commissioner of Taxation."

Regulations.

Commissioner of Taxation to exercise authorized powers.

Application of sections.

**10.** Subsections two and three of section one, subsection one of section three, and sections five and seven hereof, shall

shall be applicable to income tax returns and assessments of income for the year one thousand nine hundred and nineteen, and accounting periods ending in the year one thousand nine hundred and nineteen and subsequently; subsection four of section one, paragraph (b) of subsection one of section three of the said Act, as enacted by subsection two of section two hereof, subsection three of section three, and subsection one of section eight hereof shall be applicable to income tax returns and assessments of income for the year one thousand nine hundred and eighteen, and accounting periods ending in the year one thousand nine hundred and eighteen and subsequently; all other provisions of this Act shall, for the purpose of administration, be deemed and construed to have come into operation on and from the date upon which *The Income War Tax Act, 1917*, came into operation.

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# 9 - 10 GEORGE V.

## CHAP. 56.

### An Act to amend the Indian Act.

[Assented to 7th July, 1919.]

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

R.S. c. 31;  
1910, c. 28;  
1911, c. 14;  
1914, c. 35.

**1.** Section forty-eight of the *Indian Act*, chapter eighty-one of the Revised Statutes of Canada, 1906, is amended by adding thereto the following clause immediately after the last word thereof:—

“Provided also that the Governor in Council may make regulations enabling the Superintendent General without surrender to issue leases for surface rights on Indian reserve, upon such terms and conditions as may be considered proper in the interest of the Indians covering such area only as may be necessary for the mining of the precious metals by any one otherwise authorized to mine such metals, said terms to include provision of compensating any occupant of land for any damage that may be caused thereon as determined by the Superintendent General.”

Leases of surface rights may be granted in connection with mining for precious metals.

**2.** Subsection one of section eighty-nine is amended by striking out the words “and not exceeding ten per centum of the proceeds of any” in the second and third lines thereof.

Minimum with respect to amount to be paid to members of band struck out.

**3.** The said Act is further amended by adding thereto as Part Three thereof the following provisions:—

### “PART THREE.

#### “SOLDIER SETTLEMENT.

“**196.** (1) *The Soldier Settlement Act, 1919*, (excepting sections three, four, eight, nine, ten, eleven, fourteen, twenty-nine, subsection two of fifty-one, and sixty thereof, and excepting the whole of Part Three thereof) with such amendments as may from time to time be made to said

Application of *Soldiers Settlement Act, 1919*.

Act shall, with respect to any 'settler' as defined by said Act who is an 'Indian' as defined by this Act, be administered by the Superintendent General of Indian Affairs.

(2) For the purpose of such administration, the Deputy Superintendent General of Indian Affairs shall have the same powers as the Soldier Settlement Board has under *The Soldier Settlement Act, 1919*, the words 'Deputy Superintendent General of Indian Affairs' being, for such purpose, read in the said Act as substituted for the words 'The Soldier Settlement Board' and for the words 'The Board.'

(3) Said Act, with such exceptions as aforesaid, shall for such purpose, be read as one with this Part of this Act.

Location tickets for common lands of band may be granted.

"**197.** (1) The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within an Indian reserve, and shall have authority to grant to such settler a location ticket for common lands of the band without the consent of the Council of the band, and, in the event of land being acquired or provided for such settler in an Indian reserve, the Deputy Superintendent General shall have power to take security as provided by *The Soldier Settlement Act, 1919*, and to exercise all other lawful rights and powers with respect to such lands, notwithstanding any provisions of the *Indian Act* to the contrary.

(2) Every such grant shall be in accordance with the provisions of said *Soldier Settlement Act, 1919*, and of this Part.

Soldier Settlement Board to assist Deputy Supt. General.

"**198.** The Soldier Settlement Board and its officers and employees shall, upon request of the Deputy Superintendent General of Indian Affairs, aid and assist him, to the extent requested, in the execution of the purposes of this Act, and the said Board may sell, convey and transfer to the said Deputy, for the execution of any such purposes, at such prices as may be agreed, any property held for disposition by such Board.

Power of Governor in Council to settle doubts and define powers.

"**199.** (1) In the event of any doubt or difficulty arising with respect to the administration by the Superintendent General of Indian Affairs of the provisions of *The Soldier Settlement Act, 1919*, or as to the powers of the Deputy Superintendent General of Indian Affairs, as by this Act authorized or granted, the Governor in Council may, by order, resolve such doubt or difficulty and may define powers and procedure.

(2) Such order shall not extend the powers which are by *The Soldier Settlement Act, 1919*, provided."





## 9-10 GEORGE V.

### CHAP. 57.

An Act to amend The Insurance Act, 1917.

[Assented to 7th July, 1919.]

1917, c. 29.

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

“ Company  
to include  
fraternal  
benefit  
society.”

**1.** (1) Section two of *The Insurance Act, 1917*, chapter twenty-nine of the statutes of 1917, is amended by adding to paragraph (d) thereof the following:—  
“ and includes any fraternal benefit society as defined by this Act.”

(2) The said section is amended by inserting immediately after paragraph (h) thereof the following:—

“ Fraternal  
benefit  
society ”  
defined.

“(hh) ‘ fraternal benefit society ’ means a corporation having representative form of government, and incorporated for fraternal, benevolent or religious purposes among which purposes is the insuring of the members, or the dependent children of the members, thereof, exclusively, against sickness, disability or death, and includes a corporation incorporated on the mutual plan for the purpose of so insuring the members, or the dependent children of the members, of such a corporation exclusively.”

Insurance Act  
not to apply  
to certain  
contracts of  
fraternal  
benefit  
societies.

**2.** (1) Subparagraphs (d), (e) and (f) of paragraph (ii) of subsection one of section three of the said Act are repealed and the following is substituted therefor:—

“(d) to any contract entered into, or any certificate of membership or policy of insurance issued, in Canada, prior to the date of the coming into force of this Act, by any fraternal benefit society which prior to the said date was not required to obtain a license from the Minister and which does not on or after the said date obtain such a license.”

(2) Subsection three of the said section is repealed.

New Part.

**3.** The sub-title *Assessment Life Insurance Companies* immediately preceding section one hundred and five of the said Act and sections one hundred and five to one hundred and sixteen both inclusive, of the said Act are repealed and the following are substituted therefor:—

## " PART II A.

## FRATERNAL BENEFIT INSURANCE.

Application.

" 105. This Part applies only to fraternal benefit societies, but does not apply to any such society incorporated under the laws of any province of Canada and not licensed under this Part.

License to carry on fraternal benefit insurance.

" 106. (1) The Minister may grant to any fraternal benefit society, which has complied with the requirements of this Act preliminary to the granting of a license, a license authorizing the society to undertake with its members the contracts of life, disability and sickness insurance specified in such license, subject to the provisions of this Part and to the terms of the license.

Existing societies.

(2) Every fraternal benefit society which at the date of the coming into force of this Act is licensed or registered under *The Insurance Act, 1917*, shall, without application therefor, be deemed on the said date to be licensed as a fraternal benefit society under this Part and shall be subject to the provisions thereof.

1917, c. 29.

Exemptions.

(3) Every society licensed under the provisions of this Part shall, when so licensed, be exempted from the provisions of sections thirteen, fourteen, forty-three, eighty and eighty-one of this Act.

When license is not to be granted.

(4) No fraternal benefit society shall be licensed under this Part if it is in effect the property of its officers or collectors or belongs to any private proprietary, or if it is conducted as a trading or mercantile venture, or for purposes of commercial gain.

Actuarial valuation of benefit funds to be filed, with declaration by actuary that assets are sufficient to meet obligations.

" 107. (1) Every fraternal benefit society shall before a license is issued to it under this Part, file with the Superintendent, in addition to the other statements and documents required by this Act to be filed, a report made by an actuary, appointed by the society, including therein, in such detail as the Superintendent may require, the results of an actuarial valuation made by the said actuary as at the next preceding thirty-first day of December or such later date as the Superintendent may specify, of each of the benefit funds maintained by the society having regard to the prospective liabilities of, and contributions to, each fund; and such report shall include a declaration by the said actuary that in his opinion the assets of the society applicable to each fund, taken at the value accepted by the Superintendent, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of the said valuation, are sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement. The society shall also file with the Superintendent a statement of its condition and affairs

in such detail as the Superintendent may require, as at the date of the said valuation.

(2) Every such society shall before the issue of such license deposit with the Minister in such securities as are specified in sections fifteen and sixteen of this Act the sum of ten thousand dollars.

Deposit of securities.

“**108.** Any fraternal benefit society incorporated, and having its head office, outside of Canada, which has before the passing of this Act transacted insurance business in Canada, and having at the said date policyholders in Canada, and which is unable to furnish a declaration by an actuary as required by the last preceding section, may, nevertheless, subject to the other provisions of this Part, be deemed eligible to receive a license under this Part, if it establishes to the satisfaction of the Superintendent that its by-laws and rules make reasonable provision by its rates of premiums for the maturity of its policies to be issued after the date on which such license is obtained without deduction or abatement and without increase in the number or amount of the premiums payable according to the scale in force at the said date.

Conditions under which foreign society unable to file declaration by actuary may obtain license.

“**109.** (1) Any fraternal benefit society incorporated under the laws of any province of Canada which is unable to furnish a declaration by an actuary as required by section one hundred and seven of this Part may, nevertheless, subject to the other provisions of this Part, be deemed eligible to receive a license under this Part if it deposits and keeps deposited with the Minister an amount, applicable solely to the policies issued in Canada after such license is issued, at least equal to the reserve on such policies and all other liabilities of every kind in respect of such policies, such reserve being calculated on the basis of such mortality and other tables as the Superintendent deems proper and a rate of interest not exceeding four per cent per annum; or if it establishes to the satisfaction of the Superintendent that the members effecting insurance with the society after the date of the issue of such license will be included in a separate class having for their protection exclusively assets sufficient, with the premiums, dues and other contributions to be thereafter received from the members of such class, according to the scale in force at the said date, to provide for the payment at maturity of all obligations under the society's contracts held by the members of such class without deduction or abatement.

Conditions under which provincial society unable to file declaration by actuary may obtain license.

(2) Before a license is issued to any such society under the provisions of this section the Superintendent shall satisfy himself that the application therefor has been authorized by resolution of the chief governing body of the society.

Resolution of society required.

“**110.** Any license issued under the provisions of the two next preceding sections may be renewed from year

Renewal of license.

to year until the thirty-first day of March, one thousand nine hundred and twenty-five, but on and after the said date such license shall be renewed only if the society then complies with the provisions of section one hundred and seven of this Act.

Liability of foreign society to policyholders in Canada.

“ **111.** If any fraternal benefit society which obtains a license under this Act is incorporated and has its head office, outside of Canada, its liabilities to policyholders in Canada shall, for the purposes of section twenty of this Act, be deemed to be its liabilities in respect of Canadian policies issued since the date on which a license is first obtained under this Act, including a reserve based on such mortality and other tables as are, in the opinion of the Superintendent, applicable and a rate of interest not exceeding four per cent per annum, and the policyholders in Canada of any such society shall, for the purposes of section forty-two of this Act, be deemed to be the holders of such policies.

Form of annual statement.

“ **112.** (1) The annual statements deposited in the Department under the provisions of this Act, by every fraternal benefit society incorporated within Canada and licensed under this Part, shall be in the form A in the schedule to this Act, with such changes therein as the Superintendent may from time to time deem necessary to better exhibit the condition and affairs of the society and the state of its various funds.

Annual statement to include in liabilities a reserve for mortuary benefits, and report by actuary.

(2) The said annual statement shall include in the liabilities a reserve for the mortuary benefits in which all the factors entering into the calculation are based upon the National Fraternal Congress table of mortality and four per cent interest or such higher reserve as the society is required by its Act of incorporation to maintain, and shall contain a report made by an actuary appointed by the society, including therein, in such detail as the Superintendent may from time to time require, the results of an actuarial valuation, as at the date of the statement, of each of the benefit funds maintained by the society, having regard to the prospective liabilities of, and contributions to, each fund, and the actuary shall certify as to each fund that, in his opinion, the reserve shown by such valuation, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of valuation, is sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

Reserve for other funds, and higher reserves entered as liabilities.

(3) The reserve shown by such valuation, in respect of the funds other than the mortuary fund, or at the option of the society any higher reserves, shall be entered as liabilities of the funds, and if the valuation of the mortuary fund made by the actuary shows a reserve lower than that prescribed by the last preceding subsection to be in-

cluded in the liabilities, the said lower reserve may be substituted therefor.

(4) The annual statement of Canadian business deposited in the Department under the provisions of this Act by every fraternal benefit society incorporated, and having its head office, outside of Canada and licensed under this Act, shall be in the same form, so far as applicable, as is required of such societies incorporated within Canada. The annual statement of general business deposited by such society shall comply with the provisions of subsections two and three of this section.

Annual statement of foreign society.

(5) Any statement mentioned in this section shall, to the extent the Superintendent may require, show separately the business in respect of policies issued in Canada after the date on which a license was first obtained under this Act.

Particulars which may be required.

“ **113.** (1) If it appears to the Superintendent, from the annual statement filed with him or from any examination or valuation made in pursuance of this Act, that the assets of any fraternal benefit society licensed under this Act, or of any benefit fund thereof, are insufficient to provide for the maturity of its policies without deduction or abatement or without increase of premiums or additional premiums, he shall make a special valuation of the policies of the society, and if the result of such valuation confirms him in his opinion, he shall make a special report to the Minister on the condition of the society and shall in such report show the amount of the deficiency in the society's assets.

Special valuation and report by Superintendent if assets are deficient.

(2) If the Minister after consideration of the said report concurs in the opinion of the Superintendent, he shall request the society within such time, not exceeding four years, as he may prescribe, to make such increase in its premiums or such reduction in the benefits payable under its contracts, or otherwise, as will make good the deficiency.

Minister to request that deficiency be made good.

(3) On receipt of such request the society shall take the steps prescribed by its charter or Act of incorporation or by its constitution and laws for putting into effect such changes as may be approved by an actuary for the purpose of making good the deficiency.

Society to take prescribed steps.

(4) The members of any such society incorporated under the laws of Canada, may by by-laws passed in accordance with its said Act or with its constitution and laws, reduce the benefits or increase the premiums payable under its contracts or any class or classes thereof or make such other changes as are necessary to comply with the request of the Minister aforesaid, and such by-law when so passed shall be binding on the members notwithstanding anything to the contrary in the society's special Act, or in its constitution and laws or in any policy or certificate heretofore or hereafter issued by the society.

By-law to reduce benefits or increase premiums or make other changes.

License with-  
drawn for  
non-  
compliance.

Not to apply  
to certain  
societies  
before 31st  
March, 1925.

Valuation  
balance sheet  
and  
explanation  
to be sent to  
policyholders.

Separate  
funds to be  
maintained.

Additional  
separate  
funds.

Any society  
or subordinate  
lodge may  
contract with  
members for  
sickness  
benefits.

(5) If the society does not within the time so prescribed comply with the request of the Minister, the license of the society may be withdrawn.

(6) This section shall not before the thirty-first day of March, one thousand nine hundred and twenty-five, apply to any fraternal benefit society which obtains a license under the provisions of sections one hundred and eight and one hundred and nine of this Part.

“**114.** Every fraternal benefit society licensed under this Act shall, not later than the first day of June in each year, mail to each policyholder in Canada a copy of the valuation balance sheet on the basis used for the purpose of the annual statement mentioned in subsection two of section one hundred and twelve of this Act, and an explanation of the facts concerning the condition of the society thereby disclosed; or in lieu thereof, shall publish in its official paper such balance sheet and explanation and mail a copy of the issue of said paper containing the same to each of the society's policyholders in Canada.

“**114A.** Every fraternal benefit society which on the thirty-first day of December one thousand nine hundred and nineteen was licensed under the provisions of *The Insurance Act, 1917*, shall continue to maintain such separate funds as it was required by its charter or by its constitution and laws to maintain at the said date.

“**114B.** (1) Every fraternal benefit society licensed under this Act may maintain such additional separate funds as may from time to time be authorized by by-law, validly enacted by the society and approved by the Superintendent.

(2) Nothing in this Act, or in the charter, Act of incorporation, or articles, or memorandum of association, of any such society incorporated under the laws of Canada, shall be held to prohibit the society from insuring the dependent children of the members of the society: Provided, however, that the receipts and payments in respect of any contracts insuring such children shall be credited or charged to a separate fund maintained by the society.

“**114C.** Nothing in this Act shall be held to prohibit any fraternal benefit society licensed under this Act, or any subordinate lodge of any such society so licensed, from contracting with any member of such society or lodge for the payment to such member of a sickness benefit of such amount and for such period as may be authorized by a validly enacted by-law of the society and by the Treasury Board, and any provision of the charter, Act of incorporation or articles or memorandum of association of any such society incorporated under the laws of Canada, which prohibit any such society or any such lodge from so contracting, is hereby repealed.

“ **115.** It shall be a condition of the license granted to any fraternal benefit society under this Part, whether such condition be expressed in the license or not, and for the breach of which its license may be cancelled or withdrawn by the Minister, that no policy of life insurance shall be issued in Canada by the society until a copy of the form thereof has been mailed by prepaid registered letter to the Superintendent, and that every such policy shall contain in substance the following terms or provisions:—

Form of policy of life insurance to be sent to Superintendent.

(a) It shall specify the amount of the benefit or benefits provided thereby, and shall have printed in type not smaller than ten-point a provision that the policy, the charter or articles of incorporation or association, the constitution and laws of the society and all amendment to each thereof, together with the application and medical examination paper signed by the applicant, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary or corresponding officer of the society shall be received in evidence of the terms and conditions thereof, and any changes, additions or amendments to said charter or articles of incorporation or association, constitution or laws of such society, if a society incorporated under the laws of Canada, duly made or enacted subsequent to the issuance of the policy or certificate, shall bind the member and his beneficiaries and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to, and were in force at the time of, the application for membership, unless otherwise provided in such change, addition or amendment.

Terms and provisions required in policy of life insurance.

(b) It shall have printed as aforesaid a provision that the right is expressly reserved by the society to change by amendment of its by-laws constitutionally enacted the rates of premium payable by the members or the benefits payable by the society for the purpose of complying with the provisions of any statute law applicable to the society.

(c) If the policy is issued by a society incorporated, and having its head office, outside of Canada, it shall provide that an action to enforce the obligations of such policy may be validly taken in any court of competent jurisdiction in the province wherein the policyholder resides or last resided before his decease.

“ **116.** The term ‘Actuary’ in this Part means a Fellow of the Institute of Actuaries of Great Britain, the Faculty of Actuaries of Scotland, or the Actuarial Society of America: Provided, however, that an actuary who for a period of not less than five years preceding the date of the passing of this Act has been serving any fraternal benefit society transacting

“Actuary” defined.

ing business in Canada on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may, for the purposes of this Act, with the consent of the Superintendent, be continued as the actuary of any fraternal benefit society by which at the said date he is employed as actuary.”

Commence-  
ment of  
Act.

4. This Act, with the exception of section one hundred and thirteen as enacted by section three of this Act, shall come into force on the first day of January, one thousand nine hundred and twenty, and the said section one hundred and thirteen shall come into force on the passing of this Act.

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## 9-10 GEORGE V.

### CHAP. 58.

#### An Act to amend the Judges Act.

[Assented to 7th July, 1919.]

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

1. Paragraph (h) of section sixteen of the *Judges Act*, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1906, as enacted by chapter six of the statutes of 1915, is repealed and the following is substituted therefor:—

*“British Columbia.*

*“(h) Fourteen judges and junior judges of the county courts, each, three thousand dollars per annum.”*

One additional judge provided for.

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer to the King's most Excellent Majesty.





# 9-10 GEORGE V.

## CHAP. 59.

An Act to amend the Judges Act.

[Assented to 7th July, 1919.]

R.S. c. 138,  
1907, cc. 25,  
45;  
1908, cc. 10,  
39;  
1909, c. 21;  
1910, c. 35;  
1912, c. 29;  
1913, c. 28;  
1914, c. 38;  
1915, c. 6;  
1916, c. 25;  
1917, c. 31.

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

1. Section four of the *Judges Act*, Revised Statutes of Canada, 1906, chapter one hundred and thirty-eight, as amended by chapter twenty-nine of the statutes of 1912, is repealed, and the following is substituted therefor:—

“ THE EXCHEQUER COURT OF CANADA.

“ 4. The salaries of the judges of the Exchequer Court of Canada shall be as follows:—

	Per annum.
“(a) The President of the Exchequer Court of Canada.....	\$ 8,000 00
“(b) Two puisne judges, each.....	7,000 00

President of Court and two puisne judges instead of judge and assistant judge. Assistant judge was paid \$6,000.

2. Section five of the said Act is amended by adding thereto the following subsection:—

“(2) No salary shall be paid to any Local Judge in Admiralty of the Exchequer Court under the provisions of this section who is a judge of any provincial Superior Court. Provided, that the provisions of this subsection shall not apply to any Local Judge in Admiralty who was or is appointed before the coming into force of this Act.”

Local judges in Admiralty hereafter appointed not to be paid salaries under this section if they are judges of a Superior Court.

3. The first five lines of section nine of the said Act are repealed, and the following are substituted therefor:—

“ NOVA SCOTIA.

“ 9. The salaries of the judges of the Supreme Court of the province of Nova Scotia shall be as follows:—

Salaries increased \$1,000 each.

	Per annum.
“(a) The Chief Justice of the Court.....	\$ 8,000 00
“(b) The Judge in Equity.....	7,000 00
“(c) Five puisne judges of the Court, each...	7,000 00”

4. The first ten lines of section ten of the said Act, as enacted by chapter twenty-eight of the statutes of 1913, are repealed, and the following are substituted therefor:—

“ NEW BRUNSWICK.

Salaries increased \$1,000 each.

“ 10. The salaries of the judges of the Supreme Court of the province of New Brunswick shall be as follows:—

	Per annum.
“(a) The Chief Justice of New Brunswick..	\$ 8,000 00
“(b) Two puisne judges of the Court of Appeal.....	7,000 00
“(c) The Chief Justice of the King’s Bench Division.....	8,000 00
“(d) Three puisne judges of the King’s Bench Division, each.....	7,000 00”

5. Section eleven of the said Act, as enacted by chapter twenty-nine of the statutes of 1912, is repealed, and the following is substituted therefor:—

“ MANITOBA.

Salaries increased \$1,000 each.

“ 11. The salaries of the judges of the Court of Appeal and of the Court of King’s Bench of the province of Manitoba shall be as follows:—

	Per annum.
“(a) The Chief Justice of the Court of Appeal.....	\$ 8,000 00
“(b) Four puisne judges of the said Court, each.....	7,000,00
“(c) The Chief Justice of the Court of King’s Bench.....	8,000 00
“(d) Five puisne judges of the said Court, each	7,000 00”

6. Section twelve of the said Act, as enacted by chapter twenty-eight of the statutes of 1913, is repealed, and the following is substituted therefor:—

“ BRITISH COLUMBIA.

Salaries increased \$1,000 each.

“ 12. The salaries of the judges of the Court of Appeal and of the Supreme Court of British Columbia shall be as follows:—

	Per annum.
“(a) The Chief Justice of the Court of Appeal.....	\$ 8,000 00
“(b) Four Justices of Appeal, each.....	7,000 00
“(c) The Chief Justice of the Supreme Court	8,000 00
“(d) Five puisne judges of the Supreme Court, each.....	7,000 00”

7. Section thirteen of the said Act is repealed, and the following is substituted therefor:—

“ PRINCE EDWARD ISLAND.

“ 13. The salaries of the judges of the Supreme Court of the province of Prince Edward Island shall be as follows:—	Salaries increased, C. J. \$500, other judges \$330 each.
	Per annum.
“(a) The Chief Justice of the Court.....	\$ 6,500 00
“(b) One assistant judge, being also Master of the Rolls of Chancery.....	5,500 00
“(c) One assistant judge, being also Vice-Chancellor.....	5,500 00”

8. Subsection one of section fourteen of the said Act, as enacted by chapter twenty-five of the statutes of 1916, is repealed, and the following is substituted therefor:—

“ SASKATCHEWAN.

“ 14. (1) The salaries of the judges of the Court of Appeal and of His Majesty’s Court of King’s Bench of Saskatchewan shall be as follows:—	Salaries increased \$1,000 each.
	Per annum.
“(a) The Chief Justice of Saskatchewan if he is also the Chief Justice of the Court of Appeal and, if not, the Chief Justice of the Court of Appeal.....	\$ 8,000 00
“(b) Three puisne judges of the Court of Appeal, each.....	7,000 00
“(c) The Chief Justice of the Court of King’s Bench.....	8,000 00
“(d) Five puisne judges of the Court of King’s Bench, each.....	7,000 00”

9. Section fourteen A of the said Act, as enacted by chapter thirty-eight of the statutes of 1914, is repealed, and the following is substituted therefor:—

“ ALBERTA.

“ 14A. (1) The salaries of the judges of the Supreme Court of Alberta shall be as follows:—	Salaries increased \$1,000 each.
	“(a)

Provision made for reorganization of Court in accordance with Provincial Judicature Act.

Per annum.

“(a) The Chief Justice of the Court.....\$ 8,000 00

“(b) Eight puisne judges of the Court, each... 7,000 00

“(2) On the coming into force of The Judicature Act, passed by the Legislature of the Province of Alberta in the year one thousand nine hundred and nineteen, and upon and after a day to be named by Proclamation of the Governor in Council, the salaries of the judges of the Supreme Court of Alberta shall be as follows:—

Per annum.

“(a) The Chief Justice of Alberta.....\$ 8,000 00

“(b) Three Justices of Appeal, each..... 7,000 00

“(c) The Chief Justice of the Trial Division.. 8,000 00

“(d) Five Justices of the Supreme Court of Alberta, each..... 7,000 00”

10. Section sixteen of the said Act, as enacted by chapter twenty-eight of the statutes of 1913, and the amendments to the said section are repealed, and the following is substituted therefor:—

“ COUNTY COURTS.

“ 16. The salaries of the judges of the County and District Courts shall be as follows:—

Salaries increased \$1,000 each except judges for York, O., Halifax, N.S., St. John, N.B., Queens, P.E.I., which re increased \$500.

“ Ontario.

Per annum.

“(a) Seventy-five judges and junior judges of the County and District Courts, each...\$ 4,000 00

“ Nova Scotia.

“(b) Seven County Court Judges, each..... 4,000 00

“ New Brunswick.

“(c) Six County Court judges, each..... 4,000 00

“ Manitoba.

“(d) Nine County Court judges and one junior County Court judge, each..... 4,000 00

“ British Columbia.

“(e) Fourteen judges and junior judges of the County Courts, each..... 4,000 00

“Prince

“ *Prince Edward Island.* ”

“(f) Three County Court judges, each . . . . . 4,000 00

“ *Saskatchewan.* ”

“(g) Eighteen district court judges, each . . . . . 4,000 00    One additional judge.

“ *Alberta.* ”

“(h) Twelve district court judges, each . . . . . 4,000 00”    One additional judge.

SUPERANNUATION.

**11.** No annuity shall be granted to any judge under the provisions of section nineteen or twenty-four unless the Governor in Council is of opinion that it is in the public interest that such judge should resign his office.    No annuity unless retirement in public interest.

The provisions of this section shall not apply to any judge appointed before the coming into force of this Act.    Present judges excepted.

**12.** Sections twenty-one, twenty-two and twenty-three of the said Act, as enacted by chapter thirty-nine of the statutes of 1908, are repealed.    Pension of Chairman of Board of Railway Commissioners.

**13.** The provisions of subsection three of section twenty-seven, as to taxes and deductions, shall not apply to any judge whose salary is increased by this Act by more than five hundred dollars.    Liable to Dominion taxes if salary increased.

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## 9-10 GEORGE V.

### CHAP. 60.

#### An Act to amend the Militia Act.

[Assented to 7th July, 1919.]

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

R.S., c. 41;  
1912, c. 34;  
1917, c. 35.

**1.** Section twenty-four of the *Militia Act*, chapter forty-one of the Revised Statutes of Canada, 1906, is amended by substituting the word “ten” for the word “five” in the third line thereof.

Maximum number of permanent force increased from 5,000 to 10,000.

**2.** Subsection two of section fifty-three of the said Act is amended by striking out the last four lines thereof.

Rates of pay of permanent force and active militia to be fixed by Governor in Council instead of by statute.

**3.** Paragraphs (a), (b) and (c) of section fifty-four of the said Act are repealed, and the words “at such rates as may be prescribed by the Governor in Council” are substituted therefor.

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# 9 - 10 GEORGE V.

## CHAP. 61.

### An Act to amend the Militia Pension Act.

[Assented to 7th July, 1919.]

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

**1.** Paragraph (f) of section two of the *Militia Pension Act*, chapter forty-two of the Revised Statutes of Canada, 1906, is repealed, and the following is substituted therefor:—

“(f) ‘rank’ means substantive rank or appointment, but does not include brevet, honorary, local or temporary rank, except in the case of temporary brigadier-generals; and non-combatant officers, such as quartermasters, commissaries of ordnance, and others who have honorary rank, shall, for the purposes of this Act, be considered to have substantive rank corresponding to their honorary rank.”

R.S. c. 42,  
1907, c. 28,  
1910, c. 39.

“Rank” made to include temporary brigadiers and honorary rank in case of non-combatant.

**2.** Subsection one of section four of the said Act is amended by substituting the word “ten” for the word “twenty” in the second line thereof.

Officers retired compulsorily to have life pension after ten years’ service instead of 20 years’.

**3.** Subsection eight of section four of the said Act, as enacted by chapter twenty-eight of the statutes of 1907, is repealed, and the following is substituted therefor:—

“(8) In the case of an officer who has been seconded or given leave of absence for service in a position in the public service of Canada or in the Canadian Expeditionary Force or in any other military force raised in Canada for service outside Canada and paid and maintained by the Government of Canada, or who has been permitted to serve in any such force, deductions at the rate of five per cent per annum shall be made from the salary or pay, as the case may be, which such officer is receiving in the said public service or as an officer in any such force, and those deductions shall form part of the Consolidated Revenue Fund of Canada and shall be treated in all respects as deductions

Service in Can. Overseas E. F., or in any other military force raised in Canada for service outside added.

under section eight of this Act; and, notwithstanding anything in this Act mentioned, the pension granted to an officer thus seconded, or thus serving in any such force, shall be based on his salary and allowances or his pay and allowances, as the case may be, which at the date of his retirement the said officer is receiving from the said Government in the public service or in such force."

Period of service during war to be counted for pension purposes.

4. Section six B of the said Act, as enacted by chapter thirty-nine of the statutes of 1910, is amended by adding thereto the following subsection:—

"(f) The time served as an officer, non-commissioned officer or man on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen."

Service for pension reduced from 20 and 15 years to 10 years.

5. Section eleven of the said Act is amended by substituting the word "ten" for the word "twenty" in paragraph (a) thereof, and by striking out all the words of subsection one after the word "service" in line three, and the whole of subsection two.

Service for pension reduced from 15 to 10 years and to be based on allowances as well as pay.

6. Subsection one of section twelve of the said Act is amended,—

(a) by substituting the word "ten" for the word "fifteen" in paragraph (a) thereof;  
(b) by inserting the words "and allowances" after the word "pay" in each place where it occurs in paragraphs (a), (b) and (c).

7. Subsection three of section twelve of the said Act, as enacted by chapter thirty-nine of the statutes of 1910, is amended by adding thereto the following paragraph:—

"(f) The time served when on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen."

Period of service during war to be counted for pension purposes.

8. Section twenty-three of the said Act is repealed and the following is substituted therefor:—

Pension to widows, compassionate allowance to children.

"23. Subject to the provisions hereinafter contained, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer who, having completed twenty years' service, was at the time of his death on full pay, or who, having completed ten years' service, was at the time of his death in receipt of a pension."

9. (1) Section twenty-five of the said Act is repealed and the following is substituted therefor:—

“ **25.** (1) The pension of a widow shall, if her husband was at the time of his death on full pay, be an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death, or, if at the time of his death he had been pensioned, an amount equal to one-half of such pension. Widow's pension increased to one-half of what husband's pension was or might have been at death.

“(2) If a widow or child is entitled to a pension, gratuity or allowance under this Act and is also entitled to a pension, gratuity or allowance under any other Act passed by the Parliament of Canada, or under any law of the United Kingdom of Great Britain and Ireland, or under the law of any other portion of His Majesty's Dominions, such widow or, in the case of a child, the parent or guardian, or tutor of such child, shall elect which pension, gratuity or allowance she or he desires to accept, but no widow or child shall receive two pensions, gratuities or allowances.”

(2) The provisions of subsection two of section twenty-five contained in this section shall not affect any past payment for pension, gratuity or allowance which has been made before the passing of this Act.

**10.** Pensions to widows heretofore granted under the provisions of the said Act may be readjusted in accordance with the provisions of this Act, but no such readjustment shall authorize the increase of any payments for pension that accrued before the passing of this Act. Widow's pensions may be revised but not payments made before this Act.

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# 9-10 GEORGE V.

## CHAP. 62.

An Act to consolidate and amend the Acts respecting the Ottawa Improvement Commission.

[Assented to 7th July, 1919.]

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

1899, c. 10;  
1902, c. 25;  
1903, c. 45;  
1905, c. 29;  
1910, c. 45.

**1.** This Act may be cited as *The Ottawa Improvement Commission Act, 1919.*

Short title.

**2.** The Minister of Finance and Receiver General (hereinafter called the "Minister") is hereby authorized to pay out of the Consolidated Revenue Fund of Canada, in the manner and for the purposes hereinafter set forth, the sum of one hundred and fifty thousand dollars annually, for a period not exceeding ten years from the first day of July, one thousand nine hundred and nineteen. 1899, c. 10, s. 1, Am.

Annual grant authorized.

**3.** Such annual payment of one hundred and fifty thousand dollars shall be made in four equal quarterly instalments, payable on the first days of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of July, 1919, and the amount of each such quarterly payment shall be paid by the Minister into a chartered bank, to be designated by him, to the credit of The Ottawa Improvement Commission, and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission. 1899, c. 10, s. 2, Am.

Payable quarterly to credit of the Commission.

**4.** The Ottawa Improvement Commission (herein called the "Commission") shall continue to consist of eight Commissioners, of whom seven shall be appointed by the Governor in Council and shall hold office during

Number of Commissioners and tenure of office.

pleasure, and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the City") and shall hold office for the period of one year from the time of such appointment, or for such period, not exceeding three years, as shall be determined by by-law duly passed by the City: Provided, however, that if the mayor or an alderman of the City is appointed by the City to be a Commissioner, he shall cease to hold office as Commissioner when he ceases to hold office as mayor or alderman, and the City shall thereupon appoint a Commissioner for the unexpired term: Provided further, that nothing contained in this Act shall affect the status or term of office of any Commissioner or chairman heretofore appointed. 1899, c. 10, s. 3; 1902, c. 25.

Proviso:  
if mayor  
or alderman  
is a  
Commissioner.

Incorporation  
of Commis-  
sioners.

**5.** (1) The Commission shall be a body corporate under the name of "The Ottawa Improvement Commission," and shall have power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable them to carry into effect the purposes for which they are constituted, or any of the powers conferred on them by this Act; but no by-laws so made shall come into force or effect until approved by the Governor in Council, and no alteration, modification or repeal of any such by-law shall have any force or effect until approved by the Governor in Council.

Provision for  
enforcement  
of by-laws by  
imposition of  
penalties.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars recoverable upon summary conviction for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months. 1899, c. 10, s. 4; 1905, c. 29, s. 1.

Chairman and  
secretary.

**6.** The Governor in Council shall designate one of the Commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure; and the Governor in Council shall appoint a member of the public service of Canada to be secretary of the Commission, and the person so appointed shall discharge his duties as secretary of the Commission in addition to his official duties as a member of the public service of Canada. 1899, c. 10, s. 5, Am.

Commis-  
sioners  
unpaid.

**7.** The chairman and other members of the Commission, shall serve without remuneration, but they shall be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act. 1899, c. 10, s. 6, Am.

Powers.

**8.** The Commission may,—  
402

(a)



- (a) purchase, acquire and hold real property in the city of Ottawa, or in the vicinity thereof, for the purpose of public parks or squares, streets, avenues, drives or thoroughfares; Acquisition of property.
- (b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission and for preserving order thereon; Maintaining and protecting works.
- (c) co-operate with the City in the improvement and beautifying of the said city, or the vicinity thereof, by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives or thoroughfares in the said city or in the vicinity thereof; Improvement of City.

And for all or any of the aforesaid purposes the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act. 1899, c. 10, s. 7, Am.; 1905, c. 29, s. 2. Expenditure of moneys.

**9.** All works or undertakings of the Commission, under section eight of this Act, are hereby declared to be for the general advantage of Canada. 1899, c. 10, s. 8. Works for general advantage of Canada.

**10.** No real property shall be purchased or acquired by the Commission, except with the previous consent of the Governor in Council; and if the Commission is unable to agree with the owner of the property, which it is so authorized to purchase, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner, and the provisions of the *Railway Act* relating to the taking of lands by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such real property by the Commission. 1899, c. 10, s. 9. Acquisition of property by the Commission.

**11.** The Commission shall from time to time and before making expenditures under this Act, submit to the Minister detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or of any portion thereof; and no expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council. 1899, c. 10, s. 10. Estimates to be approved.

**12.** The Commission shall send to the Minister on or before the first day of September in each year a detailed statement of all its receipts and expenditures up to the last day of March in such year; and copies of such statements shall be laid before Parliament by the Minister within the Annual statement.

first fourteen days of the next following session thereof. 1899, c. 10, s. 11, Am.

Annual  
report to  
Parliament.

**13.** The Commission shall on or before the first day of December in each year make to the Minister an annual report for the information of Parliament, setting forth a description of the nature and extent of the works and undertakings of the Commission for the year ended on the thirty-first day of March in that year, and such other matters as appears to it to be of public interest in relation to the said Commission. Copies of such annual reports shall be laid before Parliament by the Minister within the first fourteen days of the next following session thereof. 1905, c. 29, s. 3, Am.

Accounts  
and  
inspection.

**14.** The Commission shall, whenever required by the Minister, render detailed accounts of its receipts and expenditures for such period or to such day as he designates; and all books of account, records, bank books and papers of the Commission shall at all times be open to the inspection of the Minister or of such person as the Minister names to inspect them. 1899, c. 10, s. 12.

Audit.

**15.** All expenditures by the Commission shall be subject to the audit of the Auditor General in the same manner as other public moneys. 1899, c. 10, s. 13.

Commis-  
sioner and  
secretary  
not to have  
interest in  
works.

**16.** It shall be unlawful for any commissioner or the secretary of the Commission to enter into any contract with the Commission or to be pecuniarily interested, either directly or indirectly, in any contract or work for which any portion of the moneys at the credit of the Commission is to be paid. 1899, c. 10, s. 14, Am.

Repeal.

**17.** The provisions of any statute relating to the Ottawa Improvement Commission which are inconsistent with this Act are hereby repealed. (New.)



## 9-10 GEORGE V.

### CHAP. 63.

An Act to Provide for the completion after the declaration of peace of work begun and the final determination of matters pending before the Commissioner and Controller of Paper and the Paper Control Tribunal, or either of them, at the date of such declaration.

[Assented to 7th July, 1919.]

WHEREAS under and by virtue of the provisions of *The War Measures Act, 1914*, His Excellency the Governor in Council, by the Order in Council of April 16th, 1917, (P.C. 1059), the Order in Council of April 16th, 1917, (P.C. 1060), the Order in Council of April 21st, 1917, (P.C. 1109), and the Order in Council of November 3rd, 1917, (P.C. 3122), did make regulations for controlling commerce in paper, and for appointing a Commissioner and Controller for carrying such regulations into effect; and whereas His Excellency the Governor in Council, by the Order in Council of September 16th, 1918, (P.C. 2270), did further, under the authority of *The War Measures Act, 1914*, modify the provisions of the Order in Council of November 3rd, 1917, (P.C. 3122), in certain respects, and provide for the creation and appointment of a Paper Control Tribunal, for the purposes and with the authority and jurisdiction set forth in said Order in Council of September 16th, 1918, (P.C. 2270); and whereas there have been investigations and work begun by said Commissioner and Controller which are not completed and with respect to which appeal will lie to said Paper Control Tribunal under the provisions of said Order in Council of September 16th, 1918, (P.C. 2270); and whereas, there are now matters pending before and undetermined by said Paper Control Tribunal: Now therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The powers, jurisdiction and authority of the Commissioner and Controller of Paper are hereby confirmed and extended to such extent as may be necessary to enable said Commissioner

Powers of  
Commis-  
sioner and  
Controller of  
Paper

extended to complete work begun before declaration of peace.

Commissioner and Controller to fully complete all work and investigations begun by him under the provisions of the Order in Council of April 16th, 1917, (P.C. 1059), the Order in Council of April 16th, 1917, (P.C. 1060), the Order in Council of April 21st, 1917, (P.C. 1109), and the Order in Council of November 3rd, 1917, (P.C. 3122) prior to the declaration of peace, and to determine all questions and to make all necessary orders with respect to matters begun by or coming before him prior to the publication in the *Canada Gazette* of a proclamation by the Governor in Council declaring that the war which commenced on the fourth day of August, one thousand nine hundred and fourteen, no longer exists.

Powers of Paper Control Tribunal extended to determine all matters pending at declaration of peace and subsequent appeals.

**2.** The powers, jurisdiction and authority of the Paper Control Tribunal under the Order in Council of September 16th, 1918, (P.C. 2270) are hereby confirmed and extended to such extent as may be necessary to enable said Paper Control Tribunal to finally determine after the declaration of peace all matters pending before and not finally determined by it upon the date of such declaration; and the powers, jurisdiction and authority of said Tribunal are further extended to such extent as may be necessary to enable it to hear and finally determine all matters and questions brought before it subsequent to the publication of the said proclamation on appeal from any act done by or order or decision of the Commissioner and Controller under the provisions of section one of this Act.

Powers to cease upon declaration of peace, except as above.

**3.** Except for the purpose of finally completing all matters undertaken and determining all questions arising prior to the declaration of peace, the powers, authority and jurisdiction of said Commissioner and Controller of Paper and of said Paper Control Tribunal shall cease upon the publication of the said proclamation.

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## 9-10 GEORGE V.

### CHAP. 64.

An Act respecting the Patent Act, the Copyright Act, the Trade Mark and Design Act, and the Timber Marking Act.

[Assented to 7th July, 1919.]

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

R.S. cc. 69,  
70, 71, 72;  
1908, cc. 17, 72;  
1913, c. 17.

1. (1) Paragraphs (a) and (b) of section two of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, and paragraph (a) of section two of the *Copyright Act*, chapter seventy of the said Revised Statutes, 1906, are repealed, and the following is in each case substituted for the said paragraphs (a):—

“(a) ‘Minister’ means the Minister of the Crown named by the Governor in Council to administer this Act;”

Minister administering substituted for Minister of Agriculture.

(2) Paragraph (b) of the said section two of the said *Copyright Act* is repealed, and the following is substituted therefor:—

“(b) ‘Department’ means the Copyright office;”

Definition of “Department” changed.

(3) Section two of the *Trade Mark and Design Act*, chapter seventy-one of the said Revised Statutes, 1906, is repealed, and the following is substituted therefor:—

“2. In this Act, unless the context otherwise requires, ‘Minister’ means the Minister named by the Governor in Council to administer this Act.”

Minister administering substituted for Minister of Agriculture.

(4) The *Timber Marking Act*, chapter seventy-two of the said Revised Statutes, 1906, is amended by inserting the following section immediately after section one of the said Act:—

“1A. In this Act, unless the context otherwise requires, ‘Minister’ means the Minister of the Crown named by the Governor in Council to administer this Act.”

Minister administering substituted for Minister of Agriculture.

(5) The words “at the Department of Agriculture” in subsection one of section three of the *Timber Marking Act* are struck out, and the words “registered timber mark”

Changes consequent upon previous amendment.

mark” are substituted for the words “timber mark registered at the Department of Agriculture” in section six of the said Act, and the words “of Agriculture” are struck out in the said last mentioned Act wherever they appear in the said Act.

2. (1) Sections three and five of the said *Patent Act* are repealed, and the following are substituted therefor:—

Governor in Council to determine to what Department Patent Office to be attached.

“3. (1) There shall be attached to such Department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed.

“(2) There may be appointed from time to time, in accordance with *The Civil Service Act, 1918*, and any amendments thereto, such officers and clerks as are necessary for the purposes of this Act.

Powers of Commissioner of Patents.

“5. The Commissioner of Patents may do any act or thing, whether judicial or ministerial, which the Minister is authorized or empowered to do by any provision of the *Patent Act*, and any Act in amendment of the said Act, and in the absence or inability to act of the Commissioner any officer or clerk named by the Minister to perform the duties of the Commissioner may, as acting Commissioner exercise such powers and do any such act or thing.

Governor in Council may appoint a Commissioner of Patents who has held position of Deputy Minister of Agriculture.

“5A. (1) The Governor in Council may appoint a person who has held the office of Deputy Minister of Agriculture to be Commissioner of Patents, whose salary shall be fixed by the Governor in Council, and who shall have the rank, status, powers and duties of a deputy head administering a Department, and who shall be classified as such, and shall, for all purposes under *The Civil Service Act, 1918*, and any amendments thereto, be deemed to be a ‘deputy head.’

Powers of Commissioner of Patents.

“(2) The Commissioner shall, subject to the Minister, oversee and direct the officers, clerks and employees in the Patent office, and have general control of the business thereof, and the deputy of the Minister shall have no power or authority with respect to the administration of any of the said Acts or the appointment or control of the officers, clerks or employees who are required or who are appointed or assigned to perform any duties or work under or in connection with the said Acts or any of them.

“(3) The Commissioner shall have like powers and duties in respect of the officers, clerks and employees engaged in the administration of the *Copyright Act*, the *Trade Mark and Design Act*, and the *Timber Marking Act*, and the business connected therewith, and shall perform such other duties as are assigned to him by the Governor in Council.

“(4) The Commissioner shall have the same powers with respect to the *Copyright Act*, the *Trade Mark and Design*

Act, and the *Timber Marking Act*, and any Acts in amendment of the said Acts or any of them, as are conferred upon the Commissioner with respect to the *Patent Act*, and any amendments thereto; and the Minister shall have the same power of authorizing any officer or clerk named by him to perform the duties of the Commissioner or any of them in the absence or inability to act of the Commissioner with respect to the said Acts, or any of them; and wherever the words 'Deputy Minister' or 'Deputy Minister of Agriculture' occur in any of the said Acts, the words 'Commissioner of Patents' is in each case substituted therefor.

"(5) The provisions of this section shall only continue in force and operation while the person aforesaid holds the office of Commissioner of Patents."

Time during which section to continue in force.

3. Wherever in the *Patent Act* the word "Commissioner" occurs the word "Minister" is substituted therefor, and wherever the words "Deputy Commissioner" occurs the word "Commissioner" is substituted therefor.

"Minister" substituted for "Commissioner" and "Commissioner" for "Deputy Commissioner".

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## 9-10 GEORGE V.

### CHAP. 65.

An Act respecting certain appointments in the Post Office Department.

[Assented to 7th July, 1919.]

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

**1.** (1) The Civil Service Commission may, on the recommendation of the Deputy Postmaster General, appoint to the permanent Post Office staff,

Certain Post Office employee temporarily employed may be permanently appointed.

(a) any employee who was temporarily taken on to the staff and employed in the Post Office or in the Railway Mail Service at any one of the cities of Winnipeg, Saskatoon or Calgary to replace employees who ceased to perform their duties in the said offices or in the said service in May, one thousand nine hundred and nineteen; and,

(b) any temporary employee in any one of the said Post Offices or in the Railway Mail Service at the said cities who did not absent themselves from duty in the said Post Offices or in the said Service, in the month of May, or who were absent from their duties in the said month but returned thereto within the time limited for so doing.

No age limit shall apply in the case of any such appointment, and it shall not be necessary for any person so appointed to pass or to have passed any Civil Service Examination, provided such person is certified by the Postmaster of the city where the person is to be employed, or by the Superintendent of the Railway Mail Service, as the case may be, to be competent and fit to do the work for which he is required.

No age limit or examination if certified to be competent.

(2) Any appointment made under the provisions of this Act may be made to date from the fifteenth day of May, one thousand nine hundred and nineteen, or any day thereafter, provided that no appointment shall bear date before the date when the person to be appointed was temporarily engaged as aforesaid.

Date from which appointments may be dated.





## 9-10 GEORGE V.

### CHAP. 66.

#### An Act to amend The Proprietary or Patent Medicine Act.

[Assented to 7th July, 1919.]

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

**1.** Sections two, three, five, six and seven of *The Proprietary or Patent Medicine Act*, chapter fifty-six of the statutes of 1908, are hereby repealed and the following are substituted therefor:—

**“ 2. (1)** In this Act and in any regulation made hereunder, unless the context otherwise requires,—

**“(a)** ‘Advisory Board’ means the Advisory Board to be appointed under section seven A of this Act;

**“(b)** ‘analyst’ means a Dominion analyst as defined in the *Adulteration Act*;

**“(c)** ‘Minister’ means the Minister of the Crown charged with the administration of this Act;

**“(d)** ‘proprietary or patent medicine’ means every artificial remedy or prescription manufactured for the internal or external use of man, the name, composition or definition of which is not to be found in the British Pharmacopœia, the Codex Medicamentarius of France, the Pharmacopœia of the United States, or any foreign pharmacopœia approved by the Minister, the Canadian Formulary, the National Formulary of the United States of America, or any formulary adopted by any properly constituted pharmaceutical association representing the Dominion of Canada and approved by the Minister; or upon which is not printed in a conspicuous manner the true formula or list of medicinal ingredients contained in it.

**“(2)** For the purposes of this Act the proprietor of a proprietary or patent medicine shall be deemed to be the manufacturer thereof, and where the manufacturer of a proprietary or patent medicine is not resident in Canada or has his chief place of business or head office in a place outside of

Canada, such manufacturer shall file with the Minister the name of a person or corporation in or having its head office in Canada as the agent of such manufacturer, and such agent shall be deemed to be the manufacturer for all the purposes of this Act. In any case where a manufacturer does not file the name of an agent when required as aforesaid, the Minister may take any proceedings or action under this Act *ex parte* and without any notice to or communication with such manufacturer.

Certificate of registration.

“ 3. (1) Every manufacturer of a proprietary or patent medicine, or the agent of such manufacturer, shall, before offering any medicine for sale, procure from the Minister a numbered certificate of registration for each proprietary or patent medicine which he proposes to import into or offer for sale in Canada, and shall pay a fee of two dollars to the Minister for each such certificate.

Fee.

Contents.

“(2) Such manufacturer or agent shall, at the time of applying for the said certificate of registration, for any medicine containing any of the drugs mentioned in or added to the Schedule to this Act, furnish the Minister with a statement under oath of the quantity of such drug or drugs contained in such medicine, which statement shall be filed in the department, and shall be treated as confidential. Any person furnishing the Minister with a statement that is incorrect or false shall, in addition to the punishment to which he may be liable for making a false or incorrect statement upon oath, be liable to a penalty not exceeding one hundred dollars and costs or to imprisonment for any term not exceeding two months, and the Minister shall have power to cancel any certificate of registration that the Minister may have granted for the medicine described in such statement.

Penalty for false statement.

Preparation of medicine to be supervised.

“(3) Whenever required by the Minister, for good cause shown, the preparation of any medicine containing any drug included in the Schedule to this Act shall be continuously supervised by a pharmacist or a chemist, and any person violating the provisions of this subsection shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for any term not exceeding two months.

New registration on changing formula.

“(4) Should the manufacturer at any time decide to change or alter in any way the composition or the name of any medicine for which a registration number has been granted, he shall notify the Minister of such intention and ask for a new registration number, which may be granted upon the same terms as in the previous application, and the former registration number shall thereupon be cancelled, and shall not be re-issued.

Registration number to identify.

“(5) The number under which any proprietary or patent medicine is registered shall be deemed to sufficiently identify such medicine for any purposes of this Act, and

shall be clearly printed on the wrapper and label on each bottle, box or other container in which such medicine is sold or offered for sale.

“ 5. (1) Every manufacturer of a proprietary or patent medicine shall apply annually for a license to sell such medicine, and shall pay an annual fee of one dollar for each such license: Provided that if at the end of the year, the manufacturer is able to prove to the satisfaction of the Minister, that his sales of any registered article for the year amounted to less than twenty-five dollars, the license fee paid may be repaid to him. In such license the medicine shall be referred to by its registered number only. The year for which such license is granted shall be the calendar year, and every license to sell shall expire on the thirty-first day of December of the year for which it was granted. Such license shall permit the sale of such medicine in Canada during the term of such license.

License to sell.

Fee.

Term.

“ (2) A single license covering any number of preparations designated by their registration numbers may be granted to any manufacturer, but the fee to be paid for such license shall be at the rate of one dollar for every registration number included in the license.

Single license.

“ (3) No proprietary or patent medicine shall be sold in Canada unless a license as above has been granted for such sale, and the period for which the license is granted shall determine the time limit during which legal sale may be made.

No sale without license.

“ 6. The manufacture, importation or sale of all proprietary or patent medicines containing opium or its derivatives for internal use are prohibited.”

Opium for internal use.

“ 7. (1) No proprietary or patent medicine shall be manufactured, imported, exposed or offered for sale or sold in Canada,—

Prohibited medicines.

“ (a) if it contains cocaine or any of its salts or preparations;

“ (b) if it contains alcohol in excess of the amount required as a solvent or preservative, or is not sufficiently medicated to make it unfit for use as a beverage;

“ (c) if it contains any drug which is included in the Schedule to this Act the name of which and the amount per dose of which are not conspicuously printed on an inseparable part of the label and wrapper of the bottle, box or other container, or if the quantity of such drug exceeds the amount permitted by the Advisory Board;

“ (d) if it contains any drug which is included in the Schedule to this Act and the name of such drug as used on the label be not the commonly employed name of such drug;

“ (e) if the article be represented as a *cure* for any disease;

“(f) if any false, misleading or exaggerated claims be made on the wrapper or label, or in any advertisement of the article.

“(2) No proprietary or patent medicine intended for administration to infants under one year of age shall contain any derivative of coal-tar, which in the opinion of the Advisory Board, is dangerous to children under one year of age.”

New section 7A.

Advisory Board.

Powers of Board.

Fees and travelling expenses.

Appropriation.

Seizure of unregistered, etc., medicines.

Regulations as to samples.

Effect, etc., of regulations.

Regulations.

**2.** The said Act is hereby amended by inserting the following section immediately after section seven:—

“**7A** (1) The Minister shall have power to appoint an Advisory Board consisting of not less than three and not more than five members, one of whom shall be the Chief Dominion Analyst or, in the absence or inability to act of the Chief Dominion Analyst, the Assistant Dominion Analyst, the others to be properly qualified persons.

“(2) The Advisory Board shall have power to prescribe what shall be deemed a sufficient medication of medicines containing alcohol in excess of two and one-half per cent to make them unfit for use as beverages; and also what shall be the maximum single and daily doses to be prescribed in the case of any medicines consisting of or containing any drug mentioned in or added to the Schedule to this Act; and the decision of the Advisory Board in all such cases shall be final.

“(3) The Chief Dominion Analyst shall serve on such Advisory Board without remuneration; the other two members shall be paid such fees for their attendance as the Minister may authorize, and all the members of the Board shall be entitled to be paid their actual travelling expenses. All expenditure under this section shall be paid out of such money as Parliament may appropriate for the purpose.”

**3.** The said Act is hereby amended by inserting the following section immediately after section nine:—

“**9A.** Any proprietary or patent medicine found on sale in Canada not marked as required by section four, or offered for sale or sold by any manufacturer who does not hold the license to sell required by section five, may be seized, and shall be forfeited to His Majesty, and may be destroyed or otherwise dealt with as the Minister shall direct.”

**4.** Section eight of the said Act is hereby amended by adding the following words at the end thereof,—“ which may be made by the Minister ”; and section eighteen of the said Act is hereby amended by substituting the word “ Minister ” for the words “ Department of Inland Revenue ” in the second line thereof.

**5.** Section seventeen of the said Act is hereby amended by inserting immediately after the word “ Act ” in the fourth

line thereof the following words: " or of any amendment to this Act which imposes any further restrictions."

6. The said Act is hereby amended by inserting the following section immediately after section sixteen:—

" 16A. (1) Any penalty incurred under the provisions of this Act shall be deemed to be in addition to, and not in substitution for, any penalty incurred under the law of any province.

" (2) Section 4D of chapter nineteen of the statutes of 1916, entitled *An Act in aid of Provincial Legislation prohibiting or restricting the sale or use of Intoxicating Liquors*, as enacted by chapter thirty of the statutes of 1917, is repealed."

Penalties  
additional to  
provincial  
penalties.

Sec. 4 D 1917,  
c. 30, repealed

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to the King's most Excellent Majesty.







## 9-10 GEORGE V.

### CHAP. 67.

An Act to authorize the raising, by way of loan, certain sums of money for the public service.

[Assented to 7th July, 1919.]

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

1916, c. 3,  
1917, c. 3.

**1.** This Act may be cited as *The Public Service Loan Act, 1919*. Short title.

**2.** The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, but not to exceed in the whole the sum of one hundred million dollars, for,—

Loans  
authorized.

- (a) paying maturing loans and obligations of Canada;
- (b) carrying on of public works authorized by Parliament;
- and,
- (c) meeting expenditures for general purposes authorized by Parliament.

**3.** When securities issued under this Act have been pledged as security for a loan, and the loan has been paid off and the pledge redeemed, the securities shall not be deemed to have been extinguished, but shall be deemed to be still alive, and may be re-issued and sold or pledged as if the former pledging had not taken place.

Power to  
re-issue,  
sell or  
pledge  
securities.

**4.** The principal raised by way of loan under this Act and the interest thereon shall be charged upon and payable out of the Consolidated Revenue Fund.

Charged to  
Consol.  
Rev. Fund.



# The Railway Act, 1919.

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## 9-10 GEORGE V.

### CHAP. 68.

#### An Act to consolidate and amend the Railway Act.

[Assented to 7th July, 1919.]

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

#### SHORT TITLE.

1. This Act may be cited as *The Railway Act, 1919.* Short title.  
R.S., c. 37, s. 1.

#### INTERPRETATION.

##### *Definitions.*

2. In this Act, and in any Special Act as hereinafter defined, in so far as this Act applies, unless the context otherwise requires,—

- (1) "Board" means the Board of Railway Commissioners for Canada; "Board."  
(2) "by-law," when referring to an act of the company, includes a resolution; "By-law."  
(3) "charge," when used as a verb with respect to tolls, includes to quote, demand, levy, take or receive; "Charge."  
(4) "company" includes a person, and where not otherwise stated or implied means "railway company," unless immediately preceded by "any," "every" or "all", in which case it means every kind of company which the context will permit of; and "railway company" or "company" when it means or includes "railway company,"—  
(a) includes every such company and any person having authority to construct or operate a railway; and  
(b) in the sections of this Act which require companies to furnish statistics and returns to the Board, or provide

provide penalties for default in so doing, includes further any company constructing or operating a line of railway in Canada, even though such company is not otherwise within the legislative authority of the Parliament of Canada, and includes also any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;

- “Costs.” (5) “costs” includes fees, counsel fees and expenses;
- “County.” (6) “county” includes any county, union of counties, riding, district, or division corresponding to a county, and any separate municipal division of a county;
- “Court.” (7) “court” means a superior court of the province or district, and, when used with respect to any proceedings for  
 (a) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or  
 (b) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered,  
 includes the county court of the county where the lands lie; and “county court” and “superior court” are to be interpreted according to the *Interpretation Act* and amendments thereto;
- “County court;”  
 “Superior court.”  
 R.S., c. 1.
- “Exchequer Court.” (8) “Exchequer Court” means the Exchequer Court of Canada;
- “Express toll.” (9) “express toll” means any toll, rate or charge to be charged by any company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;
- “Goods.” (10) “goods” includes personal property of every description that may be conveyed upon the railway, or upon steam vessels or other vessels connected with the railway;
- “Highway.” (11) “highway” includes any public road, street, lane or other public way or communication;
- “Inspecting Engineer.” (12) “inspecting engineer” means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;
- “Judge.” (13) “judge” means a judge of a superior or county court hereinbefore mentioned, as the case may be;



- (14) "justice" means a justice of the peace acting for the province, district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression 'two justices' means two justices assembled and acting together; "Justice."
- (15) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same; "Lands."
- (16) "lease" includes an agreement for a lease; "Lease."
- (17) "Minister" means the Minister of Railways and Canals; "Minister."
- (18) "owner", when, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company, and includes also a mortgagee of the lands; "Owner."
- (19) "plan" means a ground plan of the lands and property taken or intended to be taken; "Plan."
- (20) "provincial legislature" or "legislature of any province" means and includes any legislative body other than the Parliament of Canada; "Provincial Legislature."
- (21) "railway" means any railway which the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway; "Railway."
- (22) "Railway Act, 1888," means the Act passed in the fifty-first year of the reign of Her late Majesty, Queen Victoria, chapter twenty-nine, intituled *An Act respecting Railways*, and the several Acts in amendment thereof; "Railway Act, 1888." 1888, c. 29.
- (23) "registrar of deeds" or "registrar" includes the registrar of land titles, or other officer with whom the title to the land is registered; "Registrar of deeds."
- (24) "registry of deeds," or "office of the registrar of deeds," or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered; "Registry of deeds."
- (25) "rolling stock" means and includes any locomotive, engine, motor car, tender, snow-plough, flanger, and every "Rolling stock."

every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company;

“Secretary.”

(26) “Secretary” means the Secretary of the Board;

“Sheriff.”

(27) “sheriff” means the sheriff of the district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff;

“Special Act.”

(28) “Special Act”, when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes,—

(a) all such Acts,

1903, c. 71.

(b) with respect to the Grand Trunk Pacific Railway Company, *The National Transcontinental Railway Act*, and any amendments thereto, and any scheduled agreements therein referred to, and

(c) any letters patent, constituting a company’s authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted or confirmed;

“Telegraph.”

(29) “telegraph” includes wireless telegraph;

“Telegraph toll.”

(30) “telegraph toll”, or toll when used with reference to telegraph, means and includes any toll, rate or charge to be charged by any company to the public, or to any person, for the transmission of messages by telegraph;

“Telephone toll.”

(31) “telephone toll”, or toll when used with reference to telephone, means and includes any toll, rate or charge to be charged by any company to the public, or to any person, for use or lease of a telephone system or line, or any part thereof, or for the transmission of a message by telephone, or for installation and use or lease of telephone instruments, lines or apparatus, or for any service incidental to a telephone business;

“Toll” and “rate.”

(32) “toll”, or “rate”, when used with reference to a railway, means and includes any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or delivery of goods, or for any service incidental to the business of a carrier; and includes also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, expressed or implied, with respect to the use thereof; and in-

cludes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage, or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly;

- (33) "traffic" means the traffic of passengers, goods and rolling stock; "Traffic."
- (34) "train" includes any engine, locomotive or other rolling stock; "Train."
- (35) "the undertaking" means the railway and works, of whatsoever description, which the company has authority to construct or operate; "Under-taking."
- (36) "working expenditure" means and includes,— "Working expenditure."
- (a) all expenses of maintenance of the railway;
- (b) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company; or in respect of property leased to or held by the company, apart from the rent of any leased line;
- (c) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for;
- (d) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company;
- (e) all rates, taxes, insurance and compensation for accidents or losses, including any such compensation payable under the provisions of any Act of the Parliament of Canada or of any provincial legislature providing for compensation to workmen for injuries or in respect of an industrial disease;
- (f) all salaries and wages of persons employed in and about the working of the railway and traffic;
- (g) all office and management expenses, including directors' fees, and agency, legal and other like expenses;
- (h) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and
- (i) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;
- (37) when any matter arises in respect of any lands which are not situated wholly in any one district, county, riding "Clerk of the peace."

“Justice.”  
“Sheriff.”

riding, division, city or place, and which are the property of one and the same person, “clerk of the peace,” “justice,” and “sheriff,” respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. R. S., c. 37, s. 2; 1908, c. 61, ss. 1 and 9; 1911, c. 22, s. 1; 1917, c. 37, s. 2. Am.

*Construing with Special Acts.*

General  
rules as to  
construing.

- 3.** Except as in this Act otherwise provided,—
- (a) this Act shall be construed as incorporate with the Special Act; and
- (b) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act. R.S., c. 37, s. 3.

Special Act  
referring to  
corresponding  
provisions.

- 4.** If in any Special Act heretofore passed, it is enacted that any provision of any general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the provisions of this Act relating to the same subject-matter, shall, unless otherwise provided in this Act, be taken to be excepted, extended, limited, or qualified, in like manner. R.S., c. 37, s. 4. Am.

APPLICATION OF ACT.

To what  
persons, com-  
panies and  
railways  
applicable.

- 5.** This Act shall, subject as herein provided, apply to all persons, railway companies and railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter, and howsoever, incorporated or authorized, except Government railways, to which however it shall apply to such extent as is specified in any Act referring or relating thereto. R.S., c. 37, s. 5.

Application  
to—  
Foreign  
companies.

- 6.** The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to,—
- (a) every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada either owned, controlled, leased or operated by such company or companies, whether in either case such ownership, control, or operation is acquired by purchase, lease, agreement or by any other means whatsoever;

(b) every railway company operating or running trains from any point in the United States to any point in Canada. 1909, c. 32, s. 11. Am. Companies running trains into Canada.

(c) every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or hereafter owned, controlled, leased, or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control, or first mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada. Railways deemed to be works for general advantage of Canada.

(2)

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7. Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. R. S., c. 37, s. 6. Railways declared to be for general advantage of Canada.

Special Act.

8. Every railway, the construction or operation of which is authorized by Special Act of the legislature of any province and which connects with or crosses or may hereafter connect with or cross any railway within the legislative authority of the Parliament of Canada, shall, although not declared by Parliament to be a work for the general advantage of Canada, be subject to the provisions of this Act relating to,— Provincial railways connecting with or crossing Dominion Railways.

(a) the connection or crossing of one railway with or by another, so far as concerns the aforesaid connection or crossing;

(b) criminal matters, including offences and penalties; and,

(c) navigable waters.

R. S., c. 37, s. 8. Am.

## BOARD OF COMMISSIONERS.

*Constitution.*

Board, how constituted.

**9.** (1) There shall be a commission, known as the Board of Railway Commissioners for Canada, consisting of six members appointed by the Governor in Council.

Court of record.

(2) Such commission shall be a court of record, and have an official seal which shall be judicially noticed.

Tenure.

(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

(4) A commissioner shall cease to hold office upon reaching the age of seventy-five years.

Reappointment.

(5) A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment. R. S., c. 37, s. 10 (1)—(4); 1908, c. 62, s. 1. Am.

Chief Commissioner and Assistant Chief Commissioner.

**10.** (1) One of such commissioners shall be appointed by the Governor in Council, Chief Commissioner, and another of them Assistant Chief Commissioner of the Board.

(2) Any person may be appointed Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

(3) Any person may be appointed Assistant Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province, or who is a barrister or advocate of any such province and has held office as a Commissioner of the Board for a period of at least ten years.

(4) The Chief Commissioner shall be entitled to hold the office of Chief Commissioner, and the Assistant Chief Commissioner the office of Assistant Chief Commissioner or that of Chief Commissioner, so long as they respectively continue to be members of the Board.

Powers of Assistant Chief Commissioner.

(5) The Assistant Chief Commissioner shall have all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. 1908, c. 62, s. 2.

Deputy Chief Commissioner.

**11.** (1) Another of the commissioners shall be appointed, by the Governor in Council, Deputy Chief Commissioner of the Board.

(2) In case of the absence of the Chief Commissioner and the Assistant Chief Commissioner, or of their inability to act, the Deputy Chief Commissioner shall exercise the powers of the Chief Commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the Deputy Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner.

Powers of deputy Chief Commissioner.

(3) Whenever the Deputy Chief Commissioner appears to have acted for or instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner and of the Assistant Chief Commissioner within the meaning of this section.

Presumption.

(4) Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same shall have the like force and effect as if signed by the Chief Commissioner.

Authority to other commissioner.

**12.** (1) Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case; Provided that,—

Quorum.

(a) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the Board; and

Powers of single Commissioner.

(b) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

(2) The Chief Commissioner, when present, shall preside, and the Assistant Chief Commissioner, when present, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Presiding officer.

Questions of law.

(3) No vacancy in the Board shall impair the right of the remaining commissioners to act. 1908, c. 62, s. 4.

Vacancy.

**13.** Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested person to act as commis-

Interest, kindred or affinity.

Illness,  
absence, etc.

sioner *pro hac vice*; and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice*: Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. R. S., c. 37, s. 14.

Commis-  
sioners and  
officers not  
to hold  
interest in  
stock or  
equipment.

**14.** (1) No commissioner or officer of the Board shall, directly or indirectly,—

(a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security, of any company subject to this Act; or

(b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of any rolling stock to be used thereon, or of any other work or undertaking subject to this Act.

If acquired  
by will or  
succession.

(2) If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof or any interest therein, comes to or vests in any commissioner or officer of the Board by will or succession for his own benefit, he shall, within three months thereafter, absolutely sell and dispose of the same, or his interest therein. 1908, c. 62, s. 5. Am.

Residence.

**15.** Each commissioner shall during his term of office reside in the city of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines. R. S., c. 37, s. 16.

Whole time.

**16.** The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. R. S., c. 37, s. 17.

#### Offices.

Offices in  
Ottawa.

**17.** (1) The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

Offices  
elsewhere  
than in  
Ottawa.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation,



furnishings, stationery and equipment. R. S., c. 37, s. 18; 1908, c. 62, s. 7.

*Sittings and Disposal of Business.*

**18.** The Board may hold more than one sitting at the same time, and, whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada. R. S., c. 37, s. 19; 1908, c. 62, s. 6. Sittings.

**19.** (1) The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business. Sittings, how conducted.

(2) They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. R. S., c. 37, s. 20.

**20.** Subject to the provisions of this Act, the Board may make rules and provisions respecting,— Arrangement of sittings and business.

(a) the sittings of the Board;

(b) the manner of dealing with matters and business before the Board;

(c) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings, and to preside thereat; and,

(d) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees;

and in the absence of other rule or provision as to any such matter, such matter shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs. *New.*

*Experts.*

**21.** The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. R. S., c. 37, s. 21. Experts.

*Secretary.*

**22.** There shall be a Secretary of the Board who shall be appointed by the Governor in Council, and who shall hold office during pleasure, and reside in the city of Ottawa. R. S., c. 37, s. 22. Secretary.

Duties of  
Secretary.

- 23.** (1) It shall be the duty of the Secretary,—
- (a) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;
  - (b) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;
  - (c) to obey all rules and directions which may be made or given by the Board, or the Chief Commissioner, touching his duties or office, and in the event of a conflict of such rules or directions those made by the Board shall prevail;
  - (d) to have every regulation and order of the Board drawn pursuant to the direction of the Board, duly signed and sealed with the official seal of the Board, and filed in the office of the Secretary.

Record  
books.

(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order.

Certified  
copies.

(3) Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. R. S., c. 37, s. 23. Am.

Acting  
Secretary.

**24.** In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. R. S., c. 37, s. 24.

#### *Staff.*

Staff of  
Board.

**25.** Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Board may be appointed in accordance with the provisions of *The Civil Service Act*, 1918, and of any Acts in amendment thereof.

#### *Salaries and Payments.*

Commission-  
ers.

**26.** (1) The Chief Commissioner shall be paid an annual salary of twelve thousand five hundred dollars, the Assistant Chief Commissioner an annual salary of nine thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars.

When and  
how payable.

(2) Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada.

Secretary.

(3) The Secretary may be paid out of money appropriated by Parliament for such purpose such annual salary

as may from time to time be fixed by the Governor in Council. R. S., c. 37, s. 35; 1908, c. 62, s. 9; 1913, c. 44, s. 1. Am.

**27.** The officers, clerks and employees attached to the Staff. Board may be paid out of such money as may be appropriated by Parliament for the purpose. R. S., c. 37, s. 36. Am.

**28.** Whenever the Board, by virtue of any power vested Others. in it by this Act or any other Act of the Parliament of Canada appoints or directs any person, other than a member of the staff of the Board, to perform any service, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. R.S., c. 37, s. 37. Am.

**29.** The salaries or remuneration of all such officers, Paid monthly. clerks, stenographers, and messengers, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. R.S., c. 37, s. 38.

#### *Franking Privilege.*

**30.** All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council. R.S., c. 37, s. 39. Correspondence free of postage.

#### *Annual Report.*

**31.** (1) The Board shall, within two months after the thirty-first day of December in each year, make to the Governor in Council through the Minister, an annual report, for the year ended on the thirty-first day of December, showing briefly,— Annual report to Governor in Council.

- (a) applications to the Board and summaries of the findings thereon under this Act;
- (b) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;
- (c) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act.

Report to  
be laid  
before  
Parliament.

(2) The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament. 1909, c. 32, s. 12. Am.

*General Jurisdiction and Powers.*

Powers of  
Railway  
Committee  
transferred.

**32.** Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company, railway, matter or thing, such power, authority or duty may, or shall, be exercised by the Board. R.S., c. 37, s. 11.

Jurisdiction.

**33.** (1) The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

(a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer or other lawful authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction; or,

(b) requesting the Board to make any order, or give any direction, leave, sanction or approval, which by law it is authorized to make or give, or with respect to any matter, act or thing, which by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

Mandatory  
orders.

(2) The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and shall for the purposes of this Act have full jurisdiction to hear and determine all matters whether of law or of fact.

Restraining  
orders.

All powers  
of a superior  
court.

(3) The Board shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction, have all such powers, rights and privileges as are vested in a superior court.

(4) The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, shall not be a bar to the exercise by the Board of its jurisdiction; but every such receiver, manager, or official shall be bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court; and wherever by reason of insolvency, sale under mortgage, or any other cause, a railway or section thereof is operated, managed or held otherwise than by the company, the Board may make any order it deems proper for adapting and applying the provisions of this Act to such case.

Appointment of receiver not to oust jurisdiction of Board.

Adapting and applying Act.

(5) The decision of the Board as to whether any company, municipality or person is or is not a party interested within the meaning of this section shall be binding and conclusive upon all companies, municipalities and persons. R. S., c. 37, s. 26. Am.

Certain decisions of Board conclusive.

- 34.** (1) The Board may make orders or regulations,—
- (a) with respect to any matter, act or thing which by this or the Special Act is sanctioned, required to be done, or prohibited;
  - (b) generally for carrying this Act into effect;
  - (c) for exercising any jurisdiction conferred on the Board by any other Act of the Parliament of Canada.

Power to make orders and regulations.

(2) Any such orders or regulations may be made to apply to all cases or to any particular case or class of cases, or to any particular district, or to any railway or other work, or section or portion thereof; and the Board may exempt any railway or other work, or section or portion thereof, from the operation of any such order or regulation for such time or during such period as the Board deems expedient; and such orders or regulations may be for such time as the Board deems fit, and may be rescinded, amended, changed, altered or varied as the Board thinks proper.

Application.

(3) The Board may by regulation or order provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation or order made by the Board shall be liable.

Penalties

(4) The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred. R.S., c. 37, s. 30, part. Am.

Other liability.

Jurisdiction  
of Board  
as to  
agreements.

**35.** Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that the company has violated or committed a breach of an agreement between the complainant and the company—or by the company that any such corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such corporation or person, of the railway or of any line of railway intended to be operated in connection with or as part of the railway, or of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem reasonable and expedient, and in such order may, in its discretion, direct the company, or such corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof. 1909, c. 32, s. 1. Am.

Board may  
act upon its  
own motion.

**36.** The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have the same powers as, upon any application or complaint, are vested in it by this Act. R.S., c. 37, s. 28 (1).

From time  
to time.

**37.** Any power or authority vested in the Board may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. R.S., c. 37, s. 28 (2). Am.

Governor in  
Council may  
refer to  
Board for  
report  
or action.

**38.** The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, or any other Act of the Parliament of Canada, and the Board shall without delay comply with the requirements of such reference. R.S., c. 37, s. 57. Am.

Works  
ordered by  
the Board.

**39.** (1) When the Board, in the exercise of any power vested in it, in and by any order directs or permits any structure appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may, except as otherwise expressly provided, order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation

or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

(2) The Board may, except as otherwise expressly provided, order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. R.S., c. 37, s. 59. Am.

Cost, by whom paid.

**40.** Whenever any Act of the Parliament of Canada requires or directs that before the doing of any work the approval of the Board must be first obtained, and whenever any such work has been done without such approval, the Board shall nevertheless have power to approve of the same and to impose any terms and conditions upon such company that may be thought proper in the premises: Provided that where the doing of such work affects the safety of the public or the employees, no such approval shall be given without due notice and hearing. 1910, c. 50, s. 2. Am.

Approval of certain works after construction.

**41.** When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing or, in its discretion, upon *ex parte* application, extend the time so specified; but where such regulation, order or decision requires any Act, matter or thing to be done for the safety of the public or the employees of the railway, no extension shall be granted without hearing on notice. R.S., c. 37, s. 50; 1917, c. 37, s. 3. Am.

Extension of time specified by Board.

**42.** The Board may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly. 1907, c. 38, s. 1.

Employment of counsel in public interest.

**43.** (1) The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in

Stated case for Supreme Court of Canada.

Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law or of the jurisdiction of the Board.

Proceedings thereon.

(2) The Supreme Court of Canada shall hear and determine such question, and remit the matter to the Board with the opinion of the Court thereon. R.S., c. 37, s. 55. Am.

Effect of judgment of other courts.

44. (1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *primâ facie* evidence only.

*Lis pendens.*

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Findings of fact conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. R.S., c. 37, s. 54.

#### Orders and Decisions.

Orders may come into force.—

Upon contingency;

Upon terms;

For limited time.

Interim orders.

45. (1) The Board may direct in any order that such order or any portion or provision thereof, shall come into force at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

(2) The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. R.S., c. 37, s. 47.

Relief.

46. Upon any application made to the Board, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. R.S., c. 37, s. 48. Am.

Interim *ex parte* order.

47. The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which



the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. R. S., c. 37, s. 49.

**48.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. R. S., c. 37, s. 53. Order need not show jurisdiction

**49.** (1) Any decision or order, made by the Board may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court. Rule of court.

(2) To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:— Practice.

“To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).

“Dated this                      day of                      A. D. 19

“A.B.

[Seal.] “Chief Commissioner of the Board of Railway Commissioners for Canada”.

(3) The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court. Copy to the registrar.

(4) When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under *The Railway Act, 1888*, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court. When order rescinded or changed.  
1888, c. 29.

(5) It shall be optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action. R.S., c. 37, s. 46. Am. Optional to enforce otherwise.

**50.** Any rule, regulation, order or decision of the Board, shall, when published by the Board, or by leave of the Board, for three weeks in the *Canada Gazette*, and while In Canada Gazette.

the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. R.S., c. 37, s. 31.

### *Review and Appeal.*

Board may review, etc.

**51.** The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. 1908, c. 62, s. 8.

Governor in Council may vary or rescind.

**52.** (1) The Governor in Council may at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to Supreme Court as to jurisdiction by leave of judge.

(2) An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, upon leave therefor being obtained from a judge of the said Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, and the costs of such application shall be in the discretion of the judge.

Appeal to Supreme Court by leave of Board.

(3) An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

Entry of application.

(4) No appeal, after leave therefor has been obtained under subsection two or three of this section, shall lie unless it is entered in the said Court within sixty days from the making of the order granting leave to appeal.

Security for costs.

(5) Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected

Notice of appeal.

by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

(6) On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion. Powers of the Court.

(7) The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal. Board may be heard.

(8) The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act. Costs.  
Practice.

(9) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section. Members of Board not liable for costs.

(10) Save as provided in this section,—

(a) every decision or order of the Board shall be final; and, Proceedings of Board final save as above.

(b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, or any other process or proceeding in any court. R.S., c. 37, s. 56; 1910, c. 50, s. 1. Am.

*Practice and Procedure.*

**53.** The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. R. S., c. 37, s. 51. Rules of practice and procedure.

*Notice and Service.*

**54.** Any notice required or authorized to be given in writing,— Notices, how signed,—

(a) by the Board, may be signed by the Secretary or Chief Commissioner; By Board;

(b) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be; By Minister and others;

(c) by any company or corporation, may be signed by the president or secretary, or mayor, warden, reeve or other By company or corporation.

other principal officer thereof, or by its duly authorized agent or solicitor; and

By any person.

(d) by any person, may be signed by such person or his duly authorized agent or solicitor. R.S., c. 37, s. 40. Am.

Mode of service.

**55.** (1) Service of any notice, summons, regulation, order, direction, decision, report or other document, unless in any case otherwise provided, may be effected, —

On companies required to name agent.

(a) upon a railway, telegraph, telephone, or express company to which this Act in whole or in part applies, by delivering the document or a copy thereof to the person entered by the company as its agent in the agents' book in subsection two of this section provided for; or, at his residence, to any member of his household; or, at the place of business or other place entered in the agents' book, to any clerk or adult person in his employ; or if at the time of attendance to serve any document the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same or a copy thereof at any time during the same day or the next following day by registered letter, postage prepaid, addressed to the agent at such place of business or other place, and the service shall be deemed to have been effected at the time of attendance for service; or, if the company has not caused the required entry to be made in the agents' book, then posting up the document or a copy thereof in the office of the Secretary of the Board shall be effective service upon the company, unless the Board otherwise orders; but the Board may in any case direct that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph, or may make any other order or direction it deems proper as to such service;

Railway companies.

(b) upon any railway company, whether included in paragraph (a) or not, by delivering the document or a copy thereof to the president, a vice-president, or a managing director, or the secretary or superintendent of the company; or, at the head or any principal office of the company, to some adult person in its employ;

Other companies.

(c) upon any company other than a railway company, whether such company is included in paragraph (a) or not, by delivering the document or a copy thereof to the president, a vice-president, or the manager or secretary of the company; or, at its head office, to some adult person in its employ;

Municipalities.

(d) upon a municipality or civic or municipal corporation, by delivering the document or a copy thereof

to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;

- (e) upon a firm or co-partnership, by delivering the document or a copy thereof to any member of such firm or co-partnership; or, at the last place of abode of any such member, to any adult member of his household; or, at the office or place of business of the firm, to a clerk employed therein; Co-Partnerships.
- (f) upon an individual, by delivering the document or a copy thereof to him; or, at his last place of abode, to any adult member of his household; or, at his office or place of business, to a clerk in his employ: Individuals.

Provided that if, in any case within the jurisdiction of the Minister, or the Board, it is made to appear to the satisfaction of the Minister, or the Board, as the case may be, that service cannot conveniently be made in the manner above provided, the Minister, or the Board, as the case may be, may order and allow service to be made by publication of the document or notice thereof for any period not less than three weeks in the *Canada Gazette*, and also, if so ordered, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner above provided. Order for service by publication.

(2) There shall be kept in the office of the Secretary of the Board a book to be called the agents' book in which every railway, telegraph, telephone, and express company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for such company. R. S., c. 37, s. 41; 1908, c. 62, s. 10; 1911, c. 22, s. 3. Am. Agents' book.

**56.** Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. R. S., c. 37, s. 42. Duty of company upon being served.

**57.** Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow notice for any period less than fifteen days. R. S., c. 37, s. 43. Am. Notice of application.

**58.** (1) Notice of any application to the Board for permission as provided by the *Lord's Day Act*, to perform any Notice of application for

permission  
to work on  
Sunday.  
R.S., c. 153.

any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Railways and Canals, and shall fully set out the reasons relied upon.

Costs.

(2) The costs of any such application shall be borne by the applicant, and, if more than one, in such proportions as the Board determines.

Procedure  
in other  
respects.

(3) In all other respects the procedure provided by this Act, shall, so far as applicable, apply to any such application. R. S., c. 37, s. 44.

*Ex parte.*

**59.** (1) Except as herein otherwise provided, when the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

Rehearing.

(2) Any company or person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. R.S., c. 37, s. 45. Am.

### *Amending Proceedings.*

Amend-  
ments.

**60.** The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it. R.S., c. 37, s. 52.

### *Costs.*

Costs.

**61.** (1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed.

Payment.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale.

(3) The Board may prescribe a scale under which such costs shall be taxed. R.S., c. 37, s. 58.

*Witnesses and Evidence.*

**62.** (1) The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents, or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

Powers regarding witnesses and evidence.

(2) The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. R.S., c. 37, s. 63.

Commissions to take evidence in foreign countries.

**63.** (1) The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

Evidence by affidavit.

(2) All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

Who may administer oaths in Canada.

(3) All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board.

Commissioners for Supreme and Exchequer Courts.

(4) An oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty,

Oaths outside Canada.

exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

Documents in testimony of administration of oaths.

(5) Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities shall not invalidate.

(6) No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. R.S., c. 37, s. 64.

Fees and allowances.

**64.** Every person summoned to attend before the Minister or the Board, or before any inspecting engineer, or person appointed under this Act to make inquiry and report shall, in the discretion of the Minister or the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. R.S., c. 37, s. 65.

No person to be excused from producing.

**65.** No person shall be excused from attending and producing books, papers, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, or in any cause or proceeding based upon or arising out of any alleged violation of this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, tariffs, contract, agreement or document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding. R.S., c. 37, s. 66.



**66.** In any proceeding before the Board and in any action or proceeding under this Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *primâ facie* evidence of the issue of such document by the company and of the contents thereof, without any further proof than the mere production of such document. R.S., c. 37, s. 67.

Documents issued by the company.

**67.** (1) Every document purporting to be signed by the Minister, or by the Chief Commissioner and Secretary or either of them, or by an inspecting engineer, shall, without proof of any such signature, be *primâ facie* evidence that such document was duly signed and issued by the Minister, the Board, or inspecting engineer, as the case may be.

Documents issued by Minister, Board or engineer.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it shall be *primâ facie* evidence of such regulation, order, direction, decision or report. R.S., c. 37, s. 68.

Copies.

**68.** (1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of the signature of the Secretary, be *primâ facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Documents certified by Secretary.

(2) A copy of any regulation, order or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall be *primâ facie* evidence of such regulation, order or document, without proof of signature of the Secretary.

Documents in custody of the Board.

(3) A certificate purporting to be signed by the Secretary, sealed with the seal of the Board, shall be *primâ facie* evidence of the facts therein stated without proof of the signature of the Secretary. R.S., c. 37, s. 69. Am.

Certificate that no order or regulation made.

*Inquiries.*

**69.** (1) The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter

Board may order.

or thing over which the Board has jurisdiction under this or the Special Act.

Minister may order inquiry.

(2) The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Minister is authorized to deal with under this Act or the Special Act. R.S., c. 37, s. 60.

Powers.

**70.** The Minister, the Board, or the inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(b) inspect any works, structure, rolling stock or property of the company;

Attendance and returns.

(c) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production.

(d) require the production of all material books, papers, plans, specifications, drawings and documents; and,

Oaths.

(e) administer oaths, affirmations or declarations;

Generally.

and shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. R.S., c. 37, s. 61.

### *Inspecting Engineers.*

Appointment of inspecting engineers.

**71.** (1) Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council.

Duties.

(2) It shall be the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, roadbed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattle-guards, telegraph, telephone or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be.

(3) Every such inspecting engineer shall have the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending before the Board.

Powers of inspecting engineer.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

Duties of company respecting inspecting engineers.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company.

Inspecting engineers may travel free. Use telegraph wires.

(6) The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages.

Transmission of telegrams.

(7) The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, shall be sufficient evidence of the authority of such inspecting engineer. R.S., c. 37, s. 260.

Proof of engineer's authority.

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RAILWAY COMPANIES.

*Incorporation.*

**72.** Every railway company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the *Interpretation Act*. R. S., c. 37, s. 79.

General powers.

R.S., c. 1.

*Offices.*

**73.** (1) The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada: Provided that notice of any such change shall be given to the Secretary of the Board.

Head office.

Change of location.

(2) The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him.

To be registered.

Other offices. (3) The directors of the company may establish one or more offices in other places in Canada or elsewhere. R.S., c. 37, s. 80.

*Provisional Directors.*

**74.** (1) The persons mentioned by name as such in the Special Act shall be the provisional directors of the company.

Provisional directors.

Quorum. (2) A majority of such provisional directors shall form a quorum.

Powers. (3) The provisional directors may,—

(a) forthwith open stock books and procure subscriptions of stock for the undertaking;

(b) receive payments on account of stock subscribed;

(c) cause plans and surveys to be made; and,

(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Moneys deposited. (4) The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company.

Tenure of office. (5) The provisional directors shall hold office as such until the first election of directors. R.S., c. 37, s. 81.

**75.** If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. R.S., c. 37, s. 82.

Allotment of stock.

*Capital.*

**76.** (1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

Shares.

(2) The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. R.S., c. 37, s. 83.

Application of proceeds.

**77.** (1) So soon as twenty-five per centum of the capital has been subscribed, and ten per centum of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per centum on the amount of stock

subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

(2) Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. R.S., c. 37, s. 84. Notice thereof.

**78.** (1) The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if— Increase of capital stock.

(a) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and, By vote.

(b) the proceedings of such meeting have been entered in the minutes of the proceedings of the company. Minutes.

(2) Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. R.S., c. 37, s. 85. Notice of meetings and object.

*Shares.*

**79.** The stock of the company shall be personal property. R.S., c. 37, s. 86. Personal property.

**80.** (1) No transfer of 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 thereof is duly made in the register of transfers, 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 transferor, to the company and its creditors: 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. R. S., c. 37, s. 87, Am. *See Revised Statutes of Quebec, 1909. Article 6052.* Registration of transfers.

**81.** (1) Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:—

“I, (A. B.), in consideration of the sum of paid to  
me by (C. D.), hereby sell and transfer to him share Form of transfer.

455 (or

(or shares) of the stock of the \_\_\_\_\_, to hold to him, the said (C. D.), his executors, administrators and assigns (or successors and assigns, *as the case may be*), subject to the same rules and orders and on the same conditions upon which I held the same immediately before the execution hereof. And I, the said (C. D.), do hereby agree to accept of the said (A. B.'s) \_\_\_\_\_ share (or shares) subject to the same rules, orders and conditions.

“Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19 \_\_\_\_\_.”

As to paid-up shares.

(2) In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. R.S., c. 37, s. 88.

Restrictions on transfers.

**82.** (1) No shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon.

Whole share.

(2) No transfer of less than a whole share shall be valid. R.S., c. 37, s. 89.

Certificate of proprietorship of share.

**83.** The certificate of proprietorship of any share shall be *primâ facie* evidence of the title of any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified. R. S., c. 37, s. 71.

Sale without certificate.

**84.** The want of a certificate of proprietorship shall not prevent the holder of any share from disposing thereof. R.S., c. 37, s. 90.

Transmission of stock otherwise than by transfer.

**85.** (1) If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, *donatio mortis causâ*, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him, which shall declare the manner of such transmission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

Transferee must comply.

(2) The person to whom the share is so transmitted as aforesaid, shall not, without complying with this section, be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. R.S., c. 37, s. 91.

Company not bound to see to execution of trusts.

**86.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject,

subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security, and shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing in this section contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. R.S., c. 37, s. 92.

**87.** (1) Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

Non-payment  
of calls.

Forfeiture.

(2) No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. R.S., c. 37, s. 93.

Procedure.

**88.** Every shareholder so forfeiting shall be by such declaration of forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. R.S., c. 37, s. 94.

Effect of  
forfeiture.

**89.** (1) The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

Sale of  
forfeited  
shares.

(2) The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture.

Limitation.

(3) If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

Surplus  
proceeds to  
defaulter.

(4) If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person

Payment of  
arrears  
before sale.

to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid.

(5) Any shareholder may purchase any forfeited share so sold. R.S., c. 37, s. 95.

Any shareholder may purchase.

Certificate of treasurer to constitute title.

**90.** (1) A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto.

To be registered.

(2) Such certificate shall be by the treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share.

Purchase money.

(3) The purchaser shall not be bound to see to the application of the purchase money.

Irregularity.

(4) The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. R.S., c. 37, s. 96.

Certificate of forfeiture of share.

**91.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call or interest accrued thereon, and that such share has been purchased by a purchaser therein named shall be sufficient evidence of such facts. R.S., c. 37, s. 72.

Shareholders may advance

**92.** (1) Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company.

Interest.

(2) Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon.

No interest out of capital.

(3) Such interest shall not be paid out of the capital subscribed. R.S., c. 37, s. 97.

Limited liability.

**93.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up: Provided that no action shall be instituted or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. R.S., c. 37, s. 98.



**94.** Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. R. S., c. 37, s. 99.

Municipal corporations may take stock.

**95.** All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. R.S., c. 37, s. 100.

Aliens.

Shareholders have equal rights.

**96.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. R.S., c. 37, s. 101.

Record of shareholders.

### Calls.

**97.** (1) The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such calls, the notices of each call, and the other provisions of this Act and of the Special Act, in respect of calls, are duly observed and given.

How made.

(2) At least thirty days' notice shall be given of each call.

Notice.

(3) No call shall exceed ten per centum of the amount of each share subscribed, unless otherwise provided in the Special Act.

Amount.

(4) No call shall be made at a less interval than two months from the previous call.

Intervals.

(5) A greater amount shall not be called in, in any one year, than the amount prescribed in the Special Act.

Annual amount.

(6) Nothing herein contained shall prevent the directors from making more than one call by one resolution of the Board. R.S., c. 37, s. 125. Am.

Resolution.

**98.** (1) At least four weeks' notice of any call upon the shareholders of the company shall be given by weekly publication in the *Canada Gazette*, and in at least one newspaper published in the place where the head office of the company is situate.

Publication of notice of call.

(2) A copy of the *Canada Gazette* containing any such notice shall on production thereof be sufficient evidence of such notice having been given. R.S., c. 37, s. 126.

Evidence.

**99.** Every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the company or the directors. R.S., c. 37, s. 127.

Liability of shareholder.

Overdue calls bear interest. **100.** If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest upon such amount, at the rate of five per centum per annum, from the day appointed for the payment thereof to the time of the actual payment. R.S., c. 37, s. 128.

Five per cent.

Failure to pay call. **101.** If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued therefor in any court of competent jurisdiction, and such amount shall be recoverable with lawful interest from the day on which the call became payable. R.S., c. 37, s. 129.

Suit.

Pleadings. **102.** In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls. R.S., c. 37, s. 130.

#### *Meetings of Shareholders.*

Annual meeting. **103.** (1) A general meeting of the shareholders for the election of directors, and for the transaction of other business connected with or incident to the undertaking, to be called the annual meeting, shall be held annually on the day mentioned in the Special Act, or on such other day as the directors may determine.

Special meetings. (2) Other general meetings, to be called special meetings, may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene a special meeting, fail, for twenty-one days thereafter, to call such meeting. R.S., c. 37, s. 102.

At head office. **104.** All general meetings, whether annual or special, shall be held at the head office of the company. R.S., c. 37, s. 103.

Notice of meetings. **105.** (1) At least four weeks' public notice of any meeting shall be given by advertisement published in the *Canada Gazette*, and in at least one newspaper published in the place where the head office is situate.

Place and day. (2) Such notices shall specify the place and the day and the hour of meeting.

Publication. (3) All such notices shall be published weekly.

Evidence of notice. (4) A copy of the *Canada Gazette* containing such notice shall, on production thereof, be sufficient evidence of such notice having been given. R.S., c. 37, s. 104.

**106.** (1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, except such business as is, by this Act or the Special Act, required to be transacted at a special meeting. Business.

(2) No special meeting shall enter upon any business not set forth in the notice upon which it is convened. R.S., c. 37, s. 105. At special meeting.

**107.** The number of votes to which each shareholder shall be entitled, at any meeting of the shareholders, shall be in the proportion of the number of shares held by him, on which all calls due have been paid. R.S., c. 37, s. 106. Voting.

**108.** (1) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:— By proxy.

“I, \_\_\_\_\_ of \_\_\_\_\_, one of the shareholders of the \_\_\_\_\_, do hereby appoint \_\_\_\_\_ of \_\_\_\_\_, to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said \_\_\_\_\_ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said \_\_\_\_\_ thinks proper. Form of proxy.

“In witness whereof, I have hereunto set my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.”

(2) The votes by proxy shall be as valid as if the constituents had voted in person. R.S., c. 37, s. 107. Valid.

**109.** (1) Every matter or thing proposed or considered at any meeting of the shareholders shall, except as otherwise specially provided, be determined by the majority of votes and proxies then present and given. Majority vote.

(2) All decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. R.S., c. 37, s. 108. Binding.

**110.** All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. R.S., c. 37, s. 109. Notices by secretary.

### *President and Directors.*

**111.** (1) A board of directors of the company, to manage its affairs, the number of whom shall be stated in the Special Act, shall be chosen at the annual meeting. Chosen at annual meeting.

(2) If such election is not held at the annual meeting, the directors shall cause such election to be held at a special meeting. Or special meeting.

meeting duly called for that purpose, within as short a delay as possible after the annual meeting.

Voting.

(3) No person shall vote at such special meeting except those who would have been entitled to vote if the election had been held at the annual meeting. R.S., c. 37, s. 110.

Municipal corporations to be represented.

**112.** The mayor, warden, reeve or other head officer of any municipal corporation, in any province of Canada holding stock in any company to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate of such company. R. S., c. 37, s. 111.

Qualifications of directors.

**113.** (1) No person shall be a director unless he is a shareholder, owning twenty shares of stock, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

Disability of officers, contractors and sureties.

(2) No person who holds any office, place or employment in the company, or who is concerned or interested in any contract under or with the company, or is surety for any contractor with the company, shall be capable of being chosen a director, or of holding the office of director.

Majority of directors British subjects.

(3) A majority of the directors shall be British subjects, unless the Governor in Council otherwise permits. R.S., c. 37, s. 112. Am.

Term of office.

**114.** The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until their successors are appointed. R.S., c. 37, s. 113. Am.

Vacancies in directorate.

**115.** Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R.S., c. 37, s. 114.

How filled.

**116.** (1) In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors.

If no quorum.

(2) In case such remaining directors do not constitute a quorum, the shareholders, at a special meeting to be called for that purpose, may, unless otherwise prescribed in the by-laws, elect such other directors.

If not filled.

(3) If such appointment or election is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R.S., c. 37, s. 115.

President.

**117.** (1) The directors shall, at their first or some other meeting after their election, elect one of their number to

be the president of the company; and they may, in like manner, elect one or more vice-presidents.

(2) The president shall hold his office until he ceases to be a director, or until another president has been elected in his stead, and unless otherwise provided by by-law, shall always, when present, be the chairman of and preside at all meetings of the directors.

(3) In the absence of the president the vice-president, or one of the vice-presidents, according to such priority as may be prescribed by by-law or determined by the directors, shall act as chairman.

(4) In the absence of the president and the vice-president, or vice-presidents, the directors at any meeting at which not less than a quorum are present, shall be competent to elect a chairman from among their number to preside at such meeting. R.S., c. 37, s. 116. Am.

**118.** (1) A majority of the directors shall form a quorum.

(2) The directors at any meeting regularly held, at which not less than a quorum are present, shall be competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. R.S., c. 37, s. 117.

**119.** No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. R.S., c. 37, s. 118.

**120.** The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. R.S., c. 37, s. 119.

**121.** No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. R.S., c. 37, s. 120.

**122.** (1) The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for,—

(a) the management and disposition of the stock, property, business and affairs of the company;

(b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and,

(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable.

By-laws for election of officers.

(2) The directors may also, from time to time, make by-laws or pass resolutions for the election or appointment of officers of the company, who need not be directors, as vice-presidents of the company, and may by any such by-law or resolution specify the manner of such election or appointment and define the powers, duties, qualifications and term of office of such vice-presidents, each of whom shall have and may exercise, subject to the limitations set forth in any such by-law or resolution, all the powers of a vice-president elected by the directors pursuant to the provisions of section one hundred and seventeen of this Act.

Evidence.

(3) A copy of any such by-law or resolution certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company shall be evidence thereof. R.S., c. 37, ss. 76, 121; 1910, c. 50, s. 3. Am.

Appointment of officers.

**123.** The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.

Security.

By bond or guarantee.

(2) Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. R.S., c. 37, s. 122.

Vice-President, powers of.

**124.** (1) In case of the absence or illness of the president, the vice-president or one of the vice-presidents shall have all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.

Empowering a director to act.

(2) In the absence or illness of the president and the vice-president, or vice-presidents, any director of the company acting under the express authority of the board of directors may while so acting exercise the rights and powers of the president or vice-president as hereinbefore set forth.

(3) The directors may, at any meeting of the directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.

Entry in minutes.

(4) A certificate of any such absence or illness signed by the secretary of the company shall be delivered to any person requiring the same on payment to the treasurer of one dollar, and such certificate shall be *primâ facie* evidence of the absence or illness therein certified. R.S., c. 37, s. 123. Am.

Evidence of absence or illness.

**125.** Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. R.S., c. 37, s. 70.

Copies of minutes to be evidence.

**126.** The directors shall cause to be kept, and, annually, on the thirty-first day of December, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R.S., c. 37, s. 124. Am.

Accounts.

#### *Dividends and Interest.*

**127.** Dividends, at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, may, from time to time, be declared and paid by the directors out of the net profits of the undertaking. R.S., c. 37, s. 131.

Declaration of dividends.

**128.** (1) The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval.

Reserve fund.

(2) The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. R.S., c. 37, s. 132.

How invested.

**129.** No dividend shall be,—

(a) declared whereby the capital of the company is in any degree reduced or impaired; or,

No dividend out of capital.

(b) paid out of such capital; or,  
 Or if call unpaid. (c) paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

Provido as to interest. Provided that the directors may in their discretion, until the railway is completed and opened to the public, pay interest at any rate, not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid, and that such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. R.S., c. 37, s. 133.

No interest if shareholder in arrears. **130.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. R.S., c. 37, s. 134.

Arrears deducted from dividend. **131.** The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. R.S., c. 37, s. 135.

#### *Bonds, Mortgages and Borrowing Powers.*

Authorized. **132.** (1) Subject to the provisions of this Act and of the Special Act, the directors of the company may, when thereunto authorized by the Special Act, issue bonds, debentures, perpetual or terminable debenture stock, or other securities, if duly empowered in that behalf by the shareholders, at any special meeting called for the purpose by notice in the manner provided by this Act, or at any annual meeting in case like notice of intention to apply for such authority at such annual meeting has been given, at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon, are present in person, or represented by proxy.

Securities, how executed. (2) Such securities,—  
 (a) if in the form of bonds, may be signed by the president, or the vice-president or one of the vice-presidents, or a director, and countersigned by the secretary or an assistant or local secretary of the company; and any coupons attached to such bonds shall bear the signature of the treasurer or secretary of the company: Provided that the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced *fac-simile* of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall.

Bonds.



shall, for all purposes, be valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer, secretary, or assistant or local secretary, of the company as the case may be;

(b) if in the form of debenture stock, may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company and countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate;

Debenture stock.

(c) if in any form other than bonds or debenture stock, may be signed in the same way as herein provided for the signature of bonds.

Other securities.

(3) Such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per centum per annum, as the directors think proper.

When and where payable.  
Interest.

(4) The directors may, for the purpose of raising money for prosecuting the undertaking, issue, and sell or pledge, all or any of the said securities, at the best price, and upon the best terms and conditions, which at the time they may be able to obtain.

Terms of sale.

(5) The power of issuing securities conferred upon the company by this Act, or under the Special Act, shall not be construed as being exhausted by any issue, and such power may be exercised from time to time: Provided that the limit to the amount of securities fixed in the Special Act shall not be exceeded. R.S., c. 37, s. 136; 1907, c. 38, s. 8. Am.

Extent of borrowing power.

**133.** (1) When securities issued under the last preceding section have been deposited or pledged by the company, as security for a loan or for advances made to it, and such loan or advances have been paid off and such deposit or pledge redeemed, such securities shall not be deemed to have been paid off or to have become extinguished, but shall be deemed to be still alive, and the company may reissue them; or may cancel them and issue other securities in lieu thereof. In such event the person to whom such issue or reissue is made shall have the same rights and priorities as if the securities had not previously been issued.

Securities pledged for loans or advances.

(2) Where a company has deposited any of its securities to secure advances from time to time on current account, such securities shall not be deemed to have been paid off or extinguished by reason only of the account of the company

When not deemed paid off.

pany ceasing to be in debit while the securities remain so deposited.

Reissue not  
a new  
security.

(3) The issue or reissue of a security under this section shall not be treated as the issue of a new security for the purpose of any provision limiting the number or amount of the securities to be issued.

To be  
retroactive.

(4) This section shall be retrospective in its operation, and shall apply to securities heretofore as well as to securities hereafter issued, deposited or pledged, and to past as well as to future transactions relating to or affecting the same, but nothing therein shall prejudice,—

Pending  
proceedings  
not affected.

(a) the operation of any judgment or order of a court of competent jurisdiction pronounced or made in any legal proceedings which were pending on the nineteenth day of May, nineteen hundred and nine, as between the parties to the proceedings, in which judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this section had not been enacted;

Issue of  
securities in  
place of  
those paid  
off.

(b) any power to issue securities in the place of any securities paid off, or otherwise satisfied or extinguished, reserved to a company by the securities themselves, or by any mortgage or trust deed securing them. 1909, c. 32, s. 2.

Provincial  
railways.

**134.** No power to issue or dispose of any such securities conferred by any Special Act of a provincial legislature shall, if such railway is thereafter brought under the legislative authority of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. R.S., c. 37, s. 137.

Mortgage  
deeds of  
trust.

**135.** (1) The company may secure such securities by one or more deeds of trust by way of mortgage or charge creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein: Provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Powers  
which may  
be granted  
in mortgage.

(2) By such a mortgage deed the company may grant to the holders of such securities or the trustee or trustees named in such mortgage deed all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders, or trustee or trustees, in the exercise of any power, privilege or remedy granted by this Act, as the

case may be; and all the powers, rights, and remedies, so provided for in such mortgage deed, shall be valid and binding and available to the said holders and trustee or trustees in manner and form as therein provided. R.S., c. 37, s. 138. Am.

**136.** (1) The company may except from the operation of any such mortgage any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company. Property excepted from mortgage.

(2) Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. R.S., c. 37, s. 139. Special description.

**137.** Every such mortgage deed, and every assignment thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in the *Canada Gazette*. R.S., c. 37, s. 140 (1). Deposit with Secretary of State.  
Notice.

**138.** Where the provisions of the last preceding section have been complied with, or where by any Act of the Parliament of Canada heretofore or hereafter passed, provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage or mortgage deed given to secure the payment of bonds or other securities issued by the company and the provisions with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage, or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property: Provided that if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement. R.S., c. 37, s. 140 (2); 1907, c. 38, s. 2. Am. Other filing, deposit or registration not necessary.

**139.** A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this Act and the Special Act, and of any assignment thereof, or other instrument in any way affecting such mortgage or security, deposited in the office of the Secretary of State of Canada, purporting to be certified to be a true copy by the Secretary of State, or by the Deputy Registrar Instruments deposited, evidence of.

General of Canada, shall be *primâ facie* evidence of the original, without proof of the signature of such official. R.S., c. 37, s. 73. Am.

Ranking of securities.

**140.** (1) Subject however to the payment of the penalties and the working expenditure of the railway as hereinbefore provided, the securities so authorized and the mortgage deeds respectively securing the same shall rank against the company, and upon the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, according to the priorities, if any, established by such mortgage deeds.

Holder a mortgagee.

(2) Each holder of the said securities shall be deemed to be a mortgagee or encumbrancee upon the mortgaged premises *pro rata* with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law, or by this Act, shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed or deeds. R.S., c. 37, ss. 141, 142. Am.

No proceedings except through trustee.

Default of company.

**141.** If the company makes default in paying the principal of or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, shall, in respect thereof, subject to the provisions of the next following section, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. R.S., c. 37, s. 143.

Rights of security holders.

Limitations affecting such rights.

**142.** (1) The rights given by the last preceding section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

Registration.

(2) The company shall be bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. R.S., c. 37, s. 144.

Other rights not affected.

**143.** The exercise of the rights so given as provided by the last two preceding sections, shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. R.S., c. 37, s. 145.

**144.** (1) All such securities may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided. Transfer by delivery.

(2) While so registered, they shall be transferable by written transfers, registered in the manner prescribed in the mortgage deed or deeds. R.S., c. 37, s. 146. Am. Or writing if registered.

**145.** (1) The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange. Power to borrow by overdraft, etc.

(2) Every such note or bill made, drawn, accepted or endorsed by the president or vice-president or one of the vice-presidents of the company, or other officer authorized by the by-laws of the company or by resolution of the directors, and countersigned by the secretary, or assistant or local secretary, or treasurer of the company, shall be binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown. Note or bill of company, how made.

(3) It shall not be necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange. No seal necessary.

(4) Nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank. No bill payable to bearer.

(5) Neither the president, vice-president or secretary, nor any other officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority. R.S., c. 37, ss. 147, 148. Am. Officers not personally liable.

#### *Contracts Respecting Rolling Stock.*

**146.** (1) Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same shall be valid against all persons. Deposit of contract evidencing lease, etc., of rolling stock.

(2) Notice of such deposit shall forthwith thereafter be given in the *Canada Gazette*. 1907, c. 38, s. 4. Am. Notice of deposit.

*Purchase of Railway Securities.*

Company not  
to purchase  
railway stock.

**147.** Except as in this Act or the Special Act otherwise provided, no company shall either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities. R.S., c. 37, s. 149. Am.

*Disposing of Lands obtained as Subsidy, etc.*

Company may dispose  
of lands  
acquired  
from Crown.

**148.** (1) Any company which has obtained from the Crown, by way of subsidy or otherwise, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof.

May convey  
right to  
another  
company.

(2) Such company may convey such right or interest, or any part thereof, to any other company which has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it. R.S., c. 37, s. 152.

Lands given  
to company  
by any  
person.

**149.** If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown as aforesaid. R. S., c. 37, s. 153.

*Purchase of Railway by Person without Corporate Power to operate.*

Purchaser  
to obtain  
authority to  
operate.

**150.** (1) If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as in this section provided.

(2) The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run and operate the railway, and shall with such application transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require.

Application to Minister.

(3) Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient.

Minister may authorize.

(4) The purchaser shall thereupon be authorized for such period only and subject to such order, to run and operate such railway, and, subject to the other provisions of this Act, to take and receive such tolls in respect of traffic carried thereon as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable.

Purchaser thereupon authorized to operate railway.

(5) The purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, run and operate the railway.

Must apply to Parliament.

(6) If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer.

One extension allowed.

(7) If during such extended period the purchaser does not obtain such an Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council.

Closing of railway.

(8) Provided, however, that notwithstanding anything herein contained the purchaser may, pending the obtaining of authority from the Minister, run and operate the railway for a period not exceeding fifteen days subject to the provisions of this Act and to the terms and conditions of the special Act in so far as the same can be made applicable.

Provision for temporary operation.

R.S., c. 37, s. 299; 1907, c. 38, s. 9. Am.

*Agreements for Sale, Lease and Amalgamation.*

**151.** (1) Where the company is authorized by any Special Act of the Parliament of Canada to enter into an agreement

Agreement for sale, lease or amalga-

mation of  
railway.

agreement with any other company (whether within the legislative authority of the Parliament of Canada or not) for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

Approval of  
shareholders.

Board to  
recommend  
sanction.

(2) Upon such agreement being so approved, and duly executed, it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof.

Notice in  
*Canada*  
*Gazette*.

(3) Notice of the proposed application for such recommendation shall be published in the *Canada Gazette*, for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published.

Action  
Board.

(4) Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement.

Proceedings  
upon sanc-  
tion.

(5) Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect, and notice thereof shall be forthwith given in the *Canada Gazette*.

Notice.

Evidence.

(6) The production of the *Canada Gazette* containing the notice mentioned in subsection five of this section shall be *prima facie* evidence that the requirements of this section have been complied with.

Exemptions  
in certain  
cases.

(7) Whenever the agreement does not involve any sale or amalgamation and may be terminated by either company on giving a notice not exceeding twelve months, the Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement. R.S., c. 37, s. 361. Am.

Amalgama-  
tion.

**152.** Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies,



companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. R.S., c. 37, s. 362.

Powers, etc.,  
of amalga-  
mated  
company.

**153.** (1) Notwithstanding anything in any agreement made or sanctioned under the provisions of the last two preceding sections, every act, matter or thing done, effected or confirmed under or by virtue of this Act, or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

Saving of  
rights and  
claims.

(2) In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. R. S., c. 37, s. 363.

Amalga-  
mated com-  
pany in  
place of  
former com-  
panies.

### *Agreements for Interchange of Traffic and Running Rights.*

**154.** (1) The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

Directors  
may make  
traffic agree-  
ments.

(2) The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions

And agree-  
ments for—

of this or the Special Act, for any term not exceeding twenty-one years,—

Running powers;

(a) for the running of the trains of one company over the tracks of another company;

Division of tolls;

(b) for the division and apportionment of tolls in respect of such traffic;

Management and working;

(c) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,

Joint committee.

(d) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient;

Conditions.

subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements: Provided that publication of notices in the *Canada Gazette* shall be sufficient notice, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board.

Proviso.

Board may exempt from conditions.

(3) The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary.

Saving.

(4) Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the Board, or relieve the companies from complying with the provisions of this Act. R.S., c. 37, s. 364.

### *Insolvent Companies.*

Scheme may be filed in Exchequer Court.

**155.** (1) Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court.

May affect shareholders and capital.

(2) Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital.

(3) There shall be filed with such scheme of arrangement,—

Declaration to be filed.

(a) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors; and,

(b) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs. Affidavit.

(4) After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against the company on such terms as the Exchequer Court thinks fit. Court may restrain action.

(5) Notice of the filing of the scheme shall be published in the *Canada Gazette*. Notice of filing.

(6) After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. No execution without leave.  
R.S., c. 37, s. 365.

**156.** (1) The scheme shall be deemed to be assented to,— Assent to scheme.

(a) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds; By bondholders.

(b) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock; By debenture holders.

(c) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders; By charge holders.

(d) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one; By preference shareholders.

(e) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose. By ordinary shareholders.

(2) Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to,— Assent of leasing company.

(a) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company; Bondholders.

(b) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and, Preference shareholders.

Ordinary shareholders.

(c) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.

No assent required from class not interested.

(3) The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. R.S., c. 37, s. 366.

Application for confirmation of scheme.

**157.** (1) If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme.

Notice of application

(2) Notice of any such application shall be published in the *Canada Gazette*.

Confirmation of court.

(3) The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the Court has allowed, and that no sufficient objection to the scheme has been established.

Enrolment in court.

(4) The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all persons, have the like effect as if they had been enacted by Parliament.

Notice thereof.

(5) Notice of the confirmation and enrolment of the scheme shall be published in the *Canada Gazette*. R.S., c. 37, s. 367. Am.

Rules of practice.

**158.** The Judge of the Exchequer Court may make general rules for the regulation of the practice and procedure of the Court under the three last preceding sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. R.S., c. 37, s. 368.

Copies of the scheme to be kept for sale.

**159.** The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. R.S., c. 37, s. 369.

*Sale of Subsidized Railways not kept in Repair.*

**160.** (1) Whenever it is made to appear to the Minister that any railway owned by a company incorporated by the Parliament of Canada, the construction of which has been aided by a subsidy from the Government of Canada, cannot by reason of the condition of such railway or of its equipment be safely and efficiently operated, the Minister may apply to the Board for an order that the said railway, or its equipment, or both, shall be put in a safe and efficient condition, which order the Board is hereby authorized to make after such notice to the president or manager of the company and the trustee of the bondholders, if any, as to the Board seems reasonable, and the Board may, by order, direct what repairs, improvements or additions shall be made to the said railway, or equipment, or both, and within what times the same shall be undertaken and completed respectively.

Subsidized railways must be in safe and efficient condition.

Application to Board.

(2) If the company fails to comply with such order of the Board, the Governor in Council may, upon the recommendation of the Minister, approve of such order, and direct that a copy of such order and of the order of the Governor in Council approving thereof, certified by the Secretary of the Board and the Clerk of the Privy Council respectively, shall be filed by the Minister in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed there shall, *ipso facto*, be created a first lien or mortgage upon the said railway and its equipment in favour of His Majesty for the amount of the said subsidy, which shall immediately thereupon become due and payable to His Majesty. Such lien may be enforced by His Majesty in the same manner and by the like proceedings as any other lien upon property may be enforced by His Majesty in the Exchequer Court of Canada. The said Court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway. Any moneys realized from such sale may, with the consent of the purchaser, be applied by the Minister under the direction of the Chief Engineer of Government Railways towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Minister, and any moneys so realized, and not in the opinion of the Minister required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for the holders of any outstanding bonds or other securities secured by mortgage or otherwise upon such railway.

On failure of company to comply with order, a lien may be created.

Enforcement of lien.

1911, c. 22, s. 13. Am.

## POWERS—CONSTRUCTION OF RAILWAYS.

*Limitation of Time for Construction.*

Commencement.

**161.** If the construction of the railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon in survey, purchase of right of way, and actual construction work, or, in the case of a branch or extension of the railway, if fifteen per centum of the bond issue authorized therefor is not expended thereon in actual construction work, within two years after the passing of the Act authorizing the construction of such railway, branch, or extension, as the case may be, or, where the Parliament of Canada grants an extension of the time for commencing such construction, within the time so granted; or, if the railway or branch or extension, as the case may be, is not completed and put in operation within five years from the passing of such Act, or, where the Parliament of Canada grants an extension of time for completion, within the time so granted; then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway or branch or extension, as the case may be, as then remains uncompleted. R.S., c. 37, s. 150. Am.

Completion.

*General Powers.*

Powers of company.

**162.** (1) The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

Entry upon lands.

(a) enter into and upon any Crown lands without previous license therefor, or into or upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Surveys.

Receive grants and bonuses.

(b) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

Acquire property.

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

Dispose of property not required.

- (d) make, carry or place the railway across or upon the lands of any person on the located line of the railway; Placing of railway.
- (e) cross any railway, or join the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; Cross and connect with other railways.
- (f) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them; Construct and operate railways.
- (g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway; Buildings, equipment, etc.
- (h) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway; Branch railways.
- (i) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor; Transport passengers and freight.
- (j) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track; Remove trees.
- (k) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences; Make tunnels and other works.
- (l) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway; Divert highways and waterways.
- (m) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway; Construct drains.
- (n) divert or alter the position of any water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric lines, wires or poles; Divert drains, pipes and wires.
- (o) construct, acquire and use telegraph, telephone or electric lines and plant; Telegraph, etc.
- (p) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and, Alter and substitute other works.

Other  
necessary  
acts.  
Gauge.

(g) do all other acts necessary for the construction, maintenance and operation of the railway. R.S., c. 37, s. 151.

(2) The tracks of every railway, the construction of which is hereafter commenced, shall be of the standard gauge of four feet eight and one-half inches, unless otherwise permitted by the Board. *New.*

Diversions  
and altera-  
tions, to be  
made good.

**163.** The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. R.S., c. 37, s. 154.

Damage.

**164.** The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. R.S., c. 37, s. 155.

Compensa-  
tion.

Exercise of  
powers in  
United  
States.

**165.** Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers which it may exercise in Canada. R.S. c. 37, s. 156.

#### *Commencement of Works.*

Require-  
ments before  
works com-  
menced.

**166.** The company shall not, except as in this Act otherwise provided, commence the construction of the railway, or any section or portion thereof, until the general location has been approved by the Board as hereinafter provided, nor until the plan, profile and book of reference have been sanctioned by and deposited with the Board and duly certified copies thereof deposited with the registrars of deeds, in accordance with the provisions of this Act. R.S., c. 37, s. 168 (1). *Am.*

#### LOCATION OF LINE.

Map.

Contents.

**167.** (1) The company shall prepare, and submit to the Board, in duplicate, a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.



(2) Such map shall be prepared upon a scale not smaller than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the said map. Scale.  
Application

(3) The Board may approve such map and location, or any portion thereof, or may make or require such changes and alterations therein as it deems expedient. Approval of Board.

(4) Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map and the duplicate thereof accordingly. Board may approve whole or portion.

(5) The map when so approved and the application shall be filed in the Department of Railways and Canals and the duplicate thereof with the Board. Filing.

(6) The provisions of this section shall only apply to the main line, and to branch lines over six miles in length. R.S., c. 37, s. 157. Am. Application of section.

*Plan, Profile and Book of Reference.*

**168.** (1) Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway. Plan, profile and book of reference.

(2) The plan shall show,— Plan.

- (a) the right of way, with lengths of sections in miles;
- (b) the names of terminal points;
- (c) the station grounds;
- (d) the property lines and owners' names;
- (e) the areas and length and width of lands proposed to be taken, in figures, stating every change of width; or other accurate description thereof;
- (f) the bearings; and,
- (g) all open drains, watercourses, highways and railways proposed to be crossed or affected.

(3) The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses. Profile.

(4) The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained. Book of reference.

(5) The Board may require any additional information for the proper understanding of the plan and profile. Further information.

(6) The plan, profile and book of reference may be of a section or sections of the railway. Sections.

(7) In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. R.S., c. 37, s. 158. Am. Quebec.

Plans and profiles, how prepared.

**169.** (1) All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any case, require, or sanction.

Certification.

(2) All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

Book of reference.

(3) Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

Board may refuse sanction.

(4) Unless and until such plan, profile and book of reference are so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. R.S., c. 37, s. 165.

Sanction by Board.

**170.** (1) Such plan, profile and book of reference shall be submitted to the Board which, if satisfied therewith, may sanction the same.

Effect.

(2) The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

Board may sanction deviation of one mile.

(3) The Board upon the application of the company may sanction a deviation of not more than one mile from any one point as shown on the general location approved by the Board, and any such deviation shall be shown upon the general location plan filed with the Department of Railways and Canals, and upon the duplicate thereof filed with the Board.

Further information.

(4) Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole or of any portion of the remainder of the railway or such further or other information as the Board may deem expedient. R.S., c. 37, s. 159 (1) -(4). Am.

Board may fix time for acquiring land.

**171.** (1) In granting any such sanction, or in giving leave under any provision of this Act to take lands without the consent of the owner, the Board may fix a period,—

(a) within which the company must acquire the lands or take the necessary steps for such purpose; or

(b) within which the notice mentioned in section two hundred and fifteen shall be conclusively deemed to have been given.

Application for time limit.

(2) In the event of the order granting such sanction or leave, whether made before or after the passing of this Act, providing no such time limit, any owner or person interested in the lands may apply to the Board for an order that the company shall acquire such lands, or take the necessary steps for such purpose, within such time as the Board deems

proper, and thereupon the Board may make such order in the premises as appears just.

(3) Where no time is fixed by the Board as above mentioned, if the company, within one year after any such sanction or leave has been given by the Board, or in any case where no such sanction or leave is necessary, if the company within one year after the plan, profile and book of reference have been deposited with the registrar of deeds, does not either acquire the lands covered by such sanction, leave, or plan, profile and book of reference, or give the notice mentioned in section two hundred and fifteen in respect thereof, the company's right to take or enter upon, without the consent of the owner, any part of such lands which it has not within the said year either acquired or given such notice in respect of, shall at the expiration of such year absolutely cease and determine, unless the Board, after notice to the owner and upon such terms as the Board may deem proper, otherwise orders. If no such order is made by the Board the company shall be liable for damages and costs to any person damaged by such failure to acquire the lands or give such notice. 1911, c. 22, s. 4. Am.

Company must acquire within one year.

Liability for damages.

*Deposit of Plans, etc., after Sanction.*

**172.** (1) The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.

Deposit with Board.

(2) The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. R.S., c. 37, s. 160.

With registrar of deeds.

*Errors.*

**173.** The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. R.S., c. 37, s. 161.

Errors.

**174.** (1) Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the company may apply to the Board for a certificate to correct the same.

Corrections.

Procedure.

(2) The Board may, in its discretion, require notice to be given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from

Notice.

mistake, may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

Deposit.

(3) Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction. R.S., c. 37, s. 162. Am.

*Deposit of Plans, etc., of Completed Railway.*

Plan and profile of completed line must be filed.

**175.** (1) A plan and profile of the completed railway or of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period as the Board at any time directs, be made and filed with the Board.

With Board.

At registry offices.

(2) Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner and form, and signed or authenticated in such manner, as the Board may from time to time, by general regulation or in any individual case, sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate. R.S., c. 37, s. 164.

*Duties of Registrars of Deeds.*

Duties of registrars of deeds.

**176.** (1) Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

Extracts and copies.

(2) All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

Fees.

Registrar to furnish certified copies.

(3) The registrar shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof, or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished

by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

(4) Such certificate of the registrar shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original. Certificate of registrar.

(5) Such certified copy shall be *prima facie* evidence of the original so deposited, that such original was so deposited at the time stated and certified, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the said original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and, in the case of a plan, that such plan is prepared according to a scale and in a manner and form sanctioned by the Board. R.S., c. 37, ss. 163, 74. Evidence.

*Board may Require Further Plans, etc.*

**177.** In addition to the plans, profiles and books of reference elsewhere provided for, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. R.S., c. 37, s. 166. Further plans, etc., as Board requires.

*Deviations, Changes and Removal.*

**178.** (1) If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed, or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board. Deviations, changes or alterations.  
Plan, profile, etc.  
Sanction.

(2) The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference. Deposit.

(3) The company may thereupon make such deviation, change, or alteration, and all the provisions of this Act shall apply to the portion of such line of railway, at any time so changed or proposed to be changed, in the same manner as they apply to the original line. Company may execute works.

Board may dispense with proceedings.

(4) The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference, as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

Termini to be observed.

(5) Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. R.S., c. 37, s. 167.

Unauthorized changes forbidden.

**179.** The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, or remove, close, or abandon any station, or divisional point or create a new divisional point which would involve the removal of employees, without leave of the Board; and where any such change is made the company shall compensate its employees as the Board deems proper for any financial loss caused to them by change of residence necessitated thereby. 1913, c. 44, s. 2.

Compensation.

#### *Branch Lines.*

Power to construct.

**180.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof. R.S., c. 37, s. 221. Am.

Procedure.

**181.** Before commencing to construct any such branch line, the company shall,—

Plans, etc.

(a) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

Notice of application to Board.

(b) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in the *Canada Gazette*:

Provided that the Board may dispense with or shorten the time of such notice in any case where it deems proper; and,

- (c) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. R.S., c. 37, s. 222. Papers to be submitted.

**182.** (1) The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct. Board may authorize branch line.

(2) Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. R.S., c. 37, s. 223. Time for construction.

**183.** (1) There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of the last preceding section. Papers to be deposited with Board.

(2) The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass, copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing the changes directed by the Board. Copies with registrars of deeds.

(3) No branch line shall be,—

(a) extended under the foregoing provisions for the construction of branch lines; or, No extension allowed.

(b) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

(4) Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, shall have any force or effect after the first day of February, one thousand nine hundred and seven: Provided that nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. R.S., c. 37, s. 224. Special Act controlled.

**184.** Upon compliance with the requirements of the last four preceding sections all the other provisions of this Provisions applicable.

Act, except sections one hundred and seventy and one hundred and seventy-two, relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the lands to be taken for such branch lines. R.S., c. 37, s. 225.

*Industrial Spurs.*

Branch lines  
required by  
owner of any  
industry.

**185.** (1) When any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

Owner to  
deposit cost.

(2) The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

Payment  
therefrom to  
the company.

(3) The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

Repayment  
to owner by  
rebate on  
tolls.

(4) Until so repaid or refunded, the applicant shall have a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

Lien to  
owner mean-  
time.

(5) Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way and equipment shall become the absolute property of the company free from any such lien.

Discharge of  
lien.

(6) The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

Operation of  
branch to be  
regulated by  
Board.



(7) All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. R.S., c. 37, s. 226. Provisions applicable.

**186.** Notwithstanding anything done under the last preceding section and notwithstanding any agreement made thereunder or otherwise the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section or to have such spur or branch line extended: Provided that any terms and conditions which the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. *New.* Use of spur for another industry.

**187.** No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board. *New.* Removal.

### *Stations.*

**188.** (1) Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board. Stations, location of to be approved by Board.

(2) Every station of the company shall be erected, operated and maintained with good and sufficient accommodation and facilities for traffic. Facilities.

(3) The company shall erect, maintain and operate stations at any points on the railway designated by the Board, and shall provide such accommodation and facilities in connection therewith as the Board directs. Board may order station.

(4) In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the eighteenth day of July, one thousand nine hundred, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or not in any agreement relating to such subsidy, that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. R.S., c. 37, s. 258. *Am.* On railways subsidized by Parliament.

## THE TAKING AND USING OF LANDS.

*Restrictions—Crown Lands.*

**189.** (1) No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council.

(2) Any railway company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway which have not been granted or sold, as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making and completing and using its said railway and works.

(3) The company may not alienate any such lands so taken, used or occupied.

(4) Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. R.S., c. 37, s. 172.

*Public Beach and Waters.*

**190.** The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. R.S., c. 37, s. 173.

*Naval and Military Lands.*

**191.** (1) Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval or military purposes, it shall first apply for and obtain the license and consent of the Crown, under the hand and seal of the Governor General.

(2) No such license or consent shall be given, except upon a report first made thereupon by the naval or military authorities, in which such lands are for the time being vested, approving of such license and consent being so given.

(3) The company may, with such license and consent, at any time or times enter into and enjoy any of the said lands for the purposes of the railway. R.S., c. 37, s. 174.

*Indian Lands.*

**192.** (1) No company shall take possession of or occupy any portion of any Indian reserve or lands, without the consent of the Governor in Council.

(2) When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 37, s. 175.

Consent.

*Other Railways.*

**193.** (1) The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

Lands of other companies.

Use of tracks, etc.

Approval of Board.

(2) Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests.

Procedure therefor.

(3) If the parties fail to agree as to compensation, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted. R.S., c. 37, s. 176.

Compensation.

(4) Where the proposed location of any new railway is close to or in the neighbourhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection (1) of this section to such extent as the Board deems necessary in order to avoid having such separate rights of way.

Board may order proceedings.

(5) The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighbourhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighbourhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities,

Joint use of tracks, etc.

and such arrangements respecting them, as may be deemed necessary or desirable. *New.*

*Mines and Minerals.*

Mines to be protected.

**194.** No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. R.S., c. 37, s. 169.

Company not entitled to minerals.

**195.** (1) The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils, gas or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

Exception.

Not included in conveyance.

(2) All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. R.S., c. 37, s. 170.

Mining under or within 40 yards of any railway.

**196.** (1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. R.S., c. 37, s. 171.

Board may order compensation in certain cases.

**197.** The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and

under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway. *New.* (See *Ontario Statute* 1913, c. 36, s. 135-7.)

**198.** If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours' notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. *New.* (See *Ontario Statute*, 1913, c. 36, s. 136.)

Examination of mine workings.

*Extent of Lands that may be Taken without Consent.*

**199.** The lands which may be taken without the consent of the owner shall not, subject to the provisions of the next following section, exceed,—

Lands taken without consent.

(a) for the right of way, one hundred feet in breadth, except in places where the rail level is or is proposed to be more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For right of way.

(b) for stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way:

For stations, etc.

Provided that no interest in land less than a fee-simple interest shall be acquired without the consent of the owner, except upon leave of the Board and upon such terms and conditions as the Board may impose. R.S., c. 37, s. 177. Am.

Interests less than fee simple.

*Leave to Take Additional Lands.*

**200.** (1) Should the company require, at any point on the railway, more ample space than it possesses or may take under the last preceding section, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may, whether

Where more ample space required.

before or after the railway has been opened for the carriage of traffic, apply to the Board for authority to take the same for such purposes, without the consent of the owner.

**Procedure.** (2) The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

**What application must include.** (3) The company, upon such application, shall also furnish to the Board, in duplicate,—

**Plan, etc.** (a) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board;

**Particulars to be specified.** (b) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

**Authority from Board.** (4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

**In duplicate.** (5) Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

**Deposit with registrars of deeds.** (6) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

**Provisions of this Act which apply.** (7) All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands authorized under this section to be taken, except sections one hundred and seventy and one hundred and seventy-two relating to the sanction by the Board of the plan, profile and book of reference of the railway, but the deposit with the Board and with the registrar of deeds shall be made as in this section provided.

**Repeal and change of certificates made under 1888, c. 29, s. 109.** (8) The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made

under section one hundred and nine of *The Railway Act*, 1888, c. 29. 1888. R.S., c. 37, s. 178. Am.

*Using Lands for Special Purposes.*

**201.** (1) The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at the time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

Use of adjoining lands.

(2) Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated,—

If owner does not consent.

(a) such sum, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court; and,

Sum to be deposited.

(b) interest for six months upon the sum so fixed.

(3) Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

Interest.  
As security for compensation.

(4) Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. R.S., c. 37, s. 179.

Deficiency to be paid.

**202.** (1) Whenever,—

(a) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

Obtaining materials for construction or operation.

(b) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway, and the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such materials or water are situate, or to which they have been brought;

Transport.

Tracks or conduits.

the company may, if it cannot agree with the owner of the lands for the purchase thereof, cause a land surveyor, duly licensed to act in the province, or an engineer, to make a

Plan and description.	plan and description of the property or right of way, and shall serve upon each of the owners or occupiers of the land affected a copy of such plan and description, or of so much thereof as relates to the lands owned or occupied by them respectively, duly certified by such surveyor or engineer.
Provisions of this Act which apply.	(2) All the provisions of this Act shall, in so far as applicable, apply, and the powers thereby granted may be used and exercised to obtain the materials or water, so required, or the right of way to the same, irrespective of the distance thereof: Provided that the company shall not be required to submit any such plan for the sanction of the Board.
Title may be acquired.	(3) The company may, at its discretion, acquire the lands from which such materials or water are taken, or upon which the right of way thereto is located, for a term of years or permanently.
Arbitration.	(4) The notice of arbitration, if arbitration is resorted to, shall state the extent of the privilege and title required.
Tracks not to be used for other purposes.	(5) The tracks, spurs or branch lines constructed or laid by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board sees fit to impose.
Power of Board.	(6) The Board may restrict or forbid the exercise of any power under this section. R. S., c. 37, s. 180. Am.

Snow fences.	<b>203.</b> (1) Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established, in the manner provided by law with respect to such railway.
Compensation.	
Removal.	(2) Every snow fence so erected shall be removed on or before the first day of April then next following. R.S., c. 37, s. 182.

#### *Purchase and Conveyance.*

Purchase of more land than required.	<b>204.</b> (1) Except as otherwise provided in section two hundred and seven, whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on terms more advantageous, than those upon which it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity.
Re-sale.	(2) The company may sell and dispose of any part of the lands so purchased which may be unnecessary for its undertaking. R.S., c. 37, s. 181. Am.

Power of representa-	<b>205.</b> All tenants in tail or for life, <i>grévés de substitution</i> , guardians, curators, executors, administrators, trustees and
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and all persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert* or other persons, seized, possessed of or interested in any lands, may, subject to the provisions of the next following section, contract and sell and convey to the company all or any part thereof. R.S., c. 37, s. 183.

**206.** (1) When such persons have no right in law to sell or convey the rights of property in the said lands they shall not sell or convey the same without obtaining from a judge, after due notice to the persons interested, the right to sell the said lands: Provided that where any person interested is absent from the district or county in which the lands lie, or is unknown, the judge may order such substitutional service of notice as he deems proper or may dispense with notice.

Order of judge may be had.

(2) The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. R.S., c. 37, s. 184. Am.

Purchase money.

**207.** The powers by the last two preceding sections conferred upon,—

Limitation of powers to convey.

- (a) rectors in possession of glebe lands in the province of Ontario;
- (b) ecclesiastical and other corporations;
- (c) trustees of land for church or school purposes;
- (d) executors appointed by wills under which they are not invested with, and have not otherwise, power to sell the real property of the testator; and,
- (e) administrators of persons dying intestate seized of real property, where such administrators have not power to sell such property;

shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. R.S., c. 37, s. 185. Am.

**208.** (1) Any contract, agreement, sale, conveyance or assurance made under the authority of any of the last three preceding sections shall be valid and effectual in law, to all intents and purposes whatsoever; and any conveyance so authorized shall vest in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever.

Conveyance to vest fee simple.

(2) The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. R.S., c. 37, s. 186.

Indemnity to persons conveying.

Application  
of purchase  
money.

**209.** The company shall not be responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. R.S., c. 37, s. 187.

Prior  
contracts.

**210.** (1) Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the lands required for the railway, shall, if such contract or agreement or notice thereof by caveat or otherwise, is duly registered with the proper registrar of deeds, be binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

May be  
carried out.

(2) Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an arbitration award as hereinafter provided, and the agreement shall be in the place of an award. R.S., c. 37, s. 188. Am.

Rental when  
parties  
cannot sell.

**211.** (1) If, in any case not hereinbefore provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

How fixed.

(2) If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner in this Act prescribed. R.S., c. 37, s. 189.

Rent charge-  
able to  
working  
expenses.

**212.** Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands which the vendor agrees to leave unpaid, shall, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway. R.S., c. 37, s. 190.

*Publishing Notice of Plans and Making Agreements.*

Compensa-  
tion or  
damages may  
be agreed  
for.

**213.** (1) After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any published, in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may be taken, or which suffer damage from the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such

agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained.

Agreements  
authorized.

(2) The company may at any time grant or agree to grant to the owner of any lands injuriously affected, or likely to be injuriously affected, by the exercise of the company's powers, any easement, servitude or privilege over or in respect of the company's lands or the lands being taken by the company, and may construct and maintain or agree to construct and maintain any work for such owner's benefit; and any such agreement may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction.

Company  
may grant  
easement,  
etc.

(3) Such deposit of plan, profile and book of reference and such notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works. R.S., c. 37, ss. 191 (1), 192 (1). Am.

General  
notice.

**214.** In case of disagreement between the parties, or any of them, all questions which arise between them shall be settled as hereinafter provided. R.S., c. 37, s. 191 (2).

Disagree-  
ment.

#### EXPROPRIATION PROCEEDINGS.

##### *Notice.*

**215.** Preliminary to proceeding to arbitration to fix compensation or damages the company shall serve upon the opposite party a notice, which shall contain,—

Notice of  
expropriation  
to be served.

- (a) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described;
- (b) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,
- (c) a notification that if within ten days after the service of this notice, or, where the notice is served by publication, within one month after the first publication thereof, the party to whom the notice is addressed does not give notice to the company that he accepts the sum offered by the company, either he or the company will be entitled to apply to have the compensation fixed by arbitration as provided in *The Railway Act, 1919*. R.S., c. 37, s. 193. Am.

**216.** Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated or an engineer, who is not interested in the

Certificate  
of surveyor  
or engineer.

land or in the amount of compensation or damages, which certificate shall state,—

- (a) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway;
- (b) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,
- (c) what sum is, in his opinion, a fair compensation for the land and damages aforesaid. R. S., c. 37, s. 194. Am.

Service by publication.

**217.** (1) If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie.

Application for.

(2) Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained.

Judge shall order notice.

(3) The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county, and in such other newspaper, if any, as the judge may direct. R.S., c. 37, s. 195. Am.

Notice may be abandoned.

**218.** (1) Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages suffered and costs incurred by him in consequence of such notice and abandonment, and such damages shall be fixed and such costs taxed by the judge, or as he directs.

Damages and costs.

New notice may be given.

(2) The company after payment of such damages and costs, if any, may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described.

Notice in lieu of abandonment.

(3) Where the amount of compensation payable under the notice has been referred to arbitration, the Company may, in lieu of abandoning the notice pursuant to subsection one hereof, give to the opposite party and to the arbitrator, a notice varying the description of the lands or materials to be taken or the powers intended to be exercised by the Company; which subsequent notice shall also contain,—

Particulars of notice.

- (a) a declaration of readiness to pay a certain sum or rent as the case may be, as compensation for such lands

lands or for damages for such materials or powers, and damages suffered and costs incurred by such opposite party in consequence of the former notice;

(b) a notification that if within eight days after the service of such notice, the party to whom the notice is addressed does not give notice to the Company that he accepts the sum offered by the Company, the arbitrator may proceed to fix the compensation for the lands, materials or powers described in such subsequent notice.

(4) In the event of the arbitration proceeding pursuant to such subsequent notice, all evidence taken and proceedings had under the former notice, shall, in so far as they are applicable, be used in the arbitration upon the subsequent notice and the proceedings on both notices shall be deemed one arbitration, but the Company shall be liable to pay all damages suffered and costs incurred by the opposite party by reason of the Company having failed to demand by the original notice, the lands, materials or powers as described in the subsequent notice. R.S., c. 37, s. 207. Am.

Evidence.

Arbitrator.

219. (1) If within ten days after the service of such notice, or, where service is made by advertisement, within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid.

If sum offered not accepted.

Appointment of arbitrator.

(2) Ten days' notice of such application shall be given by the company to the opposite party, or *vice versa*.

Notice.

(3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such ten days' notice may be made by advertisement as in section two hundred and seventeen authorized: Provided that the judge may dispense with, shorten or lengthen the time or times for the publication of the notice in any case in which he deems it proper. R.S., c. 37, s. 196; 1907, c. 37, s. 1. Am.

Service by publication.

220. (1) Such judge shall, upon application being made to him as aforesaid, become the arbitrator for determining such compensation: Provided that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a superior court to

Constituting arbitrator.

appoint, and that judge may appoint, a county or superior court judge to be arbitrator, and in such case the judge so appointed shall be the arbitrator for the purposes aforesaid.

Procedure.

Award.

(2) The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award shall be final and conclusive. R.S., c. 37, s. 197, Am.

#### *Determining Compensation.*

Increased value of remaining lands to be considered.

**221.** (1) The arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands.

Date of compensation fixed.

(2) The date of the deposit of the plan, profile and book of reference with the registrar of deeds shall be the date with reference to which such compensation or damages shall be ascertained: Provided, however, that if the company does not actually acquire title to the lands within one year from the date of such deposit then the date of such acquisition shall be the date with reference to which such compensation or damages shall be ascertained.

Interest may be allowed.

(3) The arbitrator may include in the award an allowance for interest on the compensation or damages from the date of deposit of the plan, profile and book of reference with the registrar of deeds or for such shorter time as he deems proper. R. S., c. 37, ss. 198, 192 (2); 1909, c. 32, s. 3. Am.

Company may offer easement, etc.

**222.** In mitigation of any injury or damage caused or likely to be caused to any lands by the exercise of the company's powers, the company may, by its notice of expropriation or by subsequent notice filed with the arbitrator, and served upon the opposite party, prior to the close of the hearing before the arbitrator, undertake to abandon or grant to the owner of the above mentioned lands or the party interested therein any portion of the company's lands, or the lands being taken, or any easement, servitude or privilege over or in respect of the same, or to construct and maintain any work for the benefit of such owner or person interested, and if such owner or person interested, by writing filed with the arbitrator, consents to accept what is so undertaken, or if the arbitrator approves thereof in the award, such undertaking shall be binding

upon the company, and the compensation or damages shall be fixed in view of what is so undertaken, and the undertaking may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. *New.* (See R. S., c. 143, s. 30.)

*Costs of Arbitration.*

**223.** (1) The costs of the arbitration shall be in the discretion of the arbitrator and shall be paid by the party against whom he allows the same, and it shall be the duty of the arbitrator to state in his award whether the whole or any part of the costs are allowed and by whom the same are to be paid. Costs, how disposed of.

(2) The amount of the costs, if not agreed upon, may be taxed by the proper taxing officer for the taxation of costs of an action or suit tried before the judge who acted as arbitrator, and appeal may be taken from such taxing officer as in the case of the costs of such an action or suit. *R.S., c. 37, s. 199. Am.* Taxation.

(3) The arbitrator shall not be entitled to any fee or reward for his services as arbitrator, but shall be paid, as part of the costs of the arbitration, all his actual necessary and reasonable travelling and other expenses incurred in or in connection with the arbitration. *New.* No fees.  
Expenses.

*Proceedings of Arbitrator.*

**224.** The arbitrator shall examine on oath or solemn affirmation such witnesses as appear before him, but no more than three expert or opinion witnesses shall be called in behalf of any party: Provided that the arbitrator may by consent of the parties decide the matter upon view or inspection of the property without examining witnesses, but any party or his representative may in such case be permitted to point out and explain such things as seem material to the case. *R. S., c. 37, s. 200. Am.* Examination by arbitrator.  
Proviso.

**225.** (1) The arbitrator may in any case with respect to such arbitration,— Powers of arbitrator.

- (a) enter upon and inspect any land, place, building, works or other thing, being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to him requisite; Entry.
- (b) inspect any works, structure, rolling stock or property of the company; Inspection.
- (c) require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before him; and, Production.
- (d) administer oaths, affirmations or declarations. Oaths.

(2) He shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things Compelling witnesses.

which they are required to produce as is vested in any court in civil cases.

Witnesses' fees.

(3) The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

Incriminating papers.

(4) The provisions hereinbefore contained with respect to the production before the Board of books and papers which may tend to criminate the persons producing them shall apply to persons attending and giving evidence at any such arbitration. R.S., c. 37, s. 201. Am.

Notes of evidence.

**226.** (1) The arbitrator shall take down in writing the evidence brought before him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrator, unless the parties agree upon one.

Stenographer.

(2) The stenographer shall be sworn before the arbitrator before entering upon his duties.

His expenses.

(3) The expense of such stenographer, if not arranged by agreement between the parties, shall form part of the costs of the arbitration. R.S., c. 37, s. 202. Am.

Notice of award to be given.

**227.** (1) After making the award, the arbitrator shall forthwith notify the parties that the award has been made, and shall forthwith deliver or transmit by registered post the award and the depositions, exhibits and all other papers connected with the arbitration to the clerk of the court, to be filed with the records of the said court.

Award, etc., to be filed.

How notice to be given.

(2) The notice of the making of the award may be given by registered letter addressed to the parties at their usual or last known post office addresses, or addressed in care of their representatives, if any, who appeared for them in the arbitration proceedings. R.S., c. 37, s. 203. Am.

### *Preventing Delay.*

Arbitrator to proceed speedily.

**228.** After the making of the application constituting him arbitrator, or in the case of appointment by order of a judge of a superior court after the receipt of such order or a copy thereof, the arbitrator shall proceed with and complete the arbitration and award as speedily as possible, having regard to the interests of the parties, and he may give any directions respecting the proceedings which he deems proper to prevent delay. R.S., c. 37, s. 204, Am.

Directions to prevent delay.

Death or delay of arbitrator.

**229.** (1) If the arbitrator dies before the award is made, or is incapacitated, disqualified or unable to act, either party may, on six days' notice to the opposite party, apply to a judge of the superior court to appoint, and such judge shall appoint, any county or superior court judge to be

Application to court or judge.



arbitrator in the place of the arbitrator who has died, become incapacitated, disqualified or unable to act.

(2) The proceedings shall not in any such case require to be recommenced or repeated.

Proceedings  
not to be  
repeated.  
Costs.

(3) The cost of applications and proceedings under this section shall form part of the costs of the arbitration proceedings. R. S., c. 37, s. 206. Am.

#### *Impeaching Award.*

**230.** (1) No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation.

Award not  
invalidated  
by want of  
form.

(2) The person to whom the sum is to be paid need not be named in the award. R.S., c. 37, s. 205.

Payee need  
not be  
named.

**231.** If the arbitrator is not himself personally interested in the amount of the compensation he shall not be disqualified because he has previously expressed an opinion as to the amount of compensation or because he is related or of kin to any shareholder of the company. R. S., c. 37, s. 208. Am.

Arbitrator  
not disquali-  
fied by—

Opinion;  
Kindred.

#### *Appeal from Award.*

**232.** (1) Within one month after receiving from the arbitrator or from the opposite party a written notice of the making of the award, the company may, where the award exceeds six hundred dollars, and any other party may, where such party in his notice of appeal claims more than six hundred dollars or objects to some easement or other thing approved by the arbitrator without his consent under section two hundred and twenty-two, appeal from the award upon any question of law or fact, or upon any other ground of objection, to a superior court, or to the court of last resort of the province in which the lands lie, if a judge of a superior court has been constituted arbitrator: Provided that where the award is less than six hundred dollars the company or the opposite party may, within the time limited by this section, appeal from the award upon any question of law or upon any question of mistake appearing on the face of the proceedings, to a superior court or to the court of last resort as the case may be; and upon the hearing of the appeal such court shall decide any question of fact upon the evidence taken before the arbitrator as in the case of original jurisdiction: Provided that the court may, where, from any other evidence it deems proper to admit, it is clearly satisfied that injustice has been done, set aside the award or remit it to the arbitrator for reconsideration with such directions as it deems proper.

Appeal  
from  
award.

Practice and proceedings on appeal.

(2) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an inferior court to the said superior court, subject to any general rules or orders from time to time made by the court to which such appeal lies in respect to such appeals.

No further appeal, etc.

(3) The decision of such court shall not, except where the amount awarded by or claimed in the appeal from such decision exceeds five thousand dollars, be subject to further appeal, and except as herein provided there shall be no appeal from, or proceedings had to impeach or set aside any award made under this Act. R.S., c. 37, s. 209. Am.

*Paying Money into Court, etc.*

Payment of compensation into court in some cases.

- 233.** (1) (a) If the company has reason to fear any claim, mortgage, *hypothèque*, or encumbrance; or,  
 (b) If any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance; or,  
 (c) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or,  
 (d) If, for any other reason, the company deems it advisable;

the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

Title.

(2) Such conveyance, or award or agreement, shall thereafter be deemed to be the title of the company to the land therein mentioned. R.S., c. 37, s. 210. Am.

Lands not in Quebec.

Publication of notice.

**234.** (1) Where the lands are situated elsewhere than in the province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints, shall be inserted in a newspaper, published in the county in which the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

What notice shall state.

(2) Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. R.S., c. 37, s. 211.

Lands in Quebec.

**235.** Where the lands are situated in the province of Quebec, the notice shall be published as required in cases

of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. R.S., c. 37, s. 212.

**236.** The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person; but nothing herein contained shall prejudice any owner's right to a lien for unpaid purchase money unless such compensation is actually paid to such owner or paid into court pursuant to this Act. R.S., c. 37, s. 213. Am.

Compensation in place of land.

Encumbrances.

Lien for purchase money.

**237.** (1) All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon shall for ever bar all claims to the land, or any part thereof, including any dower, mortgage, *hypothèque* or encumbrance upon the same.

Effect of adjudication

(2) The court shall make such order for the distribution, payment, or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

Disposal of compensation.

(3) If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

Interest.

(4) If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

For further period.

(5) The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. R.S., c. 37, s. 214.

Costs.

#### *Right of Company to take Possession.*

**238.** Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. R.S., c. 37, s. 215.

Upon payment or tender.

proceedings

*Proceedings in case of Resistance.*

Warrant.

**239.** (1) If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall, upon or without notice to the opposite party as he deems proper, on proof to his satisfaction of such award or agreement and of payment or tender of the sum awarded or agreed upon or of payment thereof into court, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the railway company in possession.

How executed.

(2) The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. R.S., c. 37, s. 216. Am.

Warrant for immediate possession in certain cases.

**240.** Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary for the construction or maintenance of some part of the railway with which the company is ready forthwith to proceed. R.S., c. 37, s. 217.

Procedure upon application for such warrant.

**241.** (1) The judge shall not grant any warrant under the last preceding section, unless,—

Notice.

(a) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company; and,

Deposit of compensation.

(b) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per centum above the amount offered by the company in the notice mentioned in section two hundred and fifteen, or certified by the surveyor or engineer under section two hundred and sixteen, whichever is larger; or, if the judge deems proper, pays the party in part and gives security for the balance.

Where notice cannot be served.

(2) Where for any reason service of such notice can not be made, or can not be made promptly, the judge may, on proof to his satisfaction of circumstances justifying it, order substitutional or other service of such notice or dispense with such notice. R.S., c. 37, s. 218. Am.

**242** (1) The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay. Costs.

(2) No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. R.S., c. 37, s. 219. Repayment of deposit.

*Procedure.*

**243.** Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation, or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is commenced in a county court having jurisdiction, it shall be continued in such county court; and where there are different interests in the same lands all shall as far as possible be dealt with in one proceeding. R. S., c. 37, s. 220. Am. To be continued in court where commenced.

Different interests.

MATTERS INCIDENTAL TO CONSTRUCTION.

*Respecting Wages.*

**244.** (1) In every case in which the Parliament of Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate. Current rate.

(2) In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision shall be final. R. S., c. 37, s. 259. Minister may determine.

*Respecting Navigable Waters.*

**245.** No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or canal, to, upon, along, over, under, through or across, which its railway is carried. R. S., c. 37, s. 230. Navigation not to be obstructed.

**246.** No company shall run its trains over any canal, or over any navigable water, without having first laid, nor without maintaining, such proper flooring under and on both sides of its railway track over such canal or water Bridges to be properly floored.

as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. R.S., c. 37, s. 231.

Spans of headway and waterway.

**247.** (1) Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation.

Operation of draw.

(2) The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. R. S., c. 37, s. 232.

Proceedings for construction of works in navigable waters.

**248.** (1) When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,—

Approval by Governor in Council.

(a) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister; and,

Board to authorize.

(b) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work, and, with such application, transmit to the Board a certified copy of the Order in Council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work, and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

No deviation.

(2) No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council.

Powers of Board.

(3) Upon any such application, the Board may,—

(a) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and,

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

(4) Upon such order being granted, the company shall be authorized to construct such work in accordance therewith. Company to construct.

(5) Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with, the Board may grant such order. R.S., c. 37, s. 233. Operation also to be authorized by Board.

*Bridges, Tunnels and other Structures.*

**249.** (1) The Governor in Council may, upon the report of the Board, authorize or require any railway company to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of its railway, within such time as the Governor in Council directs. Bridges.

(2) No company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. R.S., c. 37, s. 234. Consent of Governor in Council.

**250.** (1) Every bridge, tunnel or other erection or structure, over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder. Headway over cars.

(2) The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure, when so reconstructed or altered shall thereafter be maintained accordingly. Powers of Board to order alteration.

(3) Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, shall in no case be less than twenty-two feet six inches. Space above rail.

Structures not owned by company.

(4) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain structures.

(5) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which it is satisfied no trains, except such as are equipped with air brakes, are run. R.S., c. 37, s. 256. Am.

Where length exceeds 18 feet.

**251.** (1) The company shall not, within the limits of any incorporated city or town, or where its line of railway crosses a highway, whether within or without such limits, commence the construction or reconstruction of, or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board; but the company may, without such leave, commence such construction, reconstruction or alteration at any place beyond the said limits, if such construction, reconstruction or alteration is not at a highway crossing and is in accordance with standard specifications and plans approved by the Board.

Leave or approval of Board.

Application for leave.

(2) Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

(3) Upon any such application the Board may,—

Powers of Board Terms.

(a) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;

Alterations

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

Supervision.

(c) give directions respecting the supervision of any such work; and,

Other works.

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public.

Company may construct.

(4) Upon such order being granted the company shall be authorized to construct such works in accordance therewith.



(5) Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. R.S., c. 37, s. 257.

Board to authorize operation.

(6) Upon the application of any municipality or municipalities interested, the Board may, where it deems it reasonable and proper, require the company to construct under or along-side of its track upon any bridge being constructed, reconstructed or materially altered by the company a passage-way for the use of the public either as a general highway or as a foot-way, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passage-way or otherwise which it deems proper. *New.*

Passage-way for public.

*Crossings and Junctions with other Railways.*

**252.** (1) The railway lines or tracks of any railway company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided.

Leave of Board.

(2) Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require.

Plans, etc. to be submitted.

(3) The Board may, by order,—

- (a) grant such application on such terms as to protection and safety as it deems expedient;
- (b) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction;
- (c) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;
- (d) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;
- (e) determine the amount of damage and compensation, if any, to be paid for any property or land taken or

Powers of Board.

injuriously affected by reason of the construction of such works;

(f) give directions as to supervision of the construction of the works; and

(g) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

No operation until authorized.

(4) No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

Board shall see to compliance.

(5) The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. R.S., c. 37, s. 227.

Connections of intersecting railway lines.

**253.** (1) Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may, upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

Costs and terms of connections.

(2) In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another.

Connections between intersecting provincial and Dominion railways.

(3) Where the lines or tracks of any railway within the legislative authority of a province intersect the lines or tracks, or run through or into the same city, town or village as the lines or tracks, of a railway within the legislative authority of the Parliament of Canada, and it is desired by the company owning or operating either of such railways, or by any municipal corporation, or other public body, or any person interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines, cars and trains from the lines or tracks of one of such railways to those of the other, and for the reasonable receiving, forwarding, delivering and interswitching of traffic between such railways, and there exists in the province in which such connection

is desired a provincial railway, public utilities, or other board, commission or body, having power to require such connection between two railways within the legislative authority of such province, hereinafter in this subsection called the provincial board, proceedings may be taken in accordance with the following provisions:—

Proceedings.

(a) Either of such companies, or any municipal corporation, or other public body, or any person interested, may file with the Secretary of the Board, and with the secretary of the provincial board, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies interested or affected; and, where the application is not made by the municipality, upon the head of the municipal corporation within which the proposed connection is situate;

Application for order.

(b) After the receipt of the said application, the Board and the provincial board may, by joint session or conference, in conformity with the practice established or adopted by them, hear and determine the said application, and may order that the lines or tracks of such railways be so connected at or near the point of intersection, or in or near such city, town, or village, upon such terms and conditions, and subject to such plans, as they may deem proper;

Hearing of application by Board and provincial authorities.

(c) The Chief Commissioner and the chairman of the provincial board of any province having concurrent legislation carrying into effect the purposes and objects of this subsection, may make rules of procedure and practice covering the making of such applications and the hearing and the disposition thereof;

Rules of procedure.

(d) The Chief Commissioner and the chairman of the provincial board may assign or appoint from each board the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise;

Constitution of joint boards.

(e) Any order aforesaid may be made a rule of the Exchequer Court and shall be enforced in like manner as any rule, order, or decree of such court. R.S., c. 37, s. 228; 1911, c. 22, s. 5. Am.

Enforcement of order.

**254.** The Board may order the adoption and use at any such crossing or junction, at rail level, of such interlocking switch, derailing device, signal system, equipment, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. R.S., c. 37, s. 229.

Safety appliances at rail level crossings.

*Highway Crossings, etc.*

**255.** (1) The railway of the company may, if leave therefor is first obtained from the Board as hereinafter authorized

Railway on highway.

Leave  
 Compensation.  
 Consent of municipality.

thorized, but shall not without such leave, be carried upon, along or across any existing highway: Provided that the company shall make compensation to adjacent or abutting land-owners if the Board so directs, said compensation to be determined under the arbitration sections of this Act, in so far as such sections are applicable, and provided that the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town; and provided that where leave is obtained to carry any railway along a highway the Board may require the company to make compensation to the municipality if the Board deems proper, said compensation to be determined under the arbitration sections of this Act, in so far as such sections are applicable.

Highway to be kept open.

(2) The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

Rights saved.

(3) Nothing in this section shall deprive any such company of rights conferred upon it by any Special Act of the Parliament of Canada, or amendment thereof, passed prior to the twelfth day of March, one thousand nine hundred and three. R.S., c. 37, s. 235; 1911, c. 22, s. 6. Am.

Application for crossings.

**256.** (1) Upon any application for leave to construct a railway upon, along or across any highway, or to construct a highway along or across any railway, the applicant shall submit to the Board a plan and profile showing the portion of the railway and highway affected.

Powers of Board.

(2) The Board may, by order, grant such application in whole or in part and upon such terms and conditions as to protection, safety and convenience of the public as the Board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction, in the opinion of the Board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing.

As to land required.

(3) When the application is for the construction of the railway, upon, along or across a highway, all the provisions of law

at such time applicable to the taking of land by the company to its valuation and sale and conveyance to the company, and to the compensation therefor, including compensation to be paid to adjacent or abutting landowners as provided by the next preceding section, shall apply to the land exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

(4) The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision.

Supervision.

(5) When the Board orders the railway to be carried over or under the highway, or the highway to be carried over or under the railway, or any diversion temporarily or permanently of the railway or the highway, or any works to be executed under this section, the Board may direct that detailed plans, profiles, drawings and specifications be submitted to the Board.

Detailed plans, etc., in certain cases.

(6) The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. 1909, c. 32, s. 4.

Regulations by Board.

**257.** (1) Where a railway is already constructed upon, along or across any highway, the Board may, of its own motion, or upon complaint or application, by or on behalf of the Crown, or any municipal or other corporation, or any person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway, and may cause inspection of such portion, and may inquire into and determine all matters and things in respect of such portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected.

Powers of Board as to existing crossings.

Protection, etc.

(2) When the Board of its own motion, or upon complaint or application, makes any order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

As to land required.

Supervision  
by Board.

(3) The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. 1909, c. 32, s. 5 (1), (2). Am.

Preventing  
obstruction  
of view.

**258.** The Board shall, without limiting any general power elsewhere conferred, have power, for the purpose of diminishing the danger at any highway crossing with any railway heretofore or hereafter constructed, to order,—

(a) that any trees, buildings, earth or other obstruction to the view, which may be upon the railway, or the highway or any trees on any adjoining lands, shall be removed;

(b) that nothing obstructing the view shall be placed at such crossing or nearer thereto than the Board designates;

and for any such purpose the Board shall have power to authorize or direct the expropriation of any land, the acquirement of any easement and the doing of anything deemed necessary, and shall have power to fix and order payment of such compensation as it deems just. *New.*

Apportion-  
ment of cost  
of protection,  
etc.

**259.** Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of the next following section of this Act, order what portion, if any, of cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the Board, under any of the last three preceding sections, and such order shall be binding on and enforceable against any railway company, municipal or other corporation or person named in such order. 1909, c. 32, s. 5 (3).

When rail-  
way to bear  
whole cost.

**260.** In any case where a railway is constructed after the nineteenth day of May, one thousand nine hundred and nine, the company shall, at its own cost and expense (unless and except as otherwise provided by agreement, approved of by the Board, between the company and a municipal or other corporation or person), provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway. 1909, c. 32, s. 6; 1910, c. 50, s. 14.

Foot bridges.

**261.** The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. R.S., c. 37, s. 239.

Railway  
Grade  
Crossing  
Fund.

**262.** (1) The sums appropriated and set apart to aid actual construction work for the protection, safety and con-

venience of the public in respect of highway crossings of railways at rail level in existence on the first day of April, one thousand nine hundred and nine, shall be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," and shall be applied by the Board, subject to the limitations hereinafter set out, solely towards the cost (not including that of maintenance and operation), of actual construction work for the purpose aforesaid.

(2) The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed twenty-five per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of fifteen thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing.

Apportionment of money by Board.

(3) In case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

Provincial contributions to fund.

(4) In this section,—

"crossing," means any steam railway crossing of a highway, or highway crossing of a steam railway, at rail level, and every manner of construction of the railway or of the highway by the elevation or the depression of the one above or below the other, or by the diversion of the one or the other, and any other work ordered by the Board to be provided as one work of protection, safety and convenience for the public in respect of one or more railways not exceeding four tracks in all crossing or so crossed;

"Crossing" defined.

"municipality," means an incorporated city, town, village, county, township, parish, or rural municipality. 1909, c. 32, s. 7; 1914, c. 50, s. 1. Am.

"Municipality" defined.

(5) The grant of two hundred thousand dollars each year for ten consecutive years from the first day of April, one thousand nine hundred and nineteen, made under the provisions of an Act passed at the present session of Parliament shall be expended for the purposes mentioned in the said Act, subject to the terms and conditions in this section contained.

Grant for rail level crossings.

**263.** Unless otherwise directed or permitted by the Board, the highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to a width less than twenty feet, nor shall the clear headway above the surface of the highway at the central part of any overhead structure, constructed after the first day of

Overhead crossings.

Width and height of highway.

February, one thousand nine hundred and four, be less than fourteen feet. R. S., c. 37, s. 240. Am.

Facilities for traffic.

**264.** Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. 1909, c. 32, s. 8 (1).

When rail level not obstruction.

**265.** Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. R.S., c. 37, s. 236.

Inclination of approach.

**266.** (1) The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

Fencing approaches.

(2) A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made and maintained on each side of such approach, and of the structure connected with it. R.S., c. 37, s. 242. Am.

Signboards at level crossings.

**267.** (1) Sign boards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words *Railway Crossing* painted on each side thereof in letters at least six inches in length.

In Quebec.

(2) In the province of Quebec such words shall be in both the English and the French languages. R.S., c. 37, s. 243.

#### *Drainage and Power, Mining and Irrigation Works.*

Ditches, drains and flumes.

**268.** The company shall in constructing the railway make and maintain suitable water pipes, flumes, ditches and drains along each side of, and across and under the railway, to connect with water pipes, flumes, ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, or to convey the water supply, and so that the then natural, artificial, or existing drainage, or water supply, of the said lands shall not be obstructed or impeded by the railway. R.S., c. 37, s. 250 (1). Am.

If drainage insufficient.

**269.** (1) Whenever,—

(a) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands; or,



(b) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company; or,

Or municipality desires.

(c) the railway company desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under any lands adjoining or near the railway;

Or company desires.

the Board may, upon the application or complaint of the municipality or landowner, or of the company, order or permit the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway or lands to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

Board may order or permit drainage or laying of pipes.

(2) The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests, and may fix the compensation, if any, which should be paid to any owner injuriously affected or may direct the compensation, if any, to be determined under the arbitration sections of this Act.

Terms and conditions.

(3) An order of the Board shall not be required in the cases in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company in accordance with the general regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 37, s. 250 (2)-(3); 1911, c. 22, s. 8. Am.

Order not needed where consent, etc.

**270.** (1) Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board in the last preceding section provided.

Drainage proceedings under Provincial Acts.

(2) In case of any such proceedings, the drainage laws of the province shall, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province: Pro-

Provincial laws to apply.

Option of  
company.

vided that the company shall have the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

If option not  
exercised.

(3) In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

Approval of  
Board.

(4) Notwithstanding anything in this section contained, no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

Costs.

(5) The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the company, shall, in all such cases, be based upon the increase of cost of such work caused by the construction and operation of the railway. R.S., c. 37, s. 251.

Power,  
mining and  
irrigation  
works.

**271.** (1) When any person having authority to create, develop, enlarge or change any water-power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, or to use water for irrigation purposes, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

Application  
to Board.

(2) Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

Plan and  
profile.

Terms of  
order.

(3) The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. R.S., c. 37, s. 249. Am.

*Farm Crossings.*

**272.** (1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes. Farm crossings.

(2) Live stock, in using such crossings when at rail level, shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. Live stock.  
R.S., c. 37, s. 252. Am.

**273.** (1) The Board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, and safe in the public interest. Necessary crossings may be ordered by Board.

(2) The Board may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained. Terms and conditions.  
R.S., c. 37, s. 253. Am.

*Fences, Gates and Cattle-guards.*

**274.** (1) The company shall erect and maintain upon the railway,— Company shall erect.

(a) fences of a minimum height of four feet six inches on each side of the railway; Fences.

(b) swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings: Provided that sliding or hurdle gates, already lawfully constructed, may be maintained until the first day of July, one thousand nine hundred and twenty, unless otherwise ordered by the Board; and, Gates.

(c) cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway. Cattle-guards.

(2) The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway. To be joined.

(3) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway lands. To be suitable.

(4) The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary. Exemption by Board.

(5) Where the railway is being constructed through enclosed lands, the company shall, by fencing its right of way before any existing fences are taken down or by other effective means, prevent cattle or other animals escaping from or getting upon such enclosed lands or from one enclosure Duty of company while constructing.

enclosure to another or upon the property of the company by reason of such construction or of any act or thing done by the company, its contractors, agents or employees. R.S., c. 37, s. 254; 1910, c. 50, s. 5; 1911, c. 22, s. 9. Am.

*Gates to be Kept Closed.*

Gates to be closed.

**275.** The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. R.S., c. 37, s. 255.

OPENING RAILWAY FOR TRAFFIC.

*Inspection and Leave of Board.*

Leave of Board for opening railway.

**276.** (1) No railway, nor any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

Application therefor.

(2) When the company is desirous of so opening its railway or any portion thereof, it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that the railway, or portion thereof, desired to be so opened, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection.

Inspection.

(3) Before granting such application, the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened.

When opening reported to be safe.

(4) If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof so proposed to be opened for the carriage of traffic, will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Board may grant application.

When opening reported dangerous.

(5) If such inspecting engineer, after the inspection of the railway, or any portion thereof, reports to the Board that, in his opinion, the opening of the same would be attended with danger to the public using the same by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such

Notice.

report and grounds, and the Board may refuse such application in whole or in part, or may direct a further or other inspection and report to be made.

Board may refuse.

(6) If thereafter, upon such further or other inspection, or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway, or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Further inspection.

Order for opening.

(7) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section. R.S., c. 37, s. 261; 1910, c. 50, s. 6.

Leave to carry freight traffic.

#### *Board May Order Railway to be Opened.*

**277.** The Board, in any case where it deems it right, may, upon the application of any person interested or of its own motion, order the opening of any railway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. *New.*

Board may order opening.

#### SAFETY AND CARE OF ROADWAY.

##### *Animals not to be at Large Near Highway Crossings.*

**278.** (1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection.

Cattle not allowed at large near railway.

(2) All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R. S., c. 37, s. 294 (1) (2).  
Am.

May be impounded.

##### *Thistles and Weeds to be Kept Cut.*

**279.** Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company

Company to remove weeds, etc.

pany adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. R. S., c. 37, s. 296.

*Dry Grass to be Removed.*

Company to  
keep right of  
way clear.

**280.** The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. R. S., c. 37, s. 297.

*Fire Protection.*

Orders and  
regulations.

Fire guards,  
etc.

Fire-range.

Patrol.

Returns as  
to fire-  
rangers.

Reports of  
fires.

Applicability  
of orders, etc.

Following  
fires.

Entering  
lands for  
fire-guard  
purposes.

**281.** (1) The Board may make orders and regulations,—

(a) respecting the construction, use and maintenance, in connection with the railway, of fire guards or other works which may be deemed by the Board to be necessary and suitable to prevent, as far as possible, fires from being started or occurring, upon, along or near the right of way of the company;

(b) requiring the company to establish and maintain an efficient and competent staff of fire-rangers, equipped with such appliances for fighting fires or preventing them from spreading, as the Board may deem proper, and to provide such fire-rangers with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed;

(c) requiring the company to maintain an efficient patrol of the line of railway and of the lands in the vicinity thereof to which fires may spread, and generally defining the duties of the company and of the fire-rangers in respect thereof;

(d) requiring the company to make returns of the names of fire-rangers in its employ in the performance of the above-mentioned duties, and of the places or areas in which they are from time to time engaged;

(e) requiring the company to make reports and returns of fires occurring upon or near its right of way.

(2) Any such orders or regulations may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper.

(3) For the purpose of fighting and extinguishing fires, the fire-rangers of the company may follow the fires which spread from the railway, to, over and upon the lands to which they may spread.

(4) Subject to the terms and conditions of any order or regulation of the Board, the company may at all times enter into and upon any lands of His Majesty or of any person lying along the railway, for the purpose of establishing and maintaining thereon the fire guards or other protection directed by the Board, and for the purpose of freeing

from dead or dry grass, weeds, and other unnecessary inflammable matter, the land between such fire guards and the line of railway. R.S., c. 37, s. 30 (f), *part*; 1911, c. 22, ss. 2, 10 (4). Am.

*Packing.*

**282.** (1) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail. Packing in spaces.

(2) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches. In splayed ends.

(3) Such packing shall not reach higher than to the under side of the head of the rail. Height of.

(4) Such packing shall consist of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inches of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid: Provided that if there is at any time any method of packing which, in the opinion of the Board, is an improvement over the present requirements, the Board, after hearing on notice, may authorize or direct the use of such improved method. R.S., c. 37, s. 288. Am. Of what to consist.

*Board may Direct Inspection and Order Repairs.*

**283.** (1) Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof. When railway out of repair.

(2) The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done

May enjoin  
operation  
meantime.

and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

Rolling  
stock may  
be con-  
demned.

(3) The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. R.S., c. 37, s. 262.

*Inspecting Engineer may Forbid Operation.*

Inspecting  
engineer  
may forbid  
operation.

**284.** (1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, in writing,—

By notice.

- (a) forthwith forbid the running of any train over such railway or portion of railway; or,
- (b) require that the same be run only at such times, under such conditions, and with such precautions, as he by such notice specifies; and,
- (c) forbid the running or using of any such rolling stock.

What notice  
shall state.

(2) Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended.

Service of  
notice.

(3) The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock.

Action of  
Board.

(4) The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer.

Notice  
thereof.

(5) Notice of such confirmation, modification or disallowance, shall be duly given to the company. R.S., c. 37, s. 263.

ACCIDENTS.

*Notice to be Sent to Board.*

Notice to  
Board of  
accidents.

**285.** (1) Every company shall, as soon as possible and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board. The conductor or other employee in charge of the train, place

By company.

By employees.



or structure in connection with which such accident occurred, shall as soon as possible after such accident notify the Board of the same by telegraph.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. R.S., c. 37, s. 292; 1917, c. 37, s. 8.

Board may regulate.

### *Board May Direct Inquiry.*

**286.** (1) The Board may appoint such person or persons as it thinks fit to inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Appointment of officer to inquire into accidents.

(2) The person or persons so appointed shall report fully in writing, to the Board, his or their doings and opinions on the matters respecting which he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. R. S., c. 37, s. 293.

Officer to report to Board.

Powers of Board.

## OPERATION AND EQUIPMENT.

### *Orders and Regulations of Board.*

- 287.** (1) The Board may make orders and regulations,—
- (a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof;
  - (b) with respect to the use of the steam whistle within any city, town or village, or any portion thereof;
  - (c) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another;
  - (d) for the coupling of cars;
  - (e) requiring proper shelter to be provided for all railway employees when on duty;
  - (f) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started or occurring upon, along, or near the right of way of the railway;

Regulations of Board.

Speed of trains.

Use of steam whistle.

Passing from car to car.

Coupling.

Shelter.

Prevention of fires.

- Protection generally.** (g) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, including light, heat and power lines or wires, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public and all persons travelling on His Majesty's service;
- Length of sections, etc.** (h) with respect to the length of sections required to be kept in repair by employees of the company, and with respect to the number of employees required for each section, so as to ensure safety to the public and to employees;
- Number of men.** (i) designating the number of men to be employed upon trains, with a view to the safety of the public and of employees;
- Hours of duty.** (j) limiting or regulating the hours of duty of any employees or class or classes of employees, with a view to the safety of the public and of employees;
- Fuel. Motive power.** (k) providing that a specified kind of fuel or a specified kind of power or method or means of propulsion shall be used on any or all locomotives and trains in any district; and,
- Safety, etc.** (l) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company or on or in connection with the railway.

(2) Any orders or regulations under this section may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper. R.S., c. 37, s. 30, *part*, s. 269, s. 275, *part*; 1909, c. 32, s. 13, *part*; 1917, c. 37, s. 5. Am.

**Uniformity.** **288.** The Board shall endeavor to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. R.S., c. 37, s. 268. Am.

**Payment of salary or wages.** **289.** The salary or wages of every person employed in the operation, maintenance or equipment of any railway to which the Parliament of Canada has granted aid by means of subsidy or guarantee shall be paid not less frequently than semi-monthly during the term of employment of such person. 1917, c. 37, s. 1.

*By-Laws, Rules and Regulations of Company.*

**Company may make by-laws.** **290.** The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board made

under sections two hundred and eighty-seven and two hundred and eighty-eight, make by-laws, rules or regulations respecting,—

- |   |                         |
|---|-------------------------|
| (a) the mode by which, and the speed at which any rolling stock used on the railway is to be moved;   | Speed.                  |
| (b) the hours of arrival and departure of trains;   | Time tables.            |
| (c) the loading and unloading of cars, and the weights which they are respectively to carry;  | Loads.                  |
| (d) the receipt and delivery of traffic;  | Traffic.                |
| (e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company; | Nuisances.              |
| (f) the travelling upon, or the using or working of the railway;  | Operation.              |
| (g) the employment and conduct of the officers and employees of the company; and,   | Officers and employees. |
| (h) the due management of the affairs of the company.   | Management.             |
- R.S., c. 37, s. 307. Am.

**291.** The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty enforceable on summary conviction not exceeding forty dollars for any violation thereof. 1917, c. 37, s. 11.

Penalty may be prescribed.

**292.** All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. R.S., c. 37, s. 309.

To be in writing under common seal.

**293.** (1) All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally shall be submitted to the Governor in Council for approval.

Must be approved by Governor in Council.

(2) The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof.

Board to report.

(3) No such by-law, rule or regulation shall have any force or effect without such sanction, or after such sanction has been rescinded. R.S., c. 37, s. 310; 1917, c. 37, s. 12.

No effect without sanction.

**294.** Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder. R.S., c. 37, s. 311.

Binding when approved.

Printed copy  
to be  
posted up.

**295.** (1) A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

Copy to  
every  
officer and  
employee  
affected.

(2) A printed copy of so much of any by-law, rule or regulation, as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected.

In Quebec  
both  
languages.

(3) In the province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. R.S., c. 37, s. 312.

Company  
may  
enforce.

**296.** If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. R.S., c. 37, s. 313.

Evidence of  
by-law or  
regulation.

**297.** A copy of any such by-law, rule or regulation of the company, certified as correct by the president, secretary or other executive officer of the company, and bearing the seal of the company, shall be evidence thereof. R.S., c. 37, s. 76.

### *Equipment of Cars and Locomotives.*

Modern and  
efficient  
appliances.

**298.** (1) Every railway company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means,—

Communica-  
tion.

(a) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver;

Brakes.

(b) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and,

Couplers.

(c) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars.

Drive wheel  
brake.

(2) Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive.

(3) There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for that purpose.

Power or train brakes.

(4) Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

Continuous, instantaneous action.

(5) All box freight cars of the company shall, for the security of railway employees, be equipped with,—

Box freight cars.

(a) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,

Outside ladders.

(b) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:

Hand grips.

Provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.

Proviso.

(6) Every railway company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities.

Height of draw-bars.

(7) The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section.— R.S., c. 37, s. 264.

Delay may be allowed for compliance.

**299.** The Board may, by general regulation or upon application in any particular case, after hearing on notice, order that any apparatus or appliances specified in such regulation or order shall or shall not be deemed sufficient compliance with the provisions of the last preceding section, or that any apparatus or appliances specified in such regulation or order shall or shall not, when used upon the train in the manner and under the circumstances in such regulation or order specified, be deemed sufficient compliance with the provisions of the said section. R.S., c. 37, s. 265. Am.

Board may determine what equipment sufficient.

**300.** The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the

Oiling.

cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. R.S., c. 37, s. 266.

Bell and whistle.

**301.** Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. R.S., c. 37, s. 267.

*Running of Trains.*

Regularity in train time.

**302.** (1) All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice. —R. S., c. 37, s. 270.

Time tables in both languages.

(2) Every railway company shall print in both the English and French languages the time tables that are to be used along its lines within the limits of the province of Quebec. 1909, c. 32, s. 14. Am.

Blackboard.

**303.** (1) Every railway company, upon whose railway there is a telegraph or telephone line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station.

At stations.

Overdue trains.

Further notice.

(2) If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station.

English and French.

(3) Such notices shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English. R.S., c. 37, s. 271. Am.

Position of passenger cars.

**304.** No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. R.S., c. 37, s. 272.

*Precautions at Swing Bridges.*

Trains to stop at swing bridges.

**305.** (1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose.

(2) Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. R.S., c. 37, s. 273.

Board may  
exempt.

### *Precautions at Railway Crossings.*

**306.** (1) No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

Signal at  
rail level  
crossings.

(2) In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. R.S., c. 37, s. 277.

Electric  
railway  
crossings.

**307.** Every engine, train or electric car shall, before it passes over any crossing as in the last preceding section mentioned, be brought to a full stop: Provided that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. R.S., c. 37, s. 278.

Stoppage of  
trains at  
rail level  
crossings.

Where safety  
devices are  
installed,  
Board may  
otherwise  
order.

### *Precautions at Highway Crossings and in Thickly Peopled Places.*

**308.** (1) When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

Use of bell  
and whistle.

(2) Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, if approved by an order

Exception.

order of the Board, to the extent of such prohibition relieve the company and its employees from the duty imposed by this section. R.S., c. 37, s. 274; 1917, c. 37, s. 6.

Speed of trains.

**309.** No train shall pass at a speed greater than ten miles an hour,—

In unfenced portions of thickly peopled places.

(a) in or through any thickly peopled portion of any city, town or village, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board; or,

Over unprotected highway crossings in thickly peopled places.

(b) over any highway crossing at rail level in any thickly peopled portion of any city, town or village, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board, in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or,

Over crossings where accidents happened.

(c) over any highway crossing at rail level, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or,

Over crossings not protected as ordered.

(d) over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with. R.S., c. 37, s. 275, *part*; 1909, c. 32, s. 13, *part*; 1910, c. 50, s. 15. Am.

Trains or cars moving reversely.

**310.** (1) Whenever in any city, town or village, any train not headed by an engine is passing over or along a highway at rail level which is not adequately protected by gates or otherwise, the company shall station on that part of the train, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway. 1917, c. 37, s. 7.

Board may exempt.

(2) The Board, upon the application of any railway company or person, shall have power to order that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions of the railway of the company: Provided that no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements. 1910, c. 50, s. 7.

Proviso.



*Respecting the Obstruction of Highway Traffic.*

**311.** Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, or, in the opinion of the Board, unnecessarily interfere therewith. R.S., c. 37, s. 279.

Train must not obstruct highway more than five minutes.

TRAFFIC, TOLLS AND TARIFFS.

*Accommodation for Traffic.*

**312.** (1) The company shall, according to its powers,—

(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway; Accommodation. At all stations.

(b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic; Carriage and delivery.

(c) without delay, and with due care and diligence, receive, carry and deliver all such traffic; and, No delay.

(d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic; Appliances.

(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Board. Other service.

(2) Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways. What adequate and suitable accommodation shall include.

(3) If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act. May be ordered by Board.

Payment of tolls.

(4) Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully payable therefor.

Board may regulate time so as to allow connections to be made between railways for passengers and mails.

(5) Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, whether the last mentioned railway is within the legislative authority of the Parliament of Canada or not, the Board may order the company to so regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose.

Board may order specific works, tolls, etc.

(6) For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally.

Right of action on default.

(7) Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

Condition against negligence invalid.

Demurrage.

(8) The Board may make regulations, applying generally or to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges. R.S., c. 37, s. 284. 1908, c. 61, s. 10. Am.

Interchange of traffic between connecting lines.

**313.** (1) Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the inter-

change, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs; and the company owning or controlling the secondly mentioned railway shall furnish similar reasonable and proper facilities to the first mentioned railway, and to other lines connecting with its own railway, and shall in all respects be under duties corresponding to those of the company owning or controlling the first mentioned railway, and shall be subject in like manner to the directions of the Board.

Interswitch-  
ing.Reciprocal  
duties of  
companies.

(2) The Board may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car which shall be charged by and paid for such traffic.

Charge  
regulated by  
Board.

(3) This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. R.S., c. 37, s. 285. Am.

Application  
of section.

### *Equality as to Tolls and Facilities.*

**314.** (1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars or conveyances, passing over the same line or route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

Equal tolls to  
be charged.

(2) No reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular person or company travelling upon or using the railway.

No discrim-  
ination.

(3) The tolls for carload quantities or longer distances, may be proportionately less than the tolls for less than carload quantities, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons.

Carload  
quantities.

(4) No toll shall be charged which unjustly discriminates between different localities.

Localities.

(5) The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried

Duty of  
Board.

under substantially similar circumstances and conditions in the same direction over the same line or route is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll.

Competitive points.

(6) The Board may declare that any places are competitive points within the meaning of this Act. R.S., c. 37, s. 315. Am.

Pooling prohibited.

**315.** No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. R.S., c. 37, s. 316.

Facilities for traffic.

**316.** (1) All railway companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock.

Through traffic.

(2) Such facilities to be so afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by car load, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates.

(3) No company shall,—

No undue preference.

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

Or discrimination.

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person or company;

Or prejudice.

(c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or,

Allotment of freight cars.

(d) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against

any traffic which may originate on its railway destined to a point on another railway in Canada with which it connects.

(4) Every railway company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.

Connecting railway to afford reasonable facilities.

(5) The reasonable facilities which every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.

Facilities for junction of private sidings, branches, etc.

(6) Every railway company which grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

Equal facilities to be granted to express companies.

(7) Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. R.S., c. 37, s. 317.

Agreements to the contrary void.

**317.** (1) The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of the three last preceding sections.

Board may determine.

(2) The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of the three last preceding sections.

May make declaratory regulation.

(3) For the purposes of the last preceding section, the Board may order that specific works be constructed or carried

Board may order specific works, tolls, etc.

carried out, or that property be acquired, or that specified tolls be charged or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. R.S., c. 37, s. 318.

Facilities to be afforded for movement of grain from the Western Provinces.

**318.** If the company is unable or fails to provide sufficient facilities for the movement of grain from the Western Provinces to the elevators at the head of Lake Superior, or to destinations east thereof, after the close of navigation on the Great Lakes and before the next harvest, and grain in certain sections or districts cannot by reason thereof be marketed, the Board may require the said company to furnish all facilities within its powers for the carriage of such grain in such sections or districts to any intermediate point or points of interchange with another company or any terminal elevator, and there to make delivery thereof to such other company or companies or to such elevator for carriage by such other company or companies as the Board may direct; and the Board may require such other company or companies to transport such grain and supply the necessary cars and engines therefor, and the rates lawfully published and filed by the company in default and obtaining on its route shall apply over the joint route or routes so directed and shall be apportioned between the companies as the Board may direct. 1916, c. 2, s. 1.

Discrimination.

**319.** Whenever it is shown that any railway company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies, or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination, shall lie on the company. R.S., c. 37, s. 77.

Burden of proof.

What Board may consider in deciding undue preference.

**320.** In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. R.S., c. 37, s. 319.

**321.** In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail. R.S., c. 37, s. 320.

Apportionment of toll for carriage by land and water.

### *Freight Classification.*

**322.** (1) The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

Tariff of tolls subject to classification by Board.

(2) The Board may make any special regulations, terms and conditions or order or direction in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

Special terms and conditions.

(3) The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower, class: Provided that no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the *Canada Gazette*.

Changes of class.

(4) Any freight classification and exception thereto in use in the United States may, subject to any regulation, order or direction of the Board, be used by the company with respect to traffic to and from the United States. R.S., c. 37, s. 321. Am.

United States classification.

### *Tariffs—General Provisions.*

**323.** (1) The company or the directors of the company, by by-law, or any officer of the company who is thereunto authorized by a by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

Tariffs of tolls.

Preparation and issue.

(2) The tolls may be either for the whole or for any particular portion of the railway.

Local or general.

(3) All such by-laws shall be submitted to and approved by the Board.

Approval by Board.

(4) The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

Nature of approval.

No tolls  
unless  
authorized.

(5) No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board, nor until any other requirements necessary under this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or not in effect in accordance with the provisions of this Act; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under and in accordance with the provisions of this Act

Regulations  
as to  
publication.

(6) The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act hereinafter mentioned, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection. 1908, c. 61, s. 11. Am.

Form and  
particulars.

**324.** All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. R.S., c. 37, s. 322.

Disallow-  
ance.

**325.** (1) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Substitution.

Effective  
date.

(2) The Board may designate the date at which any tariff shall come into force, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect, suspend any tariff or any portion thereof.

Amendment.

(3) Except as otherwise provided, any tariff in force, except standard tariffs hereinafter mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act.

Consolida-  
tion.

(4) When any tariff has been amended or supplemented, or is proposed to be amended or supplemented, the Board may order that a consolidation and reissue of such tariff be made by the company. R.S., c. 37, s. 323. Am.

Powers to fix  
rates not  
limited.

(5) Notwithstanding the provisions of section three the powers given to the Board under this Act to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require, shall not be limited



or in any manner affected by the provisions of any Act of the Parliament of Canada, whether general in application or special and relating only to any specific railway or railways, and the Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities, or of undue or unreasonable preference, on the ground that such discrimination or preference is justified or required by any agreement made or entered into by the company: Provided that this subsection shall remain in force only during the period of three years from and after the date of the passing of this Act.

**326.** (1) Every tariff superseding or intended to supersede any other tariff or tariffs, or any portion or portions thereof, shall specify the tariff or tariffs, or portion or portions thereof, which it supersedes or is intended to supersede, by giving the reference number or referring to the page and section or item in such a way as to facilitate an accurate and ready reference to what is superseded or intended to be superseded.

References in superseding tariffs.

(2) When any tariff is cancelled without being superseded by a tariff of like issue, a supplement shall be issued to such cancelled tariff and such supplement shall specify the tariff wherein the tolls may thereafter be found.

Supplements to cancelled tariffs.

**327.** (1) In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

Fraction of a mile.

(2) In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or "smalls" toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds by the company.

Fraction of five pounds in weight.

(3) In estimating the tolls to be charged in passenger tariffs hereafter issued any amount not exceeding two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. R.S., c. 37, s. 324. Am.

Fraction of five cents.

*Freight Tariffs.*

**328.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely,—

Division of freight tariffs.

(a) the standard freight tariff;

Standard.

(b) special freight tariffs; and,

Special.

(c) competitive tariffs. R.S., c. 37, s. 325.

Competitive.

**329.** (1) The standard freight tariff, or tariffs (where the company is allowed by the Board more than one

What standard freight tariff to specify.

standard freight tariff), shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway.

Distances.

(2) Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls.

What special freight tariffs to specify.

(3) The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.

What competitive tariffs to specify.

(4) The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. R.S., c. 37, s. 326. Am.

Standard freight tariff. Filing.

**330.** (1) Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board.

Approval.

(2) Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of the *Canada Gazette*.

Publication.

Tolls specified to be the only lawful tolls.

(3) When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.

No toll until compliance.

(4) Until the provisions of this section have been complied with, no toll shall be charged by the company.

Changes to be approved.

(5) No standard freight tariff shall be amended or supplemented except with approval of the Board. R.S., c. 37, s. 327. Am.

Special freight tariffs.

**331.** (1) Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

If tolls previously in force are reduced.

(2) When any such special freight tariff reduces any toll previously authorized to be charged under this Act the company shall file such tariff with the Board at least three days before its effective date, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of

such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.

Notice.

(3) When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect: Provided that where objection to any such tariff is filed with the Board, the burden of proof justifying the proposed advances shall be upon the company filing said tariff.

If previous tolls advanced.

(4) When the foregoing provisions have been complied with, any such special freight tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff, charge the toll or tolls as specified therein, and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

When tariff effective.

(5) Until such special freight tariff comes into effect, no such special freight toll or tolls shall be charged by the company. R.S., c. 37, s. 328; 1911, c. 22, s. 11. Am.

No tolls until tariff in force.

**332.** Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board, or may in any case make a special order or direction allowing any such tariff to go into effect as the Board shall appoint. R.S., c. 37, s. 329. Am.

Competitive tariffs.

Filing.

### *Passenger Tariffs.*

**333.** (1) The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes, namely,—

Division of passenger tariffs.

Standard.  
Special.

(a) the standard passenger tariff; and,  
(b) special passenger tariffs.

What  
standard  
passenger  
tariff shall  
specify.

(2) The standard passenger tariff, or tariffs (where the company is allowed by the Board more than one standard passenger tariff), shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.

What  
special  
passenger  
tariffs shall  
specify.

(3) Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff. R.S., c. 37, s. 330. Am.

Standard  
passenger  
tariff.

**334.** (1) A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a standard freight tariff.

Approved  
and  
published.

(2) Until the company files its standard passenger tariff and such tariff is so approved and published in the *Canada Gazette*, no tolls shall be charged by the company.

Tolls  
authorized

(3) When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. R.S., c. 37, s. 331. Am.

Special  
passenger  
tariffs.

**335.** (1) The company shall file all special passenger tariffs with the Board at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section contained, determine the time or manner within and according to which publication of any such tariff is to be made.

Notice.

Date and  
period.

(2) The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

When  
effective.

(3) When the foregoing provisions have been complied with, any such tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or expires or is superseded by a new tariff,

charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

(4) Until such tariff comes into effect no such toll or tolls shall be charged by the company. R.S., c. 37, s. 332. Am. No toll before tariff.

*Joint Tariffs.*

**336.** (1) Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies shall agree upon a joint tariff for such continuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies, shall promptly notify the Board of its or their assent to and concurrence in such joint tariff. Continuous route in Canada.  
Joint tariffs, shall be agreed upon.

(2) The names of the companies whose lines compose such continuous route shall be shown by such tariffs. Names of companies.

(3) If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section. R.S., c. 37, s. 333. Am. Continuous route in the case of carriage by water.

**337.** (1) In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect. Where failure to agree Board may decide.

(2) Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order. Companies to comply.

(3) In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies. Apportionment of through rate.

(4) The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount Power of Board.

amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. R.S., c. 37, s. 334.

From Canada to foreign country.

**338.** When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. R.S., c. 37, s. 335.

From foreign country to Canada.

**339.** As respects all traffic which is carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. R.S., c. 37, s. 336.

Continuous carriage not to be prevented.

**340.** (1) No company shall, by any combination, contract or agreement, express or implied, or by other means or device, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.

Break in bulk, etc.

(2) No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this Act. R.S., c. 37, s. 337.

Filing and publication of joint tariffs.

**341.** (1) Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded by another tariff or disallowed by the Board, charge the toll or tolls as specified therein: Provided that the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

Proviso.

Information which Board may require.

(2) The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company, whether Canadian or foreign, is to receive or has received. R. S., c. 37, s. 338.  
Am.

*Posting of Tariffs.*

**342.** (1) The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively,—

- |  |   |
|--|---|
| (a) standard passenger and freight tariffs at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder;  | Standard tariffs.   |
| (b) special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and such freight tariffs also at each of its stations or offices to which freight traffic is to be carried thereunder;   | Special tariffs.  |
| (c) competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;   | Competitive tariffs.  |
| (d) joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend;   | Joint tariffs in Canada.  |
| (e) joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination;   | Joint tariffs.<br><br>From Canada to foreign country.                     |
| (f) joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country, at each freight station or office in Canada to which such tariffs extend.   | From foreign country to Canada.   |
| (2) The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.   | Freight classifications.  |
| (3) The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect. | Notice to be posted at station of place where tariffs open to inspection. |
| (4) Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of  | Power of Board as to publication of tariffs.                              |

- any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,—
- Exemptions. From Canada.
- (a) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or,
- From foreign countries.
- (b) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country. R. S., c. 37, s. 339. Am.

*Presumption as to Legal Tolls.*

- Tariff. **343.** If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. R. S., c. 37, s. 78.
- Presumed legal as against company.

*Special rates for Specific Shipments.*

- Regulations permitting. **344.** (1) Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act.
- Notice to be filed with Board. (2) Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. R. S., c. 37, s. 342.

*Reduced Rates and Free Transportation.*

- For Government, charity, expositions, etc. **345.** (1) Nothing in this Act shall be construed to prevent,—
- (a) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or



the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, or the carriage at one-half the regular single fare of ministers of religion or persons exclusively engaged in charitable, religious, or eleemosynary work;

(b) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;

Special tickets, immigrants, commercial travellers.

(c) railways from giving free carriage or reduced rates to their own directors, officers, agents and employees, or their families, or to former employees of any railway, or for their goods and effects, or between points within the province to members of the provincial legislatures or to members of the press, or to members of the Interstate Commerce Commission of the United States and the officers and staff of such commission, and for their baggage and equipment, or to dependent members of the families of any persons who are entitled to free transportation under section three hundred and forty-six of this Act, and for their baggage, or to such other persons as the Board may approve or permit; or,

Railway employees, M. P. P.'s press, etc.

(d) railways or transportation companies from exchanging passes or free tickets with other railways or transportation companies for their officers, agents and employees and their families, goods and effects, or from issuing passes or free tickets to officers and employees of the Department of Railways and Canals, or their families, and their goods and effects, or a similar interchange of passes, or franks with or by telegraph, telephone and cable companies;

Exchanging passes, etc.

(e) railways from giving free carriage to the Governor General, and staff, and families, and baggage and equipment,

Governor General.

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board, and the Board, in or by any order or by general regulation, may prescribe the forms to be issued or used by the company for the carriage of traffic at free or reduced rates under this Act, and the terms and conditions applicable thereto, and the records to be kept by the company of all such traffic carried and of all passes, free and reduced rate transportation issued or given by the company, and shall require the making of periodical returns duly verified by affidavit to the Board in respect thereof; and it shall

Board may regulate carriage of traffic and prescribe forms, records and returns under this section.

be the duty of the Board to examine such returns with a view to seeing that the law has been observed.

Commutation tickets.

(2) Whenever the Board sees fit it may require the company to grant and issue commutation tickets at such rates and on such terms as the Board may order. R. S., c. 37, s. 341; 1910, c. 50, s. 11. Am.

Members of Parliament and Board, etc., free.

**346.** Members of the Senate and House of Commons of Canada, with their baggage, and members of the Board and such officers and staff of the Board as the Board may determine, with their baggage and equipment, shall, on production of cards, certifying their membership or right, which shall be furnished them by the Clerk of the Senate or the Clerk of the House of Commons or the Secretary of the Board, as the case may be, be entitled to free transportation on any of the trains of the company; and the company shall also, when required, haul free of charge any car provided for the use of the Board. R.S., c. 37, s. 343. Am.

No free passes, except as above provided.

**347.** Subject to the provisions of sections three hundred and forty-five and three hundred and forty-six of this Act, no company shall hereafter, directly or indirectly, issue or give any free ticket or free pass, whether for a specific journey or periodical or annual pass, and no company shall otherwise arrange for or permit the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect: Provided that nothing in this Act shall affect the furnishing of free transportation where such is specifically required by any other public general Act of the Parliament of Canada. *New.*

*Contracts, etc., Limiting Carriers' Liability.*

Contracts, etc., impairing carriers' liability.

**348.** (1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Board.

Power of Board.

(2) The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Board may prescribe terms.

(3) The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company.

(4) Railway companies shall print in both the English and French languages the bills of lading that are to be used along their lines within the limits of the province of Quebec. R. S., c. 37, s. 340; 1909, c. 32, s. 14. Am.

Bills of lading to be in French and English in Quebec.

*Carrying Dangerous Commodities.*

**349.** (1) No passenger shall carry, nor except in conformity with any order or regulation made by the Board in that behalf, shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature.

Dangerous goods.

(2) Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. R. S., c. 37, s. 286. Am.

Nature must be marked outside.

**350.** (1) The Company shall not carry any goods of an explosive or dangerous nature except in conformity with the regulations made by the Board in that behalf.

Carrying regulated by Board.

(2) The Company may refuse to take, except in conformity with any order or regulation made by the Board in that behalf, any package or parcel which it suspects to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact. R. S., c. 37, s. 287. Am.

Suspected parcels.

*Carrying His Majesty's Mail and Forces.*

**351.** His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall, at all times, when required by the Postmaster General of Canada, the Minister of Militia or the Deputy Minister of Militia, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such regulations as the Governor in Council makes. R.S., c. 37, s. 289. Am.

Carriage of mails, troops, equipment, etc.

Regulations.

*Checking Passengers' Baggage.*

**352.** (1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same.

Company to affix checks.

Excess  
baggage.

(2) In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. R. S., c. 37, s. 283.

*Passenger Employees to wear Badges.*

Not entitled  
to exercise  
office with-  
out badge.

**353.** Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. R. S., c. 37, s. 280.

*Passengers refusing to pay Fare.*

Expulsion.

**354.** Every passenger who refuses to pay his fare or produce and deliver up his ticket upon the request of the conductor may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place: Provided that the conductor shall first stop the train and use no unnecessary force. R. S., c. 37, s. 281. Am.

*Collection of Tolls.*

May be  
enforced in  
any court.

**355.** In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction. R. S., c. 37, s. 344.

Seizure and  
sale of goods  
subject to  
tolls.

**356.** (1) The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods.

(2) If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale.

Application  
of proceeds.

Surplus.

(3) The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto and may recover the deficiency, if any, by action in any court of competent jurisdiction. R.S., c. 37, s. 345.

**357.** (1) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods.

Unclaimed goods.

Sale.

Proceeds.

(2) The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

Balance.

(3) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada.

If unclaimed

(4) Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. R. S., c. 37, ss. 346, 347.

Limitation of time for claim.

### *Traffic by Water.*

**358.** The provisions of this Act shall, in respect of tolls, tariffs and joint tariffs, so far as deemed applicable by the Board, extend and apply to the traffic carried by any railway company by sea or by inland water, between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places. R. S., c. 37, s. 7 (1). Am.

When Act applies to.

### *Tolls and Traffic on Bridges and Tunnels.*

**359.** The provisions of this Act in respect of tolls, tariffs and traffic shall, in so far as the Board deems them applicable, extend and apply to,—

Provisions apply to—

(a) any company which has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and,

Bridge or tunnel company.

(b) the traffic so carried over, upon or through such structure. R. S., c. 37, s. 7 (2). Am.

Traffic thereby.

## EXPRESS BUSINESS.

*Express Tolls and Tariffs.*

Approval of  
tolls. **360.** (1) All express tolls shall be subject to the approval of the Board.

Powers of  
Board. (2) The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all such powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. R. S., c. 37, s. 348.

Application  
of Act.

Tariff of  
tolls.

**361.** Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. R. S., c. 37, s. 349.

Goods not to  
be carried  
until tariff is  
filed, or after  
disallowance.

**362.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or in any case where such express toll in any tariff has been disallowed or suspended by the Board. R. S., c. 37, s. 350. Am.

Tolls not to  
be charged  
until filed  
and  
approved.

**363.** No express toll shall be charged in respect of which there is default in such filing, or which is disallowed or suspended by the Board. R. S., c. 37, s. 351. Am.

*Board may define Carriage by Express.*

Board may  
define  
carriage by  
express.

**364.** The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act, and may order that all such goods as the Board may think proper shall be carried by express. R.S., c. 37, s. 352. Am.

*Contracts Limiting Liability of Express Companies.*

Conditions  
limiting  
liability to  
be approved  
by Board.

**365.** (1) No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting

restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

(2) The Board may in any case or by regulation,—

Regulation of carriage by express.

(a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and,

(b) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. R.S., c. 37, s. 353. Am.

#### *Returns by Companies Charging Express Tolls.*

**366.** (1) Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

Annual return by company.

(2) Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. R. S., c. 37, s. 354.

Form, etc., of return.

#### TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY.

##### *Telegraphs and Telephones on Railways for Railway Purposes.*

**367.** (1) The railway company may, as incidental to and as part of its undertaking, construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

Telegraph and telephone lines.

(2) The railway company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

Arrangements with other companies.

(3) Part II of the *Telegraphs Act* shall apply to the telegraphic business of the railway company. R.S., c. 37, s. 244. Am.

R.S., c. 126, Part II to apply.

##### *Special Powers of Railway Companies*

**368.** Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power

Electric and other power.

power to acquire, transmit and distribute electric and other power or energy, such company, subject to the provisions of sections three hundred and seventy and three hundred and seventy-three of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board, and the Board may revise such rates and charges whenever it deems proper. *New.*

Telegraphs  
and tele-  
phones.

**369.** (1) Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls subject  
to Act.

(2) No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section three hundred and seventy-six of this Act, and the said company and its said business and works shall in all respects be subject to the provisions of the said section.

R.S., c. 126,  
Part II to  
apply.

(3) Part II of the *Telegraphs Act*, except such portions thereof as are inconsistent with this Act, shall apply to the telegraphic business of such company. *New.*

Control of  
municipality.

R.S., c. 126.

**370.** No power conferred as in the last two preceding sections mentioned and nothing in the said sections or in the *Telegraphs Act*, shall authorize such company to construct or operate any line along any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, nor without complying with any terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. *New.*



*Telephone Connection with Railway Stations.*

**371.** (1) Whenever any province, municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of a railway company in such district, and cannot agree with such company with respect thereto, such province, municipality, corporation or incorporated company may apply to the Board for leave therefor.

Municipal and other systems, connection with stations, etc.

(2) The Board may also upon the application of any interested party authorize any telephone company operated by any province, municipality or incorporated company to instal at its own expense telephone connection with any station of the company, the annual charge, if any, to be paid by the company for such service and all other terms or conditions connected therewith to be such as the Board may determine, having regard to all local conditions, but in no case is such charge to exceed the customary local rate.

Board may order upon terms.

(3) Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the railway company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. R.S., c. 37, s. 245. Am.

Contracts giving exclusive privileges not to be taken into consideration.

*Putting Wires Across Railways or Other Wires.*

**372.** (1) Lines, wires, other conductors, or other structures or appliances for telegraphic or telephonic purposes, or for the conveyance of power or electricity for other purposes, shall not, without leave of the Board, except as provided in subsection (5) of this section, be constructed or maintained,—

Leave of Board.

(a) along or across a railway, by any company other than the railway company owning or controlling the railway; or

(b) across or near other such lines, wires, conductors, structures or appliances, which are within the legislative authority of the Parliament of Canada.

(2) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location and the proposed works.

Plans to be submitted.

(3) The Board may grant the application and may order the extent to which, by whom, how, when, on what terms

Powers of Board.

and conditions, and under what supervision, the proposed works may be executed.

Authority  
for works.

(4) Upon such order being made the proposed works may be constructed and maintained subject to and in accordance with such order.

When leave  
not required.

(5) Leave of the Board under this section shall not be necessary for the exercise of the powers of a railway company under section three hundred and sixty-seven of this Act, nor for the maintenance of works now authorized, nor when works have been or are to be constructed or maintained by consent and in accordance with any general orders, regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 37, s. 246; 1911, c. 22, s. 7; 1917, c. 37, s. 4. Am.

*Putting Lines or Wires Across or Along Highways, etc.*

Lines and  
wires on  
highways  
and public  
places.

**373.** (1) Subject to the provisions of the other subsections of this section, any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines, may, for the purpose of exercising the said powers, enter upon, and, as often as the company thinks proper, break up and open any highway, square or other public place, provided always that,—

Conditions.  
Travel and  
access.

(a) such company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

Height of  
wires.

(b) in cities, towns and incorporated or police villages such company shall not permit any wire to be less than twenty-two feet, or less than any greater height which the Board may direct, above such highway or public place; nor shall it in any municipality permit any wire which crosses any highway or public place to be less than eighteen feet, or less than any greater height the Board may direct, above such highway or public place; nor shall it permit any wire which crosses or is adjacent to any private way, entrance or lane used for vehicular traffic to be less than seventeen feet or less than any greater height the Board may direct above such private way, entrance or lane; or erect more than one line of poles along any highway;

Poles.

(c) all poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;

Trees.

(d) such company shall not unnecessarily nor without giving at least ten days previous notice to the owner thereof or to the municipality, nor in any case where forbidden by the Board, cut down or mutilate any shade, fruit or ornamental trees, but the Board may when it deems proper dispense with such notice and may in any case make any order or direction it deems fit respecting such trees;

- (e) the opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires under ground, shall be subject to the supervision of such person as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition; Supervision.
- (f) if, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, such company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of such company so doing such person may remove such wires and poles at the expense of such company; Where necessary to cut wires or remove poles.
- (g) such company shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works; Damage.
- (h) such company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Wires cut in case of fire.
- (i) every person employed upon the work of erecting or repairing any line or instrument of such company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of such company and a number by which he can be readily identified. Workmen to wear badges.
- (2) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, within the legislative authority of the Parliament of Canada, shall except as hereinafter in this section provided, be constructed by any company upon, along or across any highway, square or other public place, without the legal consent of the municipality having jurisdiction over such highway, square or public place. Consent of municipality.
- (3) If any company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the company, such company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square or other public place showing the proposed location of such lines, wires and poles. Leave of Board.
- (4) The Board may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, Powers of Board.

lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application which it deems expedient, having due regard to all proper interests.

Exercise of powers.

(5) Upon such order being made, and subject to any terms imposed by the Board, such company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection one of this section, except in so far as the said provisions are expressly varied by order of the Board.

Putting wires underground, etc.

(6) Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, within the legislative authority of the Parliament of Canada, in any city or town, or any portion thereof, to be placed underground, and may in any case order any extension or change in the location of any such line in any city or town, or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate, or continue, any such line, or any pole or other works belonging thereto, except as directed by the Board; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same city or town, and such municipality is desirous of having any such lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and such provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any such lines within such city or town, or any portion thereof, to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection three of section two hundred and fifty-three of this Act, with the necessary adaptation, shall apply to every such case.

Joint order of Board and provincial commission.

Existing lines.

(7) Except as provided in the last preceding subsection, nothing in this section shall affect the right of any telegraph or telephone company to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed.

Provisions in special Acts, etc.

(8) Nothing in this section shall authorize, or give power to authorize, any company to construct or operate any line or works along any highway or public place without the

consent of the municipality having jurisdiction thereover in any case where,—

(a) the Special Act applying to such company requires such consent; or,

(b) the provisions of section three hundred and sixty-eight, three hundred and sixty-nine or three hundred and seventy apply to such company and require such consent;

and where such consent is so required the provisions respecting the same shall be complied with. R.S., c. 37, ss. 247 *part*, 248 *part*. Am.

### *Price and Supply of Certain Power.*

**374.** (1) In any case where water-power has been acquired under lease from the Crown for the development of electrical energy, and the lessee from the Crown of such water-power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either, as the case may be, the Board shall determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

In disputes between lessee of water-power and applicant for electricity Board may fix price.

(2) For the purpose of determining and fixing such quantity or such price, the Board may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other person to attend before the Board and be examined on oath and to produce all papers, documents, vouchers, records and books of every kind; and for the purpose aforesaid, the Board shall have all such powers, rights and privileges as are vested in a superior court.

Powers of Board for such purpose.

(3) This section shall not apply to any case where the water-power leased from the Crown, has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee. 1911, c. 22, s. 12.

Application of section limited.

### *Provisions Governing Telegraphs and Telephones.*

**375.** (1) In this section unless the context otherwise requires,—

Interpretation.

“company” means a railway company or person authorized to construct or operate a railway, having authority

“Company.”

authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls;

"Special Act."

"Special Act" means any Act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes the *Telegraphs Act* and any general Act relating to telegraphs or telephones.

R.S., c. 126.

Tolls subject to approval.

(2) Notwithstanding anything in any Act heretofore passed, all telegraph and telephone tolls to be charged by the company, and all charges for leasing or using the telegraphs or telephones of the company, shall be subject to the approval of the Board, and may be revised by the Board from time to time.

Exception private wires.

The provisions of this subsection shall not apply to the use of telegraph or telephone wires where no toll is charged to the public.

Filing of tariffs.

(3) The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style, and give such information, particulars and details, as the Board, from time to time, by regulation, or in any particular case, prescribes, and, unless with the approval of the Board, the company shall not charge and shall not be entitled to charge any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board; provided that any company, previous to the first day of May, one thousand nine hundred and eight, charging telegraph or telephone tolls, may, without such filing and approval, for such period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless where the Board has disallowed or disallows such tolls.

Proviso.

Provisions applying to tolls.

(4) Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to standard freight tariffs, and all the provisions of this Act, except as to publication under section three hundred and forty-two applicable to companies thereunder with respect to standard freight tariffs and tolls, shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telegraph and telephone tariffs and tolls.

(5) The Board may permit the classification of telegraph, telephone and cable messages into such classes as it deems just and reasonable, and may permit different rates to be charged for such different classes.

Classification of messages.

(6) The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Publication of tariffs.

(7) Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any telephone system or line owned, controlled or operated by the company, in order to connect such telephone system or line with the telephone system or line operated or to be operated by such first mentioned company, or by such province, municipality or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone system or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms, including compensation if any, as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection, or communication shall be had, constructed, installed, operated and maintained.

Connections with other systems, power of Board to order.

(8) No order made under the next preceding subsection shall apply to the interchange of local conversations between persons using the telephones of two competing systems or lines where such systems or lines terminate upon switch-boards located within the municipal limits of the same city, town or village, except in the case of rural party line telephones in non-competitive areas, and then only when the Board deems such interchange to be desirable and practicable.

Local conversations over competing systems.

(9) Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the

Standards of apparatus to be considered.

telephone business of the company, and where in all the circumstances it seems just and reasonable to grant the same.

Application  
of provisions  
as to joint  
tariff.

(10) Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by any other company or by any such province, municipality or corporation, whether the authority of such company, province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this section or the Special Act, shall apply to such company or companies and to such province, municipality or corporation; and the Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

Enforcement  
of orders.

Working  
agreements  
to be  
approved  
by Board.

(11) All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telegraph or telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telegraph or telephone messages or service passing to and from their respective telegraph or telephone systems and lines, or for the division or apportionment of telegraph or telephone tolls, or generally in relation to the management, working or operation of their respective telegraph or telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the Board, and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect.

Application  
of provisions  
of Act.

(12) Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the Board, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Board and appeals to the Supreme Court or Governor in Council from the Board, and respecting offences and penalties, and the other provisions of this Act, (except sections seventy-two to two hundred and seventy, two hundred and seventy-two to two hundred and eighty-two, two hundred and eighty-seven to three hundred and



thirteen, three hundred and twenty-three, three hundred and forty-nine to three hundred and fifty-four, three hundred and sixty to three hundred and sixty-six, three hundred and ninety-four to four hundred and twenty-four, and four hundred and forty-nine to four hundred and fifty-seven, both inclusive in each case), shall extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application,—

- (a) "company" or "railway company" shall mean a company as in subsection one of this section defined; Interpretation.  
"Company."  
"Railway."
- (b) "railway" shall mean all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;
- (c) "Special Act" shall mean a Special Act as in subsection one of this section defined; "Special Act."
- (d) "toll" or "rate" shall mean telegraph or telephone toll; "Toll."  
"Rate."
- (e) "traffic" shall mean the transmission of and other dealings with telegraphic and telephonic messages. 1908, c. 61, ss. 1-5; 1910, c. 50, s. 13. Am. "Traffic."

*Marine Electric Telegraphs or Cables.*

**376.** (1) After this section is brought into effect, section three hundred and seventy-five of this Act shall extend and apply to marine electric telegraphs or cables; and, Marine telegraphs and cables, when Act to apply to.  
"Telegraph."

"telegraph" in the said section, unless the context otherwise requires, shall include marine electric telegraph or cable;

"telegraph toll" in the said section, unless the context otherwise requires, shall include any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by any marine electric telegraph or cable system whereby messages are transmitted from, to or through Canada; "Telegraph toll."

"traffic" in the interpretation provided for by paragraph (e) of subsection twelve of the said section, and as the application of the said section is extended by the coming into force of this section, shall include messages transmitted from Canada to any other country by means of any marine electric telegraph or cable line; or, to Canada from any other country by the like or similar means; or, through, or into, or from any part of Canada by means of any marine electric telegraph or cable lines acting in conjunction with land lines or by land lines acting in conjunction with marine electric telegraph or cable lines, by means of a through route or otherwise. "Traffic."

(2) Every company to which this section applies shall have four months after this section comes into force within which Four months to obtain approval of tariffs.

which to file and obtain approval of its tariffs and tolls; but the Board may, upon application and upon good and sufficient ground being shown, extend such time to a period not exceeding one year, including the said four months.

Coming into force.

(3) This section shall come into force upon similar provision being made by the proper authority in the United Kingdom, and upon proclamation of the Governor in Council. 1910, c. 57. Am.

*Government Use and Construction of Telegraphs and  
Telephones.*

Government may have exclusive use.

**377.** (1) Every railway, telegraph and telephone company, shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

Compensation.

(2) Such company shall thereafter be entitled to receive reasonable compensation for such service. R. S., c. 37, s. 290.

Government may erect wires on railway.

**378.** The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. R. S., c. 37, s. 291.

STATISTICS AND RETURNS.

Annual returns.

**379.** (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its capital, traffic and working expenditure and of all other information required.

Attestation.

(2) Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company or carrier by water, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Board may direct.

Period included.

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier by water extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, and ending with the last day of December in the year, or other interval, for which the returns are

to be made, or with such other date as the Board may direct.

(4) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the first day of February in each year, or within one month after any other date directed by the Board under the next preceding subsection. 1909, c. 31, s. 2. Am. Duplicate for Minister.

**380.** (1) Every railway, telegraph, telephone and express company and every carrier by water, if required by the Board so to do, shall prepare returns of its traffic monthly, that is to say, from the first to the close of the month inclusive. Traffic returns monthly.

(2) Such returns shall be in accordance with the forms the time being required by the Board. Form.

(3) A copy of such returns, signed by the officer of the company or carrier responsible for the correctness of such returns, shall be forwarded by the company or carrier to the Dominion Statistician within seven days from the day to which the said returns have been prepared. Copy to Statistician.

(4) The Board may in any case extend the time within which such returns shall be forwarded. 1909, c. 31, s. 2. Am. Extension of time.

**381.** (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually, or more frequently if the Board so requires, make to the Board, under the oath of the president, secretary or superintendent of the company, or carrier, or of such other person as the Board may direct, a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property or in connection with the operation of the undertaking of the company, or carrier, setting forth,— Annual returns of accidents showing—

(a) the causes and natures of such accidents and casualties; Causes and nature.

(b) the points at which such accidents and casualties occurred, and whether by night or by day; and, Locality and time.

(c) the full extent of such accidents and casualties and all the particulars thereof. Extent and particulars.

(2) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, or undertaking, and ending with the last day of December in the then current year. Period for which returns made.

(3) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company or carrier to the Dominion Statistician within one month after the first day of February in each year. Copies of returns.

Copies of  
by-laws.

(4) Every such company and every carrier by water shall also, when required by the Board return a true copy of the existing by-laws of the company, or carrier, and of its rules and regulations for the management of the company or carrier, and of its railway, or of such other undertaking or business as it is authorized to carry on.

Form.

(5) The Board may order and direct the form in which such returns shall be made up. 1911, c. 22, s. 14. Am.

Board  
may require  
further  
returns as  
to accidents.

**382.** The Board may order and direct any railway company to make up and deliver to the Board, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Board deems necessary and requires for their information with a view to public safety. R.S., c. 37, s. 373. Am.

Returns  
privileged.

**383.** All returns made in pursuance of any of the provisions of the four sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for,—

Exceptions.

- (a) default in making such returns in accordance with the requirements of this Act;
  - (b) perjury in making any oath required by this Act in connection with such returns;
  - (c) forgery of any such return; or,
  - (d) signing any such return knowing the same to be false.
- R.S., c. 37, s. 374.

#### *To the Board.*

Board may  
require  
returns.

**384.** (1) The Board may, from time to time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, require it, or such officer, servant or agent, to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,—

Assets and  
liabilities.  
Stock.

- (a) the assets and liabilities of such company;
- (b) the amount of its stock issued and outstanding, and the date at which any such stock was so issued;

Consideration  
for  
stock.

- (c) the amount and nature of the consideration received by such company for such issue, and, in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

- (d) the gross earnings or receipts or expenditure by such company during any periods specified by the Board, and the purposes for which such expenditure was made; Earnings and expenditures.
- (e) the amount and nature of any bonus, gift, or subsidy, received by such company from any source whatsoever; and the source from which, and the time when, and the circumstances under which, the same was so received or given; Bonuses and subsidies.
- (f) the bonds issued at any time by such company, and what portion of the same are outstanding and what portion, if any, have been redeemed; Bonds.
- (g) the amount and nature of the consideration received by such company for the issue of such bonds; Consideration.
- (h) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for any such liabilities, and the circumstances under which the same were created; Liabilities.
- (i) the cost of construction of such company's railway or other works or any part thereof; Cost of construction.
- (j) the amount and nature of the consideration paid or given by such company for any property acquired by it; Cost of property.
- (k) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and, Leases and contracts.
- (l) generally, the extent, nature, value and particulars of the property, earnings and business of such company. Generally.
- (2) The Board may summon, require the attendance of and examine under oath, any officer, servant or agent of such company, or any other person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of such company, or such officer, servant, agent or person. Board may require attendance and production.
- (3) Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public, or published, but shall be for the information of the Board only. Information for use of Board only.
- (4) The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in the manner aforesaid. And Governor in Council.
- (5) The Board may authorize any part of such information to be made public when, and in so far as, there may appear to the Board to be good and sufficient reasons for so doing: Provided that if the information so proposed to be made public Board may make information public on notice to company.

by the Board, is of such character that such company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to such company and hearing any objection which such company may make to such publication. R.S., c. 37, s. 375.

#### ACTIONS FOR DAMAGES.

##### *Breach of Duty under Act.*

Damages  
for breach of  
duty under  
Act.

**385.** Any company which, or any person who, being a director or officer thereof, or a receiver, trustee, lessee, agent, or otherwise acting for or employed by such company, does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders, regulations or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, in addition to being liable to any penalty elsewhere provided, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby, and such damages shall not be subject to any special limitation except as expressly provided for by this or any other Act. R.S., c. 37, s. 427 (2); 1910, c. 50, s. 12. Am.

##### *Cattle Getting on Railway.*

Damages  
where  
animals get  
on railway.

**386.** (1) When any horses, sheep, swine or other cattle, whether at large or not, get upon the lands of the company and by reason thereof damage is caused to or by such animal, the person suffering such damage shall be entitled to recover the amount of such damage against the company in any action in any court of competent jurisdiction unless the company establishes that such damage was caused by reason of,—

Exceptions.

Gates not  
kept closed.

(a) any person for whose use any farm crossing is furnished, or his servant or agent, or the person claiming such damage or his servant or agent, wilfully or negligently failing to keep the gates at each side of the railway closed when not in use; or,

Gates wil-  
fully left  
open.

(b) any person other than an officer, agent, employee or contractor of the company wilfully opening and leaving open any gate, on either side of the railway provided for the use of any farm crossing, without some one being at or near such gate to prevent animals from passing through the gate on to the railway; or,

(c) any person other than an officer, agent, employee or contractor of the company taking down any part of a railway fence; or, Fence taken down.

(d) any person other than an officer, agent, employee or contractor of the company turning any such animal upon or within the enclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or, Animals turned on railway.

(e) any person other than an officer, agent, employee or contractor of the company, except as authorized by this Act, without the consent of the company, riding, leading or driving any such animal or wilfully suffering the same to enter upon any railway, and within the fences, guards and gates thereof. Animals ridden, etc. on railway.

(2) Where any such animal, by reason of being at large within half a mile of the intersection of a highway with any railway at rail level contrary to the provisions of section two hundred and seventy-eight, is killed or injured by any train at such point of intersection, the owner of such animal shall not have any right of action against any company in respect of the same being so killed or injured; but contravention of the said section shall not in any other case, nor shall the fact that the company is not guilty of any negligence or breach of duty, prevent any person from recovering damage from the company under this section. Animals killed or injured at highway crossing.

(3) Nothing in this section shall be construed as relieving any person from the penalties imposed by section four hundred and six of this Act. R.S., c. 37, ss. 294 (3)-(5), 295; 1910, c. 50, ss. 8 and 9. Am. Penalty not affected.

*Fires from Locomotives.*

**387.** (1) Whenever damage is caused to any property by a fire started by any railway locomotive, the company operating the railway on which the locomotive is being used, whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction: Provided that if it be shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars; provided also that if there is any insurance existing on the property destroyed or damaged, where the company has used modern and efficient appliances and has not otherwise been guilty of negligence, the total amount of damages sustained by any claimant in respect of the Liability for fire caused by locomotive.

*Proviso.*

*Insurance.*

destruction

destruction or damage of such property shall, for the purposes of this section, be reduced by the amount received or recoverable by or for the benefit of such claimant in respect of such insurance.

No action.

(2) No action shall lie against the company by reason of anything in any such policy of insurance.

Limitation.

(3) In any action or proceeding under this section the limitation of two years prescribed by section three hundred and ninety-one of this Act shall begin to run from the date of final judgment in any action brought by the assured to recover such insurance money, or, in the case of settlement, from the date of the receipt of such money by the assured, as the case may be.

*Pro rata*  
apportionment.

(4) Where the amount recoverable from the company is limited to such five thousand dollars and such sum is not sufficient to pay all the claims in full, it shall be apportioned among the claimants *pro rata* according to the claims established.

Determination of claims by judge.

(5) Where it is made to appear that the total amount of the claims may exceed the said sum, a judge of any superior court of competent jurisdiction may make such order as he deems fit for the proper determination and adjustment of all such claims and of the liability of the company, and, if he deems proper, may stay or consolidate any action or actions, and may direct advertisement for such claims and filing and adjudication thereof in such manner and before such tribunal, officer or person as he deems fit, and may order that after such advertisement or notice as he directs all claims not filed and established as directed shall thereafter be barred; and the costs of any such proceedings shall be paid as such judge directs.

Costs.

Restrictions.

(6) Except under or in pursuance of such an order, the company shall not be entitled to have any action under this section stayed or the amount recoverable therein lessened because of the limitation of its liability to five thousand dollars as aforesaid, nor shall any payment made by the company to any claimant otherwise than under or in pursuance of such an order prejudice the right of any other claimant to receive his due proportion of such five thousand dollars.

Exception.

(7) Nothing in the last two preceding subsections shall prevent or prejudice any action or claim against the company for failure to use modern and efficient appliances or for other negligence.

Insurable interest in property.

(8) The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. 1911, c. 22, s. 10 (1-3). Am.

*Failure*



*Failure to Equip Trains Properly.*

**388.** Every company which fails to comply with any requirement of this Act,—

Failure to equip trains properly.

(a) with respect to providing and causing to be used on its trains modern and efficient apparatus, appliances or means, or any apparatus, appliance or means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,

(b) with respect to equipping its box freight cars, for the security of its employees, with outside ladders and hand-grips, or, if the Board so requires, with any other improved side attachment required by the Board; or,

Box freight cars.

Draw bars.

(c) with respect to adopting and using upon its rolling stock draw bars of a height determined by the Board; shall, in addition to being liable to any penalty elsewhere provided, be liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person, unless such agreement is authorized by the law of the province in which it is made and by regulation of the Board. R. S., c. 37, s. 386. Am.

Penalty.

*Infraction of Provision or Order respecting Tolls.*

**389.** (1) Every company shall, in addition to any penalty in this Act provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any provision of this Act, or of any order, direction, decision or regulation made or given by the Board under this Act, in respect of tolls, be liable, at the suit of any person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have so sustained.

Infraction of order respecting tolls.

Triple damages.

(2) No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. R. S., c. 37, s. 404. Am.

No action without leave of Board.

*Injuries on Platform, Baggage or Freight Car.*

**390.** No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars,

No claim for injuries in certain cases.

sufficient for the proper accommodation of the passengers, was furnished at the time. R. S., c. 37, s. 282.

### *Limitation and Defences.*

Limitation.

**391.** (1) All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall, and notwithstanding anything in any Special Act may, be commenced within two years next after the time when such supposed damage is sustained, or, if there is continuation of damage, within two years next after the doing or committing of such damage ceases, and not afterwards.

Exceptions—  
carriage of  
traffic, tolls.

(2) Nothing in subsection one of this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the provisions of this Act respecting tolls.

Pleadings.

(3) Notwithstanding anything in any Special Act or elsewhere contained, the pleadings in any action or suit against the company shall be governed by the law or rules of procedure of the court in which such action or suit is brought, and the company shall not, unless permitted by such law or rules, be entitled to plead the general issue.

Company  
not relieved  
by inspec-  
tion, etc.

(4) No inspection under or by the authority of this Act, and nothing in this Act and nothing done, ordered or directed, or required or provided for, or omitted to be done, ordered or directed or required or provided for, under or by virtue of the provisions of this Act, shall, except in so far as a compliance with the Act or with such order or direction, or requirement or provision, constitutes a justification for what would otherwise be wrongful, relieve, or be construed to relieve, any company of or from, or in any wise diminish or affect, any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, negligence or default, misfeasance, malfeasance, or non-feasance, of such company. R.S., c. 37, s. 306; 1917, c. 37, s. 10. Am.

### OFFENCES, PENALTIES AND OTHER LIABILITY.

#### *Disobeying Orders of Board.*

Disobeying  
orders of  
Board.

**392.** (1) Every company and every municipal or other corporation which neglects or refuses to obey any order of

the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, shall for every such offence, be liable to a penalty of not less than twenty dollars nor more than five thousand dollars.

(2) Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the president, the vice-president, each vice-president where there are more than one, and every director and managing director of such company shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order and that he was not at fault for the neglect or refusal to obey the same.

Liability of officers of company.

(3) Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

Liability of officers of municipality or corporation.

(4) Nothing in or done under this section shall lessen or affect any other liability of such company, corporation or person, or prevent or prejudice the enforcement of such order in any other way.

Other liability continues.

(5) No prosecution shall be had under this section except by leave or direction of the Board. *New.*

Prosecution.

### *Obstructing Inspecting Engineers.*

**393.** (1) Every operator or officer employed in any telegraph office of the company, or under the control of the company, who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages shall, for every such offence, be liable on summary conviction to a penalty of forty dollars. R.S., c. 37, s. 405.

As to transmission of telegraph messages.

Penalty.

Obstructing  
inspecting  
engineer on  
duty.

Penalty.

(2) Every person who wilfully obstructs any inspecting engineer in the execution of his duties shall be liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. R.S., c. 37, s. 406.

### *Purchase of Railway Securities.*

Company not  
to purchase.

Penalty.

Separate  
offences.

Recovery  
and  
application.

**394.** (1) Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act or the Special Act, shall incur a penalty of one thousand dollars for each such violation.

(2) The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section.

(3) Such penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer. R.S., c. 37, s. 376. Am.

### *Schemes of Arrangement with Creditors.*

Failure of  
company to  
keep or sell  
copies.

Penalty.

**395.** If any railway company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. R.S., c. 37, s. 424.

### *Filing and Registry.*

Company  
neglecting  
to file.

**396.** Every railway company, which fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,—

(a) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or,

Plan and profile.

(b) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation, are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require;

Plan of lands taken.

shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. R.S., c. 37, s. 378.

Penalty.

**397.** Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects,—

Registrar of deeds neglecting his duty.

(a) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; or,

Receiving and preserving documents.

(b) to endorse thereon the day, hour and minute when the same were so deposited; or,

Endorsements.

(c) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or,

Copies.

(d) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act;

Certificates.

shall be liable on summary conviction to a penalty of ten dollars, and also to an action for damages at the suit of any person injured by any such refusal or neglect. R.S., c. 37, s. 377.

Penalty.

*Removing Industrial Spurs.*

**398.** Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars. *New.*

Removing industrial spurs without leave.

*Examining Mine Workings.*

Refusing to allow examination of mine workings.

**399.** Any owner, lessee, or occupier of a mine lying under or near a railway or any of the works connected therewith, who, after the company owning or operating such railway has obtained the written permission of the Board and given twenty-four hours notice in writing in that behalf, refuses or neglects to allow\*any person appointed by such company for that purpose, to enter into and return from such mine or the works connected therewith and make use of any apparatus of such mine and all necessary means for discovering the distance from such railway or works connected therewith to the parts of such mine which are being worked, in order to ascertain whether such mine is being worked or has been worked so as to injure or be detrimental to such railway or works connected therewith, or to the safety thereof or of the public, shall for every such refusal or neglect be liable on summary conviction to a penalty not exceeding one hundred dollars. *New.*

*Matters Incidental to Construction.*

Failing to comply with directions as to construction of bridges.

**400.** Every railway company which fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to His Majesty the sum of two hundred dollars. R. S., c. 37, s. 379.

Penalty.

Structures not in conformity with this Act.

**401.** (a) If any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or,

Spaces not in conformity.

(b) If, except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, is in any case less than twenty-two feet six inches;

Penalty.

the company or owner so constructing shall incur a penalty

not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned: Provided that nothing in this section shall apply to any bridge, tunnel, erection or structure exempted by the Board from such requirements. R.S., c. 37, s. 382. Am.

Proviso.

**402.** Every company which erects, operates or maintains any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. R. S., c. 37, s. 396.

Structures in violation of this Act.

Penalty.

**403.** Every railway company which, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the twelfth day of March, one thousand nine hundred and three,—

Improper use of highways.

- (a) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board; or,
- (b) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or,
- (c) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

shall incur a penalty of not less than forty dollars nor more than five thousand dollars for each such offence. R. S., c. 37, s. 380. Am.

Penalty

**404.** Every railway company which fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words *Railway Crossing* painted on each side thereof, in letters at least six inches in length, and, in the province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. R. S., c. 37, s. 381.

Failure to erect signboards at crossings.

Penalty.

*Opening Railway for Traffic.*

**405.** If any railway or portion thereof is opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, before leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to His Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave. R. S., c. 37, s. 384.

Opening railway without leave of Board.

Penalty.

*Safety and Care of Roadway, etc.*

Leaving  
gates open.

**406.** (1) Every person who,—

(a) wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; or,

Taking down  
fences.

(b) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or,

Turning  
animals  
into  
railway  
inclosure.

(c) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or,

Allowing  
animals to  
go upon  
railway.

(d) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or wilfully suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;

Penalty.

shall, on summary conviction, be liable to a penalty of twenty dollars for each such offence.

Damages to  
the company.

(2) Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission.

Damages to  
person  
injured.

(3) Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission of such offence all damages thereby sustained. R.S., c. 37, s. 407. Am.

Failure to  
have weeds  
removed  
from right  
of way.

**407.** (1) Every railway company which fails or neglects to cause the thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every day during which such failure or neglect continues.

Penalty.

Municipal  
officers may  
remove.

(2) The mayor, reeve or chief officer of the municipality, township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right



of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do.

(3) Such mayor, reeve, chief officer or justice of the peace may recover the expenses and charges so incurred, and the said penalty, with costs, in any court of competent jurisdiction. Expenses.

(4) Such penalty shall be paid to the proper officer of the municipality. Payment. R. S., c. 37, s. 417.

**408.** Every person, not connected with the railway or employed by the company, who trespasses upon the yard or track of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. Walking on track. R. S., c. 37, s. 408. Penalty. Am.

**409.** Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if,— Using highway crossings on foot.

(a) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges; and, If there is a foot bridge.

(b) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. Maintained. R. S., c. 37, s. 409.

**410.** (1) If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,— Non-compliance with order of Board.

(a) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway; or, Works.

(b) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or, Operation.

(c) condemning and forbidding further use of any rolling stock therein specified; Rolling stock.

the company shall for each such refusal or neglect forfeit to His Majesty the sum of two thousand dollars. Penalty.

Aiding or  
abetting.

(2) Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance shall be liable therefor, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars.

No prosecution  
without  
leave of  
Board.

(3) No prosecution for any penalty under this section shall be instituted without the authority of the Board first obtained. R. S., c. 37, s. 383.

Non-com-  
pliance with  
notice of  
engineer  
forbidding  
the running  
of trains.

**411.** If any railway company refuses or neglects to comply with any notice in writing of any inspecting engineer, given under the authority of this Act, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to His Majesty the sum of two thousand dollars. R. S., s. 37, s. 385.

Penalty.

#### *Notification of Accidents.*

Omitting to  
give notice  
of accident.

**412.** (1) Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. R. S., c. 37, s. 412.

Penalty.

Conductors,  
etc., failing  
to notify  
Board by  
telegraph.

(2) Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars. *New.*

Penalty.

#### *Operation and Equipment.*

Violation of  
by-laws and  
rules.

**413.** Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars: Provided that no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. R. S., c. 37, s. 416.

Printed copy  
must be  
posted.

**414.** Every railway company required by this Act,—

- (a) to provide and cause to be used on its trains modern and efficient apparatus, appliances and means, or any apparatus, appliances and means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,
- (b) to equip its box freight cars, for the security of its employees, with outside ladders and hand-grips, or if the Board so requires, with any other improved side attachment required by the Board; or,
- (c) to adopt and use upon its rolling stock draw bars of a height determined by the Board;

Failure of company to properly equip its trains.

Box freight cars.

Draw bars.

which fails to comply with any requirement of this Act in that behalf shall forfeit to His Majesty a sum not exceeding two hundred dollars for every day during which such default continues. R. S., c. 37, s. 386 (1).

Penalty.

**415.** (1) (a) If any railway company upon whose railway there is a telegraph or telephone line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph or telephone office; or,

Blackboard.

(b) if, when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or,

Notice of overdue trains.

(c) if, when there is any further change in the expected time of arrival, such station agent, or person in charge of the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station;

Further notice.

such company shall be liable, upon summary conviction, to a penalty not exceeding five dollars for each such wilful neglect, omission or refusal.

Penalty.

(2) Such station agent or person in charge at any such station shall likewise be liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to

Station master also liable.

write or cause to be written upon such blackboard any of such notices as hereinbefore required. R. S., c. 37, s. 395. Am.

Freight car  
in rear of  
passenger  
car.

**416.** Every officer or employée of any railway company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. R. S., c. 37, s. 387.

Penalty.

Penalty for  
not stopping  
at swing  
bridges.

**417.** (1) A company shall be liable to a penalty not exceeding four hundred dollars, if when the railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before coming on or crossing over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose.

Board may  
permit.

(2) This section shall not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. R.S., c. 37, s. 389.

Employee of  
company  
failing to  
comply.

**418.** Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, shall be liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. R.S., c. 37, s. 390.

Penalty.

Penalty for  
failure.

**419.** (1) The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level,—

To sound  
whistle.

(a) the engine whistle is not sounded at least eighty rods before reaching such crossing; and,

And ring  
bell.

(b) the bell is not rung continuously from the time of the sounding of the whistle until the engine has crossed the highway.

Damages.

(2) The company shall also be liable for all damage sustained by any person by reason of any failure or neglect to so sound the whistle or ring the bell.

Exception.

(3) Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law if approved by order of the Board shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section. R. S., c. 37, s. 391. Am.

**420.** Every employee of the company whose duty it is to sound the whistle or ring the bell at any such highway crossing, who neglects to perform such duty as required by this Act, shall for each offence incur a penalty of eight dollars. R.S., c. 37, s. 392.

Employee neglecting to sound bell or whistle.  
Penalty.

**421.** (1) The company shall incur a penalty of one hundred dollars if,—

Penalty for—

(a) any train or engine of the company passes over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine, from a competent person or watchman in charge of such crossing, that the way is clear; or,

Crossing level railway crossing without signal.

(b) any train of the company, before it passes over any such crossing, is not brought to a full stop, unless engines and trains are, by order of the Board under the authority of this Act, permitted to pass over such crossing without stopping; or,

Train not stopping.

(c) any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at greater speed is given by some regulation or order of the Board; or,

Excessive speed in thickly peopled places where track not fenced.

(d) any train of the company passes over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or,

Over highway crossings in thickly peopled places.

(e) any train of the company passes over any highway crossing at rail level at a speed greater than ten miles an hour, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or,

Over highway crossing where accident has happened.

(f) any train of the company passes at a speed greater than ten miles an hour over any highway crossing at

Over highway crossing not rail

protected as  
ordered.

rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with; or,

Moving  
reversely  
without  
warning.

(g) whenever in any city, town or village, any train of the company not headed by an engine is allowed to pass over or along a highway at rail level which is not adequately protected by gates or otherwise, the company does not station on that part of the train, which is then foremost, a person who shall warn persons standing on or crossing or about to cross the track of such railway.

Electric  
railway  
companies.  
Crossing at  
rail level  
without  
signal from  
watchman.

(2) Every company operating an electric street railway shall incur a penalty of one hundred dollars if,—

(a) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear; or,

Or from  
conductor  
if no  
watchman.

(b) if there is no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motor-man that the way is clear and to proceed; or,

Not stopping.

(c) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. R.S., c. 37, s. 393; 1917, c. 37, s. 13. Am.

Obstructing  
highway.

**422.** (1) Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company, who has directly under or subject to his control, management or direction any such engine, tender or car, shall be liable on summary conviction to a penalty not exceeding fifty dollars, and the company shall also be liable to a like penalty: Provided that, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs shall be in the discretion of the court. R. S., c. 37, s. 394.

Penalty.

When  
observing  
rules of  
company  
causes  
obstruction.

(2) No employee shall be liable to such penalty if he proves that the carrying out or observing of the rules of the company was the cause of such obstruction, and in such case the company and its superintendent or other officer in charge of the operation of the railway, or of the division

thereof upon which such obstruction occurs, shall each be guilty of the offence mentioned in this section and liable to a penalty not exceeding two hundred dollars. 1917, c. 37, s. 14.

### *Intoxication of Employees.*

**423.** Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence, and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. R. S., c. 37, s. 413.

Intoxication  
of railway  
employees.

Penalty.

**424.** Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. R.S., c. 37, s. 414.

Selling liquor  
to railway  
employees on  
duty

Penalty.

### *Traffic, Tolls, and Tariffs.*

**425.** (1) If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person,—

Contra-  
ventions in  
respect of  
tolls.

- (a) wilfully does, or causes to be done, or willingly suffers to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,
- (b) wilfully omits or fails to do any act, matter, or thing thereby required to be done; or,
- (c) causes or willingly suffers or permits any act, matter or thing, so directed or required to be done, not to be so done; or,
- (d) contravenes any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

Penalty.

Prosecution  
by leave.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R. S., c. 37, s. 398.

Giving free  
passes, etc.

**426.** (1) Any company or any officer or agent thereof, or any person acting for or employed by such company, who, in contravention of the provisions of this Act, directly or indirectly, issues or gives any free ticket or free pass, whether for a specific journey or periodical or annual pass, or who arranges for or permits the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars, and any person other than as provided by this Act who uses any such free ticket or free pass, whether for a specific journey or periodical or annual pass, shall be subject to a like penalty.

Using free  
passes.

Prosecution  
by leave.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. *New.*

False billing,  
etc., by  
company.

**427.** (1) Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty.

Prosecution  
by leave.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 37, s. 399.

False billing  
etc., by  
any person.

**428.** (1) Any person, or any officer or agent of any incorporated company, who delivers goods for transportation to such company, or for whom as consignor or consignee the company transports goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains, or knowingly or wilfully attempts to obtain, transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty.

(2) The Board may make regulations providing that any such persons or company shall, in addition to the regular



toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge. Further toll.

(3) The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated. Opening of packages.

(4) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. Prosecution by leave.  
R. S., c. 37, s. 400. Am.

**429.** (1) Any person or company, or any officer or agent of any company,— Unjust discrimination.

(a) who offers, grants or gives, or solicits, accepts or receives any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force; or,

(b) for whom the company or any of its officers or agents, is by any such means induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or,

(c) who aids or abets the company in any unjust discrimination;

shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars. Penalty.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. Prosecution by leave.  
R.S., c. 37, s. 401.

**430.** (1) If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, when so in force, shall, as against such company, its officers, agents or employees, be an offence under this Act. Departure from tolls in tariff.

(2) No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. Offence.  
Prosecution by leave.  
R.S., c. 37, s. 402.

**431.** (1) All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, shall, unless such companies have filed with the Board a joint tariff for such continuous route, be subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time. Neglect to file joint tariff.

(2) Such goods shall be subject to a Customs duty of thirty per centum of the value thereof, if they would not be Goods subject to Customs duties.  
30 per cent.

subject to any Customs duty in case they were of foreign production, and coming into Canada for the first time.

Payable by  
company.

(3) If any such duty is paid by the consignor or consignee of such goods, the same shall be repaid on demand to the person so paying, by the company or companies owning or operating so much of such continuous line or route as lies within Canada. R.S., c. 37, s. 397.

Sending of  
explosives.

**432.** Every person who,—

(a) sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; or

Taking them  
on train.

(b) carries or takes upon any train any such goods for the purpose of carriage;

Penalty.

shall be liable on conviction to a penalty not exceeding two thousand dollars or imprisonment for any period not exceeding two years, or both. R.S., c. 37, s. 410. Am.

Carrying  
dangerous  
goods.

**433.** Every company which carries any goods of an explosive or dangerous nature except in conformity with the regulations, or an order, made by the Board in that behalf, shall for each such offence incur a penalty of five hundred dollars. R. S., c. 37, s. 411. Am.

Refusing to  
check bag-  
gage.

**434.** If any railway company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be liable to such passenger for the sum of eight dollars recoverable in a civil action. R.S., c. 37, s. 388.

Penalty.

Opening  
package with  
intent to  
steal con-  
tents.

**435.** Every person who,—

(a) unlawfully bores, pierces, cuts, opens, enters or otherwise injures any car or any cask, can, bottle, box, case, sack, wrapper, package, container, or rolls of goods in or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company;

(b) unlawfully breaks the seal upon any car on any railway; or,

Drinking or  
wasting  
liquor.

(c) unlawfully drinks or wilfully spills or allows to run to waste any liquids;

Penalty.

is liable, on summary conviction, to a penalty not exceeding five hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding one year, or to both. R.S., c. 37, s. 426. Am.

*Express Business.*

**436.** Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,—

Carrying by express without filing tariff, etc.

(a) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,

(b) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,

(c) in any case where such express toll in any tariff has been disallowed by the Board;

shall be liable to a penalty not exceeding one hundred dollars for each such offence. R.S., c. 37, s. 403. Penalty.

*Statistics and Returns.*

**437.** (1) Every railway, telegraph, telephone or express company that fails or neglects to prepare and furnish to the Board within such time and in such manner and form, and in accordance with such classifications, and with such particulars and verification, as by or under this Act are required or intended,—

Failure to furnish returns to Minister.

(a) any return of its capital, traffic and working expenditure, or of any other information required as indicated in the forms for the time being required by the Board; Capital, traffic and working expenditure.

or,

(b) any monthly return of its traffic in accordance with the forms for the time being required by the Board, if such monthly return is required by the Minister; or, Monthly traffic.

(c) any other information which may be from time to time required by the Board under this Act; Other information.

shall incur a penalty not exceeding ten dollars for every day during which such default continues. Penalty.

(2) Every person who knowing the same to be false in any particular, signs any such return, is guilty of an offence punishable on summary conviction. R.S., c. 37, s. 419. Signing false return.

Am.

**438.** Any railway, telegraph, telephone or express company that fails or neglects to deliver to the Dominion Statistician within the time provided in this Act or when required by the Board, and in the form ordered and directed by the Board, or specified in this Act,—

Returns to Statistician.

(a) a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property of the Accidents.

company, or in connection with the operation of the undertaking of the company setting forth the particulars and verified in manner as by this Act required; or,

By-laws, rules and regulations.

(b) if required by the Board, a true copy of the existing by-laws of the company and of its rules and regulations for the management of the company and of its railway or such other undertaking or business as it is authorized to carry on, within fourteen days after having been so required by the Board; or,

Additional returns of serious accidents.

(c) in the case of a railway company, any other or additional returns of serious accidents occurring in the course of the public traffic on the railway, if thereunto required with a view to public safety by the Board, within fourteen days after the same have been so required;

Penalty.

shall forfeit to His Majesty the sum of one hundred dollars for every day during which the company so neglects to deliver such return. R.S., c. 37, s. 420. Am.

Refusal to make returns required by Board.

**439.** (1) If the Board at any time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, requires such company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,—

Assets and liabilities. Stock.

(a) the assets and liabilities of such company;  
(b) the amount of such company's stock issued and outstanding and the date at which any such stock was so issued;

Consideration therefor.

(c) the amount and nature of the consideration received by such company for such issue, and in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

Receipts and expenditures.

(d) the gross earnings or receipts or expenditure by such company during any period specified by the Board, and the purposes for which such expenditure was made;

Bonus and subsidies.

(e) the amount and nature of any bonus, gift or subsidy received by such company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given;

Bonds.

(f) the bonds issued at any time by such company and what portion of the same is outstanding, and what portion, if any, has been redeemed;

Consideration therefor.

(g) the amount and nature of the consideration received by such company for the issue of such bonds;

- (h) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for such liabilities, and the circumstances under which the same were created; Liabilities.
- (i) the cost of construction of such company's railway or other works or of any part thereof; Cost of construction.
- (j) the amount and nature of the consideration paid or given by such company for any property acquired by it; Cost of property.
- (k) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and, Leases and contracts.
- (l) generally, the extent, nature, value and particulars of the property, earnings and business of such company; or, Generally.
- (m) any of the matters in this section mentioned; Any matter.
- and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, such company and every such officer, servant or agent, so in default, shall severally be liable on conviction to a penalty not exceeding one thousand dollars. If wilful or negligent.
- (2) Each such officer, servant or agent so convicted shall, in addition to such penalty, be liable to imprisonment in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. Penalty. R.S., c. 37, s. 421. Imprisonment for officer or servant.

**440.** (1) If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent shall be severally liable on conviction to a penalty not exceeding one thousand dollars. Making false returns.

(2) Such officer, servant or agent shall also, on such conviction, be liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. Penalty. R.S., c. 37, s. 422. Imprisonment.

**441.** If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, without the authority of the Board first obtained, publishes or makes known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall be liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol of the county where such conviction is had. Publishing information without leave. R.S., c. 37, s. 423. Penalty.

*Railway Constables Failing in Duty.*

Failure of constable in duty.	<b>442.</b> (1) Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his office of constable shall be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months.
Penalty.	
Deduction from salary of constable.	(2) Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable.
Venue.	(3) Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction of the province wherein the offence was committed. R.S., c. 37, s. 418. Am.

*Various Offences.*

Destroying or injuring structures.	<b>443.</b> Every person who,— (a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or, (b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or, (c) enters upon any railway train, with intent fraudulently to be carried upon the said railway without paying fare thereon; or, (d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or, (e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes;
Removing or defacing notices.	
Fraudulently entering train.	
Obstructing officer of company.	
Trespass on property of company.	
Penalty	shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment with or without hard labour for a term not exceeding two months. R. S., c. 37, s. 425. Am.

*Penalties not otherwise provided.*

Company or officer doing or omitting to do anything against this Act.	<b>444.</b> Any company which, or any person who, being a director or officer thereof, or being a receiver, trustee, lessee, agent, or otherwise acting for or employed by such company,
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pany, or being a contractor or other person having to do with the railway or other works of the company, does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders, regulations, or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable. R.S., c. 37, s. 427 (1). Am. Penalty.

#### *Continuing Offences.*

**445.** When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. R.S., c. 37, s. 428. Each day's violation of this Act a distinct offence.

#### *Company Liable for Acts of its Officers and Agents.*

**446.** (1) For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company. Company liable for act or omission of officer, etc.

(2) Anything done or omitted to be done by the company which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and, upon conviction of any such offence, the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. R.S., c. 37, s. 429. Company liable to same penalty as individual offender.

#### *Penalties Constitute a First Charge.*

**447.** If any company has been convicted of any penalty under this Act, such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. R.S., c. 37, s. 430. Penalties a first charge on railway.

Procedure.

If penalty \$100 or less.

448. (1) If any penalty, prescribed for any offence under this Act, or under any order, rule or regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace.

If more than \$100 and less than \$500.

(2) If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace.

Board may require Attorney General to proceed.

(3) Whenever the Board has reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, or any order, rule or regulation of the Board, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person or corporation for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty.

Leave required when penalty exceeds \$100

(4) No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. R. S., c. 37, s. 431. Am.

RAILWAY CONSTABLES.

Appointment.

Who may make appointments.

449. (1) A superior or county court judge, two justices of the peace, or a stipendiary or police magistrate, in any part of Canada, a clerk of the peace, clerk of the Crown or judge of the sessions of the peace in the province of Quebec, within whose jurisdiction the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons who are British subjects to act as constables on and along such railway.

Qualifications.

Oath to be taken.

(2) Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any judge or other official authorized to make the appointment or to administer oaths, in the form or to the effect following, that is to say:—

Form of oath.

“I, A.B., having been appointed a constable to act upon and along (*here name the railway*), under the provisions of *The Railway Act*, do swear that I am a British subject;



that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favour or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully according to law. So help me God."

(3) Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. 1917, c. 37, s. 9. Appointment in writing.

### *Territorial Limits and Powers.*

**450.** (1) Every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts,— Territorial limits of constable.

- (a) on such railway, and on any of the works belonging thereto;
- (b) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company; and,
- (c) in all places not more than a quarter of a mile distant from such railway.

(2) Every such constable shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. R.S., c. 37, s. 301. Powers of constable.

**451.** (1) Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes. Justices.

(2) Every such justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his jurisdiction. R.S., c. 37, s. 302.

*Dismissal.*

Dismissal  
of constables  
by judge or  
magistrate.

**452.** (1) A superior or county court judge or a stipendiary or police magistrate, in any part of Canada, or a judge of the sessions of the peace in the province of Quebec, may dismiss any such constable who is acting within his jurisdiction.

By company  
or agent.

(2) The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway.

Powers to  
cease on  
dismissal.

(3) Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, shall wholly cease.

Reappoint-  
ment.

(4) No person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. R.S., c. 37, s. 303. Am.

*Records and Evidence Respecting Appointment and Dismissal.*

Company  
to record  
appoint-  
ments and  
dismissals  
with clerk of  
peace.

**453.** The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,—

- (a) such appointment or a certified copy thereof;
- (b) the name and designation of any such constable;
- (c) the date of his appointment;
- (d) the name of the authority making such appointment; and, in the case of dismissal,
- (e) the fact of the dismissal of any such constable;
- (f) the date of any such dismissal; and,
- (g) the name of the authority making such dismissal.

R.S., c. 37, s. 304.

Book to be  
kept by  
clerk of  
peace.

**454.** Such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. R.S., c. 37, s. 305.

Records as  
to railway  
constables  
to be  
evidence.

**455.** The records relating to appointments and dismissals of railway constables, required by this Act to be kept by the respective clerks of the peace for the counties, parishes, districts or other local jurisdictions in which such constables are appointed, shall, without further proof than the mere production of such records, be *primâ facie* evidence of the due appointments of such constables, of their jurisdiction to act as such, and of the other facts by this Act required to be so recorded. R.S., c. 37, s. 75.

## MISCELLANEOUS.

*Sunday Observance.*

**456.** (1) Notwithstanding anything in this Act, or in any other Act, every railway, situate wholly within one province of Canada and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway is situate which was in force on the tenth day of August, one thousand nine hundred and four, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.

Railway to be subject to provincial legislation in force in 1904.

(2) Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada.

Such legislation confirmed.

(3) The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the tenth day of August, one thousand nine hundred and four, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act shall, to the extent aforesaid, be by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada.

Subsequent legislation may be adopted by proclamation.

(4) Notwithstanding anything in this Act, or in any other Act, every railway, wholly situate within the province, and which has been declared by the Parliament of Canada to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling, or operating the same wholly or partly, in respect of such ownership, control or operation, shall, from and after such proclamation, be subject to such Act in so far as it has been so confirmed.

Effect of proclamation.

(5) Nothing in this section shall apply to any railway or part of a railway,—

Exceptions.

- (a) which forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon; or,

(b)

- (b) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or,  
 (c) which the Governor in Council by proclamation declares to be exempt from the provisions of this section.  
 R.S., c. 37, s. 9. Am.

*Ascertaining Grand Trunk Pacific Railway Earnings.*

Ascertainment of true net earnings of G.T.P.R.

**457.** (1) In order to the ascertainment of the true net earnings of,—

1904, c. 24.

(a) the Eastern Division of the Grand Trunk Pacific railway, for the purposes of the scheduled agreements referred to in the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chapter twenty-four, intituled *An Act to amend The National Transcontinental Railway Act*; and,

Inquiry by Board.

(b) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal or interest of any bonds made by the said Company and guaranteed by the Government are unpaid by the said Company;

the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

Government interests.

1903, c. 71.

Net earnings.

(2) In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest, and to the provisions of *The National Transcontinental Railway Act*, and of the said Act in amendment thereof, and of the said scheduled agreements.

Apportionment.

(3) Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said Company should have received under a just and reasonable apportionment; and such agreement shall be material evidence only and not conclusive.

Appeal.

(4) Either party to any such question may appeal from any such determination to the Supreme Court of Canada.  
 R.S., c. 37, s. 27.

*Regulations*

*Regulations and Orders of the Railway Committee of the Privy Council.*

**458.** (1) All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of *The Railway Act, 1888*, in force on the first day of February, one thousand nine hundred and four, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

Regulations and orders continued.

1888, c. 29.

(2) The Board shall have the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders which the Board may make under this Act. R.S., c. 37, s. 32.

Board may repeal.

**459.** (1) Notwithstanding the repeal of *The Railway Act, 1888*, the orders of the Railway Committee of the Privy Council in force on the first day of February, one thousand nine hundred and four, may be made rules or orders of the Exchequer Court, or of any superior court of any province in Canada, and may be enforced in all respects, as nearly as may be, in the same manner as provided by this Act, in the case of similar orders by the Board.

Existing orders of Railway Committee.

1888, c. 29.

(2) All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation or disobedience to any order of the Board, shall apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the first day of February, one thousand nine hundred and four, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. R.S., c. 37, s. 33.

Penalties for disobeying.

**460.** (1) The Governor in Council shall continue to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the first day of February, one thousand nine hundred and four, under *The Railway Act, 1888*, in as full and ample a manner as if the said Act had not been repealed and as if this Act had not been passed.

Powers of Governor in Council continued.

1888, c. 29.

(2) Any order or decision so sanctioned or confirmed shall have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the first day of February, one thousand nine hundred and four. R.S., c. 37, s. 34.

Orders and decisions confirmed.

## REPEAL.

Repeal.

**461.** The following Acts are hereby repealed to the extent and with the exceptions hereby set forth:—

Year.	Chapter.	Title.	Extent of Repeal.
<i>The Revised Statutes of Canada, 1906</i>	37	An Act respecting Railways.....	The whole, except section two hundred and forty-seven in so far as that section applies to any person or company having legislative authority from the Parliament of Canada to acquire, construct, operate or maintain works, machinery, plant, lines, poles, tunnels, conduits or other means for receiving, generating, storing, transmitting, distributing or supplying electrical or other power or energy, but not including a railway company or a telegraph company or telephone company.
1907	37	An Act in amendment of the Railway Act...	The whole.
1907	38	An Act to amend the Railway Act.....	The whole, except sections 3, 5, 6.
1908	18	An Act to amend the Criminal Code and to repeal section 415 of the Railway Act.....	Section 15.
1908	60	An Act to amend chapter 38 of the statutes of 1907 in amendment of the Railway Act....	The whole.
1908	61	An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.....	The whole.
1908	62	An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.....	The whole.
1909	31	An Act to amend the Railway Act.....	The whole.
1909	32	An Act to amend the Railway Act.....	The whole.
1910	50	An Act to amend the Railway Act.....	The whole.
1910	57	An Act to control the rates and facilities of Ocean Cable Companies, and to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.....	The whole.
1911	22	An Act to amend the Railway Act.....	The whole.
1913	44	An Act to amend the Railway Act.....	The whole.
1914	50	An Act to amend the Railway Act.....	The whole.
1916	2	An Act to amend the Railway Act.....	The whole.
1917	37	An Act concerning the payment of salaries or wages of employees of railway companies and to otherwise amend the Railway Act.	The whole.

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to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 69.

An Act to amend the Royal Northwest Mounted Police Act.

[Assented to 7th July, 1919.]

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

R.S., c. 91;  
1913, c. 47;  
1914 (2nd  
Sess.) c. 2.

**1.** Section three of the *Royal Northwest Mounted Police Act*, Revised Statutes of Canada, 1906, chapter ninety-one, is repealed and the following is substituted therefor:—

“**3.** The Royal Northwest Mounted Police Force shall continue to be a police force duly constituted for Canada. It shall be known as the Royal Northwest Mounted Police and may be employed in such parts of Canada as the Governor in Council may prescribe.”

Force may be employed anywhere in Canada.

**2.** Section six of the said Act, as enacted by chapter forty-seven of the statutes of 1913, is repealed and the following is substituted therefor:—

“**6.** (1) The Governor General may by commission appoint an officer who shall be called the Comptroller of the Royal Northwest Mounted Police, and may also appoint a Commissioner of Police.

Comptroller.

Commissioner.

“(2) The Governor General may by commission appoint one or more assistant commissioners of police, and one or more staff and other superintendents, and inspectors, surgeons, assistant surgeons and veterinary surgeons of the Force, and the Governor General may in any commission issued under the authority of this subsection limit the time during which the same shall continue in force.”

Power to appoint one or more instead of two assistant commissioners and to issue temporary commissions.

**3.** Section ten of the said Act, as enacted by chapter forty-seven of the statutes of 1913, is amended by adding thereto the following subsection:—

“(2) Notwithstanding the provisions of section forty-six of the *Militia Act*, the Governor in Council shall have power to prescribe the rank and seniority in the militia which

Relative rank when serving with militia.

which officers of the Force shall hold for the purpose of seniority and command when they are serving with the militia."

**4.** Section eight of the said Act is repealed and the following is substituted therefor:—

Appointment  
of constables.

"**8.** (1) 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 the Governor in Council thinks proper, and to appoint from among them non-commissioned officers of different grades.

Delegation.

"(2) The Commissioner may delegate such authority to any commissioned officer of the Force.

Mounted.

"(3) Such number of non-commissioned officers and constables shall be mounted as the Governor in Council directs.

And special  
constables.

"(4) The Governor in Council may authorize the Commissioner to appoint special constables, agents, men and boys (not less than fourteen years of age) as trumpeters and buglers, at such rates of pay as are authorized by the Minister."

Trumpeters  
and buglers.

Surgeons may  
perform  
duties of  
assistant  
surgeons.

**5.** Section nine of the said Act is amended by inserting after the words "duties of surgeon" the words "assistant surgeon."

**6.** Section eleven of the said Act, as enacted by chapter forty-seven of the statutes of 1913, is repealed and the following is substituted therefor:—

Senior  
Assist.  
Commis-  
sioner to act.

"**11.** In the absence of the Commissioner, the senior assistant commissioner at headquarters may exercise all the powers which by this or any other Act are conferred upon the Commissioner."

**7.** Sections twelve, thirteen and eighteen of the said Act are repealed, and the following are substituted for sections twelve and eighteen:—

Powers of  
officers, etc.

"**12.** (1) 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 any province of Canada.

"(2) The superintendents, and such other officers as the Governor in Council approves, shall be *ex officio* justices of the peace.

"(3) Every member of the force shall be a constable in every part of Canada for the purpose of carrying out the criminal and other laws of Canada, and in the Northwest Territories and the Yukon Territory for carrying out any laws and ordinances in force therein.



“18. It shall be the duty of members of the Force subject to the orders of the Commissioner,—

Duties  
of Force.

- (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 any province or territory or territories in which they may be employed, 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) when thereto ordered 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 any province, territory or territories in which they may be employed, 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.

8. Notwithstanding anything in the said Act, all members of the Royal Northwest Mounted Police on active service in the naval, military or air forces of His Majesty during the present war shall, for the purposes of pension for service in the said force under the said Act, be entitled to have such active service counted as service in the said Police Force.

Time in war  
service to be  
included in  
computing  
pension.

Provided, however, that the amount of any pension, gratuity or allowance which any member of the Royal Northwest Mounted Police receives or is entitled to receive or apply for, in respect of any injury received by him while serving in the military, naval or air forces aforesaid shall be deducted from any pension, gratuity or allowance to which such member would be entitled under the said Act, other than a pension for years of service, irrespective of any infirmity of mind or body or bodily injury; and no widow or child of any such member who received, or is entitled to receive or apply for, any pension, annuity, gratuity or allowance in consequence of the death, incapacity or injury of any such member while serving in the forces aforesaid shall be entitled to any pension, annuity or allowance under the said Act.

Duplication  
of pension for  
injuries, etc.,  
not allowed.

9. In case of the re-appointment or re-engagement in the Force of any person who was a member of the Force and who, subsequent to the fourth day of August, one thousand nine hundred and fourteen, resigned or purchased or otherwise obtained his discharge from the Force for the purpose

Those who  
left Force to  
serve in war  
on rejoining  
Force, service  
in war to be  
included in  
computing  
pension.

of serving in the military, naval or air forces of His Majesty during the present war and who served therein, the period of such service in such forces shall, for the purposes of pension only under the said Act, be deemed to have seen service in the Force, and in any such case such member shall be repaid any money paid by him to purchase such discharge.

Rates of pay.

10. (1) Subsection one of section twenty-one of the said Act, as enacted by chapter forty-seven of the statutes of 1913, is amended by striking out the last seven items fixing the sums to be paid to staff sergeants, the thereafter mentioned members of the Force, artisans and other special employees, and substituting therefor the following:—

“Eight staff sergeants, each per diem.....	\$ 3 00
Other staff sergeants, each per diem.....	2 50
Other non-commissioned officers, per diem.....	2 25
Constable, per diem.....	1 75
Scouts, per diem.....	2 50
Trumpeters and buglers, under eighteen years of age, per diem.....	1 25
Working pay to artisans and others specially employed, per diem.....	0 75”

(2) Subsection two of said section twenty-one is repealed, and the following is substituted therefor:—

Extra pay to detectives, members in N.W.T., and Yukon, and elsewhere.

“(2) The Governor in Council may authorize extra pay to be paid to members of the Force employed as detectives, to those serving in the Northwest Territories and the Yukon Territory and for a period of five years from the first day of June, 1919, to any other member of the Force.”

11. The said Act is amended by inserting the following heading and section immediately after section twenty-seven:—

“RESERVE.

Creation of a Reserve of officers and men who have served in Force.

“27A. (1) The Governor in Council may from time to time authorize the Commissioner to appoint by warrant under his hand, such officers and men who have served in the Force to a Reserve to be known as the ‘Royal Northwest Mounted Police Reserve.’

“(2) Such Reserve, or any portion or member thereof, may be called up for duty by the Commissioner when he deems it necessary.

“(3) When such officer or man of the said Reserve shall have been called up for duty he shall hold the rank which he held on the date of his retirement or discharge from the Force, and shall receive the current rate of pay for such rank.

“(4) When such member is called up for duty, he shall exercise all powers and jurisdiction of a regular member of the Force holding the same rank.

“(5) Every member of such Reserve may be appointed for a term not exceeding one year, and shall take the oath of office and allegiance.

“(6) Every member of the Force on being called up for duty will be subject to this Act and all rules and regulations made thereunder from the date of his being called up, which date shall be the day on which he is advised by registered letter to report himself for duty.

“(7) Any member of the Reserve may retire therefrom on giving two months’ notice in writing to the Commissioner.

“(8) Any member of the Reserve may be discharged therefrom by the Commissioner without notice.

“(9) Any member of the Reserve may be called up for training for a period not exceeding seven days in any one year, and while so called up will receive the same rate of pay as when called up for duty, and during such training shall be subject to this Act.

“(10) No member of the Reserve Force shall be entitled to count the period served in such Reserve Force toward pension.

“(11) The Governor in Council may prescribe arms and equipment and the uniform to be worn by the Reserve.

“(12) No person over the age of sixty-five years shall be appointed to or continue in the Reserve.”

**12.** Section forty-three of the said Act is repealed and the following is substituted therefor:—

“**43.** An officer who is retired compulsorily for any cause other than misconduct or inefficiency after ten 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.”

Pension to officers, service reduced from 20 to 10 years.

**13.** Section fifty-one of the said Act is repealed and the following is substituted therefor:—

“**51.** Subject to the provisions hereinafter contained, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer who, having completed twenty years’ service, was at the time of his death on full pay, or who, having completed ten years’ service, is at the time of his death in receipt of a pension.”

Pension to widow, allowance to children.

**14.** Section fifty-three of the said Act is repealed and the following is substituted therefor:—

“**53.** The pension of a widow shall be:

“(a) if her husband was at the time of his death on full pay, an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death; or,

Pension of widow increased to one-half of husband’s pension.

“(b) if he was on pension, an amount equal to one-half of such pension.”

Widow's pensions may be revised but not payments made before this Act.

**15.** Pensions to widows heretofore granted under the provisions of the said Act may be readjusted in accordance with the provisions of this Act, but no such readjustment shall authorize the increase of any payments for pension that accrued before the passing of this Act.

Officers' super-annuation.

**16.** Subsection (c) of section sixty of the said Act is repealed and the following is substituted therefor:—

“(c) to every officer in the Force on the first day of July, one thousand nine hundred and two.”

Repeal.

**17.** Section sixty-four of the said Act is repealed.

**18.** Section sixty-six of the said Act is repealed and the following is substituted therefor:—

Pension of constables increased.

“**66.** Subject to the provisions of this Part, every constable who is a member of the Force at the time of the passing of this Act, or who hereafter becomes a member of the Force, shall be entitled, upon retirement, to a pension for life as follows:—

“(a) If he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances for every 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 and allowances, with an addition of two-fiftieths of such pay and allowances 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 and allowances, with an addition of one-fiftieth of such pay and allowances 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.”

Extra and working pay excluded for computation of pension, but allowances to be included.

**19.** Paragraph (b) of section sixty-seven of the said Act is repealed and the following is substituted therefor:—

“(b) Neither working pay nor extra pay of any man shall be considered.”

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## 9-10 GEORGE V.

### CHAP. 70.

An Act relating to the Harbour of Saint John in the Province of New Brunswick.

[Assented to 7th July, 1919.]

WHEREAS under the charter of the city of Saint John, in the province of New Brunswick, granted by His late Majesty, King George the Third, in the year one thousand seven hundred and eighty-five, certain rights and powers in and over the harbour of Saint John, within the limits of the said city were vested in the Corporation of the mayor, aldermen and commonalty of the city of Saint John (hereinafter called "the City") and in the said mayor; and whereas the City is also the owner of certain water-lots and wharf properties; and whereas the City has agreed to make a transfer of the said rights, powers, titles and interests aforesaid to His Majesty under the conditions hereinafter set out; and whereas it is expedient to constitute the Corporation of the commissioners for the port and harbour of Saint John for the management and improvement of the said harbour, and that the said harbour and any rights or powers over the same now vested in the City or in the said mayor should, upon the transfer of the same by the City, be vested in and exercisable by the commissioners constituted under this Act: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1882, c. 51,  
N. Brunswick  
1875, c. 95.

1. This Act may be cited as *The Saint John Harbour Commissioners Act*. Short title.

2. In this Act and in any by-law or regulation made hereunder, unless the context otherwise requires,— Definitions.

(a) "by-law" means any by-law, rule, order or regulation made by the corporation under the authority of this Act;

(b) "city" means the corporation of the mayor, aldermen and commonalty of the city of Saint John in the province of New Brunswick;

- (c) "commissioner" means a member of the corporation;
- (d) "corporation" means the Saint John Harbour Commissioners;
- (e) "goods" includes all personal property and movables other than vessels;
- (f) "minister" means the Minister of Marine and Fisheries;
- (g) "raft" includes any raft, crib, dram, bag or boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed;
- (h) "rate" means any rate or toll leviable under or imposed by the authority of this Act;
- (i) "the harbour" means the harbour of Saint John as defined by this Act;
- (j) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

Limits of  
Harbour.

**3.** The boundaries of the harbour of Saint John, for the purposes of this Act, shall be as follows:—

The northerly limit of said harbour shall be a line drawn due northeast (astronomically) from the middle of the Dominion Government lighthouse tower erected in 1896 on the westerly bank of Saint John river, at Green Head, to the easterly bank of said river.

The southerly and westerly limits of said harbour shall be as follows:—Beginning at the intersection with high water mark of the westerly face of the Government breakwater at Negro Point; thence due south (astronomically) four thousand four hundred and fifty (4,450 ft.) feet, more or less, to an intersection with a line drawn due southwest (astronomically) from the middle of the Dominion Government Lighthouse Tower erected on Partridge island; thence due east (astronomically) six thousand (6,000 ft.) feet more or less, to an intersection with a line drawn due southwest (astronomically) from a point where the easterly boundary of the Military Grounds at Red Head cuts high water mark; thence due northeast (astronomically) nine thousand (9,000 ft.) feet more or less, to high water mark.

Commission-  
ers.

**4.** There shall be a Corporation to be called "The Saint John Harbour Commissioners."

Appointment.

**5.** (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council and who shall hold office during pleasure.

Quorum.

(2) Two commissioners shall be a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two commissioners to sign any

debenture, bond or other security that may be issued by the commissioners.

(3) The Governor in Council may from time to time appoint one of the said commissioners to be Chairman of the Corporation. Chairman

(4) The Chairman and the other commissioners may be paid, out of the revenue of the Harbour, such remuneration as the Governor in Council determines. Remuneration.

(5) A commissioner may resign his office by notice in writing to the Minister. Resignation.

(6) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:— Oath of office.

“I, ....., make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a commissioner (or as chairman) of the Corporation of the Commissioners of the Port and Harbour of Saint John.”

The said oath shall be filed of record in the office of the Corporation.

(7) A certificate under the seal of the Corporation that any person named therein is Chairman or presiding officer, as the case may be, shall be conclusive evidence of such fact. Certificate that person is Chairman.

6. The Corporation may appoint a harbour master, deputy harbour master, port warden, deputy port wardens, shipping master, deputy shipping masters, and such other officers, assistants, engineers, clerks and servants as is deemed necessary to carry out the objects and provisions of this Act, and may require them to furnish such security for the due and faithful performance of their respective duties as it deems necessary. Officers.

7. The Corporation shall, for the purposes of and as provided in this Act, have jurisdiction over the said harbour, and shall have the administration and control of the harbour and of all the harbour property and privileges and powers to be transferred to His Majesty by the City, and of all other powers, rights, privileges or property, real or personal, acquired or that may be acquired under the provisions of this Act or of any amendment thereto. Jurisdiction.

8. The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease and otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty. Power to acquire property.

and may acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may take out registers for such vessels.

May own and  
operate  
tracks, etc.

**9.** The Corporation may own and operate, by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

Expropriation.

**10.** Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of the *Railway Act* relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said provisions shall be exercised by the Governor in Council.

Consideration to be  
paid for  
Harbour, etc.

**11.** The consideration for the transfer of the harbour property and privileges to His Majesty shall be two million dollars, payable as follows: The sum of one million, three hundred and forty-two thousand, seven hundred and seventeen dollars and fifty-five cents, representing the present bonded indebtedness of the City in connection with harbour development, shall be assumed and taken over by the Corporation, and the Corporation shall pay the interest on the said bonds and the value of the same as they mature; and for the balance, that is to say, the sum of six hundred and fifty-seven thousand, two hundred and eighty-two dollars and forty-five cents, the Corporation shall issue to the City its debentures payable at the end of twenty-five years from the day of issue and bearing interest at the rate of five per centum per annum, payable half yearly, which debentures the Corporation are hereby authorized to issue, in such form and for such amounts as the Minister of Finance of Canada may approve, and if the said debentures or the said interest are not paid by the Corporation as and when they and it from time to time become due, such debentures and interest shall be paid by His Majesty; and the assumption of the said bonded indebtedness by the Corporation and the issue of the said debentures by the Corporation to the City shall be deemed to be payment in full for the harbour, harbour property, rights, rents and privileges to be conveyed to His Majesty by the City.



**12.** Upon the registering of the deed and conveyance of such property and privileges from the City to His Majesty in the office of the registrar of deeds in and for the city and county of Saint John, all the property conveyed by the said deed and all the rights, rents, powers and privileges of the mayor, alderman and commonalty of the city of Saint John or of the said mayor in or relating to the harbour of Saint John set out in the said deed shall vest in His Majesty, His heirs and successors absolutely and the same shall forthwith come under and be subject to the control of and administration by the Corporation.

Transfer complete on registering deed.

**13.** The elevator, the property of His Majesty, and all wharves, the property of His Majesty in the right of His Government of Canada, within the limits of the harbour of Saint John as set out in section three of this Act, shall be subject to the control of and administration by the Corporation, upon and from such date as may be fixed by the Governor in Council, and the Corporation shall pay in consideration thereof to the Minister of Finance of Canada interest at the rate of three and one-half per centum per annum upon the amount of the cost of construction thereof.

Elevator and wharves of His Majesty to be controlled by Corporation.

**14.** (1) The Corporation may make by-laws not contrary to law or inconsistent with the provisions of this Act, and by any such by-law may impose penalties not exceeding one hundred dollars or thirty days imprisonment, upon persons infringing or contravening the provisions of this Act or of any by-law made thereunder, for the following purposes, that is to say:—

By-laws.

- (a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;
- (b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;
- (c) Each and every matter in connection with the use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same, and anything incidental thereto;
- (d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation;
- (e) Each and every matter in connection with the construction and maintenance of the wharves, piers, buildings or any other constructions within the harbour

limits, and the rates, tolls, dues and rentals to be paid for the use thereof, and anything incidental thereto;

- (f) The imposition and collection of rates and tolls on vessels entering, using and leaving the said harbour and their cargoes, and on goods landed or shipped in the said harbour, and penalties for the infringement of any of the provisions of this Act or any by-law made thereunder;
- (g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and control of the harbour and harbour services under its jurisdiction;
- (h) The construction, maintenance and operation of such harbour and branch and other railway and tramway tracks as are required for the satisfactory conduct and development of the business of the harbour, or to authorize the acquisition by the Corporation of such tracks by purchase, lease or otherwise;
- (i) To authorize the Corporation to enter into an agreement with any railway company for the operation by any motive power by such company of the tracks of the Corporation so as at all times to afford all other railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by such company;
- (j) To authorize the Corporation making arrangements with railway companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between companies' railways and those of the Corporation for the maintenance, management, control and working of tracks of the Corporation by the parties to such agreement severally, or any of them jointly, and for the using by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour.

By-laws to be approved and published.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

Power to levy rates.

**15.** The Corporation may levy such rates as are fixed by by-law, and may commute any rates authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Valuation of goods.

**16.** The valuation of goods on which *ad valorem* rates are imposed shall be made according to the provisions of the *Customs Act*, and the said provisions shall, for the

purposes of such valuation, be held to form part of this Act as if actually embodied herein, and the collector of customs at Saint John shall direct the appraiser to attend and make such valuation at any place and time needful on application being made to him to that effect by the Corporation or its authorized agent, and the said appraiser shall act herein without taking any new oath of office for the purpose.

**17.** The rates on goods landed or shipped from sea going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid. Who to pay rates.

(2) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

**18.** (1) The Corporation may require the collector of customs at Saint John to collect on its behalf such portions of the rates authorized by this Act to be levied in the harbour as it deems expedient to collect through him. Rates to be collected by Collector of Customs.

(2) Every collector so required to make collection on account of the Corporation shall pay over to the Corporation on the first day of each month all moneys collected for it, and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof.

**19.** For the purpose of acquiring land and purchasing, constructing, extending and improving wharfs, dry docks, elevators, warehouses, railways, bridges and other accommodations and structures in the harbour, in such manner as the Corporation deems best calculated to facilitate trade and increase the convenience and utility of the harbour, and for the purpose of repaying the principal of money borrowed therefor, the Corporation may, with the approval of the Governor in Council, borrow money at such rates of interest as it finds expedient and may, for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues and property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation deems advisable. Borrowing money for improvements, etc.

**20.** The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued Debentures chargeable on revenues, etc.

issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by and under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

Order of preference.

- (a) The payment of all expenses incurred in the collection of the said revenue and other necessary charges;
- (b) The defraying of the expenses attendant on keeping the wharfs and other works vested in the Corporation in a thorough state of repair;
- (c) The payment of interest due on the debentures issued by the Corporation to the City under the authority of this Act;
- (d) The payment of interest due on all money hereafter borrowed under this Act;
- (e) Providing a sinking fund for paying off all money borrowed or the liability for the payment of which is assumed by the Corporation;
- (f) The cost of operating docks and wharfs, and otherwise carrying out the objects of this Act.

Penalties how enforced

**21.** All money due and penalties incurred under this Act, or under any by-law made in pursuance thereof, may be recovered in a summary manner under Part XV of the *Criminal Code*.

When vessels may be seized and detained.

**22.** (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of New Brunswick:—

- (a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;
- (b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty;
- (c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under orders of their superior officers, to any property of the Corporation;
- (d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under orders of their superior officer.

Lien.

(2) In a case coming within paragraphs (c) or (d) of subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching

for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the *Canada Shipping Act*) for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

Special lien  
for rates.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon any judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

Seizure after  
judgment.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties or pilotage dues accrued, or in the charge or possession or the property of any third person.

In whose  
hands  
seizure may  
be made.

(6) The rights conferred by this Act shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Limitation  
of time.

**23.** The Corporation may seize and detain any goods in case,—

Seizure and  
detention of  
goods.

- (a) any sum is due for rates in respect of such goods, and is unpaid; or,
- (b) any provision of this Act, or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

**24.** (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringement of any provision of this Act or any by-law in force under this Act, have been paid in full.

Seizure and  
detention to  
be at owner's  
charge.

When seizure,  
etc., may be  
made.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

Order for  
seizure.

(3) The seizure and detention may be effected upon the order of,—

(a) any judge;

(b) any magistrate having the power of two justices of the peace;

(c) the collector of customs at any port in the province of New Brunswick.

Application  
for order.

(4) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of  
process.

**25.** (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew.

(2) Nothing in this Act shall authorize the service of any summons or the execution of any warrant on board any vessel in His Majesty's service.

Penalties to  
be paid to  
corporation.

**26.** (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the court or magistrate before whom the penalty has been recovered.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administering  
oaths.

**27.** Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

Accounts to  
be kept.

**28.** The Corporation shall keep separate accounts of all moneys borrowed and expended by it under the authority of this Act and of all revenue received and expended from the operation of the harbour, its services and facilities, and

shall account therefor to the Governor in Council at such periods and in such manner and form as he shall direct.

**29.** In the case of any violation of this Act or of any by-law in force under this Act no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose. Limitation of time for proceeding for penalties.

**30.** Chapter fifty-one of the statutes of 1882 is hereby repealed. Repeal.

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to the King's most Excellent Majesty.







## 9-10 GEORGE V.

### CHAP. 71.

An Act to assist Returned Soldiers in settling upon the Land.

[Assented to 7th July, 1919.]

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

#### PART I.

#### THE SOLDIER SETTLEMENT BOARD—ACQUIREMENT OF LANDS.

##### SHORT TITLE.

1. This Act may be cited as *The Soldier Settlement Act*, Short title. 1919.

##### INTERPRETATION.

2. In this Act, and in any regulations made under it, unless the context otherwise requires, the expression,—

- (a) "Agricultural land" means land which, in the opinion of the Board, is adaptable for agricultural purposes and the value whereof for any other purpose is not greater than its value for agricultural purposes; "Agricultural land."
- (b) "Block" means a parcel or parcels of land owned within a settlement area by any person, and whether or not the parcels are contiguous the one to the other, but including only the parcels any part of any one whereof is situated within three miles from any part of another of them; "Block."
- (c) "Board" means the Soldier Settlement Board of Canada; "Board."
- (d) "Court" means the Exchequer Court of Canada; "Court."
- (e) "District Superintendent" means a person appointed as such by the Board; "District Superintendent."

- “ Dominion Lands.” (f) “ Dominion Lands ” means any lands owned or held by the Dominion of Canada, excepting Indian or School Lands;
- “ Former Act.” (g) “ Former Act ” means *The Soldier Settlement Act, 1917*;
- “ Gazetted.” (h) “ Gazetted ” means published in the *Canada Gazette*;
- “ Land;” (i) “ Land ” or “ Lands ” includes granted or ungranted, Dominion, Provincial or private lands, and real or immovable property, messuages, lands, tenements and hereditaments of any tenure, and real rights, easements and servitudes, streams, watercourses, waters, roads and ways, and all rights or interests in, or over, or arising out of, and all charges upon, land or lands as herein defined;
- “ Military;” (j) “ Military ” and “ Military forces ” include “ Naval ” and “ Naval forces;”
- “ Military forces.”
- “ Minister.” (k) “ Minister ” means the Minister of the Interior;
- “ Property.” (l) “ Property ” includes land, as herein defined, and goods, chattels real and personal, and personal or movable property, and all rights or interests in, or over, or arising out of, and all charges upon, property as herein defined;
- “ Owner.” (m) “ Owner ” includes a person holding private land in fee simple, and a person who, being trustee, executor, administrator, life tenant, mortgagee or otherwise, has the legal power to will or convey (whether with or without the consent or approval of a court or of any person having any estate or interest) such land to be held in fee simple or by a person as the owner thereof;
- “ Permanent Improvements.” (n) “ Permanent Improvements ” and “ Improvements ” includes buildings;
- “ Improve-ments.” (o) “ Private land ” means any land which has been alienated by the Crown;
- “ Private land.” (p) “ Registrar of deeds ” or “ Registrar ” includes the registrar of land titles, or other officer, with whom, according to the law of a province, title to land is registered;
- “ Registrar of deeds;”
- “ Registrar.”
- “ Registry of deeds.” (q) “ Registry of deeds ” or other words descriptive of the office of a registrar of deeds, includes the land titles office, or other office in which, according to the law of a province, title to land is registered;
- “ Settlement area.” (r) “ Settlement area ” means an area of land in any part of Canada, so designated, and defined as this Act requires by the Board, within which the Board exercises or proposes to exercise, its power of compulsorily purchasing lands;
- “ Settler.” (s) “ Settler ” means a person who at any time during the war has been therein engaged on active service in a military force,—

- (1) of Canada—and has served out of Canada; or, wherever he may have served, is, by reason of disability incurred or aggravated as the result of such service, in receipt of a pension; or,
- (2) of His Majesty or of any of His Majesty's Allies—and, being ordinarily resident in Canada when he enlisted in or otherwise became a member of such force, has served thereafter out of Canada, in a theatre of actual war; or,
- (3) of His Majesty or of any British Dominion or Colony—and has served out of the country wherein he enlisted or otherwise became a member of such force in a theatre of actual war;
- and has been otherwise than dishonourably discharged from such force, or has been permitted to honourably resign or retire therefrom, or, without fault on his part, has been dispensed from further service therein; and the widow of any person who died on active service and who, but for his death, might be a settler as now defined, shall be capable of being a settler in her deceased husband's right: Provided that, notwithstanding anything in this Act, settlers of the class numbered (3) in this definition may be required by the Board to provide a larger cash down payment in case of purchase of property from the Board or to provide greater or other security in case of an advance or loan received from the Board, than is by this Act authorized or required with respect to settlers generally;
- (t) "Special Settler" means a settler as defined in this section, who, in the opinion of the Board, has had adequate and successful farming experience in Canada, and who is possessed of qualifications or equipment which, in the opinion of the Board, specially fit him for success as a farmer; "Special settler."
- (u) "Soldier grant" means a free entry on Dominion Lands, granted by the Minister to a settler recommended by the Board; "Soldier grant."
- (v) "This Act" and "Act" and "Former Act" includes regulations lawfully made thereunder; "This Act;"  
"Act."
- (w) "The War" means the war declared by His Majesty on the fourth day of August, 1914, against the Empire of Germany and, subsequently, against other powers. "The War."

#### CONSTITUTION OF THE BOARD.

**3.** (1) The Soldier Settlement Board, as constituted pursuant to the former Act, shall continue to consist of three commissioners, each to hold office during good behaviour, but to be removable by the Governor in Council at any time for cause and to become ineligible upon attaining seventy years

Soldier Settlement Board continued.

of age. The Governor in Council shall appoint one of such commissioners to be Chairman of the Board.

Salaries.

(2) There shall be paid, monthly, to the chairman of the Board and to each of the other commissioners, such salaries, and at such rate per annum, as the Governor in Council shall fix and allow.

#### CORPORATE POWERS OF THE BOARD.

Board to be a body corporate and agent of Crown in right of Canada.

4. (1) For the purposes of acquiring, holding, conveying, and transferring, and of agreeing to convey, acquire or transfer any of the property which it is by this Act authorized to acquire, hold, convey, transfer, agree to convey or agree to transfer, but for such purposes only, the Board shall be and be deemed a body corporate, and as such the agent of the Crown in the right of the Dominion of Canada. Any and all property acquired by the Board shall, upon acquirement, vest in the Board as such body corporate; but these provisions shall not in any wise restrict, impair or affect the powers conferred upon the Board, generally, by this Act, nor subject it to the provisions of any enactment of the Dominion or of any province respecting corporations, nor require of it, in the keeping of its records, any segregation of its corporate from its non-corporate acts.

Not subject to enactment respecting corporate seal.

Seal of Board.

(2) The Board, in its corporate capacity, shall have an impress seal inscribed with the words "The Soldier Settlement Board of Canada" and shewing the coat of arms of Canada.

Execution of documents.

(3) All documents which require execution by the Board in its corporate capacity shall be deemed validly executed if the seal of the Board is affixed, and the name of one of the commissioners is signed, by such commissioner thereto, the whole in the presence of one other person who has subscribed his name as witness; and every document which purports to be impressed with the seal of the Board and to be sealed and signed in the presence of a witness by a commissioner on behalf of the Board shall be admissible in evidence in all courts in Canada without proof of such seal or of such sealing or signing.

#### EMPLOYEES.

Officers, clerks and employees.

5. The Board may, from time to time, subject to the provisions of *The Civil Service Act, 1918*, attach to its service such officers, instructors, clerks, stenographers and other employees as the execution of the purposes of this Act may require, and at such salaries as the Governor in Council may approve. All such appointees shall hold office during the pleasure of the Board and shall perform such duties and functions as the Board shall prescribe.

RESERVATION AND ACQUIREMENT OF LANDS AND OTHER PROPERTY.

**6.** (1) The Minister may, at the request of the Board, for the execution of any of the purposes of this Act, reserve, or, with the approval of the Governor in Council, transfer, to the Board, any Dominion lands which are under the Minister's administration.

Minister may reserve and transfer lands to Board.

(2) Any reservation of lands made pursuant to this section shall lapse and become determined whenever the Minister shall, before transfer made to the Board, so direct.

Lapse of reservation.

**7.** The Board may, for the execution of any of the purposes of this Act—

Board may acquire lands and other property by agreement.

(a) purchase by agreement, at prices which to it shall seem reasonable; or,

(b) in any other manner acquire by consent or agreement, from all persons, firms and corporations, such agricultural land, situate in any part of Canada, and such live stock, farm equipment and building materials as it may deem necessary.

**8.** The Board may, for the execution of any of the purposes of this Act, acquire by way of compulsory purchase, in the manner provided by Part III of this Act, from all persons, firms, and corporations, such agricultural land as it may deem necessary.

Compulsory purchase.

**9.** (1) The Board may, with the approval of the Governor in Council, arrange with the Government of any province,—

Arrangements with provincial governments to acquire agricultural lands.

(a) for the acquiring or utilizing for any of the purposes of this Act of any Crown or other agricultural lands of such province; and,

(b) the terms and conditions upon which the Board will acquire, hold and dispose of or will utilize such lands, or upon which it will assist settlers to whom such province itself shall grant or convey any of such lands, such terms and conditions to be, as nearly as possible, the same as those which are by or under this Act provided with respect to settlers to whom the Board shall sell lands acquired by it.

**10.** The Board may acquire from His Majesty by purchase, upon terms not inconsistent with those of the release or surrender, any Indian lands which, under the *Indian Act*, have been validly released or surrendered.

Indian lands.

**11.** (1) Notwithstanding anything in *The Dominion Lands Act* having reference to school lands, the Governor in Council may, for such price as two arbitrators, one

School lands.

thereof appointed by the Minister and the other by the Government of the Province concerned, shall in writing certify to the Minister as fair and reasonable, grant or convey to the Board any school lands held pursuant to the provisions of that Act.

Application  
of amount  
paid.

(2) The amount payable by the Board for the acquirement of such lands shall be applied as if received as the proceeds of a sale of the same lands made pursuant to the provisions of *The Dominion Lands Act*.

Valuation of  
land  
purchased  
not to be  
enhanced  
because value  
increased  
by  
settlement.

**12.** The valuation of any land purchased or proposed to be purchased by the Board, whether by agreement or compulsorily, shall not be enhanced merely because its value has, by reason or in consequence of settlement or settlement operations in the vicinity thereof in execution of any of the purposes of this Act, become enhanced; and, in the absence of satisfactory proof to a contrary effect, any enhancement in the value of the land which has ensued subsequent to such settlement or settlement operations shall be deemed to have ensued by reason or in consequence of such settlement or settlement operations, and the value of the land at the time of its purchase by the Board shall be deemed not greater than its value prior to such settlement or settlement operations.

Tenants,  
guardians,  
executors,  
trustees, etc.,  
may sell to  
Board.

**13.** (1) Any tenant in tail or for life, *grévé de substitution*, seigneur, guardian, tutor, curator, committee, executor, administrator, trustee, master or person, not only for and on behalf of himself, his heirs, successors, and assigns, but also for and on behalf of those whom he represents, whether infants, issue unborn, lunatics, idiots, married women, or other persons, seized, possessed, or interested in any land or other property, may contract and agree with the Board for the sale of the whole or any part thereof, and may convey the same to the Board; and may also contract and agree with the Board as to the amount of compensation to be paid for any such land or property and give acquittance therefor.

Persons  
under  
disability.

(2) In any case in which there is no guardian or other person to represent any person under any disability, the Court may, on the application of the Board after due notice to the persons interested, appoint a guardian or person to represent for the purposes hereof such person so under such disability, with authority to give such acquittance.

Application  
of  
compensation  
money.

(3) The Court in making any order in this section mentioned shall give such directions as to the disposal, application or investment of such compensation money as it deems necessary to secure the interest of all persons interested therein.

Validity of  
contracts  
hereunder.

(4) Any contract or agreement made hereunder, or any conveyance or other instrument made or given in pursuance

of such contract or agreement shall be good and valid to all intents and purposes whatsoever.

(5) Every such contract or agreement shall be binding on the owner and on all who may take or claim through or under him, for six months from the date of the contract or agreement, although such land has in the meantime devolved upon or been conveyed or assigned to a third person.

Binding for six months on owner.

(6) No surrender, conveyance, mortgage, charge, agreement or award under this Act shall require registration or enrolment to preserve the right of the Board under it, but the same may be registered in the Registry of Deeds for the place where the land lies, if the Board deems it advisable.

Registration unnecessary to preserve right of Board.

(7) This section shall apply to all parts of this Act.

Application of section.

AGRICULTURAL TRAINING.

**14.** The Board may, with the approval of the Governor in Council, make provision for,—

Training and instruction in agriculture and economics, and allowances to settlers for same.

- (a) the placing of settlers with farmers for instruction in farming;
- (b) the establishment of agricultural training stations for settlers;
- (c) the supply of instructors and inspectors to visit and assist settlers with information and instruction in farming;
- (d) the training in home economics of the wives and female dependents of settlers; and,
- (e) the payment of subsistence allowances to settlers, for themselves and their dependents, while such settlers are in receipt of such instruction or training.

SOLDIER GRANTS.

**15.** (1) The Minister may issue, free, to any settler a soldier grant for not more than one quarter section (of one hundred and sixty acres, more or less) of lands reserved pursuant to section six of this Act.

Free soldier grants.

(2) Unless the Board shall, for special reasons, otherwise recommend, no such free grant shall be made to any settler who,—

To whom grants not to be accorded.

- (a) has, pursuant to the provisions of this Act, purchased from the Board any land; or,
- (b) has, pursuant to the provisions of this or of the former Act, secured from the Board any advance of money for the clearing of encumbrances on, or the purchase of, or the improvement of, any land; or,
- (c) is owner of or has a vested, possessory interest in, agricultural land of such area as, in the opinion of the Board, constitutes an average farm for the district

within which the land is situate, or which, in the opinion of the Board, is of the value of five thousand dollars.

Conditions provided by Governor in Council.

(3) The Governor in Council may provide, as respects such free grants, such conditions of improvement and occupation as he deems necessary to secure the use of the land for the purposes for which it is granted.

## PART II.

### SALES AND ADVANCES TO SETTLERS.

#### SALES OF LAND.

Conditions of sale and conveyance of lands by Board to settlers.

**16.** The Board may sell, or dispose of, and, upon full payment made, may convey, to settlers, any lands granted, conveyed or transferred to or acquired by it, or which it may have power to sell or dispose of, but subject in every case of sale of lands acquired by purchase, whether by agreement or compulsorily, to the following provisions:—

- (a) Where the parcel to be sold has been separately acquired the sale price shall be the cost of the parcel to the Board;
- (b) Where the parcel to be sold has been acquired as portion of one or more other parcels the sale price shall be such amount as in the opinion of the Board, bears the same proportion of the cost of the entire parcel or parcels so acquired as the value of the parcel to be sold bears to the value of the parcel or parcels so acquired;
- (c) The terms of payment shall be all cash down, or, at the option of the settler, not less than ten per centum cash down and the balance payable in twenty-five or less equal, consecutive, annual instalments, with interest at five per centum per annum, on the amortization plan, with full privilege of prepayment. Provided that the Board may, in the case of a special settler, dispense the settler from the making of the whole or any part of the cash down payment, in which case the full or the remaining portion of the sale price shall be paid, in manner hereinbefore provided with respect to a balance of such price, by instalments;
- (d) No sale shall be made of a larger area than three hundred and twenty acres, unless, in the opinion of the Board, owing to the character of the land, such acreage will not be adequate to enable successful farming operations, nor, except in the case of a settler who is within the terms of the proviso in the next preceding paragraph of this section, shall the balance of sale price left unpaid to the Board at the time of



sale exceed four thousand five hundred dollars, nor in the excepted case shall the balance or amount left unpaid exceed five thousand dollars.

**17.** (1) The Board shall calculate in each case of sale the price at which any land may be sold under the provisions of this Act. Calculation of price by Board.

(2) In calculating the cost to the Board of any land acquired by purchase, the Board shall take into consideration not only the cost of the land but also the cost of improvements, if any, effected by the Board. Improvements to be considered.

SALES OF STOCK AND EQUIPMENT.

**18.** (1) The Board may sell to settlers any live stock or equipment acquired under authority of this Act, but subject in every case of sale to the following provisions:— Conditions as to payment of price and balances on sale of live stock and equipment by Board to settler.

(a) The sale price shall be such sum as, according to the calculations of the Board, is the cost to it of the live stock or equipment to be sold;

(b) The terms of payment shall be all cash down, or, at the option of the settler, payment in four equal, consecutive, annual instalments, commencing not later than three years from the date of the sale, with interest at five per centum per annum, on the amortization plan, said interest to begin to accrue two years from the date of the sale; the amount owing to the Board upon such sale shall by force of this Act constitute a first charge on any land purchased by the settler from the Board and, as well, on the settler's own land, if any, and, cumulatively, the title, ownership and right of possession of the live stock, and of the increase thereof, and of the equipment so sold, shall, until the sale price thereof is paid, remain in the Board; the settler to have full privilege of prepayment;

(c) The balance of sale price left unpaid to the Board at the time of sale shall not exceed two thousand dollars.

(2) In addition to any assistance which a settler, as defined in the former Act, holding any entry on Dominion lands, may have secured or may secure by virtue of the provisions of that Act, the Board may sell to such settler live stock and equipment on the terms of payment set out in this section, save that the balance of sale price left unpaid to the Board shall not exceed one thousand dollars, all other provisions of this Act relating to sales of live stock and equipment made to settlers being deemed to refer and apply *mutatis mutandis* to any such sale of live stock and equipment, whether such sale is or was made under authority of this subsection or by virtue of the provisions of any Order of the Governor in Council before the passing of Limitation as to balance of sale price left unpaid to Board.

this Act, but so that the total made by (a) the advances of the Board to the settler in any connection under authority of this Act and, (b) the amounts, exclusive of interest, due by him to the Board as the result of any sale made under authority of this subsection, shall not exceed three thousand dollars.

ADVANCES FOR IMPROVEMENTS.

Advances by Board to settler for improvements not to exceed \$1,000.

19. (1) The Board may from time to time advance to any settler to provide, or for application to, permanent improvements on the land of the settler or on the land sold to him by the Board, amounts in money or its equivalent not exceeding in the aggregate one thousand dollars, inclusive of the cost price to the Board of building or other materials supplied by it.

Advances to constitute first charge.

(2) Such advances shall by force of this Act constitute a first charge on the land of the settler or on the land sold to him by the Board and shall be repayable in twenty-five or less equal, consecutive, annual instalments, with interest at five per centum per annum, on the amortization plan, with full privilege of repayment.

Supervision of Board.

(3) Every such advance shall be expended under the supervision of the Board.

TERMS OF DISPOSITION OF PROPERTY.

Dominion, Indian and school lands to be dealt with as if they were private lands.

20. Subject to the provisions of section fifteen of this Act as to soldier grants of Dominion lands, the Board shall deal with and dispose of all Dominion lands, Indian lands or school lands granted or otherwise conveyed or transferred to it pursuant to sections six, ten and eleven of this Act as nearly as may be as if such lands were private lands acquired by it by way of purchase, but the sale price of such lands shall be such as is approved by the Governor in Council.

No sale of land by Board at less than purchase price.

21. (1) No land which has been acquired or reacquired by the Board, whether by purchase, or by retaking because of default or otherwise, shall be sold or resold by the Board at a price less than the cost to it thereof, calculated as in section seventeen of this Act provided, unless with the approval of the Governor in Council.

Board to report to Minister if conditions of sale not satisfactory.

(2) If the Board determines that the whole or any part of any land or other property purchased by it cannot or ought not to be sold subject, whether as to sale price or otherwise, to the provisions of sections sixteen to eighteen inclusive of this Act, it shall report to the Minister the circumstances, with a statement of the cost to it of such property or of such part thereof and shall recommend another sale price, or other terms of sale, as the case may

be, whereafter any sale of such property or of such part thereof shall be made for such sale price, or upon such other terms, as the Governor in Council may direct.

#### RESALE UPON DEFAULT.

**22.** (1) All sales of property made pursuant to the provisions of this Act and whereon any balance of the sale price shall remain payable by instalments or otherwise, shall be evidenced by agreement of sale, which shall fully set forth the terms of sale.

Terms of sale set forth in agreement binding.

(2) If any instalment mentioned in any such agreement of sale is not punctually made or if the settler makes any other default in performance of the terms of such agreement, the Board may without any formal re-entry or retaking and without resort to proceedings in equity or at law, rescind such agreement and resell or otherwise deal with the property as authorized by this Act.

Board may rescind agreement on default of settler.

(3) The effect of such rescission shall be to vest such property in the Board absolutely free and discharged of all rights and claims of the settler, and of all persons claiming or entitled to claim through or under him, for any estate in, or lien, charge or encumbrance upon or against such property.

Rescission vests property in Board.

(4) If and when such property is resold by the Board, any surplus remains in its hands beyond the amount owing to it as balance of the sale price and interest at five per centum per annum and expenses of taking over and reselling the property, the Board shall pay such surplus to the settler; but if, instead, a deficiency arises, that deficiency shall be paid by the settler to the Board, which shall have a right of action against him therefor.

Surplus of resale paid to settler; deficiency paid by settler.

(5) Before exercising as against land the rights by this section given the Board shall give to the settler notice of its intention so to do, which notice shall be deemed duly given if mailed in any post office by registered letter addressed to the settler at his last address known to the Board thirty clear days before the Board acts hereunder.

Notice by Board to settler.

**23.** In the event of the rescission of any contract or agreement by the Board it may, subject to the provisions of section twenty-one, in order to recoup itself for its expenditures in connection with the acquirement of the property with reference to which such agreement of sale was made, and other advances, if any, made to the settler under the provisions of this Act or of the former Act or to regain the value of such property, sell, lease, exchange or otherwise dispose of such property to a settler or, with the approval of the Minister, to any other person.

Disposal of property by Board in case of rescission.

## LEASING OF LANDS.

Terms of  
lease to  
settler.

**24.** Any land purchased or held for disposition by the Board may, pending such disposition, be leased by the Board to a settler or otherwise upon terms satisfactory to the Minister.

## ADVANCES FOR THE DISCHARGE OF ENCUMBRANCES.

Limitation  
as to  
advances to  
settler to  
discharge  
encum-  
brances.

**25.** (1) The Board may from time to time advance to a settler, to enable the discharge of encumbrances on agricultural land which is owned and used by him as such, amounts in money not exceeding in the aggregate three thousand five hundred dollars and not exceeding fifty per centum of the value of such land, but so that the total made by (a) the advances of the Board to the settler under this section and, (b) the amounts, exclusive of interest, due by him to the Board in any connection under authority of this Act, shall not exceed five thousand dollars.

Advances to  
be first  
charge  
secured by  
first  
mortgage,  
terms of  
repayment,  
interest, etc.

(2) Such advances shall, by force of this Act, constitute a first charge on the land of the settler with respect to which the advance is made, and repayment thereof shall be secured by a first mortgage upon such land and shall be made in twenty-five or less equal, consecutive, annual instalments with interest at five per centum per annum, on the amortization plan, with full privilege of prepayment. In the case of advances made to a settler holding unpatented Dominion lands such advances shall, further, notwithstanding anything in *The Dominion Lands Act* or any other matter or circumstance, constitute a first charge against such lands, and no patent shall be issued to the settler therefor until such advances, with accrued interest, have been fully repaid.

No advance  
without  
sufficient  
security and  
assurance  
that settler  
can make  
living on  
land.

(3) No advance such as by subsection one of this section authorized shall be made unless the Board is satisfied,—

(a) that the value of the security, ascertained as in section twelve of this Act directed with respect to lands to be acquired by the Board, is sufficient to justify the making of the advance; and,

(b) that the applicant has the ability to make from the land a fair living for himself and his dependents, if any, after paying interest and amortization charges and other necessary payments with respect to such advances and to the land and the cultivation thereof.

How  
advances  
expended.

(4) Every such advance shall be expended under the supervision of the Board.

## CHARGES ON DOMINION LANDS.

No patent to  
issue until  
sums and  
interest on  
advances  
repaid.

**26.** When a settler obtains Dominion lands, whether by soldier grant or otherwise, and whether before or after having secured from the Board any advance pursuant to

this Act, while there is owing by him to the Board any sum or sums of money as the result of any sale made to him by the Board, or otherwise by reason of the exercise by the Board of any of its powers under this Act, such sum so owing shall constitute a first charge on the lands so obtained and no patent shall be issued to such settler therefor until such sum or sums, with accrued interest, have been fully paid or repaid.

**27.** Notwithstanding anything in *The Dominion Lands Act* or in any other Act, in the event of a settler who is holding any Dominion land on which a charge has been imposed, constituted or created by or under this or the former Act (hereinafter referred to as "charged land") being in default with respect to the terms or conditions of any agreement of sale, mortgage or other document executed or made with or to the Board, the Minister, upon request made by the Board, may declare the right, title and interest of the settler to or in such charged land to be forfeited, whereupon (and also in the event of the right, title or interest of the settler to or in such charged land becoming forfeited for default in performance of settlement conditions or for any other reason apart from the provisions of this section) the Minister may declare the said right, title or interest of His Majesty to or in such charged land, to be vested in the Board, and it may thereafter, subject to the provisions of section twenty-one of this Act, in order to recoup itself for the amount owing by such settler and charged upon such land, sell, lease, exchange or otherwise dispose of such land to a settler, or, with the approval of the Minister, to any other person; but if any surplus is realized beyond the amount required to recoup the Board as aforesaid, such surplus shall be paid by the Board to the Department of the Interior for the Consolidated Revenue Fund.

Forfeiture  
by settler  
of title  
to land  
when he is in  
default.

#### LIMITATIONS UPON SALES AND ADVANCES.

**28.** Notwithstanding anything in this Act, the Board shall not, unless the Minister upon the recommendation of the Board shall approve, sell any lands to any settler who,—

- (a) has obtained a soldier grant under this or the former Act; or,
- (b) has secured from the Board, under this or the former Act, any advance of money for the clearing of encumbrances on land owned by the settler; or,
- (c) is owner of, or has a vested, possessory interest in, agricultural land of such area as, in the opinion of the Board, constitutes an average farm for the district within which the land is situate, or which, in the opinion of the Board, is of the value of five thousand dollars.

No sale to  
any settler  
who obtained  
soldier  
grant,  
advance on  
his own  
land, or owns  
an average  
farm.

## SALES FOR SPECIAL PURPOSES.

Sale of lands not to exceed five acres for dairy, etc., purposes and to provincial authorities; price to be not less than estimated cost to a settler.

**29.** Notwithstanding anything in this Act, the Board, with the consent of the Governor in Council, may sell any land which is at its disposal for sale, not exceeding five acres in extent, in the cases and subject to the conditions following, that is to say:—

- (a) As a site for a dairy factory, cheese factory, fruit preserving factory or creamery, or for any educational, religious, charitable or public purpose, or for any other purpose which, in the opinion of the Board, renders such a sale in the public interest;
- (b) To any provincial or municipal authority for any purpose;
- (c) The price shall in each case be fixed by the Governor in Council and shall be not less than the cost of the land as it would be estimated by the Board on a sale to a settler of lands acquired by purchase under this Act.

## GENERAL PROVISIONS.

All agreements between Board and settler under twenty-one years are valid.

**30.** (1) All deeds of land, all mortgages and charges upon land or goods and all contracts and agreements whatever, including bills of exchange and promissory notes, made or entered into by any settler to or with, or for the benefit or security of, the Board, purporting to act with respect thereto or to accept any thereof in execution of any of its powers under this Act or under the former Act, shall be valid and enforceable notwithstanding that such settler is not of the full age of twenty-one years, or is an Indian or is under any civil disability.

Commencement of section.

(2) This section shall be deemed to have been operative as from the passing of *The Soldier Settlement Act, 1917*.

Settler occupant deemed tenant.

**31.** Every settler holding or occupying land sold by the Board shall, until the Board grants or conveys the land to him, be deemed a tenant at will.

Forms prescribed by Board of statutory effect.

**32.** All agreements of sale or otherwise, all instruments evidencing liens or charges, and all other documents authorized or required by this Act, shall be made in such form and according to such forms and shall contain such provisions as by way of regulation made the Board shall provide and every such document shall have effect as if the form thereof were statutory, and were provided by and as part of this Act.

Unless Board consents, land, stock, etc., held and unpaid

**33.** Notwithstanding any law, whether statute or otherwise, in force in any province,—

- (a) which authorizes or requires the registration, recording or filing of deeds, mortgages, certificates of judgments,

judgments, attachments, bills of sale or other documents which affect title to, or evidence the existence of liens or charges upon, property, real, personal or other; or,

in full by settler to be exempt from operation of ordinary laws.

(b) which authorizes the levy upon, or sale under attachment, execution or other process, or the expropriation or seizure of, property, real, personal or other;

unless the Board shall otherwise consent in writing the lands of, or sold by the Board to, a settler, and the live stock and equipment of, or sold by the Board to, a settler, and the increase of any such live stock, and the Board's and the settler's respective interests in such lands, live stock and equipment, shall, for so long as any part of the sale price, or the amount of any advance made with respect to any such property, or any interest, or any amount charged upon such property or any thereof in favour of the Board, remains unpaid to the Board, be exempt from and not within the operation of such laws.

**34.** (1) Notwithstanding any law, whether statute or otherwise, in force in any province,—

While any sum on advances unpaid all properties of settler to remain as security and his interest therein cannot be alienated.

(a) while any sum shall remain unpaid upon the aggregate advances or payments made from time to time pursuant to the provisions of this Act by the Board to or on behalf of a settler, and secured by or charged whether under this Act or otherwise, upon properties real, personal or other, of the settler, or upon the settler's interest in any of such properties, all of the properties so charged shall continue to be security for repayment of such sum or sums as shall at any time remain unpaid upon any of such advances or payments and, unless with the consent in writing of the Board, the interest of the settler in any of such properties shall not be capable of being voluntarily or involuntarily alienated, or subsequently charged or encumbered nor be subject to the operation of any law or agreement whatever to the prejudice of the claims or charges of the Board;

(b) no deed, mortgage or other instrument executed by or for a settler, and no judgment recovered or attachment, execution or other process issued against him shall, as against the Board, bind or affect the lands or the live stock and equipment, sold by the Board to such settler or his land upon the security of which the Board has made any advance of money, or the increase of any of such live stock sold as aforesaid, for so long as the sale price of said lands, live stock or equipment, or said advance, or any part of said price or advance, or any interest thereon, remains unpaid to the Board;

No judgment, etc., against settler binding on land, stock, etc., while price, advance or interest unpaid to Board.

(c) the wife of any settler shall not, for so long as the sale price, or any part thereof or any interest thereon,

No priority of claim for wife

or husband of settler, notwithstanding dower or other laws of any province, when price, etc., due to Board unpaid.

or any charge in favour of the Board, remains unpaid upon any lands which were sold by the Board to a settler, or upon the security of which the Board has made any advance of money, have in priority or in prejudice of any claim or charge of the Board against or upon such lands any estate of dower therein nor, during the same period, shall the husband of any settler have, in priority or prejudice as aforesaid, any estate of curtesy in such lands, nor shall the Mechanics' Lien laws or other lien laws or the dower or homestead laws of any province extend or apply in priority or prejudice as aforesaid to said lands;

No sale or other transaction by settler, while price unpaid, effective against Board.

(d) no sale, delivery, barter, exchange, pledge, charge, lien or other transaction by or for the settler to or with any person, corporation or body other than the Board, and purporting to affect or bind any of such lands, live stock or equipment or any part thereof, sold by the Board to a settler, or the increase of any live stock so sold, shall, while the sale price of such lands, live stock and equipment, or of any part thereof, or any interest on such price thereof, remains unpaid, have, as against the Board, unless with the consent of the Board, any effect whatever;

Crops, live stock, etc., seized shall stand charged with lien in favour of Board.

(e) if the produce or crop of any lands which were sold by the Board to a settler or of any lands upon the security of which the Board has made any advance of money is seized or taken in execution or under any other process, whether the settler shall or shall not have fully paid for said lands, and whether said produce or crop is seized or taken standing, or cut, or in barn, or otherwise, such produce or crop shall stand charged with a lien in favour of the Board for payment of all instalments due or overdue by the settler to the Board at the time of seizure or taking, in respect of the settler's land, live stock, equipment and permanent improvements, and, as well, all such instalments in respect as aforesaid as will mature within twelve calendar months thereafter.

Transactions and laws affecting settler subject to this Act.

(2) All lawful transactions by or with and all lawful proceedings against the settler, and all provincial laws affecting him or his property or his property interests, shall, as respects any property, real, personal or other, sold to him by the Board, or charged with any claims of the Board, have effect except as by this Act provided.

Priority of Board's liens over all other liens.

(3) Unless the Board shall otherwise consent all liens and charges of the Board shall, while and for so long as they or any part thereof shall remain unpaid to the Board, rank upon the property of the settler, or against his interest in any property subject to lien or charged, in priority to all other liens and charges, and the liens and charges of the Board shall rank *pari passu*.



(4) The Board may require of any settler the execution of a mortgage, in such form as its regulations may prescribe, defining and securing any charge which is by this or by the former Act imposed or declared to exist or is agreed upon by the Board and the settler.

Board may require mortgage defining charge on land, etc.

### PART III.

#### COMPULSORY PURCHASE OF LANDS.

##### SETTLEMENT AREAS.

**35.** (1) For the purpose of enabling compulsory purchase of agricultural lands in execution of the purposes of this Act, the Board may establish and define the limits of settlement areas.

Settlement areas defined by Board.

(2) Settlement areas shall be established only in districts wherein by reason of lands remaining undeveloped agricultural production is being retarded.

Only in certain districts.

(3) The Board shall be sole judge as to whether or not in any district, by reason of lands remaining undeveloped, agricultural production is being retarded, and the fact of the establishment of a settlement area in manner by this Part of this Act provided shall be conclusive proof in any court or otherwise that any lands within such area which the Board, pursuant to the following provisions of this Part, may proceed to compulsorily purchase are compulsorily purchaseable hereunder, and that such settlement area answers the requirements of the next preceding subsection.

Establishment of area by Board conclusive proof.

**36.** (1) A settlement area shall be deemed to be established when the Board has gazetted a notice of such establishment four times with intervals of not less than five days between each gazettement.

Gazetting notice proof of establishment.

(2) Such notice shall define the limits of the settlement area so established. It shall be sufficient if in form as nearly as may be to Form A in the Schedule to this Act.

Form of Notice.

(3) The Board shall, in addition to such gazettement, publish like notice to that gazetted four times, with intervals of not less than five days between each publication, in one newspaper having a circulation throughout the district wherein such settlement area is wholly or partly contained and mail two copies of the *Gazette* in which such notice first appears to the Registrar of Deeds in said district.

Publication in newspapers.

(4) Such Registrar shall preserve such *Gazette* on file in his office.

Registrar to file *Gazette*.

(5) The omission on the part of the Board to comply with subsection three of this section, or the omission of the Registrar to comply with subsection four to this section, shall not invalidate nor render insufficient any proceedings on the part of the Board for compulsory purchase.

Omission not invalidation.

Notice of alteration or disestablishment of area to be gazetted.

Form.

**37.** The Board may, from time to time, curtail, extend or in any other way alter the limits of, or entirely disestablish a settlement area, which shall be deemed to have been done when it has gazetted notice of the alteration or disestablishment in like manner to the gazetting of notice of the original establishment of the area, save that in the case of disestablishment only one gazetting shall be made. The notice shall be sufficient if in form as nearly as may be to Form B in the Schedule to this Act. The Board shall publish and mail and the Registrar of Deeds shall preserve on file in manner like to that in section thirty-six provided with respect to the original establishment of the settlement area (save that in the case of disestablishment only one publication shall be made), but non-compliance shall have like absence of effect.

Gazetting constitutes a notice and puts interested person upon inquiry as to action of Board.

Subsequent registrations entail all charges, etc., on land.

**38.** Gazetting as in section thirty-six and thirty-seven of this Act provided shall constitute notice to every person proposing to deal with or acquire any estate or interest in or any charge upon any land within a settlement area that the land is subject to the provisions of this Act, and shall put such person upon inquiry as to the proceedings which may have been taken by the Board, and all subsequent registrations in respect to any parcel of land which is in whole or in part included within such settlement area shall be subject to the rights, options, and privileges of the Board, and the person claiming under any such registration shall take the land subject to all charges and liabilities which have been imposed and to which it may be liable to be subjected under this Act.

#### DUTIES OF OWNERS OF LANDS WITHIN A SETTLEMENT AREA.

Owner to file return with District Superintendent, within 30 days as per Form C.

**39.** (1) Within thirty days after the last gazetting of the establishment of a settlement area, each owner of a block, the whole or any part whereof is situate within the settlement area, shall file with the District Superintendent of the Board having jurisdiction over the district within which such settlement area is situate a return in Form C in the Schedule to this Act naming the prices at which he is willing to sell the block and each parcel thereof to the Board. He shall give such other information with respect to such block as the Board may from time to time prescribe or require.

Board to mail notice to owner stating amount of compensation.

(2) At any time after the expiration of such thirty days period the Board may, by notice to the owner of any land within the settlement area which is deemed by the Board subject to compulsory purchase under this Act, mailed to his last known address, require such owner to convey to

the Board the land with respect to which notice has been so mailed and thereby advise him of the amount of compensation that the Board is willing to pay for such land.

**40.** Every person who has any estate or interest in any land proposed to be compulsorily purchased for any of the purposes of this Act, or who represents or is the husband of any such person, shall, upon demand made therefor by or on behalf of the Board, furnish to the Board a true statement showing the particulars of such estate and interest and of every charge, lien and encumbrance to which the same is subject, and of the claim made by such person in respect of such estate and interest.

Statement of all liens, etc., on land to be furnished to Board by person interested.

#### PROCEDURE FOR COMPULSORY PURCHASE.

**41.** (1) If the Board decides to acquire any land within a settlement area and,—

When Board may purchase land compulsorily.

- (a) the owner refuses to sell; or,
- (b) it appears to the Board that no agreement for sale can be arranged; or,
- (c) no proper deed or conveyance is made and executed by the person having the power to make such deed or conveyance; or,
- (d) a person interested in such land is incapable of making or executing a deed or conveyance; or,
- (e) for any other reason the Board deems it necessary or advisable;

the Board may purchase such land compulsorily, in manner hereinafter provided.

(2) The Board shall gazette a notice in Form D, describing the land by metes and bounds or otherwise, and stating that it has been compulsorily purchased by the Board and the amount of compensation money that the Board is willing to pay, whereupon the land as described shall by such gazetting and by force of this Act become and remain vested in the Board as for an estate of fee simple in possession or, in the province of Quebec, in the Board as absolute owner, and in any event freed and discharged from all other estates and from all encumbrances, liens, claims and interests whatever, and as effectually as if it had been conveyed by deed or conveyance of all persons entitled to any interest therein, but compensation, ascertained as in this Part provided, shall be paid therefor. The amount of compensation money mentioned in such notice gazetted shall be deemed to have been by such gazetting and by force of this Act, tendered to the persons entitled to any interest in said land, collectively.

On gazetting notice in Form D land is vested in Board as an estate of fee simple, and, in Quebec, of absolute ownership.

(3) The gazetting of the notice in Form D shall for all purposes be conclusive proof that all necessary steps and conditions precedent thereto have been duly taken and complied with.

Gazetting proof of conditions complied with.

Re-gazetting to correct error in gazetted notice.

(4) In case of any omission, misstatement or erroneous description in such gazetting it shall, at the option of the Board, be deemed not to have been made, and a new and correct gazetting which shall indicate the gazetting of which it is the correction, shall be made in its stead, whereupon such new and correct gazetting shall be deemed the only gazetting made and of itself proof for all purposes of the exercise by the Board of the option in this subsection mentioned.

When owner claims compensation inadequate Board may, within 60 days, lay information before Exchequer Court.

(5) If within sixty days from the date of such gazetting the owner being in the province or in any place in North America, or within one hundred days the owner being elsewhere, no proper deed or conveyance to the Board is made and executed by the person or persons having power to make and execute such deed or conveyance, or if the owner or any person interested in the land, by notice served on the Board before the expiration of the stated period, claims that the compensation tendered by such gazetting is inadequate, the Board may cause to be exhibited in the Exchequer Court an information in which shall be set forth,—

(a) the date at which and the manner in which such land was acquired or taken;

(b) the persons, who, at such date, had any estate or interest in such land and the particulars of such estate or interest and of any charge, lien, or encumbrance to which the land was subject, so far as the same can be ascertained;

(c) the sums of money which the Board is ready to pay to such persons respectively, in respect of any such estate, interest, charge, lien or encumbrance; and,

(d) any other facts material to the consideration and determination of the questions involved in such proceedings.

Such information deemed institution of suit.

(6) Such information shall be deemed and taken to be the institution of a suit against the persons named therein, and shall conclude with a claim for such a judgment or declaration as, in the opinion of the Board, the facts warrant.

Ordinary procedure of Court to be followed.

(7) The information shall be served in like manner as other informations and all proceedings in respect thereof or subsequent thereto shall be regulated by and shall conform as nearly as may be to the procedure in other cases instituted by information in the Court.

Questions of fact or law may be raised in defence.

(8) Any person who is mentioned in any such information, or who afterwards is made or becomes a party thereto, may, by his answer, exception or defence, raise any question of fact or law incident to the determination of his right to such compensation money or any part thereof, or in respect of the sufficiency of such compensation money.

Such proceedings bar all

(9) Such proceedings shall, so far as the parties thereto are concerned, bar all claims to the compensation money or

any part thereof, including any claim of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or encumbrances upon the land or property; and the Court shall make such order for the distribution, payment or investment of the compensation money and for the securing of the rights of all persons interested, as to right and justice, and, according to the provisions of this Act and to law appertain.

claims to compensation, etc.

**42.** If the Board decides to acquire by compulsory purchase any block which is not within an existing settlement area, it may establish the block as a settlement area, or it may by notice gazetted in the manner provided in section forty-one of this Act, declare such block to be within an existing settlement area, of which area the notice shall define altered bounds to include the block so decided to be purchased, whereupon compulsory purchase proceedings may be conducted in every respect as if the block had been originally within an established settlement area.

When Board may establish or declare block of land a settlement area.

**43.** Every registrar of deeds shall, upon receipt of any copy of the *Canada Gazette* containing any notice in Form D gazetted under this Act affecting lands within his registration district, register, record or enter in the book or books, including index books, in which, according to the law of his province with reference to the registration or recording of grants, conveyances or transfers of land, grants, deeds or other documents of conveyance or copies thereof or notations or references thereto ought by him to be registered, recorded or entered, either the whole notice in Form D so gazetted or sufficient notations or references thereto or therefrom as will show that the land described or the interest stated in such notice is or are owned by the Board absolutely by right acquired under this Act, and upon any resale of such land or of part thereof by the Board shall, when required, register, record or enter in such books the purchaser thereof or of part thereof in accordance with the terms of any grant or conveyance from the Board presented for registration recording or entry.

Duties of registrar of deeds as to registers and registrations of transactions under this Act.

**44.** The compensation money agreed upon or adjudged for any land compulsorily purchased for any of the purposes of this Act shall stand in the stead of such land or property; and any claim to or encumbrance upon such land or property shall, as respects the Board, be converted into a claim to such compensation money or to a proportionate amount thereof as may be allowed and shall be void as respects any land so compulsorily purchased.

Claims on land become claims on compensation money.

COSTS.

**45.** The costs of and incidental to any compulsory purchase proceedings under this Act shall be in the discretion

Costs at discretion of Court.

of the Court, which may direct that the whole or any part of such costs may be paid by the Board or by any party to such proceedings.

PAYMENT OF COMPENSATION OR COSTS.

Payment of compensation or costs.

46. The Board may pay to any person any sum to which, under the judgment of the Court, in virtue of the provisions of this Act, he is entitled as compensation money or costs.

INTEREST.

Interest at 5 p.c. on compensation money.

47. (1) Interest at the rate of five per centum per annum may be allowed on such compensation money from the time when the land was acquired or taken to the date when judgment is given; but no person to whom has been tendered a sum equal to or greater than the amount to which the Court finds him entitled shall be allowed any interest on such compensation money from any time subsequent to the date of such tender.

Refusal of interest when delays attributable to person otherwise entitled to it.

(2) If the Court is of opinion that the delay in the final determination of any such matter is attributable in whole or in part to any person entitled to such compensation money or any part thereof, or that such person has not, upon demand made therefor, furnished to the Board within a reasonable time a true statement of the particulars of his claim required to be furnished as hereinbefore provided, the Court may, for the whole or any portion of the time for which such person would otherwise be entitled to interest, refuse to allow him interest, or it may allow the same at such rate less than five per centum per annum as to the Court appears just.

RESISTANCE TO PEACEFUL POSSESSION.

When warrant may issue to put Board in possession.

48. (1) If any resistance or opposition is made by any person to the Board, or any person acting for the Board, entering upon and taking possession of any lands, the judge of the Exchequer Court, or any judge of any Superior Court, may, on proof of the execution of the conveyance of such land to the Board, or agreement therefor, or of the gazetting of a notice in Form D as aforesaid, and after such notice to show cause given in such manner as the judge prescribes, issue his warrant to the sheriff of the district or township within which such lands are situated, directing him to put down such resistance or opposition, and to put the Board, or some person acting for it, in possession of the lands.

Sheriff to make return to Exchequer Court.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, put the Board, or such person acting for it, in possession of such lands and forthwith make return to the Exchequer Court of such warrant, and of the manner in which he executed the same.

## INSPECTION AND SURVEY OF AND ENTRY UPON LANDS.

- 49.** (1) The Board may by itself, its surveyors or engineers, superintendents, agents, workmen and servants,—
- (a) enter upon any land to whomsoever belonging, make surveys of the same sufficient for the exercise by the Board of any of its powers under this Act, and make tests of the character of such land or of its streams, waters or watercourses; and,
- (b) after compliance with section forty-one of this Act enter upon and take possession of any land the acquirement of which is, in its judgment, necessary for the execution of any of the purposes of this Act.
- (2) The Board may employ any person duly licensed or empowered to act as a surveyor for any province of Canada or any surveyor or engineer, to make any survey, or establish any boundary and furnish the plans and descriptions of any land acquired or to be acquired by the Board for the execution of any of the purposes of this Act.
- (3) The boundaries of such land may be permanently established by means of proper stone or iron monuments planted by the engineer or surveyor so employed by the Board.
- (4) Such surveys, boundaries, plans and descriptions shall have the same effect to all intents and purposes as if the operations pertaining thereto or connected therewith had been performed, and such boundaries had been established and such monuments planted by a land surveyor duly licensed and sworn in, and for the province in which the land is situate.
- (5) Such boundaries shall be held to be the true and unalterable boundaries of such land, if,—
- (a) they are so established, and such monuments of iron or stone so planted, after due notice of the intention to establish and plant the same has been given in writing to the owners or proprietors of the land thereby affected; and,
- (b) a *procès-verbal* or written description of such boundaries is approved and signed in the presence of two witnesses by such engineer or surveyor on behalf of the Board and by the other person concerned; or, in case of the refusal of any owner or proprietor to approve or to sign such *procès-verbal* or description, such refusal is recorded in such *procès-verbal* or description, and,
- (c) such boundary marks or monuments are planted in the presence of at least one witness who shall sign the said *procès-verbal* or description.
- (6) It shall not be incumbent on the Board or those acting for it to have boundaries established with the formalities in this section mentioned, but the same may be resorted to whenever the Board deems it necessary.

Entry upon  
lands,  
inspection,  
survey, etc.

Any engineer  
or surveyor  
for province  
may be  
employed.

Stone or  
iron  
monuments  
to mark  
boundaries.

Effect of  
such  
surveys, etc.

Boundaries  
true if  
established  
after due  
notice and a  
*procès-verbal*  
signed by  
witness.

Formalities  
not  
necessary  
unless  
Board sees  
fit.

## DIRECTIONS RESPECTING COMPULSORY PURCHASES.

In case of farmers consideration of the district, character and acreage of land; all land of settler deemed occupied by him.

**50.** In deciding upon cases meet for compulsory purchase of land under this Act the Board shall, with respect to lands owned and occupied by farmers, consider not only the district in which the land lies, the character of the land and the adequacy of its acreage to enable successful farming operations, but, as well, the extent of cultivation thereof, the circumstances of the farmer and his capacity to reduce, within a reasonable time, a reasonable proportion of his cultivable land to a state of cultivation. For the purposes of this section all land of a settler shall be deemed to have been and to be occupied by him for the duration of his military service in the war and for twelve months after his discharge.

## PART IV.

## MISCELLANEOUS PROVISIONS.

Conveyance from Board gives same title to land as Crown grant.

**51.** (1) All conveyances from the Board shall constitute new titles to the land conveyed and shall have the same and as full effect as grants from the Crown of previously ungranted Crown Lands.

Property acquired by Board prior to this Act vested in Board.

(2) All land and other property which, before the coming into force of this Act, was, under authority of any Order of the Governor in Council, purchased by the Board and title thereto taken to His Majesty the King in the right of Canada represented by the Board, and all or any interest or interests of His Majesty in any agreements of sale, mortgages or other instruments and in the land or other property to which such instruments relate, which interest or interests were, before the coming into force of this Act, acquired by His Majesty through the instrumentality of the Board under the former Act or of any Order of the Governor in Council, are, by force of this Act, vested in the Board as constituted under this Act.

Board's consent to be valid must be in writing.

**52.** No consent of the Board which is required by any provision of this Act for the validation of any matter shall be effective unless given in writing and under the hand of one of the Commissioners of the Board.

Forfeiture of settler's benefit under Act for fraudulent acquisition.

**53.** In the event of its being shown to the satisfaction of the Board that a settler has established his right to benefit under this or the former Act through misrepresentation, impersonation, or other fraud, the Board may declare the right of such settler to benefit under this or under the former Act to have been forfeited, and thereupon all loans or advances made to such settler shall, unless the Board otherwise determines, immediately become due and



payable, and any sale of land made to him under the provisions of this Act shall be liable to be rescinded, at the discretion of the Board.

**54.** All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made for the purposes of this Act, may, except as otherwise provided, be taken or made before the judge or clerk of any court, any justice of the peace, any commissioner for taking affidavits, any notary public, any person authorized to take affidavits under the provisions of *The Dominion Lands Act*, any District Superintendent of the Board, or any person specially authorized by the Governor in Council to take or administer the same.

Before whom affidavits, etc., may be taken.

**55.** The Board shall have the power to appoint persons to hold inquiries in aid of the execution of any of the purposes of this Act, and every person so appointed shall have, for the purposes of his appointment, all the powers of a commissioner under the *Inquiries Act*. Every Commissioner of the Board shall have, *ex officio* in aid of the execution of the same purposes, like powers.

Inquiries in aid of execution of this Act.

**56.** (1) Any Commissioner of the Board, or any officer or employee of the Board authorized, specifically or generally, in writing, by a Commissioner of the Board, may enter any land to whomsoever belonging for the purpose of making inspection thereof and determining whether or not such land is subject to compulsory purchase under the provisions of this Act; or, in the event of any land being deemed subject to compulsory purchase, for the purpose of valuing the same or serving any notice on the owner or occupant thereof or for any other of the purposes of this Act, or to view the condition of, or to take over or repossess, in case of default made, any property in or over which the Board has any interest or charge.

Entry on land for inspection or valuation.

(2) Any person who resists or obstructs a Commissioner or officer or employee of the Board in the execution of his duties under this Act is guilty of an offence punishable on summary conviction by a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

Penalty for obstructing officer of Board.

**57.** From all sales and grants of land made by the Board all mines and minerals shall be and shall be deemed to have been reserved, whether or not the instrument of sale or grant so specifies, and as respects any contract or agreement made by it with respect to land it shall not be deemed to have thereby impliedly covenanted or agreed to grant, sell or convey any mines or minerals whatever.

Mines and minerals exempt.

Judges of the  
Exchequer  
Court *ad hoc*.

**58.** (1) If the judge of the Exchequer Court shall so request, the Governor in Council may, as and when requested, appoint one or more persons, qualified for appointment as judges of the Exchequer Court, to be judges *ad hoc* of such Court for the purpose of assisting in the performance of the duties which are imposed upon such Court by this Act.

Termination  
of appoint-  
ment of  
judges.

(2) Such persons, so appointed, shall, for all purposes, including payment of salary, be deemed judges of the Exchequer Court, but their several appointments shall be terminable by the Governor in Council whenever the judge of the Exchequer Court shall notify the Governor in Council that there is no further occasion for their assistance, and they, severally, shall have authority to transact, with the powers and jurisdiction of a judge of the Exchequer Court, such business of the Court arising out of this Act as said judge shall from time to time commit to them, and such only.

Power of  
Board to  
estimate land  
apart from  
buildings, and  
to vary  
amount as to  
balance due.

**59.** (1) Notwithstanding anything in this Act the Board is empowered,—

(a) when estimating the value of any land for any purpose of this Act, to estimate it apart from the value of buildings thereon;

(b) for special reasons, in any case appearing,

(i) to vary the provisions of sections eighteen and nineteen of this Act so that an amount not exceeding one thousand dollars may be diverted from the amount not exceeding two thousand dollars, mentioned in section eighteen as the balance which may remain unpaid upon a sale of stock and equipment, and may be added to the amount not exceeding one thousand dollars, mentioned in section nineteen as that which may be advanced to provide or for application to permanent improvements;

(ii) to vary the provisions of sections sixteen to nineteen inclusively, of this Act, so that live stock and equipment to a value not exceeding three thousand dollars may be sold to a settler, but so that the total amount of balance of price and advances remaining unpaid by the settler as the result of the exercise by the Board of any of its powers under this Act, shall not exceed seven thousand five hundred dollars.

(c) in all cases of sales of orchard or fruit lands, to apply the provisions of section eighteen of this Act, with such other provisions thereof as may depend upon or have relation to those of said section, as if for the words "live stock or equipment" or "live stock and equipment acquired under authority of this Act" or words to the same effect in said section or in any of said sections appearing, there were substituted the words "fruit trees, already planted or growing on any

land sold by the Board to the settler" and, for any purpose of this Act, to estimate the value of the trees and shrubs already planted or growing on any land being sold by the Board to the settler apart from the value of such land.

(2) When a settler dies indebted to the Board, under an agreement of sale or otherwise, with respect to any property or to any advance charged upon any property, his rights acquired under this or the former Act shall devolve upon his heirs, devisees or personal representatives, pursuant to the law of the province in which at the time of his death the property is situate, but subject to all rights, claims and charges of the Board respecting or affecting such property, and to performance by such heirs, devisees or personal representatives of all the obligations of his testate or intestate with respect to such property or such advance, and default on the part of such heir, devisee or personal representative with respect to any right, claim or charge of the Board shall have the same effect as would default on the part of the settler but for his death.

Rights and obligations of deceased settler devolve on heirs, etc.

**60.** All mail matter deposited in any post office in Canada addressed to the Board or to any Commissioner or officer thereof at the offices of the Board at Ottawa, and all mail matter addressed by the Board or by any Commissioner or officer thereof at the offices of the Board at Ottawa, to any place in Canada and bearing thereon by imprint or writing the words "The Soldier Settlement Board of Canada" shall be carried free, registered or otherwise, in the Canadian mails.

Franking privileges of Board.

**61.** (1) No person, firm or corporation shall be entitled to charge or to collect as against or from any other person, firm or corporation any fee or commission or advance of price for services rendered in the sale of any land made to the Board, whether for the finding or introducing of a buyer or otherwise.

No fee or commission on any sale to Board.

(2) No person, firm or corporation shall pay to any other person, firm or corporation any such fee or commission or advance of price for any such services.

Payment of fee prohibited.

(3) The Board may require of any person, firm or corporation from whom it purchases land, or who is in any manner interested therein, the execution of an affidavit in Form E in the Schedule to this Act.

Affidavit when required.

(4) If any such fee or commission or advance of price is paid by or to any such person, firm or corporation for any such services the following consequences shall ensue,—

Consequences of payment by or to any person of fee or commission.

(a) any person who in any affidavit made as required under subsection three of this section wilfully and knowingly states an untruth or suppresses the truth with respect to any matter which, pursuant to such sub-

section, he is required by way of such affidavit to make disclosure, shall be guilty of an indictable offence and be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and such imprisonment; and,

(b) the fee or commission or advance in price paid may be recovered by the Board, by suit instituted in the name of the Board as agent of His Majesty, in any court having jurisdiction in debt to the amount involved, whether the transaction was one with respect to a sale or projected sale to the Board, as if such amount were a debt due to the Board, as aforesaid, and every person who participated in the receipt of any part of such amount shall be liable to pay to the Board the part of such amount actually received by him;

(c) All such consequences shall have operation cumulatively.

Fine and imprisonment where no penalty prescribed in Act.

**62.** (1) Any person who is guilty of any wilful breach or non-observance of any provision of this Act for which no penalty is specially provided shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

Individual liability in case of a corporation.

(2) Where any offence under this Act, whether by way of breach or of non-observance of any provision of this Act, is committed by a corporation, every officer or employee of the corporation, who has in any manner aided or participated in the commission of the offence shall be personally liable as for the commission of such offence by him, and prosecution or conviction of any one officer or employee of the corporation shall not be a bar to prosecution or conviction of any other of them.

Regulations that Board may make.

**63.** The Board may, with the approval of the Governor in Council, and subject to the provisions of this Act, make regulations, prescribing,—

(a) the manner in which entries for land and applications for loans or advances may be made;

(b) the conditions as to occupation or otherwise upon which free entries and patents for land may be granted and issued;

(c) the security to be given for loans or advances, the conditions subject to which loans or advances shall be made, and the manner and dates in and at which such loans or advances shall be repaid;

(d) the manner and conditions in and upon which settlers may transfer their rights;

(e) the conditions subject to which lands may be acquired for the purposes of this Act;

- (f) the manner in which lands acquired by the Board may be sold to settlers and others and the conditions as to occupation or otherwise upon which such lands may be sold;
- (g) for priority of right as between applicants to purchase property or for soldier grants or for advances or loans on the security of property;
- (h) as to the qualifications necessary in order to entitle settlers to the benefits or assistance or to any particular benefit or assistance under this Act, to the end that the settler may have a reasonable prospect of success as a farmer;
- (i) forms of agreements, mortgages, notices and other documents necessary to the effective operation of this Act;
- (j) advanced rates of interest to be paid by settlers who may be in default, such rates, however, not to exceed seven per centum per annum;
- (k) the circumstances and procedure under which and whereby the Board may take over or repossess property in case of default made by settlers in the observance of the provisions of this or of the former Act or of any covenant or agreement made by settlers with the Board;
- (l) authority and procedure for the inclusion within the expression "settler" of persons who, being otherwise qualified to be settlers, are not yet discharged from military or other service;
- (m) with respect to blind or other partially but seriously incapacitated settlers special provisions for assistance in settlement of small holdings or otherwise inclusive of the remission of interest in whole or in part;
- (n) with respect to any other matter concerning which the Board deems regulations necessary for the execution of the purposes of this Act.

(2) All regulations made under authority of this Act shall be published in the *Canada Gazette*, and, within fifteen days after the making thereof, shall be laid before Parliament, or, if Parliament is not then sitting, shall be laid before it within fifteen days after the opening of its next following session.

Publication.  
Laid before  
Parliament.

**64.** (1) *The Soldier Settlement Act, 1917*, is repealed, but notwithstanding, all officers and employees of the Board are continued in office and employment as if such repeal had not been had, all entries granted and loans made pursuant thereto shall, unless otherwise determined by the Board, remain subject to the terms and conditions on which such entries or loans were granted or made, and the Loan Regulations and Regulations affecting Dominion Lands made and approved under the said Act, shall,

Repeal of  
1917, c. 21, and  
continuance in  
office of  
employees.

respectively, remain operative until lawfully repealed or amended.

Matters instituted and things done deemed to be under this Act.

(2) All matters instituted or things done under authority of,—

- (a) *The Soldier Settlement Act, 1917*; or,
- (b) any regulations made thereunder; or,
- (c) any order of the Governor in Council;

which might have been instituted or done under authority of this Act (though instituted or done before this Act was passed), shall, at the option of the Board, be deemed to have been instituted or done under authority of this Act, and any thereof which are now pending or in progress shall, at the option of the Board, be deemed to have originated under this Act and may be continued, completed and enforced hereunder.

### SCHEDULE OF FORMS.

#### FORM A.

#### THE SOLDIER SETTLEMENT ACT, 1919.

##### NOTICE OF ESTABLISHMENT OF A SETTLEMENT AREA.

Province.....  
 Limits of Settlement Area No.....  
 .....  
 .....  
 .....

All concerned are hereby notified that pursuant to the provisions of Part Three of The Soldier Settlement Act, 1919, the Soldier Settlement Board of Canada has established and does hereby establish settlement area number (*one, or as the case may be*) consisting of the lands within the limits above defined, and that all owners of blocks of land as defined by said Part of said Act situate within said limits are required to comply with the terms of said Part of said Act or suffer the penalties by said Act provided and thereafter comply as aforesaid, notwithstanding.

The Soldier Settlement Board of Canada,

X. Y.,  
*Chairman.*

Ottawa (Date).

FORM B.

THE SOLDIER SETTLEMENT ACT, 1919.

NOTICE OF ALTERATION OF LIMITS OF (OR OF DISESTABLISHMENT OF) A SETTLEMENT AREA.

Province.....  
 New Limits of Settlement Area No.....  
 .....  
 .....  
 .....  
 Old Limits of Settlement Area No.....  
 .....  
 .....  
 .....

(or "Disestablishment of Settlement Area No..... described as follows" *as the case may be.*)

All concerned are hereby notified that pursuant to the provisions of Part III of The Soldier Settlement Act, 1919, the Soldier Settlement Board of Canada has altered the limits of its Settlement Area No....., that these are now as first above described and that all owners of blocks of land as defined by said Part of said Act situate within said new limits who have not already complied with the terms of said Part of said Act are required to so comply or suffer the penalties by said Act provided and thereafter comply as aforesaid, notwithstanding. (Or "has entirely disestablished its settlement area No.....as above described and that all lands within the limits of such former settlement area are hereby freed from the operation of the provisions of said The Soldier Settlement Act, 1919," *as the case may be.*)

The Soldier Settlement Board of Canada,  
 X. Y.,  
 Ottawa (Date). *Chairman.*

FORM C.

THE SOLDIER SETTLEMENT ACT, 1919.

RETURN OF OWNER OF LAND WITHIN A SETTLEMENT AREA TO THE SOLDIER SETTLEMENT BOARD OF CANADA.

Province.....  
 Limits of Settlement Area No.....  
 .....  
 .....

.....  
 .....  
 .....  
 Names and Post Office addresses of person or persons making return.....  
 .....

The undersigned files this return with a District Superintendent of the Soldier Settlement Board of Canada pursuant to the provisions of Part III of The Soldier Settlement Act, 1919.

The undersigned owns or own *personally* (or if owner along with others state names and extent of interests of others and their post office addresses) within the settlement area above described, the following described parcels of land:—

Parcel No. 1.....(insert location and description).

Parcel No. 2.....(insert location and description).

Parcel No. 3, etc.

Parcel No. 1 was cultivated to the extent of..... per centum of its area during the season of 191.. and its average cultivation for the two immediately preceding seasons was.....per centum of its area. Parcel No. 1 is encumbered as follows..... (give description of encumbrances and names and post office addresses of the holders thereof).

Parcel No. 2 (give the same particulars as to each parcel).

The owner is willing to sell his interest in Parcel No. 1 to the Board to be applied to the purposes of The Soldier Settlement Act, 1919 for the sum of.....dollars.

The owner is willing to sell his interest in Parcel No. 2 to the Board to be applied to the purposes of The Soldier Settlement Act, 1919, for the sum of.....dollars.

Give the same information as respects each other parcel.

The owner is willing to sell his interest in all the above-mentioned and described parcels to the Board to be applied to the purposes of The Soldier Settlement Act, 1919, for the sum of.....dollars.

There are buildings and improvements upon such land as follows:—On Parcel No. 1.....(short description). Parcel No. 2 and (like particulars).



Dated at.....in the province of  
.....this .....day of.....19..

Owner or owners.

Signed in the presence of  
.....

Witness to signature of  
.....

Witness to signature of  
.....

FORM D.

THE SOLDIER SETTLEMENT BOARD OF CANADA.

NOTICE OF COMPULSORY PURCHASE OF LAND.

Province.....  
Settlement Area No.....  
Description of Land Compulsorily Purchased.....  
.....  
.....  
.....  
.....

To all persons in any manner interested as owners or otherwise in the above described land.

Take Notice that the Soldier Settlement Board of Canada, pursuant to power provided in and by Part III The Soldier Settlement Act, 1919, has compulsorily purchased the above described parcel (or parcels) of land, that said Board is willing to pay therefor the sum of..... dollars, and that by publication of this notice and by force of said Act the said described land is now vested in said Board as for an estate of fee simple in possession (or, in the province of Quebec "in said Board as absolute owner") freed and discharged from all other estates and from all encumbrances, liens, claims and interests whatever and as effectually as if it had been conveyed to the Board by deed or conveyance of all persons entitled to any interest therein, but that if the owner or

other persons interested in said described land are not willing to accept as payment for his or their respective interests in or claims against said described land in full of their interests and claims the amount of compensation money mentioned in this notice, other compensation to be ascertained as provided in said Part III of said Act, will be paid by said Board.

The Soldier Settlement Board of Canada.

X. Y.,

*Chairman.*

Ottawa (Date).

FORM E.

AFFIDAVIT OF VENDOR OF LAND TO THE BOARD.

IN THE MATTER OF THE SOLDIER SETTLEMENT ACT, 1919.

I, ..... of .....  
in the ..... of .....  
Province of ....., (occupation)  
make oath and say as follows:—

1. Produced herewith and shown to me and marked Exhibit A by the functionary before whom this affidavit is sworn is a certain conveyance of land to the Soldier Settlement Board of Canada.

2. I have personal knowledge of the matters hereinafter deposed to.

3. No person, firm or corporation has collected or attempted to collect from me, nor been paid by me nor, so far as I am aware, has any person collected or attempted to collect from any other person, whether interested in the land to which such conveyance relates or otherwise, or charged as against any person, or been paid by any person any fee or commission or advance of price for services rendered in the sale of such land to the Board, whether for the finding of a buyer or otherwise.

4. The last sale of said land (or part thereof) previously to the said conveyance to the Board was made on or about the ..... day of ..... 19.....

The grantors were ..... of ..... and the grantees were ..... There was paid for said land on that occasion the sum of ..... dollars which is an average of ..... dollars

.....dollars per acre. The improvements made upon said land since said sale have been as follows:—

.....  
.....  
.....

5. The consideration mentioned in said Exhibit is..... dollars and the persons who are to receive the same and the amounts that each is entitled to receive, and to whom the Board may make payment direct, are now truly stated, to wit:—

(a) .....(name, post office address and amount receivable)

(b) .....(name, post office address and amount receivable)

(c) .....(name, post office address and amount receivable)

Sworn before me at.....,  
.....in the.....  
province of.....  
this.....day of.....  
19...

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer to the King's most Excellent Majesty.





## 9-10 GEORGE V.

### CHAP. 72.

An Act to authorize certain School and Dominion Lands to be included in the Taber Irrigation District in the province of Alberta.

[Assented to 7th July, 1919.]

WHEREAS the lands mentioned in the Schedule to this Act are School Lands within the meaning of *The Dominion Lands Act*, and are, or may hereafter be, included within the boundaries of an irrigation district organized under *The Irrigation District Act, 1915*, passed by the Legislature of the province of Alberta; and whereas, the Government of the province of Alberta has applied to His Majesty for such legislation as will permit the said School Lands being dealt with under the provisions of *The Irrigation District Act, 1915*, in the same manner as patented lands may be dealt with thereunder; and whereas, by an Act of the Legislature of the province of Alberta entitled *An Act respecting Certain School Lands in the Taber Irrigation District*, assented to on the nineteenth day of April, 1916, it was provided that, notwithstanding anything contained in any Act to the contrary, the School Lands which are enumerated in the Schedule to this Act, or any of them, and which are within the boundaries of the Taber Irrigation District, may be dealt with under the provisions of *The Irrigation District Act, 1915*, in the same way as patented lands may be dealt with thereunder; and whereas, it is expedient to grant such application upon the terms and conditions hereinafter prescribed: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Taber Irrigation District Act*. Short title.

2. Notwithstanding anything to the contrary contained in any Act, the School Lands enumerated in the Schedule to this Act, (being lands within, or that may hereafter be included within, the Taber Irrigation District in the province

School Lands may be dealt with as other lands in irrigation district.

of Alberta, an irrigation district organized under the provisions of *The Irrigation District Act, 1915*), may be dealt with in the same manner as patented lands may be dealt with under the said *Irrigation District Act, 1915*.

Lands herein-  
after incor-  
porated in  
irrigation  
district.

**3.** Any other School Lands which may hereafter be incorporated in the said Taber Irrigation District, under the provisions of *The Irrigation District Act, 1915*, may be dealt with in the manner set forth in the preceding section of this Act.

Unsold, etc.,  
lands subject  
to irrigation  
rates, etc.

**4.** If there are any Dominion or School Lands within the boundaries of the Taber Irrigation District which have not been sold or otherwise disposed of by His Majesty, or the title to which becomes revested in His Majesty, such lands shall be sold or otherwise disposed of by His Majesty, subject to all rates, charges, and taxes, provided for by *The Irrigation District Act, 1915*, in the same manner as they are charged against other School Lands in the said Taber Irrigation District.

Statutes of  
1916, c. 26,  
repealed.

**5.** Chapter twenty-six of the statutes of 1916 is hereby repealed.

## SCHEDULE.

### SCHOOL LANDS IN THE TABER IRRIGATION DISTRICT.

All sec. 29, in township 9, range 16, West of the 4th Meridian.

$N\frac{1}{2}$  sec. 15, all sec. 29,  $W\frac{1}{2}$  sec. 31, in township 9, range 17, West of the 4th Meridian.

$NE\frac{1}{4}$  sec. 21,  $N\frac{1}{2}$  sec. 22,  $SE\frac{1}{4}$  sec. 22, all sec. 23, all sec. 24, all sec. 25,  $NE\frac{1}{4}$  sec. 26, all sec. 27, all sec. 28,  $NE\frac{1}{4}$  sec. 29,  $N\frac{1}{2}$  sec. 32,  $SE\frac{1}{4}$  sec. 32, all sec. 33, all sec. 34, all sec. 35, all sec. 36, in township 9, range 18, West of the 4th Meridian.

$S\frac{1}{2}$  sec. 1,  $W\frac{1}{2}$  sec. 2,  $SE\frac{1}{4}$  sec. 2, all sec. 3, all sec. 4, all sec. 5,  $SE\frac{1}{4}$  sec. 6, all sec. 9,  $NW\frac{1}{4}$  sec. 10,  $SE\frac{1}{4}$  sec. 10,  $S\frac{1}{2}$  sec. 17, in township 10, range 18, West of the 4th Meridian.

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



## 9-10 GEORGE V.

### CHAP. 73.

An Act for the promotion of Technical Education in Canada.

[Assented to 7th July, 1919.]

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

1. This Act may be cited as *The Technical Education Act*. Short title.

2. In this Act the expression,—

(a) “Minister” means the Minister of Labour; Definitions.

(b) “Province” means and includes each of the provinces of Canada, but not the Northwest Territories or the Yukon Territory;

(c) “Technical Education” means and includes any form of vocational, technical or industrial education or instruction, approved by agreement between the Minister and the Government of any province as being necessary or desirable to aid in promoting industry and the mechanical trades, and to increase the earning capacity, efficiency and productive power of those employed therein.

3. This Act shall not apply to any province until the Government thereof has by order in council signified its desire to take advantage thereof. Not to apply to any province which has not approved of Act.

4. (1) For the purpose of promoting and assisting technical education in Canada, the following sums, aggregating ten million dollars, shall be appropriated and paid out of the Consolidated Revenue Fund of Canada during each fiscal year for the period of ten years beginning with the year ending the thirty-first day of March, one thousand nine hundred and twenty, namely,—

(a) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty, the sum of seven hundred thousand dollars;

(b)

- (b) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-one, the sum of eight hundred thousand dollars;
- (c) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-two, the sum of nine hundred thousand dollars;
- (d) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-three, the sum of one million dollars;
- (e) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-four, the sum of one million one hundred thousand dollars; and the like sum of one million one hundred thousand dollars during each of the succeeding fiscal years until the expiration of the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-nine.

Grants of \$10,000 each year, and balance payable quarterly in proportion to population of provinces.

(2) Such sums, subject to the conditions of this Act, shall be allotted and shall be paid quarterly as grants to the Governments of the several provinces as follows:—

- (a) The sum of ten thousand dollars shall be paid in each year to the Government of each province;
- (b) The remainder of the appropriation for each year shall be allotted and paid to the Governments of the respective provinces in proportion to the population of the said provinces respectively as determined by the last federal decennial census.

Grant not to exceed amount spent by province.

5. (1) The grant payable to any province in any year shall not exceed the amount provided for each province by the next preceding section, nor shall it exceed an amount equivalent to that which the Provincial Government shall expend on technical education within such year.

Expenditure by province for land, buildings and equipment of institution established before April, 1919, not to be taken into account.

(2) In determining the grant payable to any province annually, no account shall be taken of any liability or expenditure incurred by the province for the acquiring of land, the erection or improvement of any buildings, or the supplying of furnishings or equipment for any technical education institution established in the province prior to the first day of April, one thousand nine hundred and nineteen.

Terms upon which payments will be made.

6. The payment of the grants hereinbefore authorized shall be made subject to the following terms and conditions:—

- (a) All payments shall be applied and used for technical education in the manner agreed upon by the Minister and the Government of each province; every such agreement shall be approved by the Governor in Council;
- (b) No portion of any grant shall be used in whole or in part in meeting any liability or expenditure of any kind whatsoever incurred in any province prior to the first day of July, one thousand nine hundred and



- nineteen, for lands, buildings, furnishings or equipment secured or provided for technical education purposes;
- (c) Not more than twenty-five per centum of the annual grant payable to any province shall be applied for acquiring land, erecting, extending or improving buildings or supplying furnishings and equipment;
- (d) There shall be forwarded to the Minister annually, by each province taking advantage of the provisions of this Act, a report setting forth the work done in such province in promoting technical education, containing such details and information as may be prescribed by the Minister;
- (e) Every province receiving a grant shall furnish the Minister with such evidence as he may require, to show that the grants paid hereunder are expended for technical education as provided by this Act.

7. Such officers and employees as may be required for carrying out the provisions of this Act, shall be appointed under the provisions of *The Civil Service Act, 1918*.

Appointment  
of staff.

8. Any portion of any appropriation authorized under this Act which may remain unexpended at the expiration of any of the said fiscal years, shall be carried forward and remain available according to its apportionment for the purposes of this Act during any one or more of the succeeding years; provided that not more than twenty-five per centum of any annual appropriation shall be so carried forward and remain available without the approval of the Minister.

Balances  
unexpended  
to be carried  
forward  
but not more  
than 25%  
of grant  
without  
consent of  
Minister.

9. The Minister shall make an annual report on or before the thirty-first day of March on the work done, under the provisions of this Act, containing such information and particulars as the Governor in Council may prescribe, and shall include in such report the reports made by the several provinces on the work done in each province for the promotion of technical education and the expenditure connected therewith, and such report shall be submitted to both Houses of Parliament by the Minister within fifteen days after the presentation of the report, if Parliament is then sitting, and, if not, then within fifteen days after the opening of the next session of Parliament.

Annual  
report.

Laid before  
Parliament.





## 9-10 GEORGE V.

### CHAP. 74.

An Act to provide for a Loan not exceeding Five Million Dollars to the Vancouver Harbour Commissioners.

[Assented to 7th July, 1919.]

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

**1.** This Act may be cited as *The Vancouver Harbour Advances Act, 1919.* Short title.

**2.** The Governor in Council may from time to time advance and pay to the Corporation of the Vancouver Harbour Commissioners, hereinafter called "the Corporation", such sums of money, not exceeding in the whole the sum of five million dollars, as may be required to enable the Corporation to carry on the construction of works to provide such terminal facilities as are deemed necessary for the proper development and equipment of the harbour of Vancouver.

The Crown may advance \$5,000,000 to Corporation.

**3.** During the period of construction of the works referred to in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of the construction of such works shall be deemed to be money required to enable the Corporation to construct the said works and to be a part of the cost of the construction thereof, and the said interest may be paid out of the said sum of five million dollars; the period of construction herein referred to shall begin on the day when the first advance is made on account of the said construction, and shall terminate on such date as the Governor in Council shall fix and determine.

Interest on money during construction to be paid out of capital.

**4.** No construction of any works shall be begun and no advances shall be made under this Act until the necessary plans, specifications and estimates in detail to govern the construction

Plans, etc., must be approved.

construction of such works have been submitted to and approved by the Governor in Council.

Monthly applications for advances.

5. Applications for the advances authorized by this Act shall be made monthly by the Corporation during the period of construction of said works as hereinbefore defined, and each such application shall be accompanied by a statement detailing the total expenditure on any work in the month which the requested advances are to cover, and such other statements and information as the Minister of Marine and Fisheries may require, and no payment shall be made on any application until such application has been approved by the Governor in Council.

Debentures to be deposited.

6. The Corporation shall, upon any advances being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the advance so made (which debentures the Corporation is hereby authorized to issue) and each such debenture shall be for such amount as the Minister of Finance and Receiver General shall prescribe. The debentures shall bear date the date when such advance is made, and shall be re-payable within twenty-five years from the date of their issue; they shall bear interest at the rate of five per centum per annum, and such interest shall be made payable half yearly on the first day of July and the first day of January in each year.

Advances to be a charge against revenue and property of corporation after debentures issued under chapter 54, statutes of 1913.

7. The principal and interest of the sums advanced to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon next after, and have precedence in regard to payment next after, the principal and interest of all debentures or bonds heretofore issued by the Corporation to the public and amounting to the sum of three hundred thousand dollars, said debentures or bonds having been issued under the provisions of chapter fifty-four of the statutes of 1913.



## 9-10 GEORGE V.

### CHAP. 75.

#### An Act to amend the Weights and Measures Act.

[Assented to 7th July, 1919.]

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

**1.** Section two of the *Weights and Measures Act*, chapter fifty-two of the Revised Statutes of Canada, 1906, is amended by substituting the words "Trade and Commerce" for the words "Inland Revenue" in paragraph (d) thereof, and by adding thereto the following paragraph:—

"(e) 'inspector' means an inspector of weights and measures appointed under the provisions of this Act, and includes the superintendent of weights and measures, district inspectors of weights and measures, assistant inspectors of weights and measures and any other officer with the powers, or authorized to perform the duties of, an inspector of weights and measures."

**2.** Paragraph (a) of section seventeen of the said Act is repealed and the following is substituted therefor:—

"(a) The foot, French Measure or Paris foot, shall be held to contain twelve inches and seven hundred and eighty-nine thousandths of an inch standard measure."

**3.** Sections thirty-nine, forty and forty-one of the said Act are repealed and the following are substituted therefor:—

"**39.** (1) A Superintendent of weights and measures may be appointed, who shall, under the direction of the Minister, conduct all comparisons, verifications and other operations with reference to standards of measure and weight, and shall have the general supervision and direction of the work of inspection throughout Canada. Such inspectors and assistant inspectors of weights and measures and such other officers may be appointed as are deemed necessary."

Qualification  
of Inspectors.

“(2) No person shall be appointed an inspector or shall act as an inspector until he has been examined and has obtained a certificate from the Civil Service Commission that he is qualified to perform the duties of his office. Provided, that nothing in this section contained shall affect the status or powers of any person now authorized to perform the duties of an inspector.

Inspection  
divisions.

“(3) The Governor in Council may divide the whole or any part of Canada into inspection divisions and fix the boundaries of such divisions, and, subject to the provisions of *The Civil Service Act, 1918*, may prescribe what and how many officers shall be employed in the several districts.”

4. Section fifty of the said Act is repealed and the following is substituted therefor:—

Inspection,  
how often  
to be made.

“50. (1) The Governor in Council may by regulation prescribe when and how often weights and measures and weighing and measuring machines are to be inspected, verified and stamped, but all weights, measures and weighing and measuring machines shall, unless in any case or class of cases it is otherwise prescribed, be inspected and verified at least once every year.

Certificate.

“(2) A certificate of such inspection and verification obtained from the proper inspector shall be *prima facie* evidence that the inspection and verification has been performed as described in such certificate.”

5. (1) Section fifty-two of the said Act is also amended by adding thereto the following paragraph after paragraph (i):—

Regulations  
by Governor  
in Council.

“(j) the several forms of receipt and certificate to be given by inspectors upon the inspection or verification of weights, balances, measures or weighing or measuring machines and the production of the same at the request of an inspector.”

(2) Paragraph (h) of section fifty-two of the said Act is repealed and the following is substituted therefor:—

“(h) the suitable and safe storage to be provided by owners of weights, balances, measures or weighing or measuring machines subject to inspection and verification for such standard weights and other apparatus necessary for such inspection and verification and the assistance and other facilities to be furnished and provided by such owners to the inspecting officer for such inspection and verification.”

(3) Subsection one of section fifty-two of the French version of the said Act is amended by inserting the following paragraph immediately after paragraph (h):—

“(i) La fabrication de boîtes ou d'autres vaisseaux employés pour les fins de vente de lait à la mesure, le mode d'inspection de ces boîtes ou vaisseaux, et généralement pour donner effet aux dispositions de la présente

loi, en ce qui concerne l'emploi, la vérification et l'inspection de ces boîtes ou autres vaisseaux”.

6. Section fifty-three of the said Act is amended by adding thereto the following subsection:—

“(2) The Governor may prescribe that with respect to any case or class of cases a fee be charged for the inspection, verification and stamping of weights, measures, balances, beams and other weighing machines and measuring machines during a specified period, not in any case to exceed one year, instead of a fee for each inspection and verification, and may fix the time when, and the length of the period in respect of which, such fee is to be paid.”

Fee may be for a period instead of for each inspection.

7. The following section is inserted immediately after section sixty-one of the said Act:—

“61A. Notwithstanding any of the provisions of the *Criminal Code*, any person who sells, delivers or causes to be sold or delivered, anything by weight, measure or number, short of the quantity ordered or purchased, shall be guilty of an offence and liable to a fine not exceeding twenty-five dollars for the first offence, and to a fine not exceeding one hundred dollars for every subsequent offence. No proceedings shall be taken under the provisions of this section except with the consent of the Minister.”

Penalty for short weights, measure or count.

8. Sections sixty-nine and seventy of the said Act are repealed and the following are substituted therefor:—

“69. Every person who knowingly uses, sells, utters or exposes for sale any weight, measure or weighing or measuring machine increased, diminished, falsified or tampered with, or who wilfully breaks or removes the official seal or mark of rejection from any weight, measure or weighing or measuring machine sealed against use for any cause whatsoever, except to repair and adjust the same for presentation for inspection, verification and stamping, 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 such weight, measure or weighing or measuring machine shall be forfeited to His Majesty, and shall be destroyed or otherwise disposed of, as the Minister may direct.

Penalty for using counterfeit weights, etc.

“70. Every manufacturer, dealer in or importer of weights, measures or weighing or measuring machines, who has in his possession or who sells, deals in or utters any weight, measure or weighing or measuring 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 all such

Having weights, etc., that cannot be verified.

weights, measures or weighing or measuring machines shall be seized and shall be forfeited to His Majesty, and shall be destroyed or otherwise disposed of, as the Minister may direct."

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.





## 9 - 10 GEORGE V.

### CHAP. 76.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1920.

[Assented to 7th July, 1919.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from His Excellency Preamble.  
the Most Noble Victor Christian William, Duke of Devonshire, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

**1.** This Act may be cited as *The Appropriation Act*, Short title.  
*No. 4, 1919.*

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and fifteen million, seven hundred and thirty-four thousand, four hundred and ninety dollars and twenty-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and being two-thirds of each of the several items set forth in Schedule A to this Act. \$115,734,490.25.  
granted for  
1919-20.

**3.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$46,793,120.66  
granted for  
1919-20.  
VOL. 1—43½ 675 forty-six

forty-six million, seven hundred and ninety-three thousand, one hundred and twenty dollars and sixty-six cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and nineteen, to the thirty-first day of March, one thousand nine hundred and twenty, not otherwise provided for, and set forth in Schedules B and C to this Act.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of March, one thousand nine hundred and eighteen, unborrowed and negotiable, of the loans authorized by Parliament for the construction of public works and for general purposes, the following sum:—

For public works and general purposes \$79,607,203.21.

Such sums may be raised under R.S., c. 24.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the sum above mentioned as required for the purposes aforesaid, respectively, under the provisions of the Consolidated Revenue and Audit Act, and the sum so raised shall form part of the Consolidated Fund, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Account to be rendered in detail.

5. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

## SCHEDULE A.

Based on the Main Estimates, 1919-20. The amount of each vote hereby granted is two-thirds of that in the Estimates. For the remainder see Chapter 1, and Schedule B of Chapter 35.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	<b>CHARGES OF MANAGEMENT.</b>	\$ cts.	\$ cts.
	Offices of the Assistant Receivers General and Country Savings Banks—		
	Salaries.....	107,850 00	
	Contingencies.....	10,000 00	
	1 Printing Dominion Notes.....	300,000 00	
	Printing, advertising, inspection, express, etc.....	50,000 00	
	Commission for payment of interest on public debt, purchase of sinking funds.....	80,000 00	
	Brokerage on purchase of sinking funds.....	6,000 00	
	English Bill stamps, postage, etc.....	3,000 00	
	Removal of foreign and uncurrent coin from circulation.....	15,000 00	
			571,850 00
	<b>CIVIL GOVERNMENT.</b>		
2	Governor General's Secretary's Office—		
	Salaries, including Governor General's Secretary, additional to salary authorized by R.S., c. 4, \$3,600; A. F. Sladen at \$4,000, J. F. Crowdy at \$3,500, and F. L. C. Pereira at \$2,800.....	31,150 00	
	Contingencies, including allowance of \$600 to A. F. Sladen, Private Secretary.....	66,600 00	
3	Privy Council Office—		
	Salaries, including Clerk of the Privy Council at \$6,000 and Capt. Wm. Wallace at \$2,600.....	49,525 00	
	Contingencies.....	10,000 00	
4	Administration of Justice—		
	Salaries, including Assistant Deputy Minister and Secretary at \$5,000; J. Chisholm, J. P. Bill and J. A. Renaud at \$4,500 each.....	177,887 50	
	Contingencies.....	21,000 00	
6	Department of the Secretary of State—		
	Salaries, including Deputy Minister at \$6,000.....	81,350 00	
	Contingencies.....	16,500 00	
7	Department of Public Printing and Stationery—		
	Salaries, including King's Printer at \$6,000, and Assistant King's Printer at \$4,500.....	71,787 50	
	Contingencies.....	6,800 00	
8	Department of the Interior—		
	Salaries, including Deputy Minister at \$6,000, and E. E. Turton, hereby promoted, at \$1,600.....	1,213,900 00	
	Contingencies.....	105,000 00	
10	Department of Indian Affairs—		
	Salaries, including Deputy Superintendent General at \$6,000..	136,612 50	
	Contingencies.....	19,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	CIVIL GOVERNMENT—Concluded.	\$ cts.	\$ cts.
12	Office of the Auditor General— Salaries, including Auditor General at \$1,000, additional to 7-3 Edw. VII, Chap. 6..... Contingencies.....	150,500 00 10,000 00	
13	Department of Finance and Treasury Board— Salaries, including Deputy Minister at \$6,000, Commissioner of Taxation who is also hereby made subject to the provisions of Part I of the Civil Service Superannuation and Retirement Act as from the first of October, 1912, with benefit of his service previous to first of June, 1908, at \$6,000, Assistant Deputy Minister at \$5,000, Comptroller of Dominion Currency at \$5,000, B. J. Roberts at \$2,700 and T. H. Siddall, C. N. Yetts and E. T. Langdon at \$1,600 each... Contingencies.....	173,225 00 42,000 00	
15	Department of Agriculture— Salaries, including Dairy and Cold Storage Commissioner at \$5,000, Seed Commissioner at \$5,000, Director of Experimental Farms at \$4,000, Live Stock Commissioner at \$3,600, and Dominion Entomologist at \$3,600..... Contingencies.....	465,737 50 110,000 00	
20	Department of Mines— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	422,747 50 5,500 00	
22	Department of Trade and Commerce— Salaries, including Deputy Minister at \$6,000 and Solicitor of Patents and Copyrights at \$6,000..... Contingencies.....	415,950 00 38,000 00	
23	Department of Labour— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	91,887 50 20,000 00	
24	High Commissioner's Office, London— Salaries..... Contingencies.....	23,300 00 62,863 00	
25	Department of Insurance— Salaries, including Superintendent of Insurance, \$1,000, additional to salary authorized by 7-8 Edw. VII, Chap. 69..... Contingencies.....	39,925 00 38,000 00	
27	Office of the Conservation Commission— Salaries, including Assistant to Chairman at \$6,000.....	42,700 00	
28	Department of Public Archives— Salaries, including Deputy Minister at \$6,000..... Contingencies.....	61,737 50 8,500 00	
30	Civil Service Commission— Salaries, including Secretary at \$4,000, Chief of Organization Branch at \$2,800..... Contingencies.....	79,750 00 60,000 00	
			4,369,435 50
	ADMINISTRATION OF JUSTICE.		
31	Miscellaneous expenditure..... Living allowance for Judge of Atlin District, B.C.....	10,000 00 1,200 00	
	<i>Supreme Court of Canada.</i>		
32	Contingencies and disbursements, salaries of officers (Sheriffs, etc.), books, magazines, etc., for Judges, not exceeding \$300.. Law books and books for reference for Library and binding of same.....	7,500 00 8,000 00	

SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	<b>ADMINISTRATION OF JUSTICE—Concluded.</b>		
	<i>Exchequer Court of Canada.</i>		
	Contingencies—Judges' travelling expenses, remuneration to Sheriffs, etc., printing, stationery, etc., and \$150 for Judges' books.....	6,000 00	
	Publication of Reports by contract.....	2,000 00	
33	Miscellaneous expenses, Exchequer Court in Admiralty.....	500 00	
	Salary of Marshal in Admiralty, Quebec.....	333 34	
	To Chas. Morse, for furnishing reports of Exchequer Court decisions to legal periodicals.....	50 00	
	Printing, binding and distributing Exchequer Court Reports....	1,000 00	
	<i>Yukon Territory.</i>		
	Travelling allowance of Judge.....	500 00	
	Living allowance of Judge.....	5,000 00	
	Salaries Territorial Court, Sheriff and clerk, \$4,000 each; stenographer, \$2,000.....	10,000 00	
34	Living allowances of Court officers and Police Magistrate.....	6,800 00	
	Fees and expenses of witnesses, jurors and interpreters in criminal trials.....	5,000 00	
	Maintenance and transport of prisoners.....	14,000 00	
	Miscellaneous expenditure.....	8,000 00	
			85,883 34
	<b>DOMINION POLICE.</b>		
35	Amount required.....		187,000 00
	<b>PENITENTIARIES.</b>		
	Kingston.....	239,800 00	
	St. Vincent de Paul.....	203,100 00	
	Dorchester.....	118,800 00	
36	Manitoba.....	84,000 00	
	British Columbia.....	97,500 00	
	Alberta.....	90,800 00	
	Saskatchewan.....	96,500 00	
	General.....	36,200 00	
			966,700 00
	<b>LEGISLATION.</b>		
	<i>Senate.</i>		
37	Salaries, including Clerk of the Senate at \$6,000 and contingent expenses.....	121,141 50	
	<i>House of Commons.</i>		
	Salary of the Deputy Speaker.....	2,000 00	
	Salaries, including Clerk of the House of Commons at \$6,000; Parliamentary Counsel at \$6,000; Chief Clerk of Journals, Votes and Proceedings at \$3,500; and hereby appointing L. P. Moreau at \$1,400.....	200,925 00	
38	Expenses of Committees, Sessional and extra Clerks, etc.....	62,350 00	
	Contingencies.....	56,235 00	
	Publishing Debates.....	60,000 00	
	Estimates of the Serjeant-at-Arms.....	75,900 00	
	<i>Library of Parliament.</i>		
	Salaries, including General Librarian at \$6,000; and Parliamentary Librarian at \$6,000.....	37,650 00	
39	Books for the General Library, including binding.....	18,000 00	
	Books for the Library of American History.....	1,000 00	
	Contingencies.....	12,500 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	LEGISLATION—Concluded.	\$ cts.	\$ cts.
	General.		
40	Printing, printing paper and binding.....	250,000 00	
	Printing, binding and distributing the annual statutes.....	21,000 00	
	Contingent expenses in connection with the Voters' List.....	5,000 00	
	Contingencies of the Clerk of the Crown in Chancery, including the employment of temporary help.....	5,000 00	
	Provincial Voters' Lists.....	15,000 00	
	ARTS AND AGRICULTURE.		943,701 50
41	Experimental Farms—Maintenance of Central Farm, and establishment and maintaining of additional branch Stations	1,200,000 00	
42	Branch of Entomology.....	18,000 00	
43	For the administration and enforcement of the <i>Destructive Insect and Pest Act</i> .....	149,200 00	
44	For the development of the dairying industry, and the improve- ment of transportation, sale and trade in food and other products.....	155,000 00	
45	Towards the encouragement of cold storage warehouses for the better preservation and handling of perishable food products.	25,000 00	
46	Fruit Branch.....	122,500 00	
47	Health of Animals.....	465,000 00	
48	For the administration and enforcement of the <i>Meat and Canned Foods Act</i> .....	442,000 00	
49	Publications Branch.....	36,300 00	
50	International Institute of Agriculture to assist in maintenance thereof and to provide for representation thereat.....	10,000 00	
51	For the development of the Live Stock Industry.....	800,000 00	
52	To enforce the Seed Act, to test seeds for farmers and seed merchants, to encourage the production and use of superior seeds and to encourage the production of farm and garden crops.....	200,000 00	
53	For the administration and carrying out of the provisions of the <i>Agricultural Instruction Act</i> .....	25,000 00	
	QUARANTINE.		3,648,000 00
54	Salaries and contingencies of organized districts; public health in other districts; Tracadie and D'Arcy Island Lazaretto, and Public Works Health Act.....		241,000 00
	PENSIONS.		
61	Mrs. Wm. McDougall.....	1,200 00	
62	Lady Cartwright.....	1,200 00	
63	Pensions on account of the Fenian Raid, 1866-1870.....	1,200 00	
64	Pensions payable to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	1,202 31	
65	Pensions payable to militiamen and on active service North- west Rebellion 1885.....	44,000 00	
	Pensions to families of members of the force who lost their lives while on duty:—		
66	Margaret Johnson Brooke.....	640 50	
67	Arthur Stewart Mountford Brooke.....	6 15	
68	Mrs. Elizabeth Wilmett.....	54 90	
69	Mrs. Elizabeth Fitzgerald.....	525 00	
70	Pension to J. B. Allan.....	450 00	
71	Pension to Mrs. Mary E. Fuller.....	600 00	
72	Pension to Madame Fabre.....	1,000 00	
73	Pension to Mrs. Mary L. Campbell.....	500 00	
74	Pension to the unmarried sisters of the late Col. Harry Baker, M.P.....	700 00	
75	Pension to Dr. Thomas Barnard Flint—Formerly voted under Legislation, House of Commons.....	2,500 00	
76	Pensions—European War and Active Militia.....	28,000,000 00	
77	Salaries and contingent expenses of the Board of Pension Com- missioners for Canada.....	1,629,251 75	
			29,685,030 61

SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	RAILWAYS AND CANALS. (Chargeable to Capital.)	\$ cts.	\$ cts.
	RAILWAYS.		
	<i>Canadian Government Railways.</i>		
93	Construction and Betterments..... <i>Hudson Bay Railway.</i>	11,121,681 00	
94	Port Nelson Terminals..... <i>National Transcontinental Railway.</i>	100,000 00	
95	To pay claims for right of way..... <i>Miscellaneous Railway Equipment.</i>	125,000 00	
96	To acquire directly or indirectly, or to assist in acquiring during the current fiscal year, railway equipment and materials, for the purposes and upon the terms (save as herein varied) mentioned in chapter 38 of the statutes of 1918. The assistance herein provided for may be by way of advances to any Canadian Railway or Canadian Rolling Stock Company, or by way of equipment or materials acquired by the Minister..... <i>Welland Ship Canal.</i>	35,000,000 00	
97	Construction..... <i>Trent Canal.</i>	3,500,000 00	
	CANALS—CAPITAL.		
98	Construction and Betterments..... Towards construction of a high level bridge over the Otonabee river at Hunter Street, Peterboro, Ont.....	1,000,000 00 50,000 00	
			50,896,681 00
	RAILWAYS AND CANALS. (Chargeable to Income.)		
	CANALS.		
	<i>Chambly.</i>		
99	Improvements..... <i>Carillon and Grenville Canal.</i>	40,000 00	
100	Improvements..... <i>Lachine Canal.</i>	17,000 00	
101	Dredging..... <i>Soulanges.</i>	25,000 00	
102	Improvements..... <i>Ontario St. Lawrence Canal.</i>	152,000 00	
103	Improvements.....	54,000 00	

SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	RAILWAYS AND CANALS— <i>Concluded.</i>		
	(Chargeable to Income)— <i>Concluded.</i>		
	<i>Rideau.</i>		
104	To pay claim of John O'Toole and interest at 5% per annum thereon.....	2,646 83	
	<i>St. Peter's Canal.</i>		
105	Rebuilding of highway bridge.....	5,000 00	
	<i>Trent Canal.</i>		
106	Improvements.....	329,000 00	
	<i>Welland Canal.</i>		
107	Improvements.....	175,000 00	
	MISCELLANEOUS.		
	Arbitrations and awards.....	20,000 00	
	Board of Railway Commissioners for Canada—Maintenance and operation of, including \$300 for Clyde Leavitt as Chief Fire Inspector.....	190,150 00	
	Board of Railway Commissioners for Canada—To pay expenses in connection with cases before the Board.....	15,000 00	
	Contribution of the Government Railways to the Faculty of McGill University towards the foundation of a school of railway engineering and transportation in general, in connection with the Faculty of Applied Science.....	2,500 00	
	Contribution of the Government Railways to the Faculty of the Polytechnic School, Montreal, for the advancement of learning in connection with railway engineering and transportation in general.....	2,500 00	
	Contribution to International Association of Railways Congress	97 33	
	Costs of litigation.....	3,000 00	
	Commissioner of Highways—To provide for the organization and payment of staff of Commissioner of Highways, including A. W. Campbell, C.E., as Commissioner of Highways at \$5,000 per annum.....	25,000 00	
108	Governor General's car—Attendance, repairs and alterations... Loan not exceeding \$35,000,000, repayable on demand with interest payable half yearly at the rate of six per centum (6%); to be used to meet expenditures made or indebtedness incurred in paying interest on securities in excess of amount available from net earnings, or paying maturing loans of the Canadian Northern Railway Company or any company included in the Canadian Northern Railway System, and for construction and betterments; said loan to be secured by mortgage upon the undertaking of the Canadian Northern Railway System, containing such terms and conditions as the Governor in Council may approve.....	5,000 00 35,000,000 00	
	Miscellaneous works not provided for.....	2,500 00	
	Printing and Stationery—Outside service.....	7,000 00	
	Surveys and Inspections—Canals, including salaries and expenses of experts employed temporarily.....	40,000 00	
	Surveys and Inspections—Railways, including salaries and expenses of experts employed temporarily.....	55,000 00	
	To provide for audit on behalf of the Government of any railway company in Canada.....	15,000 00	

36,182,394 16



SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS			
LOCAL SERVICES.			
173	Steam service between Quebec and ports on the North and /or South Shores of the Gulf of St. Lawrence, and /or between ports in Prince Edward Island, Nova Scotia, Newfoundland and the Magdalen Islands.....	70,000 00	
174	Steam service between St. Catherine's Bay and Tadoussac.....	886 67	
175	Steam service between St. John and ports in Cumberland Basin	3,000 00	
176	Steam service between St. John, N.B., and St. Andrew's, N.B., calling at intermediate points.....	4,000 00	
177	Steam service between St. John and Bridgetown.....	2,500 00	
178	Steam service between St. John and Digby.....	20,000 00	
179	Steam service between St. John, Digby, Annapolis and Granville, viz., along the coast west of Annapolis Basin.....	2,000 00	
180	Steam service between St. John, N.B., and ports on the Bay of Fundy and Minas Basin, and Margaretville, N.S.....	8,000 00	
181	Steam service or services between St. John, Westport and Yarmouth and other way ports.....	10,000 00	
182	Steam service during the year 1919 between St. Stephen, N.B., Ste. Croix River points, Deer Island, Campobello and the inner islands, Passamaquoddy Bay and L'Etete or Back Bay	6,000 00	
183	Steam service during the season of 1919, between Sydney and Bay St. Lawrence, calling at way ports.....	6,000 00	
184	Steam service during the season 1919, between Sydney and Whycocomagh.....	3,000 00	
185	Steam service from Sydney to Bras d'Or Lake ports, and ports on the East and West Coasts of Cape Breton.....	14,000 00	
186	Expenses in connection with the supervision of subsidized steamship services.....	3,000 00	
			152,386 67
SCIENTIFIC INSTITUTIONS.			
DEPARTMENT OF THE INTERIOR.			
<i>Scientific Institutions.</i>			
221	Expenses connected with the Dominion Astronomical Observatory at Ottawa.....	31,000 00	
	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.....	8,500 00	
<i>Geodetic Survey of Canada.</i>			
222	Investigations, triangulations, precise levelling, topographic and field astronomic work, etc.....	149,000 00	
<i>International Boundaries.</i>			
223	Expenses connected with the survey and demarcation of International Boundaries, including \$1,000 to J. J. McArthur as International Boundary Commissioner.....	58,495 00	
			246,995 00
FISHERIES.			
230	To assist in the conservation and development of deep sea fisheries and of the demand for fish and to provide for better transportation facilities for fish.....		100,000 00
MINES AND GEOLOGICAL SURVEY.			
<i>Department.</i>			
235	For experimental work relating to briquetting of lignite coal. (Revote).....	160,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	MINES AND GEOLOGICAL SURVEY—Concluded.	\$ cts.	\$ cts.
	<i>Mines Branch.</i>		
	Investigation of ore and other economic deposits, road and structural materials; wages; expenses of the fuel testing and the ore dressing plants; collection of mining and metallurgical statistics, etc. ....	134,000 00	
236	Publications, English and French editions of reports; purchase of books of reference, laboratory supplies, instruments, office contingencies.....	40,000 00	
	To meet the expenses of a branch ore dressing plant and laboratories in B.C.....	100,000 00	
	For the organization and equipment of the Explosives division under the <i>Explosives Act, Chap. 31, 4-5 George V.</i> .....	35,000 00	
	<i>Dominion of Canada, Assay Office.</i>		
237	Maintenance of Assay Office, Vancouver, B.C.....	26,000 00	
	<i>Geological Survey.</i>		
	For explorations, surveys and investigations, wages of explorers, draughtsmen and others.....	150,000 00	
	For publication of English and French editions of reports; maps, illustrations, etc.....	65,000 00	
238	For maintenance of offices and museum: instruments, chemicals, books of reference; miscellaneous assistance, and contingencies.....	50,000 00	
	For purchase of specimens.....	5,000 00	
	Compensation to J. F. Lyons for quarters vacated.....	400 00	
			765,400 00
	LABOUR.		
239	Conciliation and Labour Act, including publication, printing, binding and distribution of the <i>Labour Gazette</i> , and allowance to correspondents, and to provide for the payment of salary of Private Secretary to the Minister.....	35,000 00	
240	Industrial Disputes Investigation Act.....	40,000 00	
241	Fair Wages and Inspection Officers.....	17,500 00	
242	Administration Employment Offices Co-ordination Act.....	50,000 00	
243	To supplement amount provided by Statute, 8-9 Geo. V., Cap. 21, including \$50,000 for the establishment and maintenance of employment offices in Prince Edward Island, New Brunswick and Nova Scotia, notwithstanding anything to the contrary in the said Act.....	200,000 00	
244	Administration Vocational Education Act.....	25,000 00	
			367,500 00
	INDIANS.		
	ONTARIO AND QUEBEC.		
	Relief, medical attendance and medicines.....	28,000 00	
245	Repairs to roads and bridges and drainage.....	1,900 00	
	General expenses.....	51,875 00	
	For clearing of land and purchase of stock in northwestern Ontario.....	3,000 00	
	NOVA SCOTIA.		
	Salaries.....	4,400 00	
	Relief.....	11,000 00	
246	To provide for encouragement of agriculture.....	1,000 00	
	Medical attendance and medicines.....	6,000 00	
	Repairs to roads and dyking.....	600 00	
	Miscellaneous and unforeseen.....	5,300 00	

SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	INDIANS—Concluded.	\$ cts.	\$ cts.
	NEW BRUNSWICK.		
247	Salaries.....	1,984 00	
	Relief .....	10,000 00	
	Miscellaneous and unforeseen.....	850 00	
	Medical attendance and medicines.....	5,000 00	
	Repairs to roads.....	450 00	
	To provide for encouragement of agriculture.....	1,000 00	
	PRINCE EDWARD ISLAND.		
248	Salaries.....	600 00	
	Relief and seed grain.....	1,375 00	
	Medical attendance and medicines.....	850 00	
	Miscellaneous.....	400 00	
	MANITOBA, SASKATCHEWAN, ALBERTA AND NORTHWEST TERRITORIES.		
249	Implements, tools, etc.....	5,190 00	
	Field and garden seeds.....	2,013 00	
	Live stock.....	2,150 00	
	Supplies for destitute.....	149,364 00	
	Hospitals and medical attendance.....	108,696 00	
	Triennial clothing.....	6,000 00	
	Surveys.....	11,000 00	
	Sioux.....	7,545 00	
Grist and saw mills.....	5,450 00		
General expenses.....	259,006 00		
	BRITISH COLUMBIA.		
250	Salaries.....	47,840 00	
	Relief to destitute.....	22,000 00	
	To assist Indians in farming, fruit culture and cleansing orchards.....	8,450 00	
	Hospital, medical attendance and medicines.....	53,200 00	
	Travelling expenses.....	20,000 00	
	Office, miscellaneous and unforeseen expenses.....	19,560 00	
Surveys.....	5,000 00		
	YUKON.		
251	Relief, medical attendance and medicines.....	11,000 00	
	General expenses.....	4,000 00	
	GENERAL.		
252	Payments to Indians surrendering their lands under provisions of Section 89 of the Indian Act, which will afterwards be repaid from the avails of the land.....	25,000 00	
	Relief to destitute Indians in remote districts.....	60,000 00	
	To prevent spread of Tuberculosis.....	10,000 00	
	Printing, stationery, etc.....	5,000 00	
	Grant to assist Indian Trust Fund Account 310 suppression of liquor.....	3,000 00	
	Surveys, Ontario, Quebec and Maritime Provinces.....	3,000 00	
	To provide for expenses in connection with epidemic of small-pox and other diseases.....	10,000 00	
	To provide an amount to pay Agents' fees in connection with registration of births, deaths and marriages.....	1,500 00	
	General legal expenses.....	5,500 00	
	INDIAN EDUCATION.		
253	Indian Education.....	735,515 00	
			1,741,563 00

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.	
	GOVERNMENT OF THE NORTHWEST TERRITORIES.	\$ cts.	\$ cts.	
255	Salary of Commissioner.....	1,000 00		
	Salary of Mr. L. du Plessis, as Secretary to the Commissioner..	300 00		
	Salary of Mr. Geo. D. Pope, as Accountant to the Commissioner	300 00		
	Schools.....	3,000 00		
	Relief to destitute, maintenance of insane patients and prisoners..	1,900 00		
	Investigations, travelling expenses, clerical assistance, printing, stationery and contingencies.....	1,500 00	8,000 00	
	GOVERNMENT OF THE YUKON TERRITORY.			
256	Salaries and expenses connected with the administration of the Territory.....	75,000 00		
	Grant to Local Council.....	90,000 00		
	Grant to Local Council for maintenance of and repairs to roads.....	50,000 00	215,000 00	
	DOMINION LANDS AND PARKS.			
257	Salaries of the Dominion Lands Outside Service.....	430,000 00		
	Dominion Lands contingencies, etc.....	220,000 00		
	Surveys of Dominion Lands, examination of survey returns, printing of plans, etc.....	700,000 00		
	Amount required to pay the fees of the Board of Examiners for D. L. Surveyors, of the Secretary, and of the Sub-examiners and for stationery, printing, rent of rooms and furniture, etc. (The fees of Messrs. E. Deville, Otto J. Klotz and W. M. Tobey, members of the Board, and J. A. Coté, Secretary, are to be paid out of this sum).....	2,400 00		
	To assist in publishing the transactions of the Association of Dominion Land Surveyors.....	125 00		
	Protection of Timber in Manitoba, Saskatchewan, Alberta, the N.W.T., and the Railway Belt in B.C.; tree culture in Manitoba, Saskatchewan, Alberta, and inspection and management of Forest Reserves.....	750,000 00		
	Grant to Canadian Forestry Association.....	4,000 00		
	For surveys and investigations of water resources and for administration of water-powers, etc.....	172,000 00		
	Amount required to meet the expenses of the Dominion Power Board in connection with an investigation of the fuel and power resources of the Dominion.....	50,000 00		
	For surveys and inspections in connection with the administration of the Irrigation Act and for the reclamation of swamp lands by drainage, etc., including \$400 for P. Marchand as auditor of disbursements made by Companies acquiring lands under the Irrigation system.....	224,000 00		
	Grant to Western Canada Irrigation Association.....	1,000 00		
	Grant to Cypress Hills Water Users' Association.....	250 00		
	Grant to International Dry Farming Congress.....	3,000 00		
	Canadian National Parks.....	446,000 00		
	Administration of the North West Game Act, and the Migratory Bird Act.....	18,000 00		
	Engraving, lithographing, printing and preparation of maps, plans and kindred publications of the Dominion, including necessary materials for same.....	74,375 00		
	Costs of litigation and legal expenses.....	11,000 00		
	Ordnance Lands, salaries and expenses.....	1,595 00		
	Grant to Alpine Club of Canada.....	1,000 00		
	Amount required to meet uncollected portion of advances of Seed Grain made in the Western Provinces by the chartered banks to holders of unpatented Dominion Lands under the guarantee of the Dominion Government, also including commission payable to banks for collections, fees to Secretary-Treasurers of Municipalities and officers of the Provincial Departments of Agriculture, and clerical assistance.....	125,000 00		
				3,233,745 00

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	SOLDIERS' LAND SETTLEMENT.		
258	Salaries of Board of Commissioners..... Advances to soldiers settling upon the land, and cost of administering <i>The Soldier Settlement Act, 1917</i> , including clerical assistance.....	16,000 00 25,000,000 00	25,016,000 00
	MISCELLANEOUS.		
259	<i>Canada Gazette</i> .....	37,000 00	
260	Printing Bureau—Plant, repair and renewals.....	10,000 00	
261	Printing Bureau—Plant—New.....	50,000 00	
262	Distribution of Parliamentary documents and other Government Publications.....	45,000 00	
263	Miscellaneous printing.....	100,000 00	
264	Contribution towards publication of International Catalogue of Scientific Literature.....	1,483 00	
265	Expenses under the Canada Temperance Act.....	1,000 00	
266	Expenses under the Naturalization Acts.....	4,000 00	
267	Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within fifteen days of next session.....	40,000 00	
268	Grant to the Interparliamentary Union for Peace.....	200 00	
269	For supply of Canadian publications to Library of High Commissioner's Office.....	1,000 00	
270	To provide for purchase of 650 copies of the Parliamentary Guide.....	1,950 00	
271	Public Archives.....	60,000 00	
272	To provide for the expenses of the Conservation Commission.....	98,000 00	
273	Expenses of litigated matters connected within the Department of Justice.....	13,000 00	
274	Annual contribution to the Canadian Law Library, London, England.....	500 00	
275	Consolidation and publication of Reports, Orders in Council and correspondence upon Provincial Legislation since 1905 (Revote).....	500 00	
276	Expenses under the Pecuniary Claims Convention with the United States (Revote).....	5,000 00	
277	Grant to Chief Constables' Association of Canada.....	500 00	
278	Cost of proceedings before the International Joint Commission.....	5,000 00	
279	To assist in suppression of the White Slave Traffic.....	2,500 00	
284	Grant to the National Battlefields Commission:—		
	(a) For expenses of administration.....	6,000 00	
	(b) For maintenance of the National Battlefields Park.....	30,000 00	
	(c) For maintenance of Martello Tower.....	450 00	
285	Contribution to McGill University towards the maintenance of a Regional Bureau for Canada, for the International Catalogue of Scientific Literature.....	2,000 00	
286	Canadian Press, Limited—Towards expenses of a National News Service.....	50,000 00	
287	Canadian Associated Press.....	8,000 00	
288	To provide for the administration of the <i>Business Profits War Tax Act, 1916</i> , and the <i>Income War Tax Act, 1917</i> : Appointments for the purpose may be made without reference to the provisions of the Civil Service Act.....	700,000 00	
289	Grant to assist the Canadian Association for the Prevention of Tuberculosis.....	10,000 00	
290	Grant to the Canadian Handicraft Guild.....	2,000 00	
291	Grant to assist the Canadian Branch of the St. John Ambulance Association.....	5,000 00	
292	Grant to the Victorian Order of Nurses.....	5,000 00	
293	Grant in aid of the Canadian General Council of the Boy Scouts Association.....	5,000 00	
294	Contribution to aid in carrying on the work of the Astronomical Society.....	2,000 00	
295	Grant to the Royal Society of Canada.....	4,000 00	

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	MISCELLANEOUS— <i>Concluded.</i>	\$ cts.	\$ cts.
296	Royal Academy of Arts.....	2,500 00	
297	Grant to the Canadian Mining Institute.....	3,000 00	
298	To provide for the salary of a Private Secretary, S. Lelièvre, to the Speaker of the Senate.....	600 00	
300	To provide for the expenses, including salaries and contingencies of the Canada Trade Commission.....	100,000 00	1,412,183 00
	EXCISE.		
	Salaries of officers and inspectors of Excise, and to provide for increase depending on the result of Excise examinations.....	532,181 25	
	For extra duty-pay at large distilleries and other large factories	15,000 00	
	Duty-pay to officers serving longer hours at other than special survey.....	2,000 00	
	Excise travelling expenses, rent, fuel, stationery, etc.....	100,000 00	
	To provide for stamps, stationery, salaries, etc., in connection with War Tax.....	65,000 00	
303	Stamps for imported and Canadian tobacco.....	125,000 00	
	Excise provisional allowance of not more than \$150 each to Officers in Manitoba and West.....	12,000 00	
	Preventive service—Contingencies.....	12,000 00	
	Preventive service—Salaries.....	110,000 00	
	To enable the Department to supply methylated spirits to manufacturers, the cost of which will be recouped by the manufacturers to whom it is supplied and to pay rent, power, freight, salaries, etc.....	400,000 00	
	Minor revenue expenditure.—Formerly voted under Adulteration of Foods, etc.....	500 00	1,373,681 25
	RAILWAYS AND CANALS.		
	(Chargeable to Collection of Revenue.)		
	RAILWAYS.		
304	Canadian Government Railways; Towards Working Expenses.	6,000,000 00	
	CANALS.		
305	Staff and repairs.....	1,800,000 00	
	Statistical officers.....	42,500 00	
	MISCELLANEOUS.		
	Railways.		
306	Compassionate allowance to Stephen Holmes, father of (Miss) Myle Holmes, to cover cost of artificial limb, and doctor's fees and expenses, etc., incurred as result of accident at Aitkens Crossing at Pirate Harbour on January 17, 1918.....	500 00	
	Compassionate allowance to the widow and children of the late Amedee Belanger, who was killed while in discharge of duty in the employ of the Canadian Government Railways near L'Islet Station on April 7, 1918.....	2,000 00	
	Compassionate allowance to Mrs. Agnes Alma Steadman, mother of Leslie Steadman who was killed while in discharge of his duty as a brakeman on Canadian Government Railways at St. John, N.B., on March 12, 1917.....	2,000 00	
	Canals.		
307	Compassionate allowance to Mrs. G. Peterkin, mother of late Herve Bazinet, who was drowned in discharge of his duty while in the employ of this Department, on the Lachine Canal, on May 9, 1918.....	2,000 00	7,849,000 00

## SCHEDULE A—Continued.

No. of Vote.	SERVICE.	Amount.		Total.	
		\$	cts.	\$	cts.
	<b>PUBLIC WORKS.</b>				
	<i>(Chargeable to Collection of Revenue.)</i>				
	SLIDES AND BOOMS, GRAVING DOCKS, LOCKS AND DAMS, ETC., WORKING EXPENSES, ETC.				
308	Slides and booms.....	54,900	00		
	Graving docks.....	69,300	00		
	Harbour and river works, etc.....	39,300	00		
	Collection of Public Works Revenues.....	7,000	00		
	<b>TELEGRAPH AND TELEPHONE LINES.</b>				
	Prince Edward Island and mainland.....	7,000	00		
	Land and cable telegraph lines, Lower St. Lawrence and Mari- time Provinces, including working expenses of vessels required for cable service.....	202,000	00		
309	Saskatchewan.....	61,700	00		
	Alberta.....	89,000	00		
	British Columbia—Mainland.....	66,000	00		
	British Columbia—Vancouver Island District.....	107,800	00		
	Yukon System (Ashcroft-Dawson).....	237,000	00		
	Telegraph and Telephone service generally.....	10,000	00		
				951,000	00
	<b>TRADE AND COMMERCE.</b>				
311	Canada's proportion of expenditure in connection with Inter- national Customs Tariffs Bureau.....	662	00		
312	Trade Commissioners and Commercial Agents, including expenses in connection with negotiations of treaties or in extension of commercial relations: miscellaneous advertising and printing, or other expenditures connected with Canadian trade.....	180,000	00		
313	Bounties on crude petroleum and zinc. To cover expenditure in connection with the administration of the Acts.....	4,000	00		
314	Salaries, rents, wages and contingencies under the Canada Grain Act.....	1,150,000	00		
315	Salaries and contingencies under the Inspection and Sale Act..	3,000	00		
316	Salaries and contingencies under the Cullers' Act, including an amount of \$600 for superannuated Cullers.....	6,000	00		
317	To provide for the construction, acquisition, leasing or expro- priation of terminal elevators.....	30,000	00		
318	Dominion Bureau of Statistics.....	125,000	00		
319	Canada Year Book.....	13,500	00		
320	Dominions Royal Commission.....	5,000	00		
321	Gold and Silver Marking Act.....	4,000	00		
322	West India Cable.....	38,933	33		
323	Supervision Lake and Ocean Freight Rates.....	6,000	00		
324	To provide for the development and extension of Canadian Trade.....	150,000	00		
325	Bureau of Industrial and Scientific Research.—Salaries and expenses, including printing and stationery, and the collection and distribution of information, and for Studentships, Fellow- ships, Special Problems and Forestry Studies.....	120,000	00		
326	Patent Record.....	25,000	00		
327	Grant to Canadian Engineering Standards Association for the promotion of uniformity of standards in metallic and other products.....	10,000	00		
328	To provide for bounty on linen yarns spun in Canada from Canadian flax, including expenses of supervision under Order in Council of September 3, 1918.....	30,000	00		
				1,901,095	33

## SCHEDULE A—Concluded.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts	\$ cts.
	WEIGHTS AND MEASURES, GAS AND ELECTRIC LIGHT INSPECTION.		
	Salaries of inspectors and assistant inspectors of Weights and Measures and Preventive Service.....	173,910 00	
	Rent, fuel, travelling expenses, postage, stationery, etc., for Weights and Measures.....	95,000 00	
	Provisional allowance of not more than \$150 each to officers in Manitoba and west for Weights and Measures.....	7,000 00	
329	Salaries of inspectors and assistant inspectors of Gas and Elec- tricity.....	85,000 00	
	Rent, fuel, travelling expenses for Gas and Electricity inspection and the purchase and repairs of instruments.....	50,000 00	
	Provisional allowance of not more than \$150 each to officers in Manitoba and west for Gas and Electric Light.....	4,000 00	
	Export of electric power.....	1,000 00	
	The International Bureau of Weights and Measures.....	1,200 00	
	The International Electro-Technical Commission.....	400 00	
			417,510 00
	ADULTERATION OF FOOD, ETC.		
330	Adulteration of food and the administration of the Act respect- ing fertilizer, fraudulent marking and commercial feeding stuffs.....	70,000 00	
	Proprietary and Patent Medicines.....	3,000 00	
			73,000 00
	Total.....		\$173,601,735 36



## SCHEDULE B.

(Based on Further Supplementary Estimates, 1919-20.)

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	CHARGES OF MANAGEMENT.	\$ cts.	\$ cts.
399	Clerical assistance in connection with transfer and registration of War Loan Bonds, etc.....	150,000 00	150,000 00
	CIVIL GOVERNMENT.		
400	<i>Office of the Governor General's Secretary—</i> To provide for two clerkships in Third Division, Subdivision B, at \$900 each.....	1,800 00	
401	<i>Department of Justice, including Penitentiaries Branch—</i> To provide for three clerkships in Third Division, Subdivision B, one at \$900, two at \$700.....	2,300 00	
402	<i>Department of Militia and Defence—</i> To provide for the salary of Hazel F. Sherritt, from April 1, 1919.....	1,800 00	
403	<i>Department of the Secretary of State of Canada—</i> To provide for six clerkships in Third Division, Subdivision B.....	5,000 00	
	<i>Contingencies—</i> Clerical assistance—Further amount required.....	4,500 00	
404	<i>Department of the Interior—</i> To provide for an increase in the salary of the Superintendent of the Water Power Branch to \$4,000..... To provide for an increase in the salary of the Director of the Reclamation Service to \$3,500..... To provide for an increase in the salary of the Deputy Commissioner of Dominion Lands to \$3,500..... To hereby promote to the First Division, Subdivision A, and to increase the salary of the Superintendent of Geodetic Surveys Branch to \$3,500..... To hereby promote to the First Division, Subdivision A, and to increase the salary of the Superintendent of the Natural Resources Intelligence Branch to \$3,500.....	1,100 00 600 00 200 00 700 00 700 00	
405	<i>Department of Immigration and Colonization—</i> To provide for a clerkship in Second Division, Subdivision A..... To provide for one clerkship in Third Division, Subdivision A.....	1,600 00 1,200 00	
406	<i>Department of Indian Affairs—</i> To provide for one clerkship in First Division, Subdivision B, at \$2,200.....	2,200 00	
407	<i>Royal North West Mounted Police—</i> To provide for statutory increase to one clerk Second Division, Subdivision B, from July 1, 1919..... To provide for one clerk in Third Division, Subdivision B, at \$700.....	75 00 700 00	
	<i>Contingencies—</i> Clerical and other assistance—Further amount required..... Travelling expenses—Further amount required.....	12,100 00 2,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.	
	CIVIL GOVERNMENT—Continued.	\$ cts.	\$ cts.	
408	<i>Department of Agriculture—</i> To provide for eight clerkships in Third Division, Subdivision B.....	4,800 00		
409	<i>Department of Finance and Treasury Board—</i> To provide for the appointment of R. H. Doe to Second Division, Subdivision A, at \$1,800.....	1,800 00		
410	<i>Department of Marine and Fisheries—</i> <i>Contingencies—</i> To provide for the payment of temporary clerks.....	5,600 00		
411	<i>Department of Railways and Canals—</i> To provide for one clerkship in First Division, Subdivision B, at \$2,125.....	2,125 00		
	To provide for one clerkship in Second Division, Subdivision A, at \$1,725.....	1,725 00		
	To provide for one clerkship in Second Division, Subdivision B, at \$1,425.....	1,425 00		
	To provide for one messenger at \$612.50.....	612 50		
412	<i>Department of Trade and Commerce—</i> To provide for two clerkships in the Third Division, Subdivision B, at \$600 each.....	1,200 00		
	<i>Dominion Bureau of Statistics—</i> To provide for one clerkship in the First Division, Subdivision A, at \$3,000.....	3,000 00		
	To provide for one clerkship in the First Division, Subdivision B.....	2,100 00		
	To provide for one clerkship in the Second Division, Subdivision A.....	1,800 00		
	To provide for one clerkship in the Second Division, Subdivision B.....	1,500 00		
	To provide for ten clerkships in the Third Division, Subdivision B—one at \$1,000, three at \$800, six at \$700.....	7,600 00		
	Further amount required, short-voted in Main Estimates—three at \$100 and four at \$50.....	500 00		
	<i>Contingencies—</i> Sundries—Further amount required.....	1,000 00		
	413	<i>Department of Labour—</i> To provide for the appointment of an Assistant Deputy Minister from July 1, 1919, at \$3,500 per annum.....	2,625 00	
		To provide for Director of Technical Education from July 1, 1919, at \$4,000 per annum.....	3,000 00	
To provide for seven clerkships in Second Division, Subdivision B, at \$1,050 each.....		7,350 00		
To provide for ten clerkships in Third Division, Subdivision B at \$800 each.....		8,000 00		
414	<i>High Commissioner's Office, London—</i> <i>Contingencies:—</i> Clerical assistance, rent and insurance on office, income tax, fuel, light, stationery, etc., and the amount of \$2,000 required towards the contingent expenses (water, light, fuel, carriage hire and railway fare) of the High Commissioner, including income tax on the salary of the High Commissioner, including payment of war bonus—Further amount required....	13,750 00		
415	<i>Department of Insurance—</i> To provide for two clerkships in Third Division, Subdivision B, at \$800 each.....	1,600 00		
	<i>Contingencies—</i> For printing annual reports and for travelling expenses— Further amount required.....	5,000 00		

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
CIVIL GOVERNMENT—Concluded.		\$ cts.	\$ cts.
<i>Department of External Affairs—</i>			
416	To provide for one clerkship in Second Division, Sub-division A, at \$2,000.....	2,000 00	
	To provide for one clerkship in Second Division, Sub-division B, at \$1,350.....	1,350 00	
	To provide a further amount of \$400, short-estimated for salaries in the Third Division in the Main Estimates..	400 00	
	<i>Contingencies—</i> Printing and Stationery—Further amount required.....	5,000 00	
<i>Department of Public Archives—</i>			
417	To provide for the transfer of one clerk from the Outside Service to the Third Division, Subdivision B.....	900 00	
<i>Department of Health—</i>			
418	To provide for the salary of the Deputy Minister.....	6,000 00	
	To provide for salaries of staff and contingencies.....	60,000 00	
<i>Civil Service Commission—</i>			
419	To provide for one clerkship in First Division, Subdivision B, at \$2,200.....	2,200 00	
	To provide for two clerkships in Second Division, Sub-division A, 1 at \$1,800 and 1 at \$1,600.....	3,400 00	
	To provide for three clerkships in Third Division, Sub-division A, at \$1,050 each.....	3,150 00	
	To provide for four clerkships in Third Division, Sub-division B, at \$800 each.....	3,200 00	
<i>Contingencies—</i> Extra clerical assistance and expenses in connection with the re-classification of the Public Service.....			
		81,500 00	285,787 50
ADMINISTRATION OF JUSTICE.			
420	Difference between Military pay and salary of Mr. Justice Dennistoun, from July 2, 1918, to March 29, 1919.....	1,005 19	
SUPREME COURT OF CANADA.			
421	To assist in defraying expense of publishing Vol. II of Supreme Court Practice.....	500 00	1,505 19
DOMINION POLICE.			
422	Further amount required.....	13,500 00	
423	Retiring gratuity to Inspector Parkinson.....	3,091 20	
424	Compassionate allowance to widow of Leon Belanger, deceased, as a result of injuries received during the riot at Quebec....	1,000 00	17,591 20
LEGISLATION.			
SENATE.			
425	To provide payment of the full sessional indemnity for the session of 1919 to Members of the Senate for days lost through absence caused by illness, public business, or on account of death. Payment to be made as the Treasury Board may direct.....	5,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	LEGISLATION— <i>Concluded.</i>	\$ cts.	\$ cts.
	HOUSE OF COMMONS.		
	To provide an amount for the Deputy Speaker of the House of Commons of \$1,500 for the fiscal year 1919-20 in lieu of Apartments—Further amount required.....	750 00	
	To provide for one clerk, First Division, Subdivision B, omitted in Main Estimates.....	2,800 00	
	To provide for the salary of the Private Secretary to the Leader of the Opposition—such Secretary to be appointed by the Leader of the Opposition.....	2,500 00	
	To provide for an increase to the salary of Arthur Beauchesne, B.A., K.C., Assistant Clerk, at the rate of \$4,000 per annum from 1st April, 1919.....	625 00	
426	To provide for an increase of \$2 per diem in the allowance to A. Brown, Chief of English Sessional Clerks, and to A. Beauchesne, Chief of French Sessional Clerks, for the fiscal year ending 31st March, 1920—Further amount required.....	600 00	
	Contingencies—To provide payment of the full sessional indemnity of members of the House of Commons—days lost through absence caused by illness, public business, being engaged in necessary farming operations, or on account of death, during the present Session,—notwithstanding anything to the contrary in Chapter 10 of the Revised Statutes, <i>An Act respecting the Senate and House of Commons</i> , or any amendments thereto—Payment to be made as the Treasury Board may direct.....	30,000 00	
	Serjeant-at-Arms—To provide an increase of 75 cents per diem to the permanent and temporary Sessional Messengers, and \$1 per diem to one doorkeeper and two book-keepers in Messengers Room, these increases to be paid in lieu of bonus—Amount required for the fiscal year ending 31st March, 1920.....	5,500 00	
	Joint Restaurant of Parliament—Contingencies.....	3,000 00	50,775 00
	IMMIGRATION AND COLONIZATION.		
428	Amount required for the maintenance of, and for the purchase of new exhibits, for the Canadian Section of the Imperial Institute, London, England.....	7,190 00	
429	Exhibitions—Salaries and general expenses—Further amount required.....	30,000 00	37,190 00
	PENSIONS.		
430	Pension to Miss Nellie Hopkinson.....	720 00	
431	Pension to James Elliott, wounded while assisting Dominion Police.....	672 00	1,392 00
	DEPARTMENT OF MILITIA AND DEFENCE.		
432	Cadet Services—Further amount required.....	25,000 00	
433	Annual Drill.....	350,000 00	
434	Allowances, Active Militia—Further amount required.....	50,000 00	
435	Engineer services and works—Further amount required.....	45,000 00	
436	Grants to Associations—Further amount required.....	55,000 00	
437	Maintenance of Military Properties—Further amount required.....	25,000 00	
438	Permanent Force—Further amount required.....	3,496,986 00	
439	Salaries and wages—Further amount required.....	120,600 00	
440	Royal Military College—Further amount required.....	35,000 00	
441	Civil Pensions.....	966 02	4,203,552 02

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	RAILWAYS AND CANALS.	\$ cts.	\$ cts
	(Chargeable to Capital.)		
	RAILWAYS.		
	Canadian National Railways.		
442	Hudson Bay Railway—construction.....	300,000 00	
443	Construction, Quebec and Saguenay Railway.....	550,000 00	
444	To provide for the purchase, at prices not exceeding the amounts herein specified, of the following railways (the debts of each railway to the Canadian Government Railways to be cancelled); interest on the purchase price of each to be payable at the rate of five per centum per annum from the date of taking possession to the date of transfer of title: (Such of the said railways as are within the jurisdiction of the Parliament of Canada are hereby authorized to sell their respective assets and undertakings accordingly):—Revote—		
	York & Carleton Railway.....	18,000 00	
	St. Martins Railway.....	65,000 00	
	Moncton & Buctouche Railway.....	70,000 00	
	Elgin & Havelock Railway.....	30,000 00	
	Salisbury & Albert Railway.....	75,000 00	
	Interest estimated from date of taking possession to March 31, 1920, not exceeding.....	34,000 00	
	Railway Subsidy.		
445	To the Edmonton, Dunvegan and British Columbia Railway, for a subsidy on its Branch Line from a point on its line as located, situated near the Spirit River Settlement, to and through the Grand Prairie Land District, Alberta, or on its Main Line. To be expended on such Branch Line or any portion of the Main Line of the Railway or both, under the supervision and direction of Officers of the Department of Railways and Canals and upon such terms and conditions as may be approved by the Governor in Council.....	258,797 16	1,400,797 16
	RAILWAYS AND CANALS.		
	(Chargeable to Income.)		
	CANALS.		
446	Ontario—St. Lawrence Canals—To replace bridge at C.N.R. crossing over Murray Canal.....	35,000 00	
	St. Peter's Canal—Rebuilding of highway bridge—Further amount required.....	3,100 00	
	Trent Canal—To rebuild wharf at Lindsay.....	10,000 00	
	MISCELLANEOUS.		
447	To rebuild portion of east pier at Port Maitland.....	200,000 00	248,100 00
	PUBLIC WORKS.		
	(Chargeable to Capital.)		
	PUBLIC BUILDINGS.		
448	Dominion Records Office.....	100,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Capital)—Concluded.	\$ cts.	cts.
	HARBOURS AND RIVERS.		
	Esquimaht, B.C.—New dry dock.....	500,000 00	
	Port Arthur and Fort William—Harbour and River improvements—Further amount required.....	200,000 00	
	Quebec Harbour—Champlain Dry Dock—To complete.....	207,000 00	
449	Quebec Harbour—River St. Charles improvements.....	55,800 00	
	St. John Harbour—Improvements—Further amount required.....	250,000 00	
	Toronto Harbour—Improvements—Further amount required.....	200,000 00	
	Toronto Island—Breakwater protection.....	200,000 00	
	Vancouver Harbour—Improvements.....	18,000 00	
	Victoria Harbour—Improvements.....	21,000 00	
			1,751,800
	PUBLIC WORKS. (Chargeable to Income.)		
	PUBLIC BUILDINGS.		
	Nova Scotia.		
	Amherst—Drill Hall—Grading, paving, etc.—Revote \$10,000..	12,000 00	
	Halifax—Post Office—Alterations.....	4,500 00	
450	Halifax—Post Office—Alterations to fittings—Further amount required.....	2,000 00	
	Halifax Quarantine Station—Repairs and improvements.....	11,240 00	
	North Sydney—Public building improvements—Further amount required.....	3,000 00	
	Sydney Quarantine Station—Repairs and improvements.....	5,000 00	
	Prince Edward Island.		
451	Charlottetown Post Office—Repairs and improvements.....	2,000 00	
	New Brunswick.		
452	St. John—Quarantine Station on Partridge Island—Rebuilding detention building destroyed by fire—Further amount required.....	18,000 00	
	St. John West—Post Office—Improvements.....	1,450 00	
	Quebec.		
	Farnham—Public Building—To complete payments.....	1,020 00	
	Granby—Public building—Alterations and improvements.....	6,500 00	
	Grosse Isle Quarantine Station—Repairs and improvements....	15,000 00	
	Montreal General Post Office—Remodelling old building—Further amount required.....	24,000 00	
	Montreal—Immigration Detention Building, alterations to heating system.....	1,500 00	
453	Quebec—Reconstruction of store building on marine wharf—Further amount required.....	2,000 00	
	Sherbrooke—Public building—Addition and improvements—Further amount required.....	15,000 00	
	Three Rivers—Public buildings—To pay Government's share of taxes and local improvements.....	8,139 76	
	Three Rivers—New public building—Revote \$8,000.....	18,000 00	
	Ontario.		
	Chatham—Public building—Addition.....	15,000 00	
	Clinton—Addition to public building.....	12,000 00	
454	Deseronto—To refund security deposit of late Robert Cameron in connection with tender for public building.....	2,300 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued.	\$ cts.	\$ cts.
	PUBLIC BUILDINGS—Continued.		
	Ontario—Concluded.		
	Galt Drill Hall—Grading and paving—Revote \$8,000.....	13,000 00	
	Guelph—Public building—Addition.....	5,000 00	
	Hamilton Post Office—Improvements.....	2,500 00	
	Kingston R.M.C.—Covered Drill Hall, grading, sidewalks, etc., Revote.....	7,500 00	
	London—Public building.....	400,000 00	
	Orangeville—Public building—Addition.....	5,000 00	
	Oshawa—New public building.....	23,000 00	
	Ottawa—Government's share of cost of paving Elgin St. fronting Cartier Square and Victoria Memorial Museum.....	11,614 91	
454	Ottawa—Government's share of cost of paving St. Patrick St. from Sussex St. to MacKenzie Ave.....	1,645 00	
	Ottawa—Post Office improvements.....	6,000 00	
	Pembroke—Public building—Improvements and additions.....	4,000 00	
	Sault Ste. Marie—Public building—Repairs and improvements.....	4,800 00	
	St. Catharines—Addition to public building.....	28,000 00	
	Toronto—Postal Station "A"—Further amount required.....	115,000 00	
	Toronto Orthopædic Hospital—Government's share of local improvement taxes.....	4,086 14	
	Welland—Public building—Alterations and improvements.....	2,000 00	
	Manitoba.		
	Brandon public Buildings—Alterations and improvements.....	5,000 00	
455	Portage la Prairie—Enlargement and improvement of public building.....	25,000 00	
	Winnipeg—Postal Station "A"—Improvements.....	10,500 00	
	Saskatchewan.		
	Regina—Alterations and fittings for office of Assistant Receiver General—Further amount required.....	1,400 00	
456	Regina Public Buildings—Alterations and additions to fittings and laying of pavement.....	5,000 00	
	Saskatoon—To install elevator in public building.....	1,100 00	
	Sutherland—Forest Nursery Station—Installation of lighting system.....	4,000 00	
	Sutherland—Water supply for Forest Nursery Station—Further amount required.....	1,600 00	
	Alberta.		
457	Calgary—In full and final settlement of all claims of the J. McDiarmid Co., Ltd., in connection with contract for Examining Warehouse, including interest at 5% on delayed payments.....	854 92	
	British Columbia.		
	Kamloops—New public building.....	20,000 00	
458	William's Head—Quarantine Station—Land—Revote.....	4,600 00	
	William's Head Quarantine Station—Repairs and improvements—Further amount required.....	15,000 00	
	William's Head Quarantine Station—Water supply—Further amount required, including interest at 6% on delayed payments to City of Vancouver.....	3,400 00	
	Rents, Repairs, Furniture, Heating, etc.		
459	Ottawa Public Buildings—Repairs, furniture, grounds, snow and street maintenance, etc.—Further amount required.....	100,000 00	
	Telephone service—Further amount required.....	4,650 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued.	\$ cts.	\$ cts.
	PUBLIC BUILDINGS—Concluded. Rents, Repairs, Furniture, Heating, etc.—Concluded.		
	Dominion Buildings:—		
459	Rents—Further amount required.....	75,000 00	
	Victoria, B.C.—Astrophysical Observatory (Little Saanich Mountain)—Maintenance, repairs, care of grounds, etc.—Further amount required.....	1,500 00	
	HARBOURS AND RIVERS. Nova Scotia.		
	Bass River—Wharf.....	21,000 00	
	Boularderie Island—Wharf.....	1,650 00	
	Chebogue Harbour—Repairs and renewals to beach protection work.....	3,000 00	
	Cheverie—Repairs to wharf.....	2,750 00	
	Church Point—Repair to wharfs and groyne.....	2,100 00	
	Comeau's Hill—Breakwater improvements.....	1,100 00	
	Cow Bay (Port Morien)—Repairs to breakwater.....	6,000 00	
	Friar's Head—Harbour improvements.....	3,800 00	
	Glace Bay—Harbour improvements conditional on transfer from Dom. Coal Co.....	50,000 00	
	Halifax Quarantine Station—Repairs to wharf.....	2,000 00	
	Iona—Repairs to wharf.....	1,000 00	
	Jersey Cove—Repairs to wharf.....	1,000 00	
	Little Brook—Repairs to breakwater.....	3,000 00	
	Little River—Repairs to breakwater—Wharf.....	900 00	
	Lower Kingsburg—Breakwater skidway and boat shed.....	4,100 00	
	Malagash—Wharf extension.....	3,000 00	
	Margaree—Repairs to breakwater.....	20,000 00	
	Meteghan—To rebuild "L" of breakwater and part of wharf.....	13,800 00	
	Mira River—To repair and extend jetty.....	2,000 00	
460	Mosher's Bay—Repairs and improvements to breakwater.....	6,650 00	
	New Campbellton—Reconstruction of wharf.....	4,000 00	
	North Ingonish—Reconstruction of breakwater.....	7,800 00	
	Oyster Ponds—To repair and rebuild harbour works.....	2,700 00	
	Port Greville—Repairs to beach protection.....	900 00	
	Port Hawkesbury—To complete repairs to wharf.....	800 00	
	Port Maitland—Repairs to breakwater.....	2,780 00	
	Sandford—Repairs to breakwater.....	2,200 00	
	Scotch Cove (White Point)—Extension of breakwater.....	3,600 00	
	Seaforth—Raising breakwater and extending shore protection.....	3,800 00	
	Skinner's Cove—Repairs to piers.....	1,300 00	
	Seaside—Repairs to wharf.....	900 00	
	Shenacadie—Wharf.....	9,750 00	
	Sober Island—Extension to wharf.....	6,000 00	
	South Ingonish—Reconstruction of beach protection works—Revote.....	900 00	
	Sydney—Wharf.....	100,000 00	
	Three Fathom Harbour—Repairs to breakwater—Further amount required.....	3,240 00	
	White Point—To complete breakwater.....	2,250 00	
	Whyccomagh—Repairs to wharf.....	600 00	
	Prince Edward Island.		
461	North Lake—Boat Harbour.....	27,000 00	
	New Brunswick.		
462	Cocagne—Repair to wharf.....	1,500 00	
	Fairhaven—Deer Island—Repairs to wharf.....	850 00	
	Great Salmon River—Wharf.....	2,500 00	



## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts.
	<b>PUBLIC WORKS—Continued.</b>		
	(Chargeable to Income)—Continued.		
	<i>New Brunswick—Concluded.</i>		
462	Indian Island—Wharf.....	4,600 00	
	Quaco (St. Martin's)—Reconstruction of breakwater.....	22,000 00	
	Richibucto Cape—Completion of pier and breakwater.....	2,000 00	
	Two Rivers—Repairs to wharf.....	1,400 00	
	<i>Quebec.</i>		
	Bersimis—Repairs to wharf.....	600 00	
	Bic—Repairs to wharf.....	1,000 00	
	Buckingham—Wharf.....	8,000 00	
	Fabre—Wharf extension and freight shed.....	2,300 00	
	Fassett—Repairs to wharf.....	1,000 00	
	Grande Rivière—Repairs to pier.....	6,100 00	
	Laprairie—Protection work—To pay claim of Carlton Construction Co., for work done.....	2,788 50	
	Laprairie—To complete protection works.....	82,000 00	
	Levis—Repairs to deep water wharf.....	2,000 00	
	North Timiskaming—Wharf.....	13,000 00	
	Notre Dame des Sept Douleurs (Isle Verte)—Completion of landing wharf.....	5,000 00	
463	Pointe Shea, Amherst—Repairs to pier.....	10,000 00	
	Poltimore—Wharf.....	3,000 00	
	St. Alexis (Grande Baie)—Freight shed and repairs to wharf.....	1,440 00	
	St. Alphonse—Repairs to wharf—Further amount required.....	2,000 00	
	St. Etienne de Malbaie—Wharf.....	12,000 00	
	St. Francois du Sud—Repairs to wharf.....	27,600 00	
	St. George de Malbay—Repairs to breakwater.....	850 00	
	St. Jean Port Joli—Repairs to wharf—Further amount required.....	715 00	
	St. Omer—Repairs to wharf.....	800 00	
	Sorel—Wharf repairs and reconstruction.....	8,600 00	
	Ville Marie—Repairs and improvements to wharf—To complete—Revote \$600.....	1,000 00	
	<i>Ontario.</i>		
	Belleville Harbour—Improvements to wharf and warehouse—Further amount required.....	500 00	
	Bronte—Repairs and improvements to pier.....	5,600 00	
	Burlington Channel—Repairs to pier—Further amount required.....	6,900 00	
	Collingwood—Breakwater reconstruction.....	50,000 00	
	Depot Harbour—Wharf renewal.....	34,000 00	
	(Estimated cost \$33,991.98)		
464	Hamilton—Harbour improvements.....	100,000 00	
	Kenora—Extending wharf.....	1,400 00	
	Kincardine Harbour—Contribution to Municipality towards protection of Government piers.....	1,050 00	
	Little Current—Rebuilding wharf.....	54,000 00	
	North Bay—Repairs to wharf.....	800 00	
	Port Stanley—Harbour Improvements—Further amount required.....	33,000 00	
	Oshawa—Repairs to wharf.....	12,000 00	
	Owen Sound—Wharf reconstruction.....	86,000 00	
	Parry Sound—Repairs to wharf.....	4,500 00	
464	Port Dover—Harbour improvements.....	50,000 00	
	Portsmouth—Repairs to pier.....	4,000 00	
	Rideout Bay—Wharf.....	4,000 00	
	Thessalon—Breakwater extension.....	48,000 00	
	White River—Wharfs.....	6,000 00	
	<i>Manitoba.</i>		
465	Big Island (Hecla)—Wharf.....	2,400 00	
	Goose River and Rat Creek—Removal of boulders.....	5,000 00	
	Red River—Closing channel at Netley Cut.....	800 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued. HARBOURS AND RIVERS—Concluded. British Columbia.	\$ cts.	\$ cts.
	Bamfield—Repairs to wharf.....	1,920 00	
	Belmont—Repairs to wharf.....	1,000 00	
	Boswell—Floating wharf.....	6,500 00	
	Campbell River—Repairs to wharf.....	15,800 00	
	Carroll's Landing—Wharf.....	7,000 00	
	Coal Harbour—Reconstruction of float.....	2,500 00	
	Courtenay River—Repairs to bank protection.....	2,200 00	
	Cowichan Bay—Wharf.....	11,700 00	
	Cultus Creek—Floating wharf.....	6,500 00	
	Egmont—Float.....	1,400 00	
	Fauquier—Wharf.....	7,000 00	
	Fraser River—Dredging North Arm—Further amount required	50,000 00	
	Fraser River—Improvements at Nicomen Island.....	36,000 00	
	Fraser River—Protection work at Steveston—To complete— (Revote).....	20,000 00	
	Graham—Wharf.....	11,500 00	
466	Hardy Bay—Landing Float—Revote \$1,250.....	2,700 00	
	Kincolith—New wharf.....	11,000 00	
	Long Bay, Gambier Island—Float.....	800 00	
	Naramata—Wharf.....	6,400 00	
	Naas River—Removal of obstructions.....	10,000 00	
	New Massett—Rebuilding wharf—Further amount required..	3,100 00	
	Port Alberni—New float and changing position of present float.	2,400 00	
	Port Moody—Float.....	750 00	
	Princess Creek—Floating wharf.....	6,500 00	
	South Gabriola Island—Wharf.....	3,500 00	
	Stikine River—Removal of obstructions.....	10,000 00	
	Ucluelet—Repairs to wharf.....	3,350 00	
	Victoria—In full and final settlement of claim of Thos. C. Sorby in connection with harbour improvements.....	3,000 00	
	Williams Head Quarantine Station—Repairs to wharf.....	2,000 00	
	Williams Head Quarantine Station—Repairs to coal wharf....	4,700 00	
	DREDGING.		
467	Dredging Maritime Provinces—Further amount required.....	100,000 00	
	Dredging Ontario and Quebec—Further amount required.....	100,000 00	
	ROADS AND BRIDGES.		
	Capilano River, B.C. Bridge—Contribution by Dominion Government, Provincial Government and Municipality each to contribute like amount—Further amount required..	4,000 00	
	International Bridge across St. John River at Edmundston, N.B.....	25,000 00	
	Matapedia Interprovincial Bridge—Repairs—Further amount required.....	600 00	
468	North Timiskaming—Erection of bridge superstructure and repairs to substructure; Quebec Government to contribute \$15,000—Further amount required.....	37,000 00	
	River St. Louis—Bridge abutments.....	2,100 00	
	Portage du Fort and Bryson—Sand blasting and painting bridges.....	5,200 00	
	Burlington Channel—New bridge.....	100,000 00	
	Shellmouth Bridge—Repairs.....	5,500 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Continued. TELEGRAPH AND TELEPHONE LINES.	\$ cts.	\$ cts.
	<i>Nova Scotia.</i>		
469	Cape Breton Telegraph System—Renewal of poles between Grand Narrows and Beaver Cove.....	1,275 00	
	Cape Breton Telegraph System—Renewal of poles between East Bay and Ball's Creek.....	1,600 00	
	<i>New Brunswick.</i>		
470	Chatham—Escuminac and Point Sapin telephone line—Extension from Point Sapin to Kouchibouguac—Revote \$2,000..	2,500 00	
	<i>Quebec.</i>		
471	Long Point of Mingan—To rebuild office and residence.....	2,800 00	
	<i>Ontario.</i>		
472	Bath—Amherst Island Telephone line—To grant subsidy of \$1,200 to Amherst Island Telephone Co., and to provide cable.....	2,200 00	
	<i>British Columbia.</i>		
	Caribou District—Branch line—Clinton to Gong Ranch, via Kelly Lake—50 miles.....	10,000 00	
	Construction of telephone line from Siocan Junction to Slocan City.....	6,000 00	
	Kamloops District—Completion of the Heffly Lake line to Blucher Hall and Adams Lake—22 miles.....	4,500 00	
	Kamloops District—Extension from Goose Lake to Long Lake (South of Kamloops)—10 miles.....	2,000 00	
	Kamloops District—Merritt to Kingsvale via Coldwater Valley—20 miles.....	3,800 00	
	Kootenay—Extension—Windermere to Fairmount—18 miles..	3,420 00	
	Mainland telegraph and telephone lines—General repairs and improvements—Further amount required.....	16,000 00	
473	Mainland telegraph and telephone Lines—To provide for a second wire between Similkameen and Princetown.....	7,300 00	
	Skeena District—To complete branch line Houston to West End, Ootsa Lake.....	1,516 00	
	Skeena District—Establishment Local Exchange, Smithers.....	850 00	
	Skeena District—Extension from West End Ootsa Lake to Ootsa Lake Post Office and Francois Lake.....	7,200 00	
	South Okanagan—Extend Marron Lake Branch four miles to Lusk's Ranch.....	700 00	
	South Okanagan—Branch line from Okanagan Falls to Mathison Wharf and to Myer's Flat—15½ miles.....	3,000 00	
	Vancouver Island—Extension of telegraph or telephone line Shaw Cove to Egmont.....	3,350 00	
	Vancouver Island—Construction of branch telephone line from Sechelt to Shaw Cove.....	2,500 00	
	Vancouver Island—Extension from Squamish (Newport) to Cheakamus House.....	2,100 00	
	Vancouver Island—Construction of branch telephone line from Vancouver Island to Port Harvey on Cracraft Island..	7,500 00	
	<i>Various.</i>		
474	Contingencies.....	5,000 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued. (Chargeable to Income)—Concluded.	\$ cts.	\$ cts.
	MISCELLANEOUS.		
	For maintenance and operation of inspection boats—Further amount required.....	4,400 00	
475	Compassionate allowance to dependent sisters of the late J. T. Duke, Assistant Engineer, who was killed on May 23, 1919, while on duty at Courtenay Bay, St. John's Harbour, N.B.....	2,000 00	
	New Liskeard, Ont.—In full and final settlement of all claims for local improvement taxes on property taken over by the Government.....	934 70	
			2,892,429 93
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
476	Steam service between Baddeck and Iona—Further amount required.....	1,000 00	
477	Steam service between Froude's Point and Lockeport, N.S.—Further amount required.....	400 00	
478	Steam service between Grand Manan and the Mainland—Further amount required.....	2,500 00	
479	Steam service between Mulgrave and Canso—Further amount required.....	3,000 00	
480	Steam service between Mulgrave and Guysborough, calling at intermediate ports—Further amount required.....	2,000 00	
481	Steam service between Pictou and Montague, calling at Murray Harbour and Georgetown—Further amount required.....	1,000 00	
482	Steam service during the season 1919, between Sydney and Whycomagh—Further amount required.....	1,000 00	
483	Steam service between Montreal, Quebec, Prince Edward Island and Newfoundland.....	17,500 00	
484	Steam service between Halifax, La Have, and La Have River ports, in lieu of vote No. 158 in Main Estimates, for steam service between Halifax, Mahone, Tanook Island and La Have River ports.....	4,000 00	
485	Steamship service between Pictou, New Glasgow, Antigonish County ports, and Mulgrave—Further amount required.....	500 00	
486	Steam service between Newcastle, Neguac, and Escuminac, calling at all intermediate point on the Miramichi River and Miramichi Bay—Further amount required.....	500 00	
487	Ferry service between Campment d'Ours Island and the mainland on Georgian Bay.....	2,000 00	
			35,400 00
	NAVAL SERVICE.		
488	Fisheries Protection Service—To provide for new vessels on Lake Erie.....	150,000 00	
489	Customs Dues.....	500 00	
			150,500 00
	PUBLIC WORKS. (Chargeable to Capital.) (Marine Department.)		
490	Government Shipbuilding Programme:— For the construction of vessels in accordance with Government programme—Further amount required.....	10,000,000 00	
491	Amount required to pay Estate D. & J. McCarthy the price fixed by Exchequer Court for expropriated land at Sorel on which the Government Shipyard is situated.....	76,267 00	
			10,076,267 00

SCHEDULE B—Continued.

No. of Vote	SERVICE.	Amount.	Total.
<b>LIGHTHOUSE AND COAST SERVICE.</b>			
		\$ cts.	\$ cts.
492	Amount required to refund to Octave Desjardins, formerly lightkeeper at Matane, the contributions made to Superannuation fund from May, 1879, to January, 1897, date of resignation.....	56 50	
493	Salaries and allowances to Lightkeepers—Further amount required.....	60,000 00	
494	To provide \$5,000 for Chairman and \$2,000 each for Commissioners of the Royal Pilotage Commission.....	11,000 00	
			71,056 50
<b>SCIENTIFIC INSTITUTIONS.</b>			
<b>DEPARTMENT OF THE INTERIOR.</b>			
495	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.—Further amount required..... <i>Geodetic Survey of Canada.</i>	1,700 00	
496	Investigations, triangulations, precise levelling, topographic and field astronomic work, etc.—Further amount required..... <i>International Boundaries.</i>	17,000 00	
497	Expenses connected with the survey and demarcation of International Boundaries—Further amount required.....	5,000 00	
			23,700 00
<b>MARINE HOSPITALS.</b>			
498	Marine Hospitals—including grants to institutions assisting sailors—Further amount required.....		22,500 00
<b>FISHERIES.</b>			
499	To provide for scientific investigation into practical and economic problems connected with the Fisheries.....		10,000 00
<b>MINES AND GEOLOGICAL SURVEY.</b>			
500	Grant for investigation of conditions affecting smelting of lead-zinc ore..... <i>Mines Branch.</i>	5,000 00	
501	Investigations of ore and other economic deposits, fuel testing and ore dressing plants—Further amount required..... <i>Geological Survey.</i>	5,000 00	
502	For explorations, surveys and investigations, wages of explorers, draughtsmen and others—Further amount required.....	10,000 00	
			20,000 00
<b>INDIANS.</b>			
<i>Ontario and Quebec.</i>			
503	Relief, medical attendance and medicines—Further amount required..... <i>General.</i>	14,700 00	
504	To provide for the care and maintenance of Reindeer.....	5,000 00	

## SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	INDIANS— <i>Concluded.</i>	\$ cts.	\$ cts.
	<i>Indian Education.</i>		
505	Indian Education—Further amount required.....	328,900 00	348,600 00
	ROYAL NORTH WEST MOUNTED POLICE.		
500	Pay of Force—Further amount required.....	1,195,951 17	
	Subsistence, billeting, forage and dog feed, fuel and light, clothing, repairs and renewals, horses, arms and ammunition, stationery, medical stores, transport, water service, building repairs and contingencies—Further amount required....	1,766,440 75	2,962,391 92
	GOVERNMENT OF THE YUKON TERRITORY.		
507	To pay Colonel R. S. Knight, Superintendent Royal North West Mounted Police, at Dawson, for services as Acting Gold Commissioner from September 3, 1918, to January 30, 1919.....		500 00
	DOMINION LANDS AND PARKS.		
508	For surveys and inspections in connection with the administration of the Irrigation Act, and for the reclamation of Swamp lands by drainage, etc.—Further amount required.....	60,000 00	
	For investigations and surveys and for the construction of works under the Reclamation Act.....	150,000 00	
	For surveys and investigations of water resources, and for administration of water-powers—Further amount required.....	45,000 00	
	Canadian National Parks—Further amount required.....	120,000 00	
	Administration of the Northwest Game Act and the Migratory Bird Act—Further amount required.....	15,000 00	
	Amount required to pay expenses of closing a gas well at Pelican Rapids.....	15,000 00	
	To provide for the payment of accounts in course of adjustment for freight charges, etc., in connection with Seed Grain and Relief distribution of 1915.....	500 00	405,500 00
	SOLDIERS' LAND SETTLEMENT.		
509	Cost of administering <i>The Soldiers Settlement Act</i> , 1917, including clerical assistance and amount payable to W. F. O'Connor, K.C., as special Counsel to the Board at the rate of \$2,000 per annum.....		2,000 00
	MISCELLANEOUS.		
510	Amount required to meet expenses of the Lake of the Woods Technical Board and the Lake of the Woods Control Board—Further amount required.....	4,000 00	
511	Salaries and expenses of the Paris Agency—Further amount required.....	7,000 00	
512	Special allowance to the Chief Justice of the Supreme Court of Canada, to cover travelling and other expenses in connection with his services while acting as Deputy to His Excellency the Governor General.....	5,000 00	
513	Special allowance to Mr. Justice Duff, to cover expenses when attending the sittings of the Judicial Committee of the Privy Council.....	2,500 00	
514	To provide for Canada's proportionate share of the cost of expenditure made by the Imperial War Graves Commission—Probable amount required.....	500,000 00	
515	Grant towards defraying the expenses of the Canadian National Committee for Mental Hygiene.....	10,000 00	

SCHEDULE B—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	<i>MISCELLANEOUS—Concluded.</i>	\$    cts.	\$    cts.
516	Grant in aid of the Dominion Council of the Girl Guides.....	3,000 00	
517	To provide for the expenses, including salaries and contingencies of the Canada Trade Commission, and including payments to be made to members of the Civil Service, notwithstanding anything in the Civil Service Acts or any amendments thereto—Further amount required.....	10,000 00	
518	To provide for the expenses of work in the interest of fire prevention, to be carried on by the Department of Insurance..	10,000 00	
519	Public Archives—Further amount required.....	3,250 00	
520	Expenses under The Naturalization Act, including \$2,000 for extra clerical assistance—Further amount required.....	17,000 00	
521	To provide for refund of fines exacted by R. W. Woods, J.P., of Regina, under the Military Service Act, fines remitted under Orders in Council of November 30 and December 5, 1918.....	301 50	
522	Department of Health—For combatting venereal diseases in co-operation with the Provinces.....	200,000 00	
523	Grant towards expenses of Canadian Athletic Team at the International Olympic Games at Antwerp, Belgium, in 1920.....	15,000 00	
524	Air Service.....	250,000 00	
525	For reorganization of the Department of Public Printing and Stationery by the Civil Service Commission.....	17,500 00	
526	Battlefields Memorials in France and Belgium.....	500,000 00	
			1,554,551 50
	<i>CUSTOMS.</i>		
527	Salaries and contingent expenses of the several ports in the Dominion, including pay for overtime of Officers, notwithstanding anything in the Civil Service Act, and temporary Customs buildings and rentals—Further amount required..	150,000 00	
	To provide for expenses of maintenance of revenue cruisers, and for preventive service—Further amount required.....	45,000 00	
			195,000 00
	<i>RAILWAYS AND CANALS</i> <i>(Chargeable to collection of revenue.)</i>		
	<i>CANALS.</i>		
528	Compassionate allowance to the widow of the late Louis Couture, bridgeman on the Cote St. Paul of the Lachine Canal, who died as a result of injuries received through an accident while on duty September 17, 1918.....	1,500 00	
	<i>RAILWAYS.</i>		
529	Compassionate allowance to the widow and children of the late Irene Dastous, who was killed while in discharge of his duties as section foreman at Blue River Station, on March 8, 1918.....	2,000 00	
	Compassionate allowance to the widow of the late Arthur Senecal, who was killed while in discharge of his duties as foreman in the employ of the Canadian Government Railways at St. Andre, P.Q., on September 7, 1918.....	2,000 00	
			5,500 00
	<i>PUBLIC WORKS</i> <i>(Chargeable to collection of revenue.)</i>		
530	Esquimalt Dry Dock—Further amount required.....		1,550 00

## SCHEDULE B—Concluded.

No. of Vote.	SERVICE.	Amount.	Total.
	POST OFFICE—OUTSIDE SERVICE.	\$ cts.	\$ cts
	To provide for two additional Assistant Post Office Inspectors for the Ottawa Inspectoral Division, one at \$1,900 a year and one at \$1,800 a year . . . . .	3,700 00	
	To provide for the salary of an additional Case Examiner . . . . .	1,800 00	
	To re-pay the undermentioned Postmasters and Assistant Postmasters the amounts they were called upon to refund for the fiscal year 1914-15 on account of the falling off in the revenue of the offices:—		
	Postmaster, Moose Jaw . . . . .	400 00	
	Assistant Postmaster, Moose Jaw . . . . .	200 00	
	Postmaster, Edmonton . . . . .	250 00	
	Postmaster, New Westminster . . . . .	200 00	
	Assistant Postmaster, New Westminster . . . . .	200 00	
	Assistant Postmaster, Vancouver . . . . .	200 00	
531	To provide for payment for overtime:—Payment to be made in accordance with regulations approved by the Governor in Council . . . . .	150,000 00	
	To pay certain railway mail clerks in the New Brunswick district for extra services at the Port of St. John in connection with checking incoming and outgoing British mails during the winter season of 1918-19 . . . . .	160 24	
	To pay certain railway mail clerks in the Halifax district for extra services in connection with the checking of incoming and outgoing British mails during the winter season of 1918-19 . . . . .	7 63	
	To provide for the salaries of the employees in the offices of the Chief Post Office Superintendents at Toronto and Montreal, including the salary of an assistant to the Chief Post Office Superintendent in each case . . . . .	26,004 00	
			183,121 87
	TRADE AND COMMERCE.		
532	Patent Records—Further amount required . . . . .		8,656 87
	SOLDIERS' CIVIL RE-ESTABLISHMENT—OUTSIDE SERVICE.		
	Returned soldiers and sailors undergoing medical treatment—		
	Further amount required for pay and allowances . . . . .	3,500,000 00	
533	Returned soldiers and sailors receiving vocational training—		
	Further amount required for pay and allowances . . . . .	5,600,000 00	
	Provision for artificial limbs . . . . .	505,405 00	
			9,605,405 00
	Total . . . . .		36,723,120 66



## SCHEDULE C.

*(Based on Further Supplementary Estimates, 1919-1920.)*

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1920, and the purposes for which they are granted.

No. of Vote.	SERVICE.	Amount.	Total.
	MISCELLANEOUS.	\$    cts.	\$    cts.
534	Provisional allowance for the Inside and Outside Services of the Civil Service, to be paid to such persons and classes of persons, in such amounts and at such times as the Governor in Council may determine.....		10,000,000 00
535	To provide for the administration of the Board of Commerce Act, and the Combine and Fair Prices Act.....		70,000 00
	Total .....		10,070,000 00

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer  
to the King's most Excellent Majesty.



WOMER B. NEELY  
MANAGER, POLICE TOR, ETC  
WATERLOO, ONTARIO

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BARRISTER, SOLICITOR, ETC.  
WOODSTOCK, ONTARIO

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