ACT OF INCORPORATION

AND

BY-LAWS

OF THE

VANCOUVER BOARD OF TRADE,

VANCOUVER, B. C., 1887.

ADOPTED AND CONFIRMED AT THE MEETINGS ON
23RD AND 25TH NOVEMBER, 1887.

Act of Incorporation

AND

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VANCOUVER BOARD OF TRADE

VANCOUVER, B. C.

1887.

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VANCOUVER:
HERALD PRINTING AND PUBLISHING CO., LD.
1888.

OFFICERS.

1887-1888.

DAVID OPPENHEIMER, - - - PRESIDENT.
THOMAS DUNN, - - - - VICE-PPESIDENT.
JOHN DEVINE, - - - - - - SECRETARY.

COUNCIL. (8)

R. H. ALEXANDER.
E. V. BODWELL..
J. C. KEITH.
F. C. COTTON.
R. CLARK.
H. T, CEPERLEY.
J. M. CLUTE.
C. TAYLOR.

ARBITRATION BOARD.

R. H. ALEXANDER.
E. V. BODWELL.
J. C. KEITH.
F. C. COTTON.
R. CLARK.
H. T. CEPERLEY.
J. M. CLUTE.
C. TAYLOR.
A. G. FERGUSON.
J. B. HENDERSON.
F. X. MARTIN.
J. LEAMY.

LIST OF MEMBERS.

E. V. BODWELL.
R. CLARK.
D. OPPENHEIMER.
JNO. J. COWDEROY.
F. X. MARTIN.
THOS. DUNN.
C. TAYLOR.
JNO. B. HENDERSON.
H. T. CEPERLEY.
R. MATIHSON, JR.
WM. SKENE.
F. C. COTTON.
H. A. JONES.
JAMES M. CLUTE.
ALAN E. McCARTNEY.
GEO. TURNER.
JOHN WULFFSOHN.
D. L. BECKINGSALE.
ROBT. WM. GORDON.
WM. CLEMENTS.
RICHD. H. ALEXANDER.
M. A. MACLEAN.
A. CHS. THICKE.
J. C. KEITH.
W. B. WILSON.

C. D. RAND.
JAMES LEAMY.
A. J. FERGUSON.
ROB. COUTH.
JOHN DEVINE.
J. W. McFARLAND.
A. O. LEASK.
C. G. JOHNSON.
ED. WHITE.
SAM BRIGHOUSE.
C. MELHUISH.
J. M. SPINKS.
R. C. FERGUSON.
J H. HAYDEN.
H. F. KEEFER.
WM. POWER.
F. W. HART.
WM. PORTER.
E. J. McFEELEY.
CAPT. TATLOW.
CAMPBELL SWEENEY.
J. BOULTBEE.
J. J. BLAKE.
CHAS. DOERING.

49

TO THE HONOURABLE THE SECRETARY OF STATE FOR THE DOMINION OF CANADA.

KNOW ALL MEN BY THESE PRESENTS: That We, the several persons whose signatures and seals are hereto subscribed and set and whose occupations respectively are those set opposite our respective signatures, do hereby associate ourselves together as a BOARD OF TRADE under the provisions of *Chapter 130*, of the *Revised Statutes of Canada*, intituled: "*An Act respecting the Incorporation of Boards of Trade*," and We do hereby appoint JOHN DEVINE as SECRETARY to the said BOARD OF TRADE, and We do hereby specify the name assumed by the association and by which it shall be known to be the "VANCOUVER BOARD OF TRADE," and the name of the District in which the same is situate and the business transacted to be the City of Vancouver, and the name of the person so elected SECRETARY to be JOHN DEVINE.

Witness our hands and seals:

Dated the 24th day of November, A.D. one thousand eight hundred and eighty seven.

NAME.	OCCUPATION.		WITNESS.
E. V. BODWELL,	Real Estate broker.	L.S.	JOHN DEVINE.
R. CLARK,	Merchant.	"	JOHN DEVINE.
D. OPPENHEIMER,	Merchant.	"	JOHN DEVINE.
JNO. J. COWDEROY,	Merchant.	"	JOHN DEVINE.
F. X. MARTIN,	Merchant.	"	JOHN DEVINE.
THOS. DUNN,	Merchant.	"	JOHN DEVINE.
C. TAYLOR,	Bank agent.	"	JOHN DEVINE.
JNO, B. HENDERSON,	Merchant.	"	E. MALLANDAINE, JR.
H. T. CEPERLEY,	Real Estate & Insur. agent.	"	E. MALLANDAINE, JR.
R. MATHISON, JR.,	Job Printer.	"	E. MALLANDAINE, JR.
WM. SKENE,	Commission merchant.	"	E. MALLANDAINE, JR.
F. C. COTTON,	Newspaper publisher.	"	E. MALLANDAINE, JR.
H. A JONES,	Real Estate agent.	"	E. MALLANDAINE, JR.
JAMES M. CLUTE,	Merchant.	"	E. MALLANDAINE, JR.
ALAN E. McCARTNEY,	Architect.	"	E MALLANDAINE, JR.
GEO. TURNER,	Real Estate broker.	"	E. MALLANDAINE, JR.
JOHN WULFFSOHN,	Banker.	"	E. MALLANDAINE, JR.
D. L. BECKINGSALE,	Physician.	"	E. MALLANDAINE, JR.
ROBT. WM. GORDON,	Merchant.	"	E. MALLANDAINE, JR.
WM. CLEMENTS,	Merchant.	"	JOHN DEVINE.
RICHD. H. ALEXANDER,	Manager, Hastings Saw Mill.	"	JOHN DEVINE.
M. A. MACLEAN,	Real Estate broker.	"	JOHN DEVINE.
A. CHS. THICKE,	Merchant.	"	JOHN DEVINE.
J. C. KEITH,	Agent Bk. British Columbia.	"	JOHN DEVINE.
W. B. WILSON,	Merchant.	"	E. MALLANDAINE, JR.
C. D. RAND,	Real Estate broker.	"	JOHN DEVINE.
JAMES LEAMY,	Millowner.	"	E. MALLANDAINE, JR.
A. G. FERGUSON,	Civil Engineer.	"	JOHN DEVINE.
ROB. COUTH,	Merchant.	"	JOHN DEVINE.
JOHN DEVINE,	Estate agent.	"	E. MALLANDAINE, JR.
J. W. McFARLAND,	Accountant.	"	JOHN DEVINE.

I, John Devine, of Vancouver, British Columbia, do hereby acknowledge and declare that the above certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed in my presence.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, Edward Mallandaine, Jr., of Vancouver, British Columbia, do hereby acknowledge and declare that the above certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed in my presence.

E. MALLANDAINE, JR.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, John Devine, of the City of Vancouver, in the Province of British Columbia, Secretary of the "Vancouver Board of Trade," do hereby acknowledge and declare that the hereto annexed certificate was signed and sealed by the respective persons by whom it purports to have been signed and sealed; that the respective occupation set opposite the respective names of such persons are their true occupations respectively, and the said persons reside within the Judicial District of Vancouver City.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

I, John Devine, of the City of Vancouver, in the Province of British Columbia, Secretary of the "Vancouver Board of Trade," do hereby declare that the City mentioned in the hereunto annexed certificate has a population of not less than three thousand.

JOHN DEVINE.

Declared and subscribed before me, this 25th day of November, 1887. } T. T. BLACK, P. M.

Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 12th December, 1887.

I do hereby certify that the foregoing is a true and correct copy of a certificate purporting to be made under the provisions of The Revised Statutes of Canada, chapter 130, for incorporation of "The Vancouver Board of Trade," and recorded in the Registrar's Branch of the Department of the Secretary of State for Canada on the Twelfth day of December, 1887, in *Liber* 28, *Folio* 94.

T. A. CHAPLEAU,
Secretary of State and Registrar
General of Canada.

The Vancouver Board of Trade is incorporated under Chapter 130 of the Revised Statutes of the Dominion of Canada, viz.:—

"An Act respecting the incorporation of Boards of Trade."

The

THE REVISED STATUTES OF CANADA.

VOL. II.

CHAPTER 130.

An act respecting the incorporation of Boards of Trade. A.D. 1886.

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

Interpretation.

1. In this Act, unless the context otherwise requires, — (*a*) The expression "district" means the city, county, town, village, or judicial district within and for which a board is established under this Act;

"District"

(*b*) The expression "Board of Trade," includes Chamber of Commerce. 39 V., c. 34, s. 1, *part.*

"Board of Trade."

Formation of Boards of Trade.

2. Any number of persons not less than thirty, who are merchants, traders, brokers, mechanics, manufacturers, managers of banks or insurance agents, and residents of any district which has a population of not less than two thousand five hundred, may associate themselves together as a board of trade and appoint a secretary. 39 V., c. 34, s. 1, *part.*

Certificate of formation.

3. The persons so associating themselves together as a board of trade shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known,—also the name as hereinbefore defined, of the district in which the same is situate and its business is transacted; and the name of the person by them appointed secretary to the said board of trade. 39 V., c. 34, s. 1, *part.*

Certificate to be sent to Secretary of State.

4. Such certificate shall be acknowledged before a notary public, commissioner for taking affidavits, or justice of the peace, by the secretary of the said board of trade, and shall be forwarded to the Secretary of State,

who shall cause the same to be recorded in a register to be kept for that purpose; and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association. 39 V., c. 34, s. 1, *part.*

Persons incorporated to have certain powers.

5. The persons named as corporators in the said certificate, and such other persons as afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, successors and assigns, by the name and style specified in the said certificate, shall be a body corporate and politic, with power to acquire, sell and convey any real estate necessary for the objects of such association. 37 V., c. 51, s. 4, *part.*

Domicile.

6. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, at which service of any notice or process may be made. 37 V., c. 51, s. 4, *part.*

Officers and Council of Board of Trade.

7. The officers of every board of trade shall be a president, vice-president, and secretary, who, together with not less than eight other members, shall constitute a council which shall be called "The council of the Board of Trade of ," *(adding the name of the district as hereinbefore defined)*, and who shall have the powers and peform the duties hereinafter mentioned; and when the foregoing provisions have been complied with it shall be competent for a majority of the persons named as corporators in the said certificate, to hold a meeting for the election of a president, vice-president and members of the said council and without notice, to make and enact such by-laws, rules and regulations as are hereinafter mentioned. 37 V., c. 51, s. 5;—39 V., c. 34, s. 2.

First meeting for election of officers, &c.

General quarterly meetings.

8. The members of the said corporation shall hold general quarterly meetings in each year, at some place within the district,—of which notice, naming the time and place, shall be given by the secretary of the council for the time being, at least three days previous to such meeting, through one newspaper, or otherwise, as is thought necessary by the council; and at the first quarterly meeting held in each year, the members of the said corporation present, or a majority of them, shall elect in the manner prescribed by the by-laws, from among

Election of President and members of Council.

the members of the corporation, a president, vice-president and secretary, and at least eight other members of the council, who with the president, vice-president and secretary, shall form the council of the corporation, and shall hold their offices until others are elected in their stead, at the next first quarterly meeting of the ensuing year as aforesaid, or until they are removed from office, or vacate the same under the provisions of the by-laws of the corporation:

Provision, in case of failure of election.

2. If the said election does not take place at such first quarterly meeting, as aforesaid, the said corporation shall not be thereby dissolved, but such election may be held at any general meeting of the corporation, called in the manner hereinafter provided, and the members of the council in office shall remain members until the election is held. 37 V., c. 51, s. 6.

President and vice-president to take oath of office.

9. The president and vice-president shall, before entering upon the duties of their office, take and subscribe before the mayor of the city or town, constituting the district, or before any justice of the peace, an oath in the form following, that is to say :—

Form of oath.

"I swear that I will faithfully and truly perform my "duty as of the Board of Trade, and that I "will, in all matters connected with the discharge of such "duty, do all things, and such things only, as I shall "truly and conscientiously believe to be adapted to "promote the objects for which the said board was con-"stituted, according to the true intent and meaning of "the same. So help me God." 37 V., c. 51, s. 7.

Vacation of office, and filling vacancies in council

10. If any member of the council dies or resigns his office, or is absent for six months continuously from the meetings of the council, the council may at any meeting thereof, elect a member of the corporation to be a member of the council, in the place of the member who has died or resigned, or is absent; and such new member shall be so elected by a majority of the members of the council present at any meeting of the same, if there is a quorum present at such meeting; and the member so elected shall hold office until the next annual election. 37 V., c. 51, s. 8.

Majority present at meetings of corporation to

11. At any annual or general meeting of the corporation, whether for the purpose of electing members of the council or for any other purpose, a majority of members

have full power.

present at such meeting shall be competent to do and perform all acts which, either under this act or under any by-law of the corporation, are or shall be directed to be done at any such general meeting. 37 V., c. 51, s. 9.

Retirement of members.

12. Any member of the corporation, who intends to retire therefrom or to resign his membership, may do so at any time, upon giving to the secretary ten days notice in writing, of such intention, and upon discharging any lawful liability which is standing upon the books of the corporation, against him at the time of such notice. 37 V., c. 51, s. 10.

Making by-laws and regulations; for what purpose.

13. The majority of the members of the corporation present at any general meeting may make by-laws and regulations, and from time to time repeal, alter and amend the same, for the government of the corporation, providing for the admission, and subscriptions of members,—for imposing of penalties,—for the expulsion or the retirement of members,—for the management of its council, officers and affairs,—for the guidance of the board of arbitrators hereinafter mentioned, and for fixing the date and place of the regular meetings of the council, and all other by-laws in accordance with the requirements of this Act or the Laws of Canada :

To be binding.

2. Such by-laws shall be binding on all members of the corporation, its officers and servants, and all other persons, whomsoever, lawfully under its control :

Notice of proposed by-laws to be given.

3. No by-law shall be made by the corporation, except as hereinbefore mentioned, without notice in writing thereof having been given by one member and seconded by another member at a previous meeting and duly entered in the books of the corporation as a minute of the corporation. 37 V., c. 51, s. 11.

Who may become members of the corporation, and how.

14. Every person resident within the district, who is or has been a merchant, broker, trader, machanic, manfacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation ; and at any general meeting of the corporation any member of the corporation may propose any such person, as aforesaid, as a candidate for becoming a member of the corporation ; and if such proposition is carried by a majority of two thirds of the members of the corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or

are subject to : Provided always, that any person who is not a merchant or trader, broker, machanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation, in manner aforesaid, if such person is recommended by the council of the board of trade at any such meeting. 37 V., c, 51. s. 12.

Proviso as to persons not being traders, &c.

15. The council, or a majority of them, by a notice inserted in one or more newspapers published within the district, one day previously to the meeting, or by a circular letter to each member, signed by the secretary of the corporation, and mailed one day previously to the meeting, may call a general meeting of the corporation for any of the purposes of this Act. 37 V., c. 51, s. 13.

Special general meetings of corporation.

16. The council may hold meetings, from time to time, and adjourn the same when necessary, and may at such meetings, transact such business as is, by this Act or by the by-laws of the corporation, assigned to it ; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council :

Meeting of council, how convened. &c.

2. The council shall, in addition to the powers hereby expressly conferred on it, have such powers as are assigned to it by any by-law of the corporation, except the power of enacting or altering any by- law, or admitting any member, which shall be done only in the manner provided for by this Act :

Powers.

Exception.

3. Any five or more members of the council, lawfully met, shall be a quorum, and a majority of such quorum may do all things within the powers of the council :

Quorum.

4. At all meetings of the council, and at all general meetings of the corporation, the president, or in his absence, the vice-president, or if both are absent, any member of the council then present who is chosen for the occasion, shall preside ; and in all cases of equality of votes upon any division, he shall have a casting vote. 37 V., c. 51, s. 14.

Who to preside.

Casting vote.

17. The council shall frame such by-laws, rules and regulations as appear to it best adapted to promote the welfare of the corporation and the purposes of this Act, and shall submit the same for adoption, at a general meeting of the corporation, called for that purpose, in the manner hereinbefore provided. 37 V., c. 51, s. 15.

Council to frame by-laws, &c., to be submitted at a general meeting.

Recovery of subscriptions, &c.

18. All subscriptions of members due to the corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the secretary thereof, and in default of payment, shall be recoverable in an action brought in the name of the corporation ; and it shall only be necessary, in such action, to allege that such person is indebted to the corporation in the sum of money, the amount of such arrearage on account of such subscription, penalty or otherwise, whereby an action has accrued to the corporation by virtue of this Act. 37 V., c, 51, s. 16.

Proof in action brought in such case.

19. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant, at the time the demand was made, was or had been a member of the corporation, and that the amount claimed as such subscription, penalty or otherwise, was standing unpaid upon the books of the corporation. 37 V., c. 51, s. 17.

Meetings of council to be open to members.

Minutes.

Record thereof.

20. The meetings of the council shall be open to all members of the corporation who may attend at the same, but who shall take no part in any proceedings thereat ; and minutes of the proceedings at all meetings whether of the council or of the corporation, shall be enentered, in books kept for that purpose, by the secretary of the corporation ; and the entry thereof shall be signed by the president or vice-president or the other person who presides at the meeting ; and such books shall be open at all reasonable hours to any member of the corporation free of any charge. 37 V., c. 51, s. 18.

Board of arbitration.

Powers.

21. At the time hereby appointed for the election of the council, and in the same manner, the members of the corporation may elect, from their number, twelve persons, who shall from a board, which shall be called "The Board of Arbitration"; and any three of such persons shall have power to arbitrate upon, and make their award in any commercial case or difference which is voluntarily referred to them by the parties concerned: and whenever such parties agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the board of arbitration, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any gen-

eral rules adopted by them, or under any by-law of the corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them ; and such decision shall be binding upon the said board of arbitration and the parties making the submission ; and any such submission shall be according to the form A in the schedule to this Act, or to the same effect. 37 V., c. 51, s. 19.

Form of submission to board.

22. The several members of the board of arbitration shall, before they act as such, take and subscribe, before the president or vice-president of the corporation, an oath in the form B in the schedule of this Act, that they will faithfully, impartially and diligently perform their duties as members of the board of arbitration, and such oath shall be kept among the documents of the corporation. 37 V., c. 51, s. 20.

Members of board to be sworn.

23. Any member of the council may, at the same time, be a member of the board of arbitration. 37 V., c. 51, s. 21.

Members of council may be arbitrators.

24. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine, upon oath (which oath any one of such three members is hereby empowered to administer), any party or witness who appearing before them, is so examined, and shall give their award thereupon in writing ; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act. 37 V., c. 51, s. 22.

Power of arbitrators as to examination in hearing cases.

Award.

25. The council of the corporation may appoint five persons to constitute a board of examiners to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the councils of the boards of trade by " *The General Inspection Act* ;" and the said examiners and inspector shall be subject to all the provisions touching their office set forth in the said Act. 37 V., c. 51, s. 23.

Power of council to appoint board of examiners of inspectors.

Boards of Trade may affiliate with Dominion Board of Trade.

26. Any board of trade duly registered as aforesaid, under the provisions of this Act, may become affiliated with the Dominion board of trade, on duly complying with all the terms and requirements of that organization, and may be represented at all its ordinary or special general meetings, held from time to time : Provided always, that the delegates or representatives to the Dominion board of trade shall be elected at a general meeting, duly convened, of the board of trade desiring such affiliation as aforesaid. 37 V., c. 51, s. 25.

Proviso.

SCHEDULE OF FORMS.

FORM A.

Know all men, that the undersigned and the undersigned (*if there are more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform and abide by the award to be made by the Board of Arbitration of the Board of Trade of in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform or abide by such award to the party ready and willing to perform or abide by the same.

In witness whereof, the said parties have hereunto set their hands and affixed their seals at the of on the day of A.D. 18

A. B. [L.S.]
C. D. [L.S.]

27 V., c. 51, sch. *part.*

FORM B.

I sware that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of , and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any person whomsoever : So help me God. 37 V., c. 51. sch. *part.*

BY-LAWS.

MEETINGS.

I. The Annual General Meeting of members of the "Vancouver Board of Trade" shall be held on the first Monday in March at 2:30 p.m. The regular Quarterly Meetings of the Board shall be held on the first Monday in March, first Monday in June, first Monday in September, and first Monday in December in each year, and at the time prescribed for the Annual General Meeting.

QUORUM.

II. At any General Meeting Seven Members present in person shall constitute a quorum for the transaction of business. At Council meetings Five shall form a quorum (including the President, Vice-President or member elected to act as Chairman.) Should a quorum not be formed by forty-five minutes after the Meeting is called it shall stand adjourned for one week:

PLACE OF MEETING.

III. The place of meeting shall be at the Board Rooms.

ORDER OF BUSINESS.

IV. Reading Minutes of last Meeting.
Reports and Communications.
Elections to fill Vacancies.
Nomination and election of new Members.
Unfinished business.
Miscellaneous business.

AUDIT.

V. At the regular Quarterly Meeting held in December of each year the President shall appoint a Committee of three to audit the books and accounts of the Secretary-Treasurer for presentation at the Annual General Meeting.

MOTIONS.

VI. All Motions, except those for previous question, postponement or adjournment, shall be made in writing ; and no debate shall be premited, except on a motion regularly moved and seconded : every motion made in writing shall be read by the proposer in his place previous to offering it to the President.

(a.) No Member shall speak twice on the same subject except by premission or by way of explanation.

(b.) A Member may call for the division on any motion, should any doubt exist as to the ruling of the President.

ALTERATION OF BY-LAWS.

VII. Notice to amend any By-Law or to introduce a new one shall be posted in the Board Room one month previous to the meeting at which it is intended to be considered. Any such notice as aforesaid must contain in full " the wording of the proposed amendment or addition."

SUBSCRIPTIONS.

VIII. (a.) The Annual Subscription of Members shall be twelve dollars, payable by quarterly instalments of $3.00 in advance, to the Secretary at the office of the Council of the Board of Trade.

(b.) Members in arrears for three months shall be deemed delinquent and their names shall be posted up in the office of the " Board of Trade " for one month, and the Secretary shall notify them to that effect. After thirty days from the date of such notice and posting their names shall be liable to be removed from the " List of Members."

(c.) A list of delinquent Members (if any) shall be read at each Quarterly Meeting, and their names duly entered on the minutes of the said meeting.

ARBITRATIONS.

IX. (1.) Before any arbitration can be entered upon the parties shall execute a bond of submission as provided by Statute hereinbefore expressed.

(2.) In case of arbitration the Arbitrators shall be selected from the " Board of Arbitration " as follows ; Each party shall choose one arbitrator and the third arbitrator shall be drawn by lot, from the remainder of the said Board, by the Secretary of

the Board, in the presence of the parties, unless a third shall have been agreed upon or chosen by the Arbitrators within three days after the submission of the parties.

(3.) The three Arbitrators shall sit together unless the parties shall consent to the matter being heard by one or two Arbitrators alone.

(4.) The decision of the majority of the Arbitrators, when more than two sit, shall be final, and binding on both parties.

(5.) The fees for Arbitration shall be as follows :—

(a.) For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of either party, not less than.....$ 2.00

Nor more than..... 4.00

(b.) For every day's sitting, to consist of not less than six hours, not less than.....$ 5.00

Nor more than.....10.00

(c.) For every siting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each—for each hour occupied in such proceedings, at the rate of not less than...$ 1.00

Nor more than..... 1.50

Vide British Columbia Statutes 1879, Chap. X. pp. 31.

(6.) If any Arbitrator who has been duly selected (in manner aforesaid) to act, refuses or neglects to attend such arbitration, he shall be liable to pay to the Secretary of the said Board a fine of $5 for each and every day on which he neglects to attend such arbitration unless relieved by the Council. All fines inflicted as aforesaid to form part of the revenue of the Board of Trade.

PROXIES.

X. (1.) At all meetings of the Board no member shall be entitled to vote who has not paid all dues belonging to him.

(2.) Members in good standing shall be in entitled to hold two proxies, and no more, for the purpose of voting at any meeting

(3.) All proxies must be in writing and shall be deposited. with the Secretary on or before the day of the meeting, and may either be Special or General.

EXPULSION OF MEMBERS.

XI. (1.) Any member who is declared an insolvent shall thereby be considered as retiring from the Board but shall be entitled to be nominated for re-election at any time.

(2.) Any member can be expelled by the vote of three-fourths (¾ths) of the members present at any meeting specially called for the purpose, at which not less than one-half (½) of the whole number of members are present either in person or represented by their proxies.

ENTRANCE FEES.

XII. The entrance fee for any person desirous of joining the Board of Trade shall be $25, in addition to his annual subscription.

ELECTION OF MEMBERS.

XIII. That any person wishing to become a member of the Vancouver Board of Trade, if eligible shall be proposed by some member in good standing and his name with that of his proposer shall be posted in the Board of Trade Rooms at least one week before his election shall take place. All elections for members so proposed shall be by ballot, and if two-thirds of the votes cast at such election shall be in favour of such candidate he shall be declared elected provided half the number of members of the Board of Trade are present at such meeting in person or by proxy.

CUSTOMS OF THE PORT.

RATES OF COMMISSION.

XIV. Whenever no special agreement exists, the following shall be collectable :—

1. On purchase of stocks, bonds, and all kinds of securities, including the drawing of bills for payment of the same ..... 2½ per cent.
2. On sale of stocks, bonds, and all kinds of securities, including remittances in bills and guarantee . . 2½ per cent.
3. On purchase and sale of specie, gold-dust, and bullion ..... 1 per cent.
4. On sale of bills of exchange with endorsement . . 3½ per sent.
5. On sale of bills of exchange, without endorsement ..... 1 per cent.

6. For endorsing bills of exchange, when desired . . 2½ per cent.

7. On sale of produce and merchandise, with guarantee . . . . . 7½ per cent.

8. On goods received on consignment, and afterwards withdrawn . . . . . 2½ per cent.

9. On purchase and shipment of merchandise, with funds on hand, on cost and charges . . . . . 5 per cent.

10. On purchase, and shipment of merchandise without funds, on cost and charges . . . . . 7½ per cent.

11. For collecting and remitting delayed or litigated account . . . . . 10 per cent.

12. For collecting freight by vessels from foreign ports, on amount collected . . . . . 5 per cent.

13. For collecting general claims . . . . . 5 per cent.

14 For collecting general average,—on the first $20,000 or any smaller amount . . . . . 5 per cent.

15. For collecting general average,—on any excess over $20,000 . . . . . 2½ per cent.

16. On purchase or sale of vessels . . . . . 5 per cent.

17. For "Port Agency" when no other commission is charged to vessels with cargo or passengers from foreign ports, as under:

On vessels under 200 tons register . . . . . $ 25.00
On do of 200 to 300 tons do 50.00
On do of 300 to 500 do. do 100.00
On do over 500 tons to 750 . . . . . 150.00
On do over 750 tons 200.00

18. For disbursements of vessels by consignees with funds on hand . . . . . 2½ per cent.

19. For procuring freight or passengers . . . . . 5 per cent.

20. For chartering vessels, on amount of freight, actual or estimated, to be considered as due when the "Charter Parties" or memorandum of their conditions, &c., are signed . . . . . 5 per cent.

21. On giving Bonds for vessels under attachment in litigated cases, on amount of the liability . . . 2½ per cent.

22. For landing and reshipping goods from vessels in distress, on invoice value, or in its absence, on market value . . . . . 5 per cent.

23. For receiving and forwarding goods,—on invoice amount . . . . . 2½ per cent.

24. For effecting marine insurance,—on the amount insured . . . . . ½ per cent.

25. The foregoing Commissions to be exclusive of Brokerage, and every charge actually incurred.

26. Vessels to pay clerk hire and the labor on wharf, sorting and delivering cargo.

27. The receipt of Bills of Lading to be considered equivalent to receipt of the goods.

RATES OF STORAGE ON MERCHANDISE.

STORAGE PER MOMTH.

XV. On measurement goods 50 cents per ton of forty cubic feet (40 c. ft.) On heavy goods 50 cents per ton 2240 lbs. Or in either case the amount actually paid if more. The consignee to have the option of charging by measurement or weight

Any fraction of a month to be charged as a month.

REGULATIONS.

XVI. (a.) Concerning the delivery of merchandise, payment of freight, &c. : When no express stipulation exists per bill of lading, goods are to be considered as deliverable on shore.

(b.) Freight on all goods to be paid, or secured to the satisfaction of the captain or consignee of the vessel prior to the delivery of the goods.

(c.) After delivery to the purchaser of goods sold no claims for damage, deficiency, or other cause, shall be admissible after goods sold and delivered have once left the City.

(d.) When foreign bills of lading expressly stipulated that the freight shall be paid in a specific coin, then the same must be procured if required, or its equivalent given,—the rate to be determined by the current value at the time at the Banks.

XVII. PORT WARDEN.

37 VICTORIA, CHAPTER 32.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF PORT WARDENS AT CERTAIN PORTS OF THE DOMINION.

[*Assented to Tuesday, 26th May 1874.*]

WHEREAS the increasing trade and business in many of the Ports of the Dominion, at which no provision now exists for the appointment of Port Wardens, renders it necessary to make such provision: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Governor in Council may, from time to time, determine at what Ports in the Dominion, it is expedient that Port Wardens may be appointed, and at and for any such port a Port Warden may be appointed under this Act, by the Governor: Provided always that this Act shall not apply to the Ports of Quebec, Montreal and St. John, New Brunswick, for which provision is already made. Governor may appoint Port Wardens. Certain Ports excepted.

2. The Port Warden shall receive no fees whatever, other than such as strictly appertain to the business of his office; all such fees shall be recorded in his books, and he shall make a certified annual return to the Minister of Marine and Fisheries, of the receipts and expenses of his office and a report of the doings of his office, within seven days after thirty-first day of December in each year. Fees to Port Warden. His annual return to Minister.

3. The Port Warden shall, at his own expense keep an office during the season of navigation, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden shall be recorded, which books shall be open for inspection on payment of a fee of twenty five cents. His office, books and seal.

Port Warden on request to examine and note the condition of cargo, &c., on any vessel.

4 It shall be the duty of the Port Warden, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of her cargo ; and if there be any goods damaged on board such vessel, he shall inquire, examine, and assertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

Survey if bulk has been broken before arrival in Port.

5. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in any harbour for which there is then a Port Warden, shall, immediately on the discovery of any damaged cargo, proceed to have a survey held on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed ; and if, after the arrival in port of any vessel from beyond the seas, or from a passage over any of the great lakes contiguous to the Province of Ontario, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the harbour, the hatches of such vessel shall have been first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel ; and such default shall, until the contrary be shewn, be chargeable to the owner, master or other person intersted as part owner or master of the said vessel.

What shall be prima facie evidence of improper stowage.

Port Warden on request to ascertain cause of damage to any goods.

6. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandise, vessel, material, produce or other property, said to have been damaged on board any vessel, and enquire, examine and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office a full and correct statement thereof.

To be a surveyor of wrecks or damaged vessels.

7. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage : he shall examine the hull, spars, rigging and all appurtenances thereof, shall specify what damage

has occurred, and record in the books of his office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights or other persons skilled in their profession, who shall each be entitled to a fee not exceeding five dollars, to aid him in the examination and survey; but no such surveyor shall be interested in the case: the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

To see that vessels are seaworthy

8. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall on payment of the regular fee, give certificates of such surveys.

Surveys of damaged vessels and cargoes.

9. The master of any vessel intending to load grain in bulk, for any port not within the limits of inland navigation nor within the Dominion of Canada, shall, before taking in any of such grain, notify the Port Warden from time to time while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before begining to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

Duty of Master of vessel loading with grain in bulk; for port out of Canada; and Duty of Port Warden.

10. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat and other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned.

Duty of Port Warden as to dunnage.

Further duties of Master and Port Warden as to grain vessels.

11. The master of any vessel, wholly or partly laden with grain, for any port not within the limits of inland navigation nor within the Dominion of Canada, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel, and examine whether she is in a fit state to proceed to sea or not ; if she is found unfit, the Port Warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled ; and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the Collector of Customs, in order that no clearence may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy.

Valuing and measuring vessels by Port Warden.

12. The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

Duty of Auctioneer selling condemned vessels, materials or goods.

13. It shall be the duty of every auctioneer making a sale of any vessel condemned, or ship's materials, or goods damaged on board a ship or vessel, whether seagoing or of inland navigation, sold for benefit of underwriters or others concerned, in any harbour for which there is then a Port Warden, to file a statement of the same at the office of the Port Warden within ten days after such sale ; no underwriters' sale shall take place until after at least two days' public advertisement or notice, and such sale shall not be an hour earlier than eleven, nor later than three o'clock in the day.

Port Warden to arbitrate between Master and consignee, &c.

14. It shall be the duty of the Port Warden, when required in writing by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and to keep a record thereof.

Sale of damaged vessels or goods on account of underwriters.

15. No goods, vessels or other property at a place where there is a Port Warden, shall be sold as damaged for on account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors.

16. Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasable notice, where practicable, to all parties interested or concerned in the case.

Notice by Port Warden.

17. All notices, requests, or requirements to, or from the Port Warden, must be given in writing, and a reasonable time before action is required.

And to him.

18. The Port Warden may in any case where he thinks it right and necessary, initiate proceedings, and hold surveys, and obtain process, as if required by the parties concerned under the provisions of this Act,—and whenever the Port Warden is mentioned in any provision of this Act, such provision shall always be understood to apply to any Deputy Port Warden, if there is such.

Port Warden may initiate proceedings.

Deputy Port Warden.

19. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office ; he shall also furnish when required, copies of any entries in his books or documents filed in his office, upon payment of a reasonable compensation.

Port Warden to furnish copies of documents, &c., in his office.

20. On application, the Port Warden shall supply, to any master of a vessel arriving in the Harbour, a copy of the regulations relating to the office of Port Warden once in each year.

And copies of regulations of harbour.

21. In all matters regarding surveys, and other matters concerning the value, state, or classification of vessels and like subjects, the Port Warden shall conform to, and be governed by the regulations of Lloyd's so far ar they are applicable to the circumstances of the case.

To conform to regulations of Lloyd's

22. Should any dispute arise between the Port Warden and any party interested in any case where his presence has been required, either party may appeal to the council of the board of trade or chamber of commerce, where there is one, and it shall be the duty of the Secretary of such board or chamber, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said council who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination or that of a majority of them, made in writing, shall be final and conclusive.

Disputes by Port Warden to be settled by board of trade.

Costs in such case.

23. The party against whom the council of the board of trade, or chamber of commerce shall decide shall pay all the expenses; and the council shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

Certificates of Port Warden to be evidence.

24. All certificates issued under the hand of the Port Warden or his Deputy, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record, in any court in Canada.

Tariff of fees, to be paid to Port Warden, to be made by Board of Trade or Governor in Council.

25. The council of the board of trade or chamber of commerce, if there is one, may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed,—which tariff, being first approved by the Governor in Council, shall be enforced until repealed or altered by the said Governor in Council, or by the said council of the board of trade or chamber of commerce, as it may be at any time, with the approval of the Governor in Council; and when there is no board of trade or chamber of commerce the Governor in Council shall make such tariff; but such fees shall not exceed the rates hereinafter mentioned, that is to say :—

Maximum rates.

Survey of vessel, damaged goods, etc.

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches, and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding eight dollars each, and such further sum, not exceeding five dollars, as may be payable to shiprights or other skilled persons employed by him :

Valuation and inspection of vessel.

2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but not in any case to exceed ten dollars :

Hearing and settling disputes.

3. For hearing and settling disputes of which the Port Warden is authorized to take cognizance, and for the fees on appeal to the council of the board of trade or chamber of commerce, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed twenty dollars :

4. The foregoing maximum rates, comprehending the fees for the incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid, may be indicated in such a way as the council of the board of trade or chamber of commerce may from time to time appoint; and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power from time to time to disallow or modify and alter such fees and rates.

Rates may be altered, etc., by Board of Trade or Governor in Council.

26. The penalty for any and every infraction or breach of the ninth or of the eleventh section of this Act, shall be the sum of eight hundred dollars; and for every infraction or breach of the thirteenth section of this Act, the sum of twenty dollars; and any and every such penalty as aforesaid shall be recoverable in the manner prescribed by the Interpretation Act, in cases where penalties are imposed, and the recovery is not otherwise provided for; and the whole of any pecuniary penalty imposed by this Act shall belong to the Crown, and shall be paid over to the Receiver General, by the officer or person receiving it, and shall be appropriated in such manner as the Governor in Council may direct.

Penalties for contravention of ss. 9, 11 and 13. Recovery and appropriation of

27. The Port Warden shall have such other and further duties as may be assigned to him from time to time by any regulations made by order of the Governor in Council; and the council of the board of trade or chamber of commerce may from time to time make such such suggestions to the Governor as they may deem expedient, with respect to any such other and further duties, or any modification of the duties hereinbefore assigned to the Port Warden for the harbour; and such other or further duties may be assigned or such modification made, by Order in Council accordingly; any such Order in Council may be amended or repealed, and new provision made, and any regulations so made shall, while unrepealed, have the force of law, as if contained in this Act.

Further duties of Port Warden, under regulations of Governor in Council.

28. No Officer of Customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the harbour for any port not within the limits of inland navigation nor within the Dominion of Canada, unless nor until the

Clearance not to be granted to any vessel carrying grain, unless the require-

ments of this Act have been complied with.

master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of this Act have been fully complied with if such grain be laden in bulk ; nor unless or until such master produces to him a certificate from the Port Warden or his deputy that all the requirements of this Act have been fully complied with, if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk, and if any vessel wholly or partly loaded with grain attempts to leave the harbour for any port not within the limits of inland navigation nor within the Dominion of Canada without a clearance, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

Interpretation.

29. The expression "the harbour" in this Act, means the harbour for which the Port Warden is appointed ; the expression "the board of trade or chamber of commerce" means the board of trade or chamber of commerce for the city or town or place adjoining the harbour for which the Port Warden is appointed.

Short title.

30. This Act may be cited as "The General Port Wardens' Act, 1874."

WHEREAS by an Order in Council of the 8th March, 1875, the ports of Victoria and Esquimalt in British Columbia are determined as ports to which the provisions of the Act 37 Vic., chap. 32, providing for the appointment of Port Wardens shall apply ; and whereas under the 25th section of the said Act the Governor-General in Council did on the 26th April, 1876, establish a tariff of Fees to be paid to the Port Warden for services performed by him and his deputies by the masters and owners of sea-going vessels and by others in respect of whom the duties of the said Port Warden are required to be performed, that is to say :— Vide Orders in Council, 40 Vic., pp. LXXVI, (76) 1877.

And wherens the "British Columbia Board of Trade" has been incorporated in manner hereinbefore described, said Board of Trade does hereby (subject to ratification of Governor-General in Council and under the authority of the 25th section aforesaid) make the following Tariff of Fees for said Port Warden :—

TARIFF OF FEES COLLECTABLE.

1. First survey of hatches with certificate under seal....$5 00

2. Every subsequent survey of cargo with certificate under seal 2 00

3. Survey of cargo where hatches have have not been previously surveyed, including certificate under seal 5 00

4. Every survey of damaged goods on the wharf, or in store, value under $200, and certificate under seal.. 3 00

5. Every survey of damaged goods on the wharf, or in store, value $200 and under $500, and certificate under seal..... 4 00

6. Every survey of damaged goods on the wharf, or in store, value $500 and over, and certificate under seal 5 00

7. Survey of vessel damaged or arriving in distress, including certificate under seal 10 00

8. Every subsequent survey, with certificate under seal.. 5 00

9. Valuation of a vessel for average, under 200 tons register, including certificate under seal..... 5 00

10. Valuation of a vessel for average of 200 tons and under 500 tons, with certificate under seal..... 7 50

11. Valuation of a vessel for average of 500 tons and upwards, with certificate under seal 10 00

12. Survey of cargo reported to have shifted, including certificate under seal..... 5 00

13. Extra copy of certificate, when required, and under seal 1 00

14. Hearing and settling disputes between master and consignee of ship and owners of cargo the Port Warden shall be entitled to demand and receive :—

Value of cargo under $ 200	.....	2 00
Do. do. $ 200 to $ 500	.....	3 00
Do. do. $ 500 to $1000	.....	4 00
Do. do. $1000 and over	.....	5 00

15. Filing papers of auctioneers, &c., each..... 0 25

16. Ascertaining if vessel is seaworthy, including certificate under seal $10 00

17. Survey, that repairs ordered, if not seaworthy, have been made, inclusive of certificate under seal :—

200 tons and under 3 00

Over 200 tons 5 00

18. General superintendence of a vessel loading, with certificate under seal 5 00

XVIII. HARBOUR MASTER.

RULES AND FEES.

Vide Act 36 Vic., chap. 9, assented to 3rd May, 1873.
Do. 37 Vic., chap. 34, do. 26th May, 1874.
Do. 38 Vic., chap. 30, do. 8th April, 1875.

The Board of Trade having no control under this head the Acts as amended are consolidated for the information and general guidance of members.

HARBOUR MASTERS' ACTS CONSOLIDATED.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF HARBOUR MASTERS FOR CERTAIN PORTS IN THE PROVINCES OF QUEBEC, ONTARIO, BRITISH COLUMBIA AND PRINCE EDWARD ISLAND.

[*Assented to 26th May, 1874.*]

And

AN ACT TO AMEND THE ACTS THIRTY-SIXTH VICTORIA, CHAPTER NINE, AND THIRTY-SEVENTH VICTORIA, CHAPTER THIRTY-FOUR, RESPECTING THE APPOINTMENT OF HARBOUR MASTERS.

[*Assented to 8th April, 1875.*]

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

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say: Interpretation.

"Ship" shall include every description of vessel used in navigation, not propelled by oars;

"Master" shall include every person (except a pilot) having command or charge of a ship;

"Harbour Master" shall mean a Harbour Master appointed under this Act;

"Port" shall mean a Port to which this Act applies.

2. The Governor may, from time to time, appoint a fit and proper person to be Harbour Master for any port in any of the Provinces of Quebec, Ontario, British Columbia, or Prince Edward Island, to which this Act applies. Governor may appoint Harbour Masters.

3. Every Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year. Annual Report of Harbour Masters to Minister of Marine, &c.

4. The rights, powers and duties of the Harbour Master for any port shall be such as may from time to time be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the port for which he is appointed, and for his remuneration; which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal; and any such rules and regulations may be so made to apply to any one or more ports to which this Act then applies, or may be afterwards extended by order in Council to any such port. Regulations by Governor in Council.

5. The Governor in Council may in and by any rule or regulation made under the next preceding section, impose any reasonable penalty, not exceeding in any case one hundred dollars, for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case ten dollars Regulations may impose penalties.

for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty ; and every breach of any such rule or regulation shall be deemed a contravention of this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Copies to be furnished to Pilots

6. The Harbour Master for any such port shall furnish copies of the rules and regulations made under the next preceding section, and then in force, to every licensed pilot of the port, who shall give one of such copies to the master of every ship which he shall take in charge.

Prosecutions for infraction.

7. It shall be the duty of the Harbour Master of any such port to prosecute every person violating any rules or regulations made by the Governor in Council under this Act.

" 8. The Harbour Master for any port shall be remunerated for his services solely by the fees hereinafter mentioned, or such portion thereof as he may, from time time, be authorized to retain by the rules and regulations made by the Governor in Council under the fourth section of this Act : and for and in respect of all ships entering a port or harbour to which this Act applies, and at which a Harbour Master is appointed, and discharging or taking in cargo, ballast, stores, wood or water, there shall be paid the following fees ; that is to say :—

For every ship of fifty tons register or under, fifty cents ;

For every ship over fifty tons and not over one hundred tons register, one dollar ;

For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents ;

For every ship over two hundred tons and not over three hundred tons register, two dollars ;

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents ;

For every ship over four hundred tons and not over five hundred tons register, three dollars ;

For every ship over five hundred tons and not over seven hundred tons register, four dollars ;

For every ship over seven hundred tons register, five dollars.

And such fees shall also be payable for ships with cargo and steamers passing through or arriving at the Harbours of Sorel, St. Johns, Three Rivers or Lachine, in the Province of Quebec ; and the Governor may, from time to time, appoint a fit and proper person to be Harbour Master at each of the said harbours."

Salary, how fixed.

9. The salary or remuneration of each Harbour Master, appointed under this Act, shall be, from time to time, fixed by Order of the Governor in Council, but shall not exceed six hundred dollars, and shall be subject to the provisions hereinafter made.

Balance to be paid over to Con. Rev. Fund.

10. The Harbour Master of each port shall pay over as soon as possible after the thirty-first day of December in each year to the Receiver-General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament, for the payment of expenses in connection with the office of Harbour Master and for the improvement of the harbour of the port for which he is appointed, all moneys received by him for fees under this Act during such year, after deducting therefrom the sum allowed him as aforesaid for his own remuneration ; and if the moneys received by him for fees in any year amount to a less sum than is so allowed him, then such less sum shall be his remuneration for that year.

"11. Such fees as aforesaid shall not be payable for any ship more than twice in each calendar year (that is, the year commencing on the first day of January and ending on the last of December), whatever be the number of ports or harbors at which she may arrive or pass through, or the number of times of her so arriving or passing through them, or any of them : such fees shall be payable by the master of the ship to the Harbour Master immediately on her entering or arriving at the first and second ports or harbours where there is a Harbour Master, and the collector or principal officer of customs thereat shall not grant any clearance, transire or let-pass to any ship on which they are payable, until

the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of fees under this Act twice within the then present year."

Book to be kept by Harbour Master, and what it must shew.

12. The Harbour Master of each port shall keep a book in which he shall enter from day to day the name of every ship not exempt from the payment of fees under this Act, entering such port, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering, under this Act; and such book shall be at all times, during office hours, open and free for inspection by any person, on demand, without fee or reward.

Powers, &c., of Harbour Master appointed under any former law to cease on appointment of one under this Act for the same port.

13. The powers and duties of the Harbour Master of any port appointed under any authority other than this Act, shall cease to be exercised by him, from the time when the Harbour Master appointed under this Act shall come into office at such port, and shall then and thereafter become and be vested in such last-mentioned Harbour Master and his successors in office, in so far and in so far only as they shall not be inconsistent with this Act, or any rule or regulation made under it; and all claims, suits or proceedings for penalties incurred or offences committed against law, rule or regulation respecting such port, may be continued to judgment and execution as if this Act had not been passed; but all fees and all powers, duties, rules, regulations or provisions of law inconsistent with this Act, or any rule or regulation made under it, by whatsoever authority they may have been given, imposed or made, shall cease, and be of no effect by virtue of such appointment under this Act.

To what Provinces and ports and when the foregoing provisions shall apply. Ports excepted.

14. The foregoing provisions of this Act shall apply to the Provinces of Quebec, Ontario, British Columbia, and Prince Edward Island only, and to such ports, and such ports only in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation, under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province Quebec, and of Toronto, in the Province of Ontario, to which the said provisions shall not apply.

15. It shall be the duty of each Harbour Master appointed, either under the Act firstly mentioned or the Act secondly mentioned, to see to and superintend

the placing, maintaining and taking up of buoys in the port or harbour for which he is appointed, and to perform such other services and duties connected with such port or harbour, as he may be directed to perform by the Minister of Marine and Fisheries, or by the proper officer, or by Departmental orders of that Department, without any additional remuneration beyond the amount allowed him out of fees r eceived by him under either of the said Acts as hereby amended.

16. The penalty imposed by any rule or regulation made by the Governor in Council under the fourth section of either of the said Acts, and incurred by any breach or continuing breach of such rule or regulation, may be recovered by summary proceeding and conviction before any Justice of the Peace having jurisdiction in the place where such breach is committed or is continued, under the "Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary Convictions and Orders," on the information of any Harbour Master or other person: and payment thereof may be enforced in the manner by the said Act provided: and one moiety of such penalty shall belong to the informer, not being the Harbour Master, and the other moiety to the Crown; but if the Harbour Master be the informer, the whole shall belong to the Crown.

RULES AND REGULATIONS FOR THE GOVERNMENT OF CERTAIN PORTS.

in the Provinces of

NOVA SCOTIA, NEW BRUNSWICK, QUEBEC, ONTARIO, BRITISH COLUMBIA, and PRINCE EDWABD ISLAND,

To which the Acts 36 Vic., Chap. 9, and 37 Vic., Chap. 34 apply; and for the government of the office of Harbour Master for the said Ports.

Rule I.—The following Rules and Regulations shall apply to each and every Port which has been or hereafter may be proclaimed by an Order of the Governor in Council under the provisions of the above-named Acts, intituled respectively, "An Act "to provide for the appointment of Harbour Masters for certain "Ports in the Provinces of Nova Scotia and New Bruuswick," and "An Act to provide for the appointment of Harbour "Masters for certain Ports in the Provinces of Quebec, Ontario,

"British Columbia and Prince Edward Island," unless and until other Rules and Regulations be authorized in such Order or subsequent Order in Council.

Rule II.—It shall be the duty of each Harbour Master of the said Ports in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards which shall arrive within the said Ports within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between Ports and places in the Dominion, or in the Fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Acts:

SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage), 50 cents.

For every ship of 80 tons, but not more than 200 tons (registered tonnage), $1.00.

For every ship of more than 200 tons, but not more than 300 tons (registered tonnage), $2.00.

For every ship of more than 300 tons, but not more than 400 tons (registered tonnage), $3.00.

For every ship of more than 400 tons, $4.00.

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

Rule IV.—If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the Harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the Harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner

as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of Twenty Dollars for each and every offence.

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

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

Rule VII.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessel from any part of the Harbour to any other part thereof, and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding $10, nor less than $5, and after one hour shall have elapsed the Harbour Master shall have power to make the removal and charge the person notified for so doing.

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

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

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

Rule XI.—All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the Harbour, under the penalty of $20 for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

Rule XII.—No Ballast, Stone, Gravel, Earth or Rubbish of of any kind, shall be unladen, cast or emptied out of, or thrown overboard from any ship or vessel whatever in the Harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction), under the penalty of Fifty Dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

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

Rule XIV.—No Ballast, Stone, Gravel, Earth or Rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow, or other such craft, or in any other manner or by any person, from any part of the beach or shore into any part of the Harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of Forty Dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

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

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

PRIVY COUNCIL CHAMBER,
Ottawa, 3rd December, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 2nd day of December, instant.

W. A. HIMSWORTH,
Clerk Privy Council.

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