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CHAPTER 365

An Act to Provide for the Survival of Certain Causes of Action

1. This Act may be cited as The Survival of Actions Act. Short title.
2. Subject to this Act, all actions and causes of action Causes of
action to
survive for
and against
estates.
 - (a) vested in a person who died before or after the coming into force of this Act, or
 - (b) subsisting against a person who died after the coming into force of this Act

shall survive for the benefit of or, as the case may be, against his estate.

3. Where damage has been suffered by reason of an act or omission in respect of which a cause of action would have subsisted against a person if that person had not died before or at the same time as the damage was suffered, there is deemed for the purposes of this Act to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered. Survival
of action
against
deceased
person.

4. Where a cause of action survives in accordance with this Act for the benefit of the estate of a deceased person, only damages that have resulted in actual pecuniary loss to the estate are recoverable and the damages recoverable Damages
that may
be recovered.
 - (a) shall be calculated in the same manner as if that person were living and had brought the action;
 - (b) shall not include punitive or exemplary damages;

(c) in the case of a breach of promise to marry shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry;

(d) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

Limitation of action.

5. An action shall not be brought under this Act unless proceedings are commenced within six months after letters of probate or administration of the estate of the deceased have been granted and, in any event, proceedings shall not be commenced in an action under this Act after the expiration of one year after the date of death of the deceased.

No extension of time of actions under Highway Traffic Act.

6. Nothing contained in this Act shall be deemed to extend the time within which an action shall be brought under Section 218 of The Highway Traffic Act.

Appointment of representative of estate for purposes of action.

7. Where there is no executor or administrator or none within the province of an estate against which or for the benefit of which a cause of action survives under this Act, the Supreme Court or a judge thereof may, on an application made after the expiration of twenty days after the date of death of the deceased person and on such terms as to costs or security therefor as the Court or judge thereof deems fit, and upon such notice, if any, to interested persons as the Court or judge deems fit appoint a person to represent the estate for all purposes of any action, cause or proceeding on behalf of or against the estate.

Charge on estate.

8.—(1) All causes of action under this Act and every judgment or order thereon or relating to the costs thereof are assets or liabilities, as the case may be, of the estate for the benefit of which or against which the action was taken or the judgment or order was made.

Damages in actions under this Act.

(2) In estimating the damages in an action under this Act the benefit, gain, profit or advantage which in consequence of or resulting from the wrong committed may have accrued to

the estate of the person who committed the wrong shall be taken into consideration and shall form part or may constitute the whole of the damages to be recovered, whether or not property or the proceeds or value of property belonging to the person bringing the action or to his estate has or have been appropriated by or added to the estate or moneys of the person who committed the wrong.

9. The rights conferred by this Act for the benefit of the estate of a deceased person are in addition to and not in derogation of any rights conferred by The Fatal Accidents Act and so much of this Act as relates to causes of action against the estate of a deceased person applies in relation to causes of action under that Act as it applies in relation to other causes of action not expressly excepted from the operation of this Act.

Rights
under
Fatal
Accidents
Act.

10. This Act is subject to Section 13 of The Workmen's Compensation Act but nothing contained in this section shall prejudice or affect any right of action under Section 100 of that Act.

Workmen's
Compensation
Act.

11. This Act does not apply to an action for

- (a) defamation;
- (b) malicious prosecution;
- (c) false imprisonment;
- (d) false arrest;
- (e) seduction;
- (f) inducing one spouse to leave or remain apart from the other; or
- (g) damages for physical disfigurement, pain or suffering caused to a deceased person.

Actions to
which Act
does not
apply.



CHAPTER 366

An Act to Amend and Consolidate the Law Respecting Survivorship

1. This Act may be cited as The Survivorship Act.

Short title.

2.—(1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the deaths are, subject to subsections (2) and (3), presumed to have occurred in the order of seniority and accordingly the younger is deemed to have survived the older.

General rule as to order of deaths.

(2) Where a statute or an instrument contains a provision for the disposition of property operative if a person designated in the statute or instrument

Rule as to statutes or instruments.

(a) dies before another person,

(b) dies at the same time as another person, or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated person dies at the same time as the other person or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of that disposition, the case for which the statute or instrument provides is deemed to have occurred.

(3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will

Rule as to substitute executors.

(a) dies before the testator,

(b) dies at the same time as the testator, or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

Subject to
certain
other Acts.

3. This Act is subject to Section 47 of The Life Insurance Act, and Section 21 of The Accident and Sickness Insurance Act.



CHAPTER 367

An Act to Authorize the Government of Newfoundland to Enter into a Tax Rental Agreement with the Government of Canada

1. This Act may be cited as The Taxation Agreement Act. Short title.

2. In this Act Interpretation.

(a) "agreement" means an agreement made under this Act;

(b) "fiscal year" means the period of twelve months commencing on the first day of April and ending on the thirty-first day of March next following;

(c) "Minister" means the Minister of Finance of Newfoundland;

(d) "municipality" means the City of St. John's, the City of Corner Brook, and any Town, Rural District or Local Improvement District established by or under The Local Government Act, and any company, board, commission or other authority which levies, or has the right to levy, in Newfoundland, taxes, rates, fees or royalties.

3.—(1) Subject to this Act, the Minister, with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Newfoundland, enter into an agreement with the Government of Canada providing, in accordance with and subject to such terms and conditions as may be so approved, for the suspension by the Government of Newfoundland of the imposition of Authority to enter into agreement.

- (a) individual income taxes, as defined in the agreement, in respect of the period of five years commencing on the first day of January, 1957, and ending on the thirty-first day of December, 1961, or any lesser period ending on the thirty-first day of December;
- (b) corporation income taxes and corporation taxes, as defined in the agreement, in respect of the period of five years commencing on the first day of January, 1957, and ending on the thirty-first day of December, 1961, or any lesser period ending on the thirty-first day of December; and
- (c) succession duties, as defined in the agreement, in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring during the period of five years commencing on the first day of April, 1957, and ending on the thirty-first day of March, 1962, or any lesser period ending on the thirty-first day of March,

in consideration of annual amounts to be paid by the Government of Canada to the Government of Newfoundland at such times and in such manner as may be set out in the agreement in respect of each of the five fiscal years in the period commencing on the first day of January, 1957, and ending on the thirty-first day of March, 1962.

Certain
income taxes
may be
imposed.

(2) Notwithstanding subsection (1), an agreement may provide that the Government of Newfoundland may levy, or empower a municipality to levy, taxes on income earned in the province during the whole or any part of the periods mentioned in paragraph (a) or (b) of subsection (1) derived from mining operations or on income so earned derived from logging operations or on income so earned derived from both mining and logging operations, as defined in the agreement.

Royalties or
rentals may
be imposed on
natural
resources.

(3) Notwithstanding subsection (1), an agreement may provide that the Government of Newfoundland may impose, levy and collect royalties and rentals on or in respect of natural resources within the Province of Newfoundland, as defined in the agreement, or such income taxes in lieu thereof as may be agreed

upon, during the period commencing on the first day of January, 1957, and ending on the thirty-first day of December, 1961.

(4) The Minister, with the approval of the Lieutenant-Governor in Council may, on behalf of the Government of Newfoundland, enter into an agreement, not inconsistent with this Act, amending the terms and conditions of an agreement.

Power to enter into amending agreement.

4. Without restricting the generality of subsection (1) of Section 3, an agreement may, in addition to such other terms as may be agreed upon, contain provisions providing for the payment by the Government of Canada to the Government of Newfoundland of an annual amount payable in respect of each of the fiscal years in respect of which the agreement is entered into, which annual amount shall be in respect of any fiscal year

Terms of agreement.

- (a) the standard individual income tax, as defined in the *Federal-Provincial Tax-Sharing Arrangements Act* (Canada), applicable to the fiscal year;
- (b) the standard corporation income tax, as defined in the *Federal-Provincial Tax-Sharing Arrangements Act* (Canada), applicable to the fiscal year;
- (c) the average of the standard succession duty, as defined in the *Federal-Provincial Tax-Sharing Arrangements Act* (Canada), applicable to the fiscal year and to the two fiscal years immediately preceding it.

5. Upon the execution of an agreement the agreement shall forthwith be binding upon the Government of Newfoundland and any enactment of the Legislature of Newfoundland and any regulation, by-law, order or rule made under the authority of any such enactment that imposes income taxes, corporation income taxes, corporation taxes, or succession duties, as defined in the agreement, the imposition of which by or under the authority of the Government of Newfoundland or by a municipality would be in contravention of the agreement, shall forthwith stand suspended and any power conferred by any such enactment, regulation, by-law, order or rule to impose or fix any such tax, to the extent that the power authorizes imposition of a tax that would be in contravention of the agreement, shall forthwith

Suspension of enactments, by-laws, etc., imposing income taxes, etc.

stand suspended, the said suspensions to be effective for the periods provided for in and to have effect in accordance with the agreement.

Extent of suspension of enactments, by-laws, etc.

6. All enactments, regulations, by-laws, orders or rules, the operation of which is suspended by Section 5, are suspended only to the extent and so long as the levying and collection of taxes thereunder would be in contravention of an agreement and otherwise remain in full force and effect for all purposes, and upon the expiration of the periods during which they are suspended in accordance with an agreement have thereafter the same force and effect as if the agreement had not been made.

Concerning period of suspension of The Telegraph Tax Act.

7.—(1) For the purposes of this Section 7, the words “suspension discontinuance date” means

(a) with respect to the payment of any sum referred to in paragraph (a) or (c) of Section 3 of The Telegraph Tax Act, the thirtieth day of June, 1964; and

(b) with respect to any sum referred to in paragraph (b) of Section 3 of The Telegraph Tax Act, the thirtieth day of April, 1964, provided however that no payment shall be made under that paragraph in the year 1964, but a payment shall be made in the year 1965 in respect of the twelve calendar months ending on the first day of May in the year 1965, and so on from year to year thereafter.

Idem.

(2) Subject to subsection (4) of this Section 7, but notwithstanding anything contained in Section 5 or 6 or any other provision of this Act or any provision of any other Act or of any agreement, the suspension of The Telegraph Tax Act pursuant to Section 5 of this Act shall, from the commencement of the period of suspension pursuant to Section 5 of this Act up to and including the suspension discontinuance date, but no longer, be deemed to have remained in full force and effect.

Idem.

(3) Subject to subsection (4) of this Section 7, The Telegraph Tax Act shall

- (a) subject to the provision set out in paragraph (b) of subsection (1) of this Section 7, after the suspension discontinuance date and until the coming into force of this section, be deemed to have had; and
- (b) upon the coming into force of this section, continue to have

the same force and effect as if an agreement had not been made.

(4) Subsection (2) of this Section 7 shall not apply in respect of any money paid to Her Majesty in right of the province by any company referred to in The Telegraph Tax Act before the date of the coming into force of this Section 7, and this Section 7 shall be construed towards the end that any money that has been paid to Her Majesty in right of the province before the date of the coming into force of this Section 7 shall not be refunded, in whole or in part.

No refund of money paid to Her Majesty before coming into force of this section.

8. The Minister and a municipality are hereby authorized to refund to taxpayers the amount of any taxes collected the collection of which by the Government of Newfoundland or the municipality is not authorized by an agreement.

Refund of taxes.

9. The Lieutenant-Governor in Council may do or authorize the doing of all such things as may be required or considered necessary or advisable effectively to implement an agreement and may authorize and empower the Minister to do all such things and to execute all such further documents and assurances as may be required or considered necessary or advisable in connection with an agreement.

Powers of Lieutenant-Governor in Council.



CHAPTER 368

An Act Respecting the Taxation and Immunity from Taxation of State Enterprises

1. This Act may be cited as The Taxation of State Enterprises Act.

Short title.

2.—(1) Where a trade or business of any kind is carried on by or on behalf of the Imperial Government or the Government of any part of Her Majesty's Dominions, the Imperial or other Government shall, in respect of the trade or business and of all operations in connection therewith, and of all property occupied in this province and of all goods owned in this province for the purposes thereof, and of all income arising in connection therewith, be liable, in the same manner as in the like case any other person would be, to all taxation for the time being in force in this province.

Respecting
taxation of
business carried
on by Imperial
or Dominion
Governments.

(2) In this section the expression "Her Majesty's Dominions" includes any territory which is under Her Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of Her Majesty's Dominions.

(3) Nothing in this section shall

- (a) affect the immunity of the Imperial Government or other such Government or the Governments of other States from taxation in respect of any income or property to which subsection (1) does not apply; or
- (b) be taken to prejudice the question of any liability on the part of the Imperial Government or other such Government in respect of any period before the commencement of this Act to taxation in respect of the matters mentioned in subsection (1).



CHAPTER 369

An Act to Provide Assistance for Teachers by Way of Loans for Certain Purposes

1. This Act may be cited as The Teachers' Loan Act.
2. In this Act,
 - (a) "Board" means, as the context implies, the Teachers' Educational Loan Board or the Teachers' Housing Loan Board constituted under this Act, or both such Boards;
 - (b) "fund" means, as the context implies, the Teachers' Educational Loan Fund or the Teachers' Housing Loan Fund constituted under this Act, or both such funds;
 - (c) "Minister" means the Minister of Education and Youth for the province;
 - (d) "regulations" means regulations made under this Act; and
 - (e) "teacher" means a person holding a valid and subsisting certificate or licence issued under the authority of The Education (Teacher Training) Act, 1963, the Act No. 24 of 1963, The Education (Teacher Training) Act, or any Act for which either of the specified Acts was substituted, who is, subject to The School's Act, appointed or employed by a Board of Directors or a School Board to give instruction or to administer or supervise instructional service in a college or a public school, and when used in paragraph (a) of Section 8 or when used in any other provision of this Act with reference to the purpose referred to in that paragraph

Short title.

Interpretation.

includes any person who holds such certificate or licence and is attending a course in teacher training at the Memorial University of Newfoundland, or at any other institution approved for the purpose by the Minister.

Minister.

3. The Minister is charged with the general administration of this Act.

Constitution of Boards.

4.—(1) There shall be

(a) a Board to be known as the Teachers' Housing Loan Board, which shall consist of five members to be appointed by the Lieutenant-Governor in Council; and

(b) a Board to be known as the Teachers' Educational Loan Board, which shall consist of five members, three of which members to be appointed by the Lieutenant-Governor in Council and the other two members to be

(i) the Dean of the Faculty of Education of the Memorial University of Newfoundland, and

(ii) a representative of, and designated by, the Newfoundland Teachers' Association referred to in The Newfoundland Teachers' Association Act.

Term of office.

(2) The members of a Board appointed under this section shall hold office during pleasure.

Where vacancy occurs in a Board.

(3) If any vacancy occurs in a Board by reason of the death or resignation of an appointed member, the Lieutenant-Governor in Council shall appoint a person to fill such vacancy.

Chairman.

(4) The Lieutenant-Governor in Council shall appoint for each of the Boards from among its members a chairman who shall preside at all meetings of the Board, and the decision of the chairman on all points of order is final.

Temporary chairman.

(5) Where the chairman is unable to attend a meeting due to absence, illness or any other cause, the Minister may appoint any other member of the Board to be temporary chairman for the

purposes of a meeting and the member so appointed has and may exercise the powers and shall carry out the duties of the chairman at the meeting.

(6) A majority of the members of a Board shall constitute a quorum.

Quorum.

(7) The members of a Board shall serve without remuneration, but the Minister may authorize the repayment to any member from moneys voted by the Legislature of all reasonable travelling or other expenses incurred by the member in carrying out his duties under this Act.

Members serve without remuneration.

(8) Each of the Boards shall be a body corporate.

Corporate status.

5. The Lieutenant-Governor in Council may from time to time appoint such officers, assistants, supervisors, clerks and other employees as may be necessary for the purposes of this Act and such appointees, except employees in the Civil Service of Newfoundland, shall receive such remuneration and allowances as may from time to time be determined by the Lieutenant-Governor in Council.

Staff.

6.—(1) The Lieutenant-Governor in Council may for the purposes of this Act constitute

Loan funds.

(a) a fund to be known as the Teachers' Educational Loan Fund; and

(b) a fund to be known as the Teachers' Housing Loan Fund.

(2) All moneys provided by the Legislature or otherwise received for the purposes of this Act shall be paid into the appropriate fund referred to in subsection (1), at such times and in such manner as the Lieutenant-Governor in Council may prescribe.

7. Subject to this Act and in accordance with the regulations, the Teachers' Educational Loan Board shall administer the fund referred to in paragraph (a) of subsection (1) of Section 6 and the Teachers' Housing Loan Board shall administer the fund referred to in paragraph (b) of that subsection.

Administration of funds.

Purposes
for which
loans may
be made.

- 8.** In accordance with the regulations loans may be made
- (a) by the Teachers' Educational Loan Board to any teacher for the purpose of enabling that teacher to pursue higher studies designed to add to his qualifications as a teacher; and
 - (b) by the Teachers' Housing Loan Board to any School Board, as defined by The Schools Act, for the purpose of assisting the School Board to construct, purchase or otherwise acquire new residences for teachers employed by that Board, or to repair and maintain existing residences for such teachers

and any of such loans may be advanced from the fund administered by the Board making the loan.

Board may
enter into
agreements.

9. A Board may enter into any agreement or agreements with the Government of Canada or with any organization, whether public or private, for the better carrying out of the purposes of this Act on such terms and conditions as may be approved by the Lieutenant-Governor in Council.

Payments into
and out of
fund.

10.—(1) All repayments in respect of any loan made by a Board including any interest thereon and including the proceeds of the sale of all property repossessed by a Board shall be paid into the fund administered by that Board.

(2) All moneys received by a Board shall be deposited to the credit of the fund administered by the Board in an account to be kept by the Minister of Finance and all moneys required by that Board shall be paid out of that fund by the Minister of Finance following a recommendation or approval by the Board.

Regulations.

11.—(1) The Lieutenant-Governor in Council may make regulations not inconsistent with this Act

- (a) prescribing the courses of study in respect of which loans to teachers may be advanced and the educational and other qualifications necessary to make a teacher eligible to receive a loan;

- (b) prescribing the manner in which applications for loans may be made;
- (c) prescribing the terms and conditions on which loans may be made;
- (d) prescribing the manner in and the conditions upon which a borrower may sell or transfer any property whether real or personal in respect of which an unpaid loan was advanced by a Board;
- (e) prescribing or limiting the amount of any loan;
- (f) deferring the payment of the whole or any part of any loan for such reasons as a Board may in its discretion determine;
- (g) fixing the rate of interest on loans;
- (h) providing for the commuting of any payments due to a Board;
- (i) prescribing the form of any mortgage and the manner of its execution;
- (j) prescribing or regulating the form and contents of any agreement between a borrower and a contractor for the construction or repair of any dwelling or premises in respect of which a loan is to be made;
- (k) prescribing or approving the design, plans, and specifications for dwellings in respect of which a loan is to be made;
- (l) providing for the examination and audit of accounts and for the inspection of dwellings and premises in respect of which a loan is made under this Act;
- (m) prescribing further or additional functions, duties, or powers of a Board;

(n) in relation to any matter or thing for the more effective carrying out of the purposes of this Act, whether or not such matter or thing is of the kind enumerated in this section.

(2) Any regulations made under subsection (1) shall have effect from the date of publication in *The Newfoundland Gazette* or such other date, not earlier than the date on which the regulations were made, as may be stated in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and, if not, then within fifteen days after the commencement of the next ensuing session.

Bonds to be furnished by certain employees.

12.—(1) Every person, other than a civil servant as defined by The Civil Service Act, employed in the work of a Board whose duty it may be to receive or handle moneys on behalf of the Board shall before entering upon the duties of his office furnish a bond to be approved by the Minister to secure the due accounting by him for all moneys that may come into his hands.

(2) Every bond referred to in subsection (1) shall be in such form and for such amount as the Board determines and the Board shall pay the premium therefor.

Financial year of Boards.

13. The financial year of each Board shall correspond to the financial year of the Government of Newfoundland.

Boards to submit report to Minister.

14. Each Board shall, not later than the thirtieth day of April in each year, prepare and submit to the Minister a financial statement setting forth the assets and liabilities of the Board and the receipts and expenditures of the Board for the previous financial year, together with a report concerning the work of the Board during the previous financial year, and the statement and report shall be laid before the Legislature within fifteen days after they are submitted to the Minister, if the Legislature is then in session, and, if not, then within fifteen days after the commencement of the next ensuing session.

Financial statement.

15. The financial statement referred to in Section 14 shall be signed by the chairman and one other member of the Board and certified by the Auditor General and shall have attached

thereto any report thereon which the Auditor General may have made to the Board.

16. The chairman of each Board shall keep or cause to be kept regular minutes of the meetings of the Board and shall ensure that full and complete books of account and records are kept.

Minutes to
be kept.

17.—(1) The Auditor General shall audit the accounts of each Board and has at all times authority to call for and shall be supplied by the Board with all books and vouchers which he deems necessary for his audit.

Audit of
accounts.

(2) Whenever the Auditor General makes an interim examination of the accounts of a Board during the course of a financial year he shall submit a report of the examination to the chairman of the Board and to the Minister and to the Minister of Finance and the Minister shall lay the report before the Legislature with the statement and report referred to in Section 14.



CHAPTER 370

An Act to Provide for Technical and Vocational Training in the Province.

1. This Act may be cited as The Technical and Vocational Training Act. Short title.

2. In this Act, Interpretation.

- (a) "Board" means the Newfoundland Technical and Vocational Training Advisory Board established under this Act;
- (b) "Department" means the Department of Education and Youth;
- (c) "Director" means the Director of Technical and Vocational Training appointed under this Act;
- (d) "Minister" means the Minister of Education and Youth;
- (e) "regulations" means regulations made under this Act;
- (f) "technical and vocational training" means any form of instruction, the purpose of which is to prepare a person for gainful employment in any primary or secondary industry or in any service occupation or to increase his skill or proficiency therein, and, without restricting the generality of the foregoing, includes instruction for that purpose in relation to
 - (i) agriculture,
 - (ii) fishing,

- (iii) forestry,
- (iv) mining,
- (v) commerce,
- (vi) construction,
- (vii) manufacturing,
- (viii) transportation or communication, and
- (ix) generally, any primary or secondary industry or service occupation requiring an understanding of the principles of science or technology and the application thereof, except where such instruction is designed for university credit; and
- (g) "training facilities" means buildings and physical plant, machinery and equipment used for technical and vocational training

Adminis-
tration
of Act.

3. The Minister is charged with the administration of this Act.

Division of
Technical and
Vocational
Training.

4.—(1) There shall be a division of the Department to be known as the Division of Technical and Vocational Training.

Appointment
of Director.

(2) The Lieutenant-Governor in Council may appoint a Director of Technical and Vocational Training who shall be the head of the Division and who shall hold office during pleasure.

Research.

5. Subject to the approval of the Lieutenant-Governor in Council, the Minister may

- (a) undertake and direct research in respect of technical and vocational training, including, without restricting the generality of the foregoing, research in respect of
 - (i) trade analysis courses content,
 - (ii) training aids, examinations and standards,

- (iii) the changing needs of the economy for trained workers,
- (iv) the relationship between technical and vocational training and the needs of the economy, or
- (v) any studies that, in the opinion of the Minister, would assist in improving technical and vocational training in the province; and

(b) undertake and direct any research referred to in paragraph (a) in co-operation with Her Majesty in right of Canada.

6.—(1) The Lieutenant-Governor in Council may establish a board which shall be known as the Newfoundland Technical and Vocational Training Advisory Board, consisting of any number of members, not exceeding twenty-three, which the Lieutenant-Governor in Council may prescribe.

Newfoundland
Advisory
Board.

(2) The Lieutenant-Governor in Council shall appoint the members of the Board.

Appointment
of members.

(3) All members of the Board, including the chairman, shall hold office for a period of three years and are eligible to be re-appointed.

Term.

(4) The Deputy Minister of Education and Youth, the Deputy Minister of Labour, the Deputy Minister of Fisheries and the Director shall be members of the Board, together with two persons representative of employers and two persons representative of employees to be selected by the Lieutenant-Governor in Council, one person recommended by the Council of Education, one woman representative of the technical and vocational training of women to be selected by the Lieutenant-Governor in Council, and one person recommended by the national employment service organized pursuant to the *Unemployment Insurance Act* (Canada) may be appointed a member of the Board, and the remainder of the membership of the Board may be representa-

Composition
of Board.

tive of such departments or agencies of the Government of Canada or of the province or such groups of persons or interests as the Lieutenant-Governor in Council may determine.

- Quorum.** (5) A majority of the members constitutes a quorum of the Board, and a vacancy in the membership of the Board does not impair the right of the remaining members to act.
- Chairman.** (6) The Deputy Minister of Education and Youth shall be chairman of the Board and the members of the Board may elect one of their number as vice-chairman who shall act in the absence of the chairman.
- Temporary chairman.** (7) When the chairman and the vice-chairman are not present at any meeting of the Board before the expiration of twenty minutes from the time set for the meeting, a majority of a quorum of the Board then present may appoint a chairman for that meeting from among the membership.
- Rules.** (8) The Board may make rules for regulating its proceedings and the performance of its functions.
- Members to serve without remuneration.** (9) Members of the Board, including the chairman, shall serve without remuneration: Provided that such actual expenses incurred in connection with the work of the Board and such remuneration as the Lieutenant-Governor in Council approves may be paid to members.
- Reference to Board.** **7.—**(1) The Minister may refer to the Board for its consideration and advice such questions relating to the operation of this Act as he thinks fit.
- Board to investigate and report.** (2) The Board shall investigate and report on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.
- Annual report.** (3) The Board shall submit to the Minister, before the thirty-first day of October in every year, a report of its activities for the preceding year.

8. The Lieutenant-Governor in Council may establish, in such localities as he deems advisable, schools to furnish technical and vocational training of such character and extent as will in his opinion most efficiently meet the requirements of the population, industries and business of the localities.

Schools for technical and vocational training.

9.—(1) The Minister may establish, in such localities as he may deem advisable, evening classes or courses in technical and vocational training of such character and extent as will in his opinion effectively meet the requirements of the population, industries and business of the localities.

Classes in technical and vocational training.

(2) Classes or courses established under subsection (1) shall be for the purpose of instructing persons who have passed the maximum age for school attendance prescribed by The School Attendance Act, and who desire

Students.

- (a) further education in their vocations;
- (b) education related to their vocations;
- (c) education in preparation for entrance into vocations; or
- (d) instruction in any classes for which some particular need is indicated.

10. Where any vocational school or class or course of instruction is established under this Act, the Minister may appoint such committees to act in an advisory capacity as the local need may indicate, and as far as possible and practicable, employers and employees shall be equally represented on such committees.

Trade advisory committees.

11. The Minister may, upon the request of the Minister of Labour, establish schools and courses for the instruction of apprentices.

Schools for apprentices.

12. Such officers, clerks and employees as are necessary for the proper conduct of the business of the Division of Technical and Vocational Training, of the Board and of any school established under this Act may be appointed or employed in accordance with The Civil Service Act, and the Minister may with

Appointment of officers, clerks, employees, instructors, etc.

the approval of the Lieutenant-Governor in Council employ such instructors and technical or other assistants as he deems necessary for carrying out the objects of this Act and with the like approval fix the remuneration of and prescribe the expenses which may be incurred by such instructors and assistants in carrying out their official duties.

Regulations concerning employment of instructors and others in schools established under this Act.

13.—(1) Notwithstanding the provisions of any other Act or of regulations made thereunder, the Lieutenant-Governor in Council may make regulations governing the employment of employees referred to in Section 12 in any school established under this Act or any class or classes of such employees, including, without limiting the generality of the foregoing,

- (a) regulations prescribing the terms and conditions of such employment, including hours of work; and
- (b) regulations
 - (i) providing for the granting, and
 - (ii) prescribing terms, conditions and restrictions respecting, and otherwise regulating, the granting and taking

of leave of absence, including, without limitation of the generality of the foregoing, annual leave, sick leave, special leave with pay and special leave without pay,

and different regulations may be made for different such employees and different classes of such employees, and

- (c) if there is a conflict between any of the provisions of this Section 13 and any of the provisions of any other Act or between any of the provisions of regulations made under this Section 13 and any of the provisions of regulations made under any other Act, this Section 13 and any regulations made under this Section 13 shall prevail.

(2) Regulations made under this section shall be published in *The Newfoundland Gazette* and have effect from the date of publication or from such earlier or later date as may be specified in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and, if it is not, then within fifteen days after the commencement of the next ensuing session.

Publication and date of effect of regulations.

(3) Without limiting the generality of subsection (1), for the purpose of that subsection, the employees referred to in that subsection include any instructor or technical or other assistant referred to in Section 12 employed in any school established under this Act: Provided, however, that regulations made under the said subsection shall not prevail over the terms of any contract with the Crown or the Minister to which the employee concerned is a party.

Interpretation.

14. Subject to the prior approval of the Lieutenant-Governor in Council, the Minister has and shall be deemed to have had power acting on behalf of Her Majesty in right of the province to make agreements with Her Majesty in right of Canada or any Minister of the Crown acting on behalf of Her Majesty in right of Canada providing for the payment by Canada to the province in accordance with the *Technical and Vocational Training Assistance Act* (Canada) of contributions in respect of

Agreements with Her Majesty in right of Canada.

- (a) capital expenditure incurred by the province on training facilities in the province; and
- (b) costs incurred by the province in undertaking a program of technical and vocational training in the province for
 - (i) unemployed persons,
 - (ii) the training of persons in technical or vocational courses given in regular secondary schools in the province where such training is given as a part of the regular secondary school program,

- (iii) the training of persons as teachers, supervisors or administrators to carry out technical or vocational training programs,
- (iv) persons over the regular school leaving age, who have left school and who require training to develop or increase occupational skill,
- (v) supervisors in industries,
- (vi) the training of persons in the skills of science or technology and the application thereof, except where such training is designed for university credit,
- (vii) disabled persons, and
- (viii) the training of any person
 - (A) serving in the naval, army or air forces of Canada, and of any person who formerly served in any such force and who has been approved for such training by the Minister of Veterans Affairs of Canada, and
 - (B) at the request of a department or agency of the Government of Canada or the Government of the province, for employment in such department or agency or for employment related to any activity carried on by such department or agency,

and any such agreement may contain such provisions, terms and conditions as may be made for such period as the Lieutenant-Governor in Council approves.

Agreements
with other
provinces and
with other
persons.

15. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into agreements with any other province of Canada or with any person, designated to secure instruction in technical or vocational training for any person who is a resident of the province.

16. Subject to the prior approval of the Lieutenant-Governor in Council, the Minister has and shall be deemed to have had power, acting on behalf of Her Majesty in right of the province, to make supplementary agreements amending any agreements made pursuant to Section 14 or Section 15.

Agreements
may be
amended.

17. The Lieutenant-Governor in Council may make such regulations as he deems advisable for the more effective carrying out of the purposes of this Act or for supplying any deficiency in this Act, and, without prejudice to the generality of the foregoing, may make regulations

Regulations.

- (a) providing for the support, conduct, operation and management of schools established under this Act;
- (b) providing for schedules of tuition fees for such schools or services, and the schedules may be varied in respect of different schools or services or different kinds of schools or services;
- (c) providing for the establishment of bursaries and scholarships to assist students in such schools or classes or the training of instructors in such schools; and
- (d) defining the duties of committees appointed under Section 10 and regulating the conduct of their affairs.

18. Any payments that Her Majesty in right of the province may be required to make in accordance with any agreements executed and delivered in pursuance of this Act or in carrying out the provisions of this Act and the regulations shall be made by the Minister of Finance out of the Consolidated Revenue Fund of the province.

Payments.

19. Any regulations made under The Vocational Education Act, Chapter 104 of The Revised Statutes of Newfoundland, 1952, now repealed, and in force immediately before the enactment of this Act may be amended or revoked by regulations made under this Act as if regulations made under the repealed Act were made hereunder.

Revocation or
amendment
of regulation
previously
made.



CHAPTER 371

An Act Respecting Taxes upon Telegraphs and Cable Companies

1. This Act may be cited as The Telegraph Tax Act.

Short title.

2. In this Act

Interpretation
of terms.

- (a) "company" shall mean any company corporate or unincorporate, or person, carrying on any telegraph or telephone business in or from the province, or transmitting or receiving messages by wireless methods of telegraphy in or from the province, and shall include the Anglo-American Telegraph Company, its successors or assigns;
- (b) "land lines" means lines or telegraphic communications from any place within this province to any other place within this province;
- (c) "telephone" means any telegraphic transmitting or receiving or combined transmitting and receiving instrument used or intended to be used for the transmitting or receiving spoken messages or communications by means of electricity.

3. Every company shall pay to Her Majesty, Her Heirs and Successors, for the public uses of the province, on the 30th day of June in each year, the sums following, that is to say:

Certain payments to be made by every company.

- (a) A sum of four thousand dollars (\$4,000) in respect of every telegraphic cable between this province and any place outside this province, for the time being belonging to or worked by or on behalf of the company, which

now is or hereafter shall be landed on, extended to or established in this province: Provided that no single company shall be charged upon more than five telegraphic cables.

- (b) A sum equal to one per centum in manner hereinafter provided of the total amount received by or due to the company in respect of all telegraphic messages passing over the land lines of the company or transmitted or received by any place within this province during a period of twelve calendar months ending on the first day of May of each year: Provided that this subsection shall not apply to messages which originate or are delivered in any place outside the province.
- (c) A sum of four thousand dollars (\$4,000) in respect of every wireless station or other means of communication by wireless methods or telegraphy between this province and any place, ship or vessel outside this province, for the time being belonging to or worked by or on behalf of the company which now is or hereafter shall be established in this province: Provided that if the Lieutenant-Governor in Council is satisfied that any such wireless telegraph station or other such means of communication is established for the purpose only of reporting passing ships or vessels, he may dispense with the payment of such last-mentioned sum and discharge the company from liability therefor in respect of such station or means of communication.

Accounts to
be furnished
to Minister.

4. Every company shall on or before the first day of June in each year, deliver to the Minister of Finance a full and true account of the number of messages which shall have passed over the company's land lines and messages transmitted and received by wireless methods of electricity during the period of twelve months ending on the first day of May last preceding such first day of June, and of the amount of money received by or due to the company in respect thereof, specifying what, if any, amount is payable thereout to other companies as toll or otherwise, and all such other particulars as shall, in the opinion of the Minister of Finance, be necessary or proper for enabling him fully and correctly to ascertain the sums payable by the company here-

under in respect of such messages and also a full and true account of the number of telephones operated by the company during the whole or any part of such last-mentioned period. Such account shall be verified by a sworn declaration made by the secretary or one of the directors of the company, and in the case of a single person or unincorporate body, by such person or by one of the body, and by the production of all such books and documents as the Minister of Finance shall reasonably require.

5. If a company shall make default in delivering any such account as aforesaid, within such time as aforesaid, or in verifying the same, the company shall be liable to a penalty not exceeding one hundred dollars (\$100) for every day during which such default shall continue, and every director, manager, secretary or other officer or person who shall be responsible for such default shall be liable to the like penalty. And if any account delivered by a company in pursuance of the provisions hereof shall contain any false statement, every director, manager, secretary or other officer or other person who shall knowingly and wilfully have been a party to such false statement shall, without prejudice to any other liability, be liable to a penalty not exceeding one thousand dollars.

Penalty for default in delivering account.

6. Every sum hereby made payable by a company (other than a penalty) shall, from the date when it shall become payable, constitute a debt due and payable to Her Majesty, Her Heirs and Successors from the company; and such debt may at any time be recovered in any court of competent jurisdiction, and shall constitute a first charge on the property, lands, goods, chattels and effects of the company.

Recovery of sums made payable by this Act.

7. Every pecuniary penalty imposed hereby shall be recoverable by or in the name of the Attorney General or any other person thereto authorized by the Lieutenant-Governor in Council by civil action or complaint in any court of competent jurisdiction, and shall belong to Her Majesty, Her Heirs and Successors, for the public uses of the province; saving always the power of the Lieutenant-Governor in Council to allow any part or the whole of such penalty to the person by whose information or intervention the same was recovered; but no such penalty shall be sued for except within one year after the offence in respect

Respecting the recovery of penalties.

of which it is recoverable shall have come to the knowledge of the Lieutenant-Governor in Council or the Minister of Finance.

Tax to apply though company not carrying on business.

8. Notwithstanding anything in this Act, the tax imposed by paragraph (a) of Section 3 shall be deemed to apply to every person, firm or company, whether corporate or unincorporate, owning or operating any telegraphic cable landed on, extended to, or established in this province, whether such person, firm or company does or does not carry on any telegraph or telephone business in or from this province.

Computation of cables.

9. For the purposes of this Act every through telegraphic cable between any part of Europe and any part of America other than this province which is landed on, extended to or established in this province by any company shall be deemed to be two complete, distinct and separate cables.

Concerning period of suspension of this Act.

10.—(1) For the purposes of this Section 10, the words “suspension discontinuance date” means

- (a) with respect to the payment of any sum referred to in paragraph (a) or (c) of Section 3, the thirtieth day of June, 1964; and
- (b) with respect to any sum referred to in paragraph (b) of Section 3, the thirtieth day of April, 1964, provided however that no payment shall be made under that paragraph in the year 1964, but a payment shall be made in the year 1965 in respect of the twelve calendar months ending on the first day of May in the year 1965, and so on from year to year thereafter.

Idem.

(2) Subject to subsection (4) of this Section 10, but notwithstanding anything contained in Section 5 or 6 or any other provision of The Taxation Agreement Act, or any other provision of this Act or any provision of any other Act or of any agreement made under The Taxation Agreement Act, the suspension of this Act pursuant to the said Section 5 shall, from the commencement of the period of suspension pursuant to the said Section 5 up to and including the suspension discontinuance date, but no longer, be deemed to have remained in full force and effect.

(3) Subject to subsection (4) of this Section 10, this Act shall *Idem.*

- (a) subject to the proviso set out in paragraph (b) of subsection (1) of this Section 10, after the suspension discontinuance date and until the coming into force of this section, be deemed to have had; and
- (b) upon the coming into force of this section, continue to have

the same force and effect as if an agreement under The Taxation Agreement Act, 1957, had not been made.

(4) Subsection (2) of this Section 10 shall not apply in respect of any money paid to Her Majesty in right of the province by any company before the date of the coming into force of this Section 10, and this Section 10 shall be construed towards the end that any money that has been paid to Her Majesty in right of the province before the date of the coming into force of this Section 10 shall not be refunded, in whole or in part.

No refund of money paid to Her Majesty before coming into force of this section.

11. The repeal of the yearly tax of four dollars heretofore imposed under this Act in respect of every telephone operated by any company in Newfoundland shall not affect the liability of the Avalon Telephone Company Limited under the agreement forming Schedule A to The Avalon Telephone Company Act, 1938, as amended.

Effect of repeal.



CHAPTER 372

An Act Respecting the Recovery of Possession of Tenements in Certain Cases

1. This Act may be cited as The Tenements (Recovery of Possession) Act.

Short title.

2. Whenever the term or interest of the tenant of any house or land, held by him either at will or for a term of years, either without being liable to the payment of rent or at a rent not exceeding one hundred dollars annually shall have been duly determined, or whenever such tenant shall be a half year in arrear in payment of his rent, and there shall be no sufficient distress upon the premises, the said rent not being for ground on which a house shall have been built by the tenant, and such tenant or other person who shall occupy any part of the premises shall neglect or refuse to quit and deliver up possession of the same, the landlord of the said premises or his agent may cause the person so neglecting or refusing to quit and deliver up possession to be served (in the manner hereinafter mentioned) with a written notice in the form set forth in the Schedule to this Act, signed by the landlord or his agent, of his intention to proceed to recover possession under the authority of this Act; and if the tenant or occupier shall not thereupon appear at the time and place appointed in such notice, and show, to the satisfaction of a stipendiary justice of the peace, as hereinafter mentioned, reasonable cause why possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises or any part thereof of which he is then in possession to the said landlord or agent, such landlord or agent may give to such stipendiary justice of the peace proof of the holding, and of the end or determination of the tenancy, or of the rent being in arrear and unpaid as aforesaid, and no sufficient distress on the premises to satisfy the same; and upon

Proceedings
before justice
of the peace.

proof of the service of the notice, and of the neglect or refusal of the tenant or occupier to quit, such stipendiary justice of the peace shall issue a warrant, directed to the constables of the district, commanding them within a period to be therein named, not less than five nor more than fifteen days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to the landlord or agent: Provided that in the case of a tenant sought to be ejected for non-payment of rent as aforesaid, the justice may vacate his warrant if the rent be paid within the period to be named therein as aforesaid, together with the costs of the landlord's proceedings: Provided that entry upon any such warrant shall not be made at any time except between the hours of nine in the morning and four in the afternoon; and also, that nothing herein contained shall protect any person on whose application and to whom any warrant shall be granted from any action which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession, where such person had not, at the time of granting the same, lawful right to the possession of the said premises.

Service of
notice
of application.

3. Notice of application intended to be made under this Act may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person so holding over or being in arrear as aforesaid; and the person serving the same shall read over the same to the person served, or with whom the same shall be left as aforesaid, and explain the purport and intent thereof: Provided, that if the person so holding over or being in arrear as aforesaid cannot be found, and the place of abode of such person shall either not be known or admission thereto cannot be obtained for serving such notice, the posting up of the said notice on some conspicuous part of the premises shall be deemed to be good service upon such person.

Appeal to
Supreme Court.

4. Any person who shall consider himself aggrieved by the decision of any justice in pursuance of this Act may appeal from such decision to the Supreme Court at the first sittings thereafter, on entering into a bond, in the form set forth in the Schedule to this Act annexed, with two sureties, as hereinafter mentioned; and the decision of such Court as last aforesaid shall be final:

Provided that the penal sum of such bond shall not exceed two hundred dollars.

5. Every such bond as aforesaid shall be made to the landlord or his agent, and the bond and said sureties shall be approved of in writing on said bond by said justice; and if the bond so taken be forfeited, or if upon the hearing of such appeal for the securing of which such bond was given the Court before whom the same shall be heard shall not certify that the condition of the bond has been fulfilled, the party to whom the same shall have been made, as foresaid, may bring an action and recover thereon: Provided, that the Court before whom such an appeal shall be heard may, by order of Court give such relief to the parties upon such bond as may be agreeable to justice; and such order shall have the nature and effect of a defeasance of such bond, and such Court may make such order as to the costs as may appear reasonable.

Bond to be approved.

6. No action or prosecution shall be brought against the justice by whom such warrant shall have been issued, or against any constable or peace officer by whom such warrant shall have been executed, for issuing such warrant or executing the same by reason that the person on whose application the same was granted had not lawful right to the possession of the premises.

Non-liability of justice or constable.

7. In cases of wrongful and forcible entry and detainer of lands or tenements, any stipendiary justice within whose jurisdiction the land or premises lie, on complaint on oath being made, shall summon such person so in possession to answer such complaint, and, if he shall adjudge in favour of the complainant, punish the defendant, if he shall see fit, by fine not exceeding twenty dollars and costs; and in case of non-payment of such fine and costs within a time to be appointed by such justice, may arrest and imprison the defendant for any term not exceeding one month; and also issue his warrant to take possession, as in other cases provided for by this Act. The provisions of this section shall not apply where the party complained of or the person under whom he claims, has been in quiet possession for one year before the making of the complaint.

Forcible entry and detainer.

Fees.

8. The following scale of fees shall be paid in the first instance by the landlord or agent to the clerk of the peace and constables for proceeding under this Act, and may be levied by execution on the goods and chattels of the tenant or the person wrongfully holding over:

Notice and service	\$1.00
Complaint50
Hearing25
Warrant to take possession	1.50
Mileage, per mile25

Interpretation clause.

9. In construing this Act, the word "premises" shall signify lands and houses and tenements, and the word "agent" shall signify any person usually employed by the landlord in the letting of the premises, or in the collection of the rents, or specially authorized to act in the matter.

SCHEDULE.

NOTICE OF LANDLORD TO TENANT.

I, (owner, or agent to the owner, as the case may be), give you notice that unless peaceable possession of the (*shortly describing the premises*), situate which was held (of me or of as the case may be), which expired or was determined on and which is now held over and detained from (or for which six months' rent is in arrear and unpaid, and no sufficient distress to satisfy the same), be given to on or before the expiration of seven days from the service of this notice, unless the rent so in arrear and unpaid as aforesaid be paid, I shall on the day of apply to one of Her Majesty's stipendiary justices of the peace, for the district to issue his warrant directing the constables of the said district to enter and take possession of the said and to eject any person therefrom.

(Signed),

A. B.
(Owner or agents).

To Mr. C. D.
(The party in possession).

COMPLAINT BEFORE JUSTICES OF THE PEACE.

The complaint of (*owner or agent*), made before me, one of Her Majesty's stipendiary justices of the peace, who saith that the said did let to (*premises*), for under a rent of and the said tenancy was determined on the (*or that six months' rent was in arrear and unpaid, and no sufficient distress to be found on the premises to satisfy the same*), and that on the the said did serve on (*the tenant overholding*) a notice in writing of his intention to apply to recover possession, a duplicate of which notice is hereto annexed (*describing the mode of service*); and that notwithstanding the said notice, the said refused (*or neglected*) to deliver up possession of the said premises and still detains the same.

(Signed),

A. B.

Taken before me on oath, at,
this day of, A.D., 19.....

E. F., J.P.

WARRANT TO TAKE POSSESSION.

Whereas (*set forth complaint*), I one of Her Majesty's stipendiary justices for the district of do authorize and command you, on any day within days from the date hereof, to enter by force, if needful, and with or without the aid of (*owner or agent*), or other person, into and upon (*the premises*), and to eject thereout any person, and of the said full and peaceable possession to deliver to the said (*the owner or agent*).

Given under my hand and seal this day of,
A.D. 19.....

E. F., J.P. [L.S.]

To and all other constables for the district of

TENEMENTS
(RECOVERY OF POSSESSION) ACT

COMPLAINT ON FORCIBLE ENTRY.

The complaint of (*owner or agent*), made before me one of Her Majesty's stipendiary justices of the peace, who saith that within one year, has taken wrongful and forcible possession of premises, belonging to and still holds possession of the same, and refuses to deliver up the said premises to

Sworn, &c.

SUMMONS.

Summon to answer who complains that has taken wrongful and forcible possession of (*premises*) belonging to the said and still refuses to deliver up the same to and to show cause why he should not be fined or imprisoned thereupon according to law.

FORM OF BOND ON APPEAL.

Know all men by these presents, that we A. B., C. D., and E. F. of are held and firmly bound unto G. H., of in the penal sum of dollars, to pay to the said G. H., his executors, administrators or assigns, and for which payment well and truly to be made we jointly and severally bind ourselves, our executors and administrators, by these presents.

Sealed with our seals, and dated at this day of, A.D. 19.....

The condition of the within written recognizance is such that if the said A. B. shall, in the sitting of the Supreme Court of this

Province, now next following, to be held (at St. John's *or* on the Circuit, *as the case may be*), enter and prosecute an appeal against a certain judgment bearing date the day of and made by one of Her Majesty's stipendiary justices of the peace, in a proceeding for summary eviction under the law providing for the recovery of tenements after due determination of the tenancy, and in the case instituted by the said G. H.; and further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then the said recognizance to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered
in the presence of

[Seal]

[Seal]

[Seal]



CHAPTER 373

An Act Relating to Licences to cut Timber Issued Prior to January, 1931

WHEREAS for some years prior to the first day of January, 1931, under various statutes of Newfoundland relating to Crown Lands, licences to cut timber on and over certain lands in Newfoundland and Newfoundland Labrador were issued upon and subject to certain conditions;

AND WHEREAS apart from paying rentals some licensees have not complied with, fulfilled, or observed the terms and conditions or some of them set forth in such licences and in the said statutes, in consequences of which the Government and people of Newfoundland have suffered serious loss by way of royalties and other benefits;

AND WHEREAS it is not in the interest of the Government and people of Newfoundland that such licences should continue to be held without fulfillment of the said terms and conditions.

1. This Act may be cited as The Timber Licences (Reversion to Crown) Act. Short title.

2.—(1) This Act does not apply to the licences to cut timber set forth in the Schedule. Non-application of Act.

(2) This Act does not apply to licences to cut timber

(a) issued to the Anglo-Newfoundland Development Company, Limited, or to Bowater's Newfoundland Pulp and Paper Mills Limited, or

(b) issued to any other person and acquired by either of the said companies,

before the first day of August, 1951, and held by either of the said companies on that date.

Reversion
to Crown.

3. If, by the 31st day of December, 1951, the licensee named in any licence to cut timber issued before the first day of January, 1931, or any person holding any interest in the licence through, under or in trust for him, does not fully comply with, fulfill and observe all the terms and conditions contained in the licence and all the terms and conditions relating to licences to cut timber in the statute under which the licence was issued, then, notwithstanding anything contained in any law in force in Newfoundland, the licence and any interest of the licensee and of any person holding through, under, or in trust for him in the licence or the lands covered by the licence shall cease and determine on the 31st day of December, 1951, to the same effect as if the licence had never been issued, and the lands covered by the licence shall revert to the Crown on that date.

Restriction
on transfer.

4.—(1) If any licence to cut timber to which this Act is made not to apply or any right under or interest in any such licence is transferred by sale, assignment, lease or otherwise without the consent in writing of the Lieutenant-Governor in Council, the licence and any interest of the licensee and of any person holding through, under, or in trust for him in the licence or the lands covered by the licence shall cease and determine to the same effect as if the licence had never been issued and the lands covered by the licence shall revert to the Crown as from the date of the transfer.

Terms on
which held.

(2) Subject to subsection (1), every licence to cut timber referred to in that subsection shall be held subject to the terms and conditions contained in the licence and to the terms and conditions relating to licences to cut timber contained in the statute under which it was issued.

No action, etc.,
in respect of
reversion.

5. When any licence ceases and determines and the lands covered by the licence revert to the Crown under Section 3 or Section 4, no action or proceeding, including a claim for return of rentals or any part thereof at any time paid, lies against the

Crown for or in respect of the cessation and determination or the reversion of the lands or for or in respect of any matter or thing in any way relating thereto.

SCHEDULE

Original Licensee	Location	Area (Sq. Miles)	Date of Issue	Period of Licence
Horwood Lumber Co. Ltd.	Dog Bay, N.D.B.	38	Jun 2, 1944	99 years from April 8, 1920.
"	"	4	Dec. 8, 1910	50 years from July 31, 1909.
"	"	155	Dec. 24, 1912	99 years from July 18, 1912.
Dr. W. T. Grenfell	Canada Bay	12	Nov. 28 1903	99 years from July 8, 1903.



CHAPTER 374

An Act to Provide for the Imposition of a Tax on Users of Tobacco.

1. This Act may be cited as The Tobacco Tax Act.

Short title.

2. In this Act,

Interpretation.

- (a) “collector” means a person appointed a collector under this Act for the collection of the tax;
- (b) “consumer” means any person who in the province applies or intends to apply tobacco
 - (i) to his own use or to the use of another person at the expense of the first mentioned person, or
 - (ii) on behalf of or as the agent for a principal to the use of the principal or of any other person at the expense of that principal;
- (c) “dealer” means any person who in the province sells or offers to sell tobacco or keeps tobacco for sale, by wholesale or by retail or by both wholesale and retail;
- (d) “deputy collector” means a person appointed a deputy collector by or under this Act for the collection of the tax;
- (e) “Deputy Minister” means the Deputy Minister of Finance;
- (f) “Her Majesty” means Her Majesty in right of the province;

- (g) “Minister” means the Minister of Finance;
- (h) “regulations” means regulations made under this Act;
- (i) “retailer” means a person who holds a valid registration certificate issued pursuant to The Social Security Assessment Act, and sells tobacco at a retail sale;
- (j) “retail purchaser” means any person who purchases tobacco at a retail sale in the province;
- (k) “retail sale” means a sale of tobacco to a person in the province, where the tobacco is not purchased by that person for resale, but
 - (i) for his own use or for the use of other persons at his expense, or
 - (ii) on behalf of or as the agent for a principal who desires to acquire the tobacco for the use of that principal or of other persons at the expense of that principal;
- (l) “sale” includes a sale on credit, or where the price is payable by instalments, a barter, an exchange and any other contract whereby at a price or other consideration a person sells tobacco to another;
- (m) “tax” means the tax imposed by this Act and includes all penalties and interest that are added to the tax by or under this Act;
- (n) “taxpayer” means any person who is liable to pay any moneys by way of tax under this Act;
- (o) “tobacco” means tobacco in any form in which tobacco is consumed and includes snuff; and
- (p) “wholesaler” means a person who holds a valid wholesaler’s licence issued under this Act authorizing him to sell or keep tobacco for resale.

TAX

3.—(1) Every person who purchases tobacco at a sale in the province, where the tobacco is not purchased by that person for resale, but

Tax on tobacco purchased at retail sale.

- (a) for his own use or for use by another person at the expense of the purchaser; or
- (b) on behalf of or as the agent for a principal who desires to acquire the tobacco for the use of that principal or for the use of another person at the expense of that principal,

shall, in respect of the use of that tobacco, pay to Her Majesty a tax to be computed in accordance with Section 4.

(2) Every person residing or ordinarily resident or carrying on business in the province who brings tobacco into the province or who receives delivery of tobacco therein,

Tobacco brought into province for use.

- (a) for his own use, or for the use of others at his expense; or
- (b) on behalf of or as the agent for a principal who desires to acquire the tobacco for the use of the principal or by other persons at the expense of that principal,

shall immediately report the matter in writing to the Deputy Minister and supply to him the invoice and all other pertinent information required by the Deputy Minister in respect of the use of that tobacco, and in addition shall at the same time and subject to Section 4 pay to the Deputy Minister the same tax in respect of the use of such tobacco as would have been payable if the tobacco had been purchased at a retail sale in the province.

(3) Every person who acquires any tobacco in any way other than those referred to in subsections (1) and (2), in respect of which no tax has been paid under this Act,

Tobacco acquired for use.

- (a) which is for his own use, or for use by other persons at his expense; or

(b) which is acquired on behalf of or as the agent for a principal who desires to use that tobacco

shall immediately report the matter in writing to the Deputy Minister and supply to him the invoice and all other pertinent information required by the Deputy Minister in respect of that tobacco, and in addition shall at the same time and subject to Section 4 pay to the Deputy Minister the same tax, in respect of the use of that tobacco, as would have been payable under this Act if the tobacco had been purchased at a retail sale in the province.

Tourists
exempted.

(4) Subsection (2) does not apply to a person visiting the province as a *bona fide* tourist in respect of tobacco brought into the province in accordance with and not exceeding the quantity prescribed by the regulations.

Tax exempt
tobacco.

(5) The tax is not payable in respect of tobacco which is exempted therefrom by this Act or the regulations, and when the tax is so paid, the Deputy Minister may refund it in accordance with the regulations.

Tax not to be
imposed more
than once.

(6) This section shall not be construed so as to authorize the imposition of the tax more than once upon any person in respect of the same tobacco.

Tax rate.

4.—(1) In respect of tobacco that is subject to the tax, the tax shall be computed at the rate of

- (a) one-half of one cent on every cigarette;
- (b) two cents on every cigar, the purchase price of which is fifteen cents or less;
- (c) four cents on every cigar, the purchase price of which is more than fifteen cents and not more than twenty-five cents;
- (d) six cents on every cigar, the purchase price of which is more than twenty-five cents and not more than thirty-five cents;

- (e) eight cents on every cigar, the purchase price of which is more than thirty-five cents and not more than forty-five cents;
- (f) ten cents on every cigar, the purchase price of which is more than forty-five cents; and
- (g) two cents on every half of one ounce, or part of half of one ounce of any tobacco, other than cigarettes and cigars.

(2) The tax payable on tobacco other than cigars shall be computed separately on every package. Computation of tax.

(3) The tax payable on cigars shall be computed separately on the purchase price of each cigar, whether or not it is sold in a package. Idem.

(4) The tax shall be computed to the nearest cent, one-half cent shall be considered one cent, and the minimum tax payable shall be one cent. Tax computed to nearest cent.

(5) In this section, for the purpose of determining the amount of tax payable on a cigar, Definition of "purchase price", as applied to cigars.

(a) where a retail purchaser acquires the cigar from a dealer, "purchase price" means the price paid by the purchaser for the cigar, but where that price is not known to the collector, "purchase price" means an amount equal to the sum of

(i) the price at which a cigar of that kind is sold at wholesale by the collector, and

(ii) an additional amount, determined in accordance with a method of calculation to be prescribed in the regulations; and

(b) where the consumer acquires the cigar otherwise than from a dealer, "purchase price" means the price paid by the consumer for the cigar, but where that price cannot be determined or no price is paid for the cigar, the "purchase price" shall be determined in accordance

with a method of calculation to be prescribed in the regulations.

Tax payable at time of purchase.

5.—(1) Where a retail purchaser acquires tobacco from a dealer, he shall pay the tax to the dealer at the time the tobacco is purchased or delivery of the tobacco is received.

Sales on credit.

(2) When tobacco is sold on credit at a retail sale, the retail purchaser is assessable on the whole amount of the contract price, and the tax shall be imposed when the retail sale is made.

LICENCES.

Issue of wholesaler's licence.

6.—(1) The Minister may issue to any person a licence, to be known as a wholesaler's licence, authorizing that person to sell tobacco for resale.

Wholesaler's licence may be issued to retailer.

(2) A wholesaler's licence may be issued to a retailer.

Expiry of licence.

(3) Every wholesaler's licence shall expire at midnight on the thirty-first day of December of the calendar year in which it is issued.

Power to suspend or revoke licences.

(4) The Minister may, at any time or from time to time, for cause, suspend or cancel a wholesaler's licence.

Application for licence to be accompanied by fee.

(5) Every application for a wholesaler's licence shall be made to the Minister before such date, in such form and accompanied by such fee as may be prescribed in the regulations in respect of that licence.

SALE OF TOBACCO.

Retailer must hold registration certificate.

7.—(1) No person shall sell or offer to sell tobacco at a retail sale or keep tobacco for sale at a retail sale, in the province, unless he holds a valid registration certificate issued pursuant to The Social Security Assessment Act and except in accordance with any condition prescribed in respect of that certificate by or under the Act pursuant to which it was issued.

Wholesaler may not sell at retail sale unless he holds a registration certificate.

(2) A wholesaler shall not sell tobacco at a retail sale, unless he holds a valid registration certificate referred to in subsection (1).

(3) No person shall sell tobacco at any sale that is not a retail sale unless he holds a valid wholesaler's licence.

Wholesaler's licence required.

(4) A wholesaler shall not sell tobacco to any person for resale at retail sale, unless the person purchasing the tobacco holds a valid registration certificate issued pursuant to The Social Security Assessment Act.

Prohibition of sales to unlicensed retailer.

(5) Subsection (3) does not apply to a retailer in respect of tobacco sold by him to another retailer for resale, in accordance with and not exceeding the quantity prescribed by the regulations.

Limited sales by one retailer to another retailer.

8.—(1) Every person who,

Offence.

- (a) not being a retailer, sells tobacco to a retail purchaser;
- (b) being a retailer, sells tobacco to a retail purchaser otherwise than in accordance with any condition prescribed in respect of his registration certificate by or under The Social Security Assessment Act;
- (c) being a wholesaler, sells tobacco for resale by retail sale to any person who is not a retailer; or
- (d) not being a wholesaler, sells tobacco to a retailer,

is guilty of an offence under this Act.

(2) Paragraph (d) of subsection (1) does not apply to a retailer in respect of tobacco sold by him to another retailer for resale, in accordance with and not exceeding the quantity prescribed by the regulations.

Saving.

RECORDS, ACCOUNTS AND RETURNS.

9. Every dealer shall keep accounts in the form prescribed by the regulations of

Keeping of accounts and making payments.

- (a) all purchases, sales and deliveries of all grades of tobacco by that dealer in the province;

(b) sales and deliveries by that dealer to points outside of the province; and

(c) quantities on hand and quantities used in the province by that dealer,

and every dealer shall make returns to the Deputy Minister in the form, in the manner and at the times prescribed in the regulations.

Licensees to keep records and make reports.

10.—(1) Every dealer shall keep on file at his place of business, a bill, receipt or invoice, covering every purchase of tobacco made by him.

Licensees to report purchases.

(2) Every dealer shall report to the Deputy Minister in writing, during the month of January in each year, the quantity of tobacco purchased by him during the preceding calendar year and the persons from whom the tobacco was purchased.

Returns available only for purposes of Act.

11. Returns made under this Act or the regulations are available only to persons authorized by the Minister, and no person shall be so authorized, except for the purposes of this Act.

Offence.

12. Every dealer who,

(a) fails to make a return to the Deputy Minister which he is required to make under this Act or the regulations;

(b) fails to keep records in the form and substance prescribed by this Act or the regulations; or

(c) makes a false entry or statement in any account, record, book, statement or return required to be made, kept, furnished or rendered under this Act or the regulations,

is guilty of an offence under this Act.

COLLECTION OF TAX

- 13.** Subject to this Act, the tax shall be collected, accounted for and paid to the Deputy Minister by such persons, at such times and in such manner as may be prescribed in the regulations. Method of tax collection.
- 14.**—(1) The Minister may enter into an agreement with any person in the province, appointing that person a collector and an agent of Her Majesty for the collection of the tax imposed by this Act. Collection agreements.
- (2) The tax received by a collector shall be accounted for and remitted to the Deputy Minister at the time and in the manner prescribed in the regulations. Returns of collectors.
- (3) The Minister shall pay collectors such remuneration or allowance as may be prescribed in the regulations. Remuneration to collectors.
- 15.**—(1) Every person who sells tobacco to a retail purchaser is a deputy collector and an agent of Her Majesty for the collection of the tax and he shall levy and collect the tax and shall, subject to subsection (2) and in accordance with the regulations, pay over the tax so collected to the collector from whom the tobacco was acquired. Every retailer is a deputy collector.
- (2) Where any moneys by way of tax are collected on tobacco sold to a retail purchaser which was acquired by the seller otherwise than from a collector, such moneys shall be paid over to the Minister at the time and in the manner prescribed in the regulations. Where tobacco is not acquired from collector.
- 16.** Every collector, deputy collector and other person who collects any moneys by way of tax under this Act is deemed to hold those moneys in trust for Her Majesty and shall pay over the moneys in the manner and at the time prescribed in the regulations, and any amount so collected and not so paid is recoverable by action in any court of competent jurisdiction as a debt due to Her Majesty and until so paid is a first lien and charge on the entire assets of the estate of that person in the hands of any trustee and has priority over all other claims of any person. Tax collections are property of Her Majesty.

Preservation of accounts, books and records.

17.—(1) Every person required by this Act or the regulations to keep accounts, books or records shall preserve all such accounts, books or records until the Minister consents, in writing, to their destruction.

Interpretation.

(2) For the purposes of subsection (1) of this Section 17, but without limitation of the generality thereof, any bill, receipt or invoice referred to in subsection (1) of Section 10 is deemed to be a record required to be kept by this Act.

Offence.

(3) Every person who fails to preserve any account, book or record in accordance with subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not more than five thousand dollars.

RECOVERY OF TAX

Purchaser or user liable for tax until it is collected.

18. The retail purchaser, and every other person on whom the tax is imposed by this Act is and remains liable for the tax until it has been collected, and, if any person sells tobacco and fails to collect the tax, that person shall immediately notify the Deputy Minister, and the tax may be recovered from the retail purchaser, or such other person on whom the tax is so imposed by action in any court of competent jurisdiction as a debt due to Her Majesty.

Actions for recovery of tax.

19. The amount of the tax that is due and payable or that has been collected under this Act may be recovered with costs, by action in the name of the Minister in any court of competent jurisdiction as a debt due to Her Majesty, and such action shall be tried without a jury, and the court may make an order as to costs in favour of or against Her Majesty.

Onus on accused or defendant.

20. In any prosecution for failure to pay the tax or to collect or remit the tax, and in any action to recover moneys for which any person is liable under this Act, the onus of proving that the tax or moneys were paid, collected or remitted to the Deputy Minister is upon the accused in the prosecution, and the defendant in the action.

Liability to pay or remit tax not affected by fine.

21. The liability of a person for the payment of any tax under this Act or the liability to remit the tax collected is not affected in any way by the fact that a fine or penalty has been

imposed on or paid by him in respect of any violation of this Act.

22. If a collector fails to make the returns required by the regulations or to pay over to the Deputy Minister any tax collected by him at the time prescribed therefor, the Minister may cancel the agreement with and revoke the appointment of that collector.

Agreement may be cancelled for failure to make returns or pay over moneys collected.

23. All amounts paid to or collected by the Deputy Minister by way of tax shall form part of the Consolidated Revenue Fund.

Tax collection to form part of public revenue.

24. A person purchasing tobacco through a sale in bulk from a retailer or purchasing the business of a retailer is liable for payment of any tax then collected and due and payable by that retailer but not remitted to the Deputy Minister, unless that person obtains from the retailer a copy of a certificate issued by the Deputy Minister to the retailer to the effect that all of the tax collected or owed by that retailer has been received by the Deputy Minister.

Sale in bulk.

25. Every person who collects the tax, whether as a collector, a deputy collector or otherwise, is deemed to act subject to Sections 78 to 86 of The Revenue and Audit Act, and for all of the purposes of those sections shall be deemed to be a person who has received moneys on behalf of Her Majesty.

Certain provisions of The Revenue and Audit Act to apply.

26. Notwithstanding anything contained in any other Act, a collector or deputy collector collecting a tax or receiving a remuneration or allowance prescribed by or under this Act is not, by reason only of his so collecting the tax or receiving a remuneration or allowance, ineligible to be elected as a member of or to sit and vote in the House of Assembly of Newfoundland.

Collectors and deputy collectors not ineligible to be elected to House of Assembly.

INSPECTORS AND POWERS

27. All inspectors, officers and other employees appointed or designated pursuant to Section 30 of The Social Security Assessment Act are hereby appointed inspectors, officers and employees, respectively for the purposes of this Act.

Appointment of inspectors.

Powers of
inspectors.

28. Any inspector, officer or other person referred to in Section 27 may, from time to time and at all reasonable times, enter upon the business premises of any person or the premises where his records are kept

- (a) to determine whether this Act and the regulations are being and have been complied with;
- (b) to inspect, audit and examine books of account, records or documents; or
- (c) to ascertain the quantities of tobacco purchased, on hand, sold or used by that person, and whether the taxes collected or payable by that person have been remitted or paid to the Deputy Minister,

and the persons occupying or in charge of such premises shall answer all questions pertaining to those matters and shall produce for inspection such books of account, records or documents as the person so appointed or designated may request.

Search
warrant.

29. Any stipendiary magistrate or justice of the peace who is satisfied by information upon oath that there is reasonable ground for believing that any person has in his possession any tobacco in respect of the use of which the tax payable has not been paid, may at any time issue a warrant under his hand authorizing any inspector, officer or other person referred to in Section 27 and named in the warrant to enter and search any premises, receptacle or motor vehicle, aircraft, or any ship or boat in the province, where such tobacco is believed to be situated and to make such enquiries as are deemed necessary, and the person occupying or in charge of such premises, receptacle or motor vehicle, aircraft, ship or boat shall produce for inspection by the person named in the warrant any tobacco in his possession and answer any questions relating thereto.

Failure to
answer
questions or
produce for
inspection,
an offence.

30. Every person who

- (a) interferes with or hinders any person conducting an inspection, examination or search under this Act;
- (b) refuses to answer any questions put to him in accordance with Section 28 or 29; or

- (c) fails to produce for inspection any books of account, records or documents or any tobacco in his possession or under his control that he is requested to produce for purposes of inspection,

is guilty of an offence under this Act.

31. When an action or proceeding is taken against an inspector, officer or other person referred to in Section 27 for anything done by him under this Act or the regulations and the court before which the action or proceeding is taken is satisfied that there was probable cause for the action of the inspector, officer or other person and that it was not malicious, a verdict or judgment shall not be given against the inspector, officer or other person for more than five cents damages or for any costs of suit.

Actions
against
inspectors.

APPLICATION OF CERTAIN PROVISIONS OF THE SOCIAL SECURITY ASSESSMENT ACT

32. Sections 35 to 39 and Sections 41 and 43 of The Social Security Assessment Act shall *mutatis mutandis* be applied for the purposes of the imposition, assessment, collection and the enforcement of the payment of the tax imposed by this Act, as if

Certain
sections of
The Social
Security
Assessment
Act apply.

- (a) the tax was a tax imposed by the first-mentioned Act;
- (b) the references in those sections of The Social Security Assessment Act to "tangible personal property" were references to "tobacco"; and
- (c) the references in Sections 35 and 36 of those sections of The Social Security Assessment Act to a "vendor" were references to a "collector or deputy collector".

REGULATIONS

33.—(1) The Lieutenant-Governor in Council may make regulations

Regulations.

- (a) prescribing the methods of collection of the tax and other conditions or requirements affecting such collection;

- (b) prescribing the manner in and times at which the tax collected by collectors and deputy collectors and collected or payable by other persons shall be paid over to the Deputy Minister;
- (c) providing for the division of collectors into classes and prescribing what class or classes of collectors shall receive remuneration or allowance and what class or classes shall not receive remuneration or allowance;
- (d) prescribing the remuneration or allowance to be paid to collectors or any class of collectors and the time and manner of payment;
- (e) providing for the division of wholesalers into classes and prescribing that persons seeking licences as wholesalers in any specified class or classes shall as a condition of their receiving such licences accept appointments as collectors;
- (f) providing that tobacco not exceeding a prescribed maximum quantity may be sold over a specified period by one retailer to another retailer for resale and prescribing the said maximum quantity, the said period and any conditions under which such tobacco may be so sold;
- (g) requiring the furnishing of surety bonds by collectors and prescribing the form and amount of such bonds;
- (h) providing for the accounting for any sums of money collected by collectors and deputy collectors and collected or payable by other persons under this Act and regulating the time and manner of such accounting;
- (i) prescribing the returns and statements to be made or furnished by dealers and other persons, the information to be given in such returns and statements, and by whom and in what manner they shall be made and prescribing the form of all returns, statements, accounts, books and records to be made, furnished, supplied, rendered or kept under this Act or the regulations;

- (j) prescribing that any or all statements, returns, records or accounts to be made, furnished or kept under this Act or the regulations may be made, furnished or kept in conjunction with and as part of statements, returns, records or accounts furnished, kept or made under The Social Security Assessment Act, and regulations made thereunder;
- (k) prescribing the form in and the date before which all applications for licences may be made and the fees payable for licences;
- (l) providing that tobacco of a prescribed quantity brought into the province by any tourist shall be exempted from the provisions of this Act and prescribing the quantity to and the conditions under which the exemption shall apply;
- (m) exempting from the tax, tobacco purchased at retail or used, for any purpose, under any circumstances or by any class of persons mentioned in the regulations;
- (n) providing the method of refunding to any retail purchaser or consumer the tax or any portion thereof paid in respect of tax exempt tobacco, and prescribing the records and material to be furnished upon any application for a refund;
- (o) prescribing the method of calculation for determining the purchase price of cigars in cases where such method is required by subsection (5) of Section 4;
- (p) prescribing the duties of inspectors, officers and other persons acting under this Act;
- (q) providing for the holding of enquiries into the operation of this Act and into any charge or complaint that any person has contravened any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the

person holding such enquiry shall have any or all of the powers that are and may be conferred upon a Commissioner under The Public Enquiries Act, including the power to take evidence under oath;

- (r) prescribing the doing of any act which may be deemed necessary or expedient for the collection of the tax, or to prevent evasion thereof; and
- (s) generally for the better carrying out of the provisions of this Act

Publication.

(2) Regulations made under this Act shall be published in *The Newfoundland Gazette* and shall take effect from the date of publication or such other date as may be prescribed in the regulations.

MISCELLANEOUS

Further special penalty.

34. Every person who is required by this Act or the regulations to collect the tax and fails to do so, and every person who is required by this Act or the regulations to make returns or to pay money to the Deputy Minister or to any other person and fails to do so by the date fixed therefor, is guilty of an offence.

Prohibition against rebate of tax.

35. A dealer shall not advertise or hold out or state to the public or to any retail purchaser, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the dealer or that it will be considered as an element of or included in the price to the retail purchaser or, if added, that it or any part thereof will be refunded.

Offence.

36. Every person who

- (a) contravenes this Act or the regulations;
- (b) fails otherwise to comply with any requirement or obligation imposed on him by or under this Act or the regulations; or
- (c) makes a false statement in any form or return completed or made under this Act or the regulations,

which is not declared to be an offence by any other section is guilty of an offence under this Act, and every such contravention, failure so to comply or false statement relating to a separate sale or transaction constitutes a separate offence.

37.—(1) Every person who is guilty of an offence under this Act is liable on summary conviction to a fine of not less than twenty-five dollars and not more than one thousand dollars, and in default of payment of the fine to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Penalty.

(2) Sections 84 and 85 of The Summary Jurisdiction Act, shall not be applied in disposing of a complaint made or in imposing punishment for an offence under this Act.

Secs. 84 and 85 of The Summary Jurisdiction Act not to apply.

38. A complaint may be made and all proceedings may be taken thereon in respect of any offence under this Act, without limitation of time.

Complaint may be made without limitation of time.

39.—(1) Where a collector or deputy collector fails to collect any tax which by this Act he is required to collect, he shall, in addition to any penalty imposed by any other provision of this Act, be liable to a penalty not exceeding the amount of the loss sustained by Her Majesty by reason of the failure of the collector or deputy collector so to collect together with ten per centum (10%) of the amount of such loss.

Additional penalty where collector or deputy collector fails to collect tax.

(2) In any case referred to in subsection (1), the Minister may make an estimate of the amount of the loss sustained by Her Majesty, and, subject to proof to the contrary on appeal in accordance with this Act to a judge of the Supreme Court of Newfoundland or a judge of a district court, the amount so estimated shall for the purposes of this section be deemed to be the actual loss so sustained.

Estimate of loss.

40. The Minister may, in addition to any penalty imposed by any other provision of this Act,

Additional penalty.

(a) impose a penalty of ten per centum (10%) of the amount collected or payable under this Act upon every person who fails to pay to the Deputy Minister any tax

collected or payable by that person in the manner and within the time prescribed by this Act or the regulations; and

- (b) impose a penalty of not less than ten dollars nor more than one hundred dollars upon every person who fails to make any return required by this Act or the regulations in the manner and within the time prescribed therefor.

Interest.

41.—(1) The Minister may levy interest upon any tax collected under this Act at the rate of one per centum (1%) per month from the date that the tax should have been remitted to the Deputy Minister.

Interpretation.

(2) In this section “month” includes part of a month.

Appeal.

42.—(1) Every person who feels aggrieved by any penalty or interest imposed by or under Section 39, 40 or 41 or by a suspension or cancellation of or refusal to issue a wholesaler’s licence under Section 6 may appeal to a judge of the Supreme Court of Newfoundland or to a judge of a district court within the territorial limits of which the appellant resides or carries on business.

Application of
The Social
Security
Assessment Act.

(2) Sections 36 and 37 of The Social Security Assessment Act apply *mutatis mutandis* to appeals under this section.

Certain
powers and
duties may
be assigned.

43. The Lieutenant-Governor in Council may assign to any officer of the Department of Finance designated by him the performance of any of the duties and the exercise of any of the powers imposed or conferred on the Minister or the Deputy Minister by or under this Act, and any officer to whom the performance of any such duties or the exercise of any such powers is assigned in accordance with this section shall perform the duties and may exercise the powers as if they were imposed or conferred on him by this Act.



CHAPTER 375

An Act to Provide for Loans to Encourage the Development of the Tourist Industry in Newfoundland and to Create A Tourist Development Loan Board for Newfoundland.

1. This Act may be cited as The Tourist Development Loan Act. Short title.

2. In this Act and in any regulations made thereunder unless the context otherwise requires Interpretation.
 - (a) "bank" means a bank to which *The Bank Act (Canada)* applies;
 - (b) "Board" means the Board created by this Act;
 - (c) "Fund" means the Fund created by this Act;
 - (d) "Minister" means the Minister of Economic Development or other Minister for the time being charged with the administration of this Act;
 - (e) "regulations" means regulations made under this Act.

3. The Minister is charged with the general administration of this Act. Minister to administer Act.

- 4.—(1) There shall be a Board to be called the Tourist Development Loan Board of Newfoundland consisting of not fewer than five members to be appointed by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council shall designate one member to be Chairman. Tourist Development Loan Board.
 - (2) The members of the Board shall be appointed for one year and shall be eligible for re-appointment.

(3) If any vacancy occurs in the Board by reason of the death, resignation, or illness of a member, the Lieutenant-Governor in Council may appoint a person to replace him.

(4) Nothing in this Act shall be construed to prevent the Lieutenant-Governor in Council from designating any member of the Board to be a member of any other Board.

Staff. (5) A majority of the members of the Board shall constitute a quorum.

(6) The members of the Board, except employees in the Civil Service of Newfoundland, shall receive such remuneration and allowances as may be determined by the Lieutenant-Governor in Council.

(7) The Board shall be a body corporate.

5. The Lieutenant-Governor in Council may from time to time appoint such other officers, assistants, supervisors, clerks and other employees as may be necessary for the purposes of this Act and such appointees, except employees in the Civil Service of Newfoundland, shall receive such remuneration and allowances as may from time to time be determined by the Lieutenant-Governor in Council.

Tourist
Development
Loan Fund.

6. There shall be a fund for the purposes of this Act to be known as the Tourist Development Loan Fund into which all moneys appropriated by the Legislature or otherwise received for the purposes of this Act shall be paid.

Board to
administer
Fund.

7. The Board shall, in accordance with the regulations, administer the Fund and such other moneys as from time to time come under its control for the purpose of improving and developing the tourist industry in Newfoundland.

Board may
guarantee
loans.

8. Where a bank has made a loan for a purpose prescribed by the regulations in pursuance of an application made to and approved by the Board, the Board may guarantee payment of the loan.

9. The Board may enter into any agreement or agreements with the Government of Canada or with any organization, whether public or private, for the better carrying out of the purposes of this Act on such terms and conditions as may be approved by the Lieutenant-Governor in Council.

Board may enter into agreements.

10.—(1) All repayments in respect of any loan made by the Board including any interest thereon and including the proceeds of the sale of all property repossessed by the Board shall be paid into the Fund.

Payments into and out of Fund.

(2) All moneys received by the Board shall be deposited to the credit of the Fund in an account to be kept by the Minister of Finance and all moneys required by the Board shall be paid out of the Fund by the Minister of Finance following a recommendation or approval by the Board.

11. Subject to the approval of the Lieutenant-Governor in Council, the Minister of Finance has and shall be deemed to have had power on behalf of the Crown in right of Newfoundland to guarantee upon such security as he shall deem satisfactory the repayment both as to principal and interest by any of the persons whose name is set out in the first column of the schedule of loans not exceeding the amount set out opposite the name of that person in the second column of the Schedule.

Guarantee of loans.

12. Notwithstanding anything to the contrary contained in this Act, the Lieutenant-Governor in Council may by order prescribe the principal terms and conditions of any guarantee authorized to be made under Section 11 and direct that the form of the guarantee shall be such as the Attorney General may approve and direct the Attorney General to prescribe such additional terms and conditions of such guarantee as the Attorney General may deem necessary and that are not inconsistent with those prescribed by the Lieutenant-Governor in Council, and whenever an order is made under this section the guarantee to which it relates shall be made in accordance with the order.

Lieutenant-Governor in Council may prescribe terms and conditions of guarantee.

13. Any payment that the Minister of Finance may be required to make under this Act shall be paid out of the Consolidated Revenue Fund of the province.

Payments by Minister.

Regulations.

14.—(1) The Lieutenant-Governor in Council may make regulations not inconsistent with this Act

- (a) prescribing the enterprises or types of enterprises in the tourist industry in respect of which loans or guarantees may be made;
- (b) prescribing the manner in which applications for loans or guarantees may be made;
- (c) prescribing the terms and conditions on which loans or guarantees may be made;
- (d) prescribing the manner in and the conditions upon which a borrower may sell or transfer any property whether real or personal in respect of which an unpaid loan was advanced or guaranteed by the Board;
- (e) prescribing or limiting the amount of any loan or guarantee;
- (f) deferring the payment of the whole or any part of any loan for such reasons as the Board may in its discretion determine;
- (g) fixing the rate of interest on loans;
- (h) providing for the commuting of any payments due to the Board;
- (i) prescribing the form of any mortgage and the manner of its execution;
- (j) prescribing or regulating the form and contents of any agreement between a borrower and a contractor for the construction of any building, erection, or premises or the installation of any equipment therein in respect of which a loan is to be made or guaranteed;
- (k) prescribing or approving the design, plans, and specifications for buildings or construction in respect of which a loan is to be made or guaranteed;

- (l) prescribing, in the event of default in the repayment of a guaranteed loan, the legal or other measures to be taken by the bank and the procedure to be followed for the collection of the amount of the loan outstanding, the disposal or realization of any security for the repayment thereof held by the bank and the rate of interest to be charged on overdue payments;
 - (m) prescribing the method of determination of the amount of loss sustained by a bank as the result of default in repayment of a guaranteed loan and the procedure to be followed by a bank in making a claim for loss sustained by it in respect of a guaranteed loan;
 - (n) prescribing the steps to be taken by a bank to effect on behalf of the Minister collection of any guaranteed loan in respect of which payment has been made by the Minister to the bank under this Act, and providing that on failure by the bank to take such steps the amount of such payment may be recovered from the bank by the Minister;
 - (o) requiring reports to be made periodically to the Minister by a bank in respect of guaranteed loans;
 - (p) providing for the examination and audit of accounts and for the inspection of buildings, erections, constructions, premises, and equipment in respect of which a loan or guarantee was made under this Act;
 - (q) prescribing further or additional functions, duties, or powers of the Board;
 - (r) in relation to any matter or thing for the more effective carrying out of the purposes of this Act, whether or not such matter or thing is of the kind enumerated in this section.
- (2) Any regulations made under subsection (1) shall have effect from the date of publication in *The Newfoundland Gazette* or such other date as may be stated in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session, and, if not, then within fifteen days after the commencement of the next ensuing session.

Bonds to be furnished by certain employees.

15.—(1) Every person, other than a civil servant as defined in The Civil Service Act, employed in the work of the Board whose duty it may be to receive or handle moneys on behalf of the Board shall, before entering upon the duties of his office, furnish a bond or covenant of some guarantee company to be approved by the Minister, to secure the due accounting by him for all moneys that may come into his hands.

(2) Every such bond or covenant shall be in such form and for such amount as the Board determines and the Board shall pay the premium for such bond or covenant.

Financial year of Board.

16. The financial year of the Board shall correspond to the financial year of the Government of Newfoundland.

Board to submit report to Minister.

17. The Board shall, not later than the thirtieth day of May in each year, prepare and submit to the Minister a financial statement setting forth the assets and liabilities of the Board and the receipts and expenditures of the Board for the previous financial year, together with a report concerning the work of the Board during the previous financial year, and the statement and report shall be laid before the Legislature within fifteen days after they are submitted to the Minister if the Legislature is then sitting, and, if not, then within fifteen days after the commencement of the next ensuing session.

Financial statement.

18. The financial statement referred to in Section 17 shall be signed by the Chairman and one other member of the Board and certified by the Auditor General and shall have attached thereto any report thereon which the Auditor General may have made to the Board.

Minutes to be kept.

19. The Chairman of the Board shall keep or cause to be kept regular minutes of the meetings of the Board and shall ensure that full and complete books of account and records are kept.

Audit of accounts.

20.—(1) The Auditor General shall audit the accounts of the Board and has at all times authority to call for and shall be supplied by the Board with all books and vouchers which he deems necessary for his audit.

(2) Whenever the Auditor General makes an interim examination of the accounts of the Board during the course of a financial year he shall submit a report of the examination to the Chairman of the Board and to the Minister, and the Minister shall lay the report before the Legislature with the statement and report referred to in Section 17.

SCHEDULE

Kevin J. Power	\$ 10,000.00
Elias Kawaja	30,000.00
Harry Layman	15,000.00
Gordon H. Locke	12,000.00
Mackinson's Limited	30,000.00
Raymond W. Wellon	60,000.00
Edgar Leslie Roberts	16,000.00
Claude Harold Parsons	10,000.00
Stan J. Tompkins	22,000.00
John F. Duggan & Irene Duggan	20,000.00
Tourist Cabins Limited	60,000.00
Valley Properties Limited	40,000.00
Chalcedony Quinton & Mildred Quinton	15,000.00
Martin A. Bourne	4,000.00
Leslie J. Hennessey	25,000.00
F. J. Morris & S. R. Morris operating under the firm name of Trinity Cabins	5,000.00
Stanley Hutchings	6,000.00
Harold Morris	5,000.00
Vincent Mallay	3,000.00
Harry Short & Kathleen Short	8,000.00
Hotel St. George Limited	15,000.00
Walter Fradsham	22,000.00
Marion C. Hawco	10,000.00
Hubert W. Davis	10,000.00
MacKenzie's Limited	145,000.00
Herbert Bowering	15,000.00
Caroline Horwood	12,000.00
Newfoundland Tourist Company Limited	10,000.00



CHAPTER 376

An Act Respecting Tourist Establishments

1. This Act may be cited as The Tourist Establishments Act. Short title.

2. In this Act unless the context otherwise requires— Interpretation.
 - (a) "Minister" means the Minister of Economic Development;
 - (b) "operator" means the owner or lessee of a tourist establishment or the resident manager or other person in charge of the establishment;
 - (c) "regulations" means regulations made under this Act;
 - (d) "tourist establishment" includes a cabin, cottage, hotel, motel, motor motel, inn, tourist home, and trailer establishment and any camp, cabin, tent camp or other premises erected or used for the purpose of catering to hunters and sport fishermen or any of them and a boat on which food and overnight accommodation is provided for hunters, sport fishermen and travel parties or any of them.

3. The Minister is charged with the general administration of this Act. Administration of Act.

4. The Lieutenant-Governor in Council may make regulations— Regulations.
 - (a) defining and classifying tourist establishments;
 - (b) providing for the licensing of tourist establishments and the suspension and cancellation of licenses and prescribing the fees payable for licences and renewals thereof;

- (c) providing for inspection of tourist establishments and for designation by the Minister of officials and employees of the Government as inspectors and for prescribing the duties and powers of inspectors;
- (d) prescribing ground plans for tourist establishments including specifications governing the relative positions of and distances between the component parts of such establishments;
- (e) prescribing specifications governing the construction and size of buildings and other structures comprising tourist establishments;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation in tourist establishments;
- (g) prescribing the fire prevention measures that shall be maintained in tourist establishments;
- (h) governing and regulating the manner in which the grounds, buildings, equipment and other facilities of tourist establishments shall be maintained, including the cleaning, fumigating, and sterilizing of any part thereof;
- (i) prescribing requirements for tourist establishments in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food storage, food handling, disposal of garbage and other matters pertaining to the health and welfare of persons accommodated;
- (j) prescribing the maximum number of tourist establishments for any designated area;
- (k) requiring operators to display notices or insignia indicating the class of establishment operated, and prescribing such notices or insignia;
- (l) requiring operators to maintain a register of the persons, motor vehicles and trailers accommodated, and requir-

ing persons accommodated to register therein, and prescribing the information that shall be entered in the register by the operator and by the person accommodated;

- (m) prescribing rules to be observed by persons accommodated in tourist establishments;
- (n) requiring the operators of tourist establishments to keep posted in every room or building used for sleeping accommodation a notice specifying the rates charged for the room or building;
- (o) prescribing the minimum amount of furniture, bedding, linen, heating and lighting devices, electrical outlets, utensils, dishes, cutlery, floor covering, window covering and other fixtures, furnishings, appliances and equipment that shall be provided in tourist establishments;
- (p) requiring public carriers such as railway and steamship companies, air transport services and other persons engaged in carrying of passengers to make returns giving such information as may be required for the purpose of this Act, of all passengers brought into the Province of Newfoundland;
- (q) providing for the licensing of boats used commercially for the transportation or enjoyment of hunters, sport fishermen and travel parties or any of them and providing for the suspension and cancellation of such licences and prescribing the fees payable for such licences and the form in and the date before which all applications for such licences shall be made;
- (r) requiring operators to make monthly returns and prescribing the form of the returns, the date before which the returns are to be made, the information to be given in the returns, the person to whom and the manner in which the returns are to be made;
- (s) requiring operators to furnish the Minister with such information as the Minister may require and prescribing the date before which the information is to be furnished;

- (t) respecting the health of persons employed in or in connection with tourist establishments, the production of medical certificates by such persons and prohibiting the employment in tourist establishments of persons suffering from any contagious or infectious disease; and
- (u) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Minimum requirements.

5. Any regulation made under paragraphs (d) to (i), both inclusive, of Section 4 shall be regarded as setting minimum requirements only.

Regulations to be published.

6. Regulations made under this Act shall be published in *The Newfoundland Gazette* and shall have effect from the date of publication or from such other date as may be specified in the regulations, and all such regulations and amendments thereto shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and if not, then within fifteen days after the commencement of the next ensuing session.

Offences and penalties.

7. Every person who violates any of the provisions of any regulation made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.



CHAPTER 377

An Act Respecting the Registration of Trade Unions.

1. This Act may be cited as the Trade Union Act. Short title.
2. In this Act Interpretation.
 - (a) “certificate” means a certificate of registration issued to a union by the Registrar under this Act;
 - (b) “member” means a member of a union;
 - (c) “Minister” means the Minister of Labour;
 - (d) “register” means register in accordance with this Act;
 - (e) “Registrar” means the Registrar of Trade Unions appointed under this Act;
 - (f) “regulations” means regulations made under this Act;
 - (g) “rules” means the constitution, rules and by-laws or any of them adopted by a union for the government, regulation, conduct and management of its affairs, and includes amendments to the rules;
 - (h) “trustee” means a trustee appointed by a union in accordance with Section 5;
 - (i) “union” means a local or provincial organization or association of employees, or a local or provincial branch of a national or international organization or association of employees within the province that has as one of its purposes the regulation in the province of relations be-

tween employers and employees through collective bargaining but does not include an organization or association of employees that is dominated or influenced by an employer.

Administra-
tion of Act.

3. The Minister of Labour shall administer this Act.

Registry
established.

4.—(1) There is hereby established in the Department of Labour an office known as the Registry of Trade Unions.

Registrar.

(2) The Lieutenant-Governor in Council may appoint an officer called the Registrar of Trade Unions, who shall preside over the Registry and perform any other duties which are assigned to him by the Minister or by the Deputy Minister of Labour.

Idem.

(3) In the absence of the Registrar or if there is no Registrar an officer in the Department of Labour named by the Minister has the powers and shall perform the duties of the Registrar.

Appointment
of trustees.

5.—(1) A union shall before applying to the Registrar under Section 6 for registration appoint and after registration shall continue to have not less than three and not more than seven persons who are members of the union and resident in the province to be trustees of the union for the purposes of this Act and those trustees shall hold office until their successors are appointed by the union.

Acquisition
of property.

(2) A union registered under this Act may purchase, take upon lease and hold real or personal property in the names of the trustees for the time being of the union and may sell, exchange, mortgage or let that property and no purchaser, assignee, mortgagee or tenant shall be bound to enquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipts of the trustees are a discharge for the money arising therefrom.

How property
held.

(3) All real and personal property whatsoever belonging to a union registered under this Act shall vest in the trustees for the time being of the union for the use and benefit of the union and its members.

(4) Upon the death or removal of any of the trustees the whole of the real or personal property of a union registered under this Act shall be vested in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except stock of Canada or of the province which shall be transferred into the names of the new trustees.

Vesting in succeeding trustees.

(5) All actions, suits, prosecutions and complaints, taken by or against a union in any court of competent jurisdiction, touching or concerning the property, right or claim to property of a union registered under this Act shall be taken in the name of the trustees, and the trustees may sue and be sued, plead and be impleaded in any such court, in their proper names, without other description than the title of their office, and all other actions by and against a union registered under this Act shall be taken in the name of the union.

Actions concerning property taken in name of trustees.

(6) Any action, suit, prosecution or complaint taken in the name of trustees under subsection (5) shall not be discontinued or abated by the death or removal from office of such persons or any of them, but the action, suit, prosecution or complaint shall be proceeded with by or against the successor or successors as if such death, resignation or removal had not taken place and the successors shall pay and receive the same costs as if the action, suit, prosecution or complaint had been commenced in their names for the benefit of, or to be reimbursed from the funds of the union.

Action not abated by death of trustee.

(7) A union which has not been registered may be sued in its own name or in the name of any of its members.

Unregistered union may be sued.

6.—(1) A union shall, subject to this Act, apply to the Registrar for registration within six months after the date of

Time limit for registration.

(a) the formation of the union; or

(b) the coming into force of this Act,

whichever is the later date.

Registrar may extend time.

(2) The Registrar may where in his opinion there is good reason extend the time within which a union shall apply for registration.

Form of application.

(3) An application for registration shall be in the form, if any, prescribed by the regulations and shall be made on behalf of the union by any two of its officers.

Information to be included in and attached to application.

(4) Notwithstanding any other provision of this Act or the regulations, an application for registration shall include

(a) a statement of the number of members who, according to the records of the union, are in good standing in the union; and

(b) a list of the trustees, officers and other executive members, if any, of the union, giving their names and addresses and the office held by each;

and there shall be attached to the application

(c) a copy of the union's rules; and

(d) a copy of the latest audited statement of receipts and disbursements of the union, together with the auditor's report, if any, on each.

Registration.

(5) Subject to this Act, the Registrar shall register a union within thirty days of the receipt by him of the application and issue a certificate of registration to it if it has complied with this Act.

Registrar may refuse to register a union.

(6) The Registrar may refuse to register a union if

(a) the application for registration does not comply with this Act, or

(b) the union has not complied with this Act.

Identical names prohibited.

(7) A union shall not be registered under a name which is identical with that by which another union has already been registered or so nearly resembling that name as to be calculated to deceive.

(8) If a union

- (a) does not apply for registration within the time provided under subsections (1) and (2); or
- (b) has applied for registration within the time provided under subsection (1) or (2) but has not otherwise fully complied with this section within six months after the date of application, or within such longer time, if any, as the Registrar may, if he deems fit, allow, in writing,

Penalty for non-compliance with this subsection.

it is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

(9) A union which has been convicted of an offence under subsection (8) and which, because of its failure to comply fully with this section, has not been registered within six months after the date of conviction under that subsection is guilty of an offence and liable on summary conviction to a fine of two thousand five hundred dollars.

Idem.

(10) A union which has been convicted of an offence under subsection (9) and which, because of its failure to comply fully with this section, has not been registered within six months after the date of conviction under that subsection shall be dissolved.

Idem.

(11) Sections 84 and 85 of The Summary Jurisdiction Act do not apply to subsections (8) and (9) of this section.

Secs. 84 and 85 Summary Jurisdiction Act not applicable.

7. The rules of a union shall contain all of the rules for the government, regulation, conduct and management of the union and the rules of every union are binding upon its members.

Rules to contain all constitution of the union.

8.—(1) The rules may contain such provisions which are not inconsistent with this Act as the union deems fit and shall include rules setting forth

Contents of rules.

- (a) the name of the union;
- (b) the objects of the union;
- (c) the qualifications for membership, the conditions under which persons may be admitted to membership and

continue to be members and the circumstances under which membership in the union shall cease;

- (d) the circumstances under which a member may be subject to forfeitures or suspended or expelled from the union;
- (e) the conditions under which a person may be re-instated in the union;
- (f) the amount of the initiation fee of the union;
- (g) the monthly membership dues of each member;
- (h) the amount of the fee to be paid by a person on his re-instatement in the union;
- (i) provisions for an annual meeting;
- (j) provisions respecting the calling of meetings of the union;
- (k) provisions for quorums for meetings of the union;
- (l) provisions for trustees, officers, executive members, committees and auditors of the union;
- (m) the method of election or appointment and removal from office of trustees, officers, executive members, committees and auditors of the union;
- (n) the terms of office of persons referred to in paragraph (1);
- (o) the purposes for which funds of the union may be used;
- (p) the manner in which funds of the union may be invested;
- (q) that an audited statement of receipts and disbursements, together with the auditor's report, if any, thereon, shall be submitted to each annual meeting and posted at the place of the annual meeting during that meeting;

- (r) breaches of the rules in respect of which fines may be levied by the union and the amounts of those fines;
- (s) provisions for appeals by members against fines, forfeitures, suspensions and expulsions;
- (t) benefits to which members are entitled and the conditions or circumstances under which those benefits may be authorized by the union;
- (u) provisions dealing with the dissolution of the union and the distribution of funds of the union on dissolution; and
- (v) provisions for amending the rules.

(2) The union shall file each rule with the Registrar and the Registrar shall

Rules to be filed with Registrar.

- (a) register the rule if it does not conflict with any provision of this Act or the regulations; or
- (b) refuse to register the rule if in his opinion it conflicts with any provision of this Act or the regulations and he shall give the union written notice of his refusal together with the reasons for his refusal.

(3) A rule is not binding on a union or its members unless it has been registered and it comes into effect when it is registered or on such later date, if any, as may be prescribed in the rule.

Coming into force of rules.

(4) The secretary of a union or such other officer of the union as the union shall direct shall without charge supply each member when he joins with a copy of the rules and a copy of each rule that the union makes thereafter within two months after it has been registered.

Each member to receive a copy of rules.

(5) If a member requires a copy of the rules in addition to the copy supplied under subsection (4) the secretary shall apply it at cost.

Additional copies of rules.

Union to give receipts to members.

9.—(1) Subject to subsection (2), a union shall give each member a written receipt for all money paid by the member or on his behalf to the union and the receipt shall state what the payment represents.

Other evidence of receipts.

(2) A union may instead of issuing written receipts under subsection (1) issue stamps or buttons or provide the member with some other evidence of receipt of payments made by him or on his behalf.

Members entitled to copies of financial statements.

10. The treasurer of a union or such other officer of the union as the union shall empower shall on the request of a member and on payment by the member of an amount of not more than twenty-five cents supply that member with a copy of the audited balance sheet, if any, and the audited statement of receipts and disbursements as submitted to the last annual meeting of the union, together with the auditor's report, if any, thereon or permit that member to inspect the audited statement of receipts and disbursements.

Union to have an address.

11.—(1) A union shall have an address in the province to which correspondence may be addressed and at which notices may be served.

Notice of change of address be given to Registrar.

(2) A union shall within one week after fixing or changing its address give the Registrar written notice of the address.

Service of summonses, etc., on union or trustee.

(3) Any summons, notice, order, or other document may be served on a union by leaving it or sending it through the post in a prepaid registered letter addressed to the union at its address and may be served on the trustees by leaving it or sending it through the post in a prepaid registered letter addressed to the trustees at the address of the union.

Rules as to document sent by post.

(4) Any documents to be served by post on a union or trustee shall be posted in such time as to admit of its being delivered in the due course of delivery within the period, if any, prescribed for the service thereof and in proving service of the document it is sufficient to prove that the document was properly directed and that it was put as a prepaid letter in the post office.

12. The secretary of a union shall in addition to any other duties required of him by the union have the custody of and preserve

Secretary to preserve all records.

- (a) all correspondence received and copies of all correspondence sent by the union; and
- (b) a permanent record of all decisions made by the union or by the executive of the union.

13. A union shall file with the Registrar the name of any organization

Union to notify Registrar of its affiliations, etc.

- (a) with which the union is associated or affiliated as a result of the granting of a charter to the union or of any agreement between the union and that organization; or
- (b) of which it is a member or in which it is represented.

14.—(1) A union may, subject to this Act and with the approval of two-thirds of its members, amalgamate with another union.

Amalgamation.

(2) A union which intends to amalgamate with another union shall by advertisement to the satisfaction of the Registrar notify its creditors of

Advertisement of amalgamation.

- (a) its intention to amalgamate with another union;
- (b) the name of the union with which it intends to amalgamate;
- (c) the name by which the union will be known after amalgamation;
- (d) the date on which the amalgamation will become effective.

(3) A union shall not amalgamate with a union which is not registered.

Only registered unions may amalgamate.

Application of Act and regulations to amalgamated unions.

(4) After two or more unions amalgamate the union which results from the amalgamation is subject to and shall comply with all of the provisions of this Act and the regulations.

Dissolution of unions amalgamating.

(5) A union which amalgamates with another union is dissolved from the date of registration of the amalgamated union.

Amalgamation has rights, liabilities, etc., of amalgamating unions.

(6) A union which results from the amalgamation of two or more unions as from the date of the amalgamation

(a) has the property rights and privileges; and

(b) is subject to and responsible for the contracts, debts and liabilities,

of each of the amalgamating unions.

Union may change name.

15.—(1) A union may, subject to this Act and with the approval of two-thirds of its members, change its name.

Registration of new name.

(2) A union which has changed its name shall give written notice of the change to the Registrar who shall

(a) register the new name in place of the former name of the union; and

(b) issue a certificate which shall set forth the new name and the former name of the union.

Change of name not to affect rights, obligations, etc., of union.

(3) The change of name of a union shall not

(a) affect any rights or obligations of the union; or

(b) render defective any legal proceedings instituted or to be instituted by or against the union,

and any legal proceedings may be continued or commenced against the union in its new name that might have been continued or commenced against the union in its former name.

Annual return to be made to Registrar.

16. A union shall within one month after the date of each annual meeting file with the Registrar

- (a) a return which shall show
 - (i) the titles, names and addresses of the trustees, officers and other executive members of the union, and
 - (ii) the number of members in good standing, as at the date of the annual meeting; and
- (b) a copy of the latest audited balance sheet, if any, and statement of receipts and disbursements of the union, together with the auditor's report, if any, on each.

17. Subject to Section 5, every trustee, officer and member of a union who receives or holds money or other property of any kind or records or any other documents of any kind belonging to or for or on behalf of the union is responsible for the safe custody of that money or other property, records and other documents and when required by the union to do so he shall deliver the money or other property, records and other documents to a representative designated by the union for the purpose.

Officers and members to hold money, etc., for union.

18. The Registrar shall before the fifteenth day of January in each year publish in *The Newfoundland Gazette* and one or more newspapers circulating in the province a list which shall show the names of unions

Information to be published annually by Registrar.

- (a) to whom certificates have been issued;
- (b) whose certificates have been cancelled or suspended;
- (c) which the Registrar has refused to register;
- (d) whose names have been changed;
- (e) which have amalgamated; and
- (f) resulting from amalgamation

during the year which ended on the last day of the preceding month.

Power of Registrar to investigate compliance with Act.

19. If the Registrar believes that a union is not complying with its rules or with this Act or the regulations he may carry out such investigation as he deems fit and for the purposes of this section the Registrar has the powers of a Commissioner appointed under The Public Enquiries Act.

Registrar may suspend or cancel certificates.

20.—(1) The Registrar may suspend for such period as he deems fit or cancel the certificate of a union which has not complied with or which has violated any provision of its rules or of this Act or of the regulations, whether or not the union has been prosecuted for the non-compliance or violation.

Cases in which Registrar may cancel certificates.

(2) The Registrar may cancel the certificate of a union where the union has obtained registration through fraud or by mistake.

Registrar to notify union of suspension or cancellation.

(3) The Registrar shall send a notice to a union advising it when its certificate has been suspended or cancelled and the suspension or cancellation is effective three months from the date of the notice or, if the decision of the Registrar is upheld on appeal under Section 22, on the date of the decision of the court, whichever is earlier.

Effect of suspension of certificate.

(4) When a certificate has been suspended the union

- (a) shall return its certificate to the Registrar; and
- (b) shall not in any way dispose of any of its property while the certificate is suspended.

Effect of cancellation of certificate.

(5) When a certificate has been cancelled the union

- (a) shall return its certificate to the Registrar; and
- (b) is dissolved as from the date on which the notice served under subsection (3) is effective.

Liability of persons acting for union after suspension or cancellation of certificate.

(6) A person who after a certificate has been cancelled acts or purports to act on behalf of the union whose certificate has been cancelled, except for the purpose of carrying out this Act, is

(a) guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars; and

(b) liable for any disposition he makes of property of the union.

21. The Registrar may alter or modify a decision which he has made or cancel a notice which he has given.

Registrar may change his decision.

22.—(1) A union may appeal to the Supreme Court from

Union may appeal to Supreme Court from Registrar's decision.

(a) a refusal of the Registrar to register a union or a rule, or

(b) the suspension or cancellation of a certificate by the Registrar.

(2) An appeal under this section shall be begun by the union giving a notice of appeal to the Registrar of Trade Unions within three months after the date of the refusal, suspension or cancellation appealed against.

Notice of appeal.

(3) The Court may in an appeal under this section make such order as it deems fit and may award costs for or against the Registrar or the union.

Costs.

(4) Notwithstanding any other provision of this Act

Stay of dissolution, etc.

(a) the dissolution of a union; or

(b) the suspension or cancellation of a certificate,

shall be stayed pending the disposition of an appeal.

23.—(1) When a union dissolves or has been dissolved it shall not distribute its assets to its members except in payment of *bona fide* debts.

Assets not to be distributed to members.

(2) When a union is being dissolved it shall after satisfying all of its *bona fide* debts distribute its remaining assets in accordance with its rules.

Distribution of assets of dissolved union.

Statement to be filed with Registrar after dissolution.

(3) When a union has been dissolved the persons who held the offices of president and secretary at the time of dissolution shall file with the Registrar a statement which shall show how the assets of the dissolved union were distributed.

Union not to hold itself out as such after dissolution.

24.—(1) A union which dissolves or has been dissolved shall not hold itself out to be a union.

Registrar may seize assets where improper holding out.

(2) If a union holds itself out to be a union contrary to subsection (1) the Registrar may seize and hold the assets of the union in accordance with subsection (3).

Notice of seizure to be filed in Registry of Deeds.

(3) Where the Registrar is about to seize the assets of a union in accordance with this section he shall file in the Registry of Deeds a notice which shall be received by the Registrar of Deeds without payment of fee and which shall recite that the assets of the union have been seized under this section.

Title to property vests in Registrar.

(4) From the time the notice is filed under subsection (3) the title to all property of the union is vested in the Registrar and the Registrar may take such steps as he deems necessary to acquire possession of that property and of the records of the union.

Sale by the Registrar.

(5) The Registrar may in such manner as he deems fit sell the property seized under this section for such consideration as he can realize and the sale by the Registrar vests in the purchaser of the property a title which is valid against all unsecured creditors of the union.

Distribution of proceeds of sale of union property.

(6) The Registrar shall out of the proceeds of the sale of the property of a union under subsection (5) pay the debts of the union insofar as the proceeds permit, having regard to those debts which are proved to the satisfaction of the Registrar and after paying those debts the Registrar shall distribute the balance, if any, of the proceeds in accordance with the rules of the union or, if there are no such rules, with the approval of the Lieutenant-Governor in Council to a charitable or benevolent cause.

Regulations.

25.—(1) The Lieutenant-Governor in Council may make regulations for the better administration of this Act and for

carrying its purposes and provisions into effect and without limiting the generality of the foregoing may make regulations

- (a) prescribing forms to be used for the purposes of this Act;
- (b) permitting, restricting or prohibiting the inspection and copying of such documents or classes of documents filed with the Registrar as may be designated in the regulations.

(2) Regulations shall be published in *The Newfoundland Gazette* and come into force on the date of publication or on such later date as may be specified in the regulations and shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session and, if it is not, then within fifteen days after the commencement of the next session.

Publication.

26.—(1) Where no special penalty is provided by this Act, a union which violates or fails to comply with any provision of this Act or of the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Offences.

(2) A person who violates or, being required to comply with this Act or the regulations, fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Idem.

(3) A magistrate who convicts a union of an offence under this Act shall report to the Registrar the offence of which the union was convicted, the amount of the fine imposed and whether the fine has been paid.

Magistrate to report convictions of unions to Registrar.

(4) If a magistrate reports to the Registrar that a union has not paid a fine imposed on it the Registrar shall if the fine has not been paid,

Registrar may suspend certificate where union does not pay fine.

- (a) if no appeal is taken and on the expiration of the time in which an appeal may be taken; or
- (b) on the final judgment in an appeal if the conviction is upheld

suspend the union's certificate until the fine has been paid.

Registrar's
reports.

27. The Registrar shall at the request of the Minister submit to the Minister such reports and other information as the Minister requires respecting the administration of this Act.

Information
to be
confidential.

28. The Registrar shall not, except in accordance with the regulations, if any, divulge to any person other than the Minister or his Deputy any information or report filed with or made to him under this Act.



CHAPTER 378

An Act Respecting a Trans-Canada Highway

WHEREAS the Governments of Canada and Newfoundland recognize that completion of a Trans-Canada Highway is necessary to assist in creating a better means of connection between all provinces in Canada and in promoting the economic development of Canada generally;

AND WHEREAS it has been agreed by the said Governments that the construction of that portion of a Trans-Canada Highway within Newfoundland should be undertaken by Newfoundland and that the cost of that construction should be shared by Canada and Newfoundland.

1. This Act may be cited as The Trans-Canada Highway Act. Short title.

2. The Lieutenant-Governor in Council may from time to time enter into agreements with the Government of Canada with respect to the construction of that portion of a Trans-Canada Highway which is within Newfoundland and the sharing by the Governments of Canada and Newfoundland of the costs incurred in connection therewith. Powers of Lieutenant-Governor in Council to enter into agreements.



CHAPTER 379

An Act to Encourage the Establishment of Trout Hatcheries and Nurseries

- 1.** This Act may be cited as The Trout Hatcheries and Nurseries Act. Short title.
- 2.** Subject to this Act, the Lieutenant-Governor in Council may assure to any applicant the waters of any pond for the purpose of breeding fish, together with as much land surrounding the pond as he may deem necessary for the purposes of the applicant, and an assurance may be made under this section by way of grant, lease or licence, as the Lieutenant-Governor in Council may determine. Assurance of waters for breeding fish.
- 3.** An assurance made under Section 2 shall be subject to the conditions that the person claiming title under the assurance shall, in accordance with the statutes, regulations and laws of Canada referred to in Section 4,
- (a) stock the waters granted to him with fish of such species, kind and quantity and for such period; and
 - (b) supply the Department each year with fish, for stocking other waters, of such species, kind and quantity and for such period
- as may be prescribed in the grant, lease or licence by the Lieutenant-Governor in Council. Conditions under which assurance made.
- 4.** There shall be prescribed in any grant, lease or licence issued under this Act a condition that the grantee, lessee or licensee shall comply with the requirements of all applicable statutes, regulations and laws of Canada relating to anadromous and other fish. Further as to conditions.

No part of
any scheduled
river to be
affected.

5. An assurance shall not be made under this Act in respect of any waters which form part of any river set out in the Schedule to the *Newfoundland Fishery Regulations* (Canada).



CHAPTER 380

An Act Respecting Trustees

1. This Act may be cited as The Trustee Act. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.
 - (a) “court” means the Supreme Court of Newfoundland;
 - (b) “contingent right”, as applied to land, includes a contingent or executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of the interest, or possibility is or is not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent;
 - (c) “convey” and “conveyance” applied to any person include the execution by that person of every necessary or suitable assurance for conveying, assigning, appointing, or otherwise transferring or disposing of land whereof he is possessed, or wherein he is entitled to a contingent right, either for his whole estate or for any less estate, together with the performance of all formalities required by law for the validity of the conveyance;
 - (d) “instrument” includes Act of the Legislature;
 - (e) “land” includes any interest therein, and also an undivided share of land;
 - (f) “mortgage” and “mortgagee” include and relate to every estate and interest regarded in equity as merely a security for money, and every person deriving title under the original mortgagee;

- (g) “pay” and “payment”, as applied in relation to stocks and securities, and in connection with the expression “into court”, include the deposit or transfer of the same in or into court;
- (h) “possessed” applies to receipt of income of and to any vested estate less than a life estate, legal or equitable, in possession or in expectancy in any land;
- (i) “property” includes real and personal chattels and any estate and interest in any property, and any debt, and any thing in action, and any other right or interest, whether in possession or not;
- (j) “rights” includes estates and interests;
- (k) “stock” includes fully paid up shares; and, so far as relates to vesting orders made by the court under this Act, includes any fund, annuity or security transferable in books kept by any company or society, or by instrument of transfer either alone or accompanied by other formalities, and any share or interest therein;
- (l) “transfer”, in relation to stock, includes the performance and execution of every deed, power of attorney, act and thing on the part of the transferor to effect and complete the title in the transferee;
- (m) “trust” does not include the duties incident to an estate by way of mortgage, but includes implied and constructive trusts and cases where the trustee has a beneficial interest in the trust property, and the duties incident to the office of personal representative of a deceased person;
- (n) “trustee” includes executor or administrator and a trustee whose trust arises by construction or implication of law, as well as an express trustee.

INVESTMENTS BY TRUSTEES.

3. Unless otherwise directed by the terms of the trust, a trustee having funds in his hands which it is his duty or which it is in his discretion to invest at interest may, whether at the time the funds are in a state of investment or not, invest them in

Investments
authorized
for trust funds.

- (a) any of the Legislative stocks, public funds or Government securities of this province, or in any securities the interest of which is, for the time being guaranteed by the Legislature of this province;
- (b) any of the Parliamentary stocks, public funds or Government securities of the United Kingdom, or any securities the interest of which is for the time being guaranteed by the Parliament of the United Kingdom;
- (c) any of the Parliamentary stocks, public funds or Government securities of Canada, or any securities the interest of which is for the time being guaranteed by the Parliament of Canada;
- (d) any of the Legislative stocks, public funds or Government securities of any of the provinces of Canada, or any securities the interest of which is for the time being guaranteed by the Legislature of any of the provinces of Canada;
- (e) any sinking-fund or serial bonds or debentures issued or to be issued by the City of St. John's or the City of Corner Brook;
- (f) investment certificates of a trust company approved by the Lieutenant-Governor in Council;
- (g) term deposit receipts or certificates of a bank to which the *Bank Act, 1966-67* (Canada) applies;
- (h) bonds, debentures, debenture stock or other securities of any loan company approved by the Lieutenant-Governor in Council;

- (i) bonds, debentures or other securities of a public utility which is approved for the purpose by the Lieutenant-Governor in Council;
- (j) first mortgages of land within the municipal limits of
 - (i) the City of St. John's,
 - (ii) the City of Corner Brook,
 - (iii) the Town of Grand Falls,
 - (iv) the Town of Gander, or
 - (v) the Town of Stephenville; and
- (k) bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada or the United States of America.

Redeemable investments.

4.—(1) A trustee may, under the powers conferred by this Act, invest in any of the securities referred to in paragraphs (a), (b), (c), (d), (e), (f), (h) and (k) of Section 3, notwithstanding that the securities may be redeemable and that the price exceeds the redemption value.

(2) A trustee may retain until redemption any redeemable stock, fund or security which may have been purchased in accordance with the powers of this Act.

Discretion of trustee.

5. Every power conferred by the preceding section shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument, if any, creating the trust with respect to the investment of the trust funds.

Application to trusts.

6. The preceding sections shall apply as well to trusts created before as to trusts created after the passing of this Act, and the

powers thereby conferred shall be in addition to the powers conferred by the instrument, if any, creating the trust.

7.—(1) A trustee having power to invest upon the security of land, unless expressly forbidden by the instrument creating the trust, may invest and shall be deemed to have always had power to invest in the purchase of or on mortgage of any freehold or leasehold property.

Purchase or mortgage of land.

(2) A trustee having power to invest in the mortgages or bonds of any railway company or of any other description of company may, unless the contrary is expressed in the instrument authorizing the investment, invest in the debenture stock of a railway company or such other company as aforesaid.

Stock of railway or other company.

(3) Trustees lending money on the security of any property on which they can lawfully lend may contract that such money shall not be called in during any period not exceeding seven years from the time when the loan was made, provided interest be paid within a specified time not exceeding thirty days after every half-yearly or other day on which it becomes due, and provided there be no breach of any covenant by the mortgagor contained in the instrument of mortgage or charge for the maintenance and protection of the property.

Call for money invested limited to seven years.

8.—(1) A trustee may, unless expressly prohibited by the instrument creating the trust, retain or invest in securities payable to bearer which, if not so payable, would have been authorized investments: Provided that securities to bearer retained or taken as an investment by a trustee (not being a trust corporation or the Registrar of the Supreme Court) shall, until sold, be deposited by him for safe custody and collection of income with a banker or banking company. A direction that investments shall be retained or made in the name of a trustee shall not, for the purposes of this subsection be deemed to be such an express prohibition as aforesaid.

Bearer certificates.

(2) A trustee shall not be responsible for any loss incurred by reason of such deposit, and any sum payable in respect of such deposit and collection shall be paid out of the income of the trust property.

(3) The Lieutenant-Governor in Council is hereby empowered upon the application of any trustee to convert debentures issued under the authority of any Act of the Legislature payable to bearer into debentures payable to the registered holder and to order that a register be opened by the Minister of Finance for the registration and transfer of such debentures.

Trustee acting on report of surveyor as to value.

9.—(1) A trustee lending money on the security of any property on which he can lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, provided that it appears to the court that in making the loan the trustee was acting upon a report as to the value of property made by a person whom he reasonably believed to be an able practical surveyor or valuer instructed and employed independently of any owner of the property, whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two equal third parts of the value of the property as stated in the report, and that the loan was made under the advice of the surveyor or valuer expressed in the report.

Concerning insured loans under the *National Housing Act, 1954* (Canada).

(2) Notwithstanding subsection (1), a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds two equal third parts of the value of the property mortgaged.

Lessor's title.

(3) A trustee lending money on the security of any leasehold property, shall not be chargeable with breach of trust only upon the ground that in making such loan he dispensed either wholly or partly with the production or investigation of the lessor's title.

Acceptance of short title.

(4) A trustee shall not be chargeable with breach of trust only upon the ground that in effecting the purchase of, or in lending money upon the security of any property, he has accepted a shorter title than the title which a purchaser is, in the absence of a special contract, entitled to require, if in the opinion of the court the title accepted be such as a person acting with prudence and caution would have accepted.

(5) This section applies to transfers of existing securities as well as to new securities, and to investments made as well before as after the passing of this Act, except where an action or other proceeding was pending with reference thereto before the passing of this Act. Application.

10.—(1) Where a trustee improperly advances trust money on a mortgage security which would at the time of the investment be a proper investment in all respects for a smaller sum than is actually advanced thereon, the security shall be deemed an authorized investment for the smaller sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest. Trustee only liable for unauthorized excess.

(2) This section applies to investments made as well before as after the passing of this Act, except where an action or other proceeding was pending with reference thereto before the passing of this Act.

POWERS OF APPOINTMENT BY TRUSTEES.

11.—(1) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of this province for more than twelve months, or desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for the purpose of appointing new trustees, by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representative of the last surviving or continuing trustee may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of this province, desiring to be discharged, refusing or being unfit, or being incapable as aforesaid. Surviving or continuing trustees may appoint new trustees.

(2) On the appointment of a new trustee for the whole or any part of trust property, Powers on appointment of new trustees.

(a) the number of trustees may be increased; and

- (b) a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, notwithstanding that no new trustees or trustee are or is to be appointed for other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first-mentioned part; and
- (c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust; and
- (d) any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees, shall be executed or done.

Powers of
new trustees.

(3) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance or otherwise, vested in him, shall have the same powers, authorities and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

Application.

(4) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

Saving.

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(6) This section applies to trusts created either before or after the passing of this Act.

12.—(1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall by the deed be discharged therefrom under this Act without any new trustee being appointed in his place.

Discharge by deed of one if more than two trustees.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4) This section applies to trusts created either before or after the passing of this Act.

13.—(1) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust or in any personal chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who, by virtue of the deed, become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons as joint tenants and for the purposes of the trust, that estate, interest or right.

Vesting by declaration deed.

(2) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the pur-

poses of the trust the estate, interest or right to which the declaration relates.

(3) This section does not extend to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner directed by, or under any Act of the Parliament of the United Kingdom, or the Dominion of Canada, or of the Legislature of this province.

(4) For purposes of registration of such deed the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5) This section applies only to deeds executed after the passing of this Act.

PURCHASE AND SALE BY TRUSTEES.

Sale by trustee when trust for or power of sale.

14.—(1) Where a trust for sale or a power of sale of property is vested in a trustee, he may sell, or concur with any other person in selling, all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title, or evidence of title, or other matter as the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to resell, without being answerable for any loss.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3) This section applies only to a trust or power created by an instrument coming into operation after the passing of this Act.

When sale by trustee not to be impeached.

15.—(1) No sale made by a trustee shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily deprec-

iatory, unless it also appears that the consideration for the sale was thereby rendered inadequate.

(2) No sale made by a trustee shall, after the execution of the conveyance, be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory, unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for sale was made.

(3) No purchaser, upon any sale made by a trustee, shall be at liberty to make any objection against the title upon the ground aforesaid.

(4) This section applies only to sales made after the passing of this Act.

16. Trustees may, by leave of the court, purchase the estate and effects of the testator or intestate, or the trust property, or any part thereof, subject in all cases to such directions as the court may make in relation to such sale, and all matters incident thereto, and subject to confirmation by the court.

Trustee may purchase by leave of court.

17. When any freehold property is vested in a married woman as a bare trustee, she may convey it as if she were a *feme sole*.

Married woman as bare trustee.

VARIOUS POWERS AND LIABILITIES OF TRUSTEES.

18.—(1) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money, or valuable consideration or property receivable by the trustee under the trust, by permitting the solicitor to have the custody of, and to produce, a deed executed by the said trustee, containing in the body thereof a receipt for the said money, or valuable consideration, or property; and a trustee shall not be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment.

Appointment of solicitor or banker as agent.

(2) A trustee may appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to the trustee under or by virtue of a policy of assurance, by permitting

the banker or solicitor to have the custody of and to produce the policy of assurance with a receipt signed by the trustee, and a trustee shall not be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment.

(3) Nothing in this section shall exempt a trustee from any liability which he would have incurred if this Act had not been passed, in case he permits any such money, valuable consideration or property to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable the banker or solicitor (as the case may be) to pay or transfer the same to the trustee.

(4) This section applies only where the money or valuable consideration or property is received after the passing of this Act.

(5) Nothing in this section shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit anything which he is in express terms directed to do, by the instrument creating the trust.

Power to
insure property.

19.—(1) A trustee may insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property, and pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income.

(2) This section does not apply to any building or property which a trustee is bound forthwith to convey absolutely to any beneficiary upon being requested to do so.

(3) This section applies to trusts created either before or after the passing of this Act, but nothing in this section shall authorize any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do by the instrument creating the trust.

Renewal of
leases.

20.—(1) A trustee for any leaseholds for lives or years which are renewable from time to time, either under any covenant or

contract or by custom or usual practice, may, if he thinks fit, and shall, if thereto required by any person having any beneficial interest, present or future or contingent, in the leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same lands on the accustomed and reasonable terms, and for that purpose may from time to time make, or concur in making, a surrender of the lease for the time being subsisting, and to do all such other acts as are requisite: Provided, that where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew, or to contribute to the expense of renewal, this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee.

(2) If money is required to pay for the renewal, the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the lands to be comprised in the renewed lease, and, if he has not in his hands sufficient money for the purpose, he may raise the money required by mortgage of the lands to be comprised in the renewed lease, or of any other lands for the time being subject to the uses or trusts to which those lands are subject, and no person advancing money upon a mortgage purporting to be under his power shall be bound to see that the money is wanted or that no more is raised than is wanted for the purpose.

(3) This section applies to trusts created either before or after the passing of this Act, but nothing in this section shall authorize any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do by the instrument creating the trust.

21.—(1) The receipt in writing of any trustee for any money, securities, or other property or effects payable transferable or deliverable to him under any trust or power shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

Written receipt
of trustee to be
sufficient
discharge.

(2) This section applies to trusts created either before or after the passing of this Act.

Executor or administrator may pay debts or effect composition.

22.—(1) An executor or administrator may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2) An executor or administrator, or two or three trustees acting together, or a sole acting trustee, where by the instrument, if any, creating the trust a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they may think fit, accept any composition or any security for any debt or for any property claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of those purposes may enter into, give, execute and do such agreements, instruments of composition or arrangement, releases and other things, as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section applies to executorships, administratorships and trusts constituted or created either before or after the passing of this Act.

Action by or against estate for injury or wrong.

23.—(1) An action may be maintained by the executors or administrators of any person deceased for any injury to the estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person, and damages, when recovered, shall be part of the estate of such person and an action may be maintained against the executors or administrators of any person deceased, for any wrong committed by him in his life time to another in respect to his property; so as such injury shall have been committed within six

months before such person's death, and so as such action shall be brought within six months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such persons.

(2) The executors or administrators of any lessor or landlord may distrain upon the lands demised, for any term or at will, for the arrearages of rent due to such lessor or landlord in his life time, in like manner as such lessor or landlord might have done in his life time.

Distrain
for rent.

(3) Such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined: Provided that such distress be made within the space of six months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears become due. All the powers and provisions of the law relating to distress for rent shall be applicable to distresses made under the provisions of this Act.

After
determination
of term.

24. Where an executor or administrator, liable as such to the rents, covenants or agreements contained in any lease, or agreement for a lease, granted or assigned to the testator or intestate, whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease, as may have accrued due and been claimed up to the time of the assignment hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease, or agreement for a lease, to a purchaser thereof, he shall be at liberty to distribute the residue of the said estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease, or agreement for a lease, and the executor and administrator so distributing the residuary estate shall not after having

When executor
or administrator
not liable
under lease.

assigned the said lease, or agreement for a lease, and having where necessary set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease, or agreement for a lease; but nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

Notice to
creditors and
claimants.

25. Where an executor or administrator shall have given such or the like notices, as in the opinion of the court or a judge thereof shall have been sufficient, for creditors and others to send in to the executors or administrators their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claim, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of the distribution of the said assets, or part thereof, as the case may be; but nothing in this Act contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

Petition to court
or judge
respecting
management or
administration.

26. Any trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to the court or a judge thereof on any question respecting the management or administration of the trust, property or assets of any testator or intestate, notice of such application, with copy of the said petition, to be served upon, or the hearing thereof to be attended by all persons interested in such application, or such of them as the court or judge shall think expedient; and the trustee, executor or administrator acting upon the opinion, advice or direction given by the court or judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided, nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator is re-

spect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud, or wilful concealment, or misrepresentation in obtaining such opinion, advice or direction.

27. In all cases where any property is held by trustees in trust for an infant, either absolutely or contingently upon his attaining the age of twenty-one years, or on the occurrence of any event previously to his attaining that age, such trustees may, at their sole discretion, pay to the guardian (if any) of such infant, or otherwise apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education or not, and such trustees shall accumulate all the residue of such income, by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen: Provided always, that such trustees may at any time, if it shall appear to them expedient, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Trust for infant.

28.—(1) Where a power or trust is given to or vested in two or more trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being.

Exercise of trust by survivors.

(2) This section applies only to trusts constituted after or created by instruments coming into operation after the 30th day of March, A.D. 1898.

29. A trustee acting or paying money in good faith under or in pursuance of any power of attorney shall not be liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power, if this fact was not known to the trustee at the time of his so acting or paying: Provided, that nothing in this section shall affect the right of any person entitled to the money against the person to whom

Trustee acting or paying money under power of attorney.

the payment is made, and that the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee.

Trustee liable only for money or securities actually received.

30. A trustee shall, without prejudice to the provisions of the instrument, if any, creating the trust, be chargeable only for money and securities actually received by him, notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects or defaults, and not for those of any other trustee, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default, and may reimburse himself or pay or discharge out of the trust premises all expenses incurred in or about the execution of his trusts or powers.

Provisions applicable to actions against trustees not founded on fraud or breach of trust.

31.—(1) In any action or other proceeding against a trustee or any person claiming through him, except where the claim is founded upon any fraud or fraudulent breach of trust to which the trustee was party or privy, or is to recover trust property, or the proceeds thereof still retained by the trustee, or previously retained by the trustee and converted to his use, the following provisions shall apply

- (a) all rights and privileges conferred by any statute or limitations shall be enjoyed in the like manner, and to the like extent, as they would have been enjoyed in such action or other proceeding if the trustee, or person claiming through him, had not been a trustee or person claiming through him;
- (b) if the action or other proceeding is brought to recover money or other property, and is one to which no existing statute of limitations applies, the trustee or person claiming through him shall be entitled to the benefit of and be at liberty to plead the lapse of time as a bar to such action or other proceeding, in the like manner and to the like extent as if the claim had been against him in an action of debt for money had and received, but so, nevertheless, that the statute shall run against

a married woman entitled to possession for her separate use, whether with or without a restraint upon anticipation, but shall not begin to run against any beneficiary unless and until the interest of such beneficiary shall be an interest in possession.

(2) No beneficiary, as against whom there would be a good defence by virtue of this section, shall derive any greater or other benefit from a judgment or order obtained by another beneficiary than he could have obtained if he had brought such action or other proceeding and this section had been pleaded.

(3) This section shall only apply to actions or other proceedings commenced after the passing of this Act, and shall not deprive any executor or administrator of any right of defence to which he is entitled under any existing statute of limitations.

32. A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law.

Trustee holding unauthorized investment.

33. If it appears to the court that a trustee, whether appointed by this Act or not, is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

Court may relieve trustee from personal liability.

POWERS OF THE COURT.

34.—(1) The court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult or impracticable so to do without the assistance of the court, make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees or although there is no existing trustee. In particular and without prejudice to the generality of the foregoing provision the court may make an order for the appoint-

Appointment of new trustees by court.

ment of a new trustee in substitution for a trustee who is convicted of felony or declared insolvent.

(2) An order under this section and any consequential vesting order or conveyance shall not operate further or otherwise as a discharge to any former or continuing trustees than an appointment of new trustees, under any power for that purpose contained in any instrument would have operated.

(3) Nothing in this section shall give power to appoint an executor or administrator.

Court may
make vesting
order.

35.—(1) Where

- (a) the court appoints or has appointed a new trustee;
- (b) a trustee, entitled to or possessed of any land or entitled to a contingent right therein, either solely or jointly with any other person,
 - (i) is an infant,
 - (ii) is out of the jurisdiction of the court, or
 - (iii) cannot be found;
- (c) it is uncertain who was the survivor of two or more trustees jointly entitled to or possessed of any land;
- (d) as to the last trustee known to have been entitled to or possessed of any land, it is uncertain whether he is living or dead;
- (e) there is no personal representative to a trustee who was entitled to or possessed of land and has died intestate as to that land, or it is uncertain who is the personal representative of a trustee who was entitled to or possessed of land and is dead; or
- (f) a trustee jointly or solely entitled to or possessed of any land, or entitled to a contingent right therein, has been required, by or on behalf of a person entitled to require

a conveyance of the land or a release of the right to convey the land or to release the right, and has wilfully refused or neglected to convey the land or release the right within twenty-eight days after the date of the requirement,

the court may, subject to subsections (2) and (3), make an order (in this Act called a vesting order) vesting the land in any such person in any such manner and for any such estate as the court may direct, or releasing or disposing of the contingent right to such person as the court may direct.

(2) Where an order made under subsection (1) is consequential on the appointment of a new trustee the land shall be vested for such estate as the court may direct in the persons who, on the appointment, are the trustees.

Idem.

(3) Where an order made under subsection (1) relates to a trustee entitled jointly with another person and that trustee is out of the jurisdiction of the court or cannot be found the land or right shall be vested in that other person, either alone or with some other person.

Idem.

36. Where any land is subject to a contingent right in an unborn person, or class of unborn persons, who, on coming into existence, would in respect thereof become entitled to or possessed of the land on any trust, the court may make an order releasing the land from the contingent right, or may make an order vesting in any person the estate to or of which the unborn person, or class of unborn persons, would on coming into existence be entitled or possessed in the land.

Court may release land from contingent remainder.

37. Where any person entitled to or possessed of land, or entitled to a contingent right in land, by way of security for money, is an infant, the court may make an order vesting or releasing or disposing of the land or right in like manner as in the case of an infant trustee.

Idem.

38. Where a mortgagee of land has died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of the mortgage has been paid to a person entitled to receive the same, or that

Vesting order of mortgaged land in certain cases.

last-mentioned person consents to any order for the reconveyance of the land, then the court may make an order vesting the land in such person or persons in such manner as the court may direct in any of the following cases, namely

- (a) where the personal representative of the mortgagee is out of the jurisdiction of the court, or cannot be found; and
- (b) where the personal representative of the mortgagee, on demand made by or on behalf of a person entitled to require a conveyance of the land, has stated in writing that he will not convey the same or does not convey the same within the space of twenty-eight days next after a proper deed for conveying the land has been tendered to him by or on behalf of the person so entitled; and
- (c) where it is uncertain whether the personal representative of the mortgagee is living or dead; and
- (d) where there is no personal representative to a deceased mortgagee, or it is uncertain who is his personal representative.

In case of judgment for sale or mortgage parties deemed trustees.

39. Where the court gives a judgment or makes an order directing the sale or mortgage of any land, every person who is entitled to or possessed of the land, or entitled to a contingent right therein, and is a party to the action or proceeding in which the judgment or order is given or made, or is otherwise bound by the judgment or order, shall be deemed to be so entitled or possessed, as the case may be, as a trustee within the meaning of this Act, and the court may, if it thinks it expedient, make an order vesting the land or any part thereof in the purchaser or mortgagee or in any other person.

In cases of specific performance, etc., court may declare parties to be trustees.

40. Where a judgment is given for the specific performance of a contract concerning any land, or for the partition, or sale in lieu of partition, or exchange, of any land, or generally where any judgment is given for the conveyance of any land, the court may declare that any of the parties to the action are trustees of the land or any part thereof within the meaning of this Act, or

may declare that the interests of unborn persons who might claim under any party to the action, or under the will or voluntary settlement of any person deceased, who was during his lifetime a party to the contract or transaction concerning which the judgment is given, are the interests of persons who on coming into existence would be trustees within the meaning of this Act, and thereupon the court may make a vesting order relating to the rights of those persons, born and unborn, as if they had been trustees.

41. A vesting order under any of the foregoing provisions shall, in the case of a vesting order consequential on the appointment of a new trustee, have the same effect as if the persons who before the appointment were the trustees (if any) had duly executed all proper conveyances of the land for such estate as the court directs, or if there is no such person, or no such person of full capacity, then as if such person had existed and been of full capacity and had duly executed all proper conveyances of the land for such estate as the court directs, and shall in every other case have the same effect as if the trustee or other person, or description or class of persons, to whose right or supposed rights the said provisions respectively relate had been an ascertained and existing person of full capacity and had executed a conveyance or release to the effect intended by the order.

Effect of vesting order.

42. In all cases where a vesting order can be made under any of the foregoing provisions, the court may, if it is more convenient, appoint a person to convey the land or release the contingent right, and a conveyance or release by that person in conformity with the order shall have the same effect as an order under the appropriate provision.

Appointment of person to convey.

43. In any of the following cases, namely

- (a) where the court appoints or has appointed a new trustee; and
- (b) where a trustee entitled alone or jointly with another person to stock or to a chose in action
 - (i) is an infant, or

Vesting order as to stock, dividends or chose in action.

- (ii) is out of the jurisdiction of the court, or
 - (iii) cannot be found, or
 - (iv) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action, according to the direction of the person absolutely entitled thereto, for twenty-eight days next after a request in writing has been made to him by the person so entitled, or
 - (v) neglects or refuses to transfer stock or receive the dividends or income thereof, or to sue for or recover a chose in action for twenty-eight days after an order of the court for that purpose has been served on him; or
- (c) where it is uncertain whether a trustee entitled alone or jointly with another person to stock or to a chose in action is alive or dead, the court may make an order vesting the right to transfer or call for a transfer of stock, or to receive the dividends or income thereof, or to sue for or recover a chose in action, in any such person as the court may appoint: Provided that,
- (i) where the order is consequential on the appointment by the court of a new trustee, the right shall be vested in the persons who, on the appointment are the trustees, and
 - (ii) where the person whose right is dealt with by the order was entitled jointly with another person, the right shall be vested in that last-mentioned person either alone or jointly with any other person whom the court may appoint;
- (d) in all cases where a vesting order can be made under this section the court may, if it is more convenient, appoint some proper person to make or join in making the transfer;

- (e) the person in whom the right to transfer or call for the transfer of any stock is vested by an order of the court under this Act, may transfer the stock to himself or any other person, according to the order, and all companies shall obey every order under this section according to its tenor;
- (f) after notice in writing of an order under this section, it shall not be lawful for any company to transfer any stock to which the order relates or to pay any dividends thereon except in accordance with the order;
- (g) the court may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised;
- (h) the provisions of this Act as to vesting orders shall apply to shares in ships registered under the Acts relating to merchant shipping as if they were stock.

44.—(1) An order under this Act for the appointment of a new trustee, or concerning any land, stock, or chose in action may be made on the application of any person beneficially interested, whether under disability or not, or on the application of any person duly appointed trustee thereof.

Application for appointment of new trustee or for order.

(2) An order under this Act concerning any land, stock or chose in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the money secured by the mortgage.

45. Every trustee appointed by the court shall, as well before as after the trust property becomes by law or by assurance, or otherwise, vested in him, have the same powers, authorities and discretions and may in all respects act as if he had been originally appointed a trustee by the instrument (if any) creating the trust.

Powers of trustee appointed by court.

46. The court may order the costs and expenses of and incident to any application for an order appointing a new trustee,

Court may order costs payable out of estate.

or for a vesting order, or of and incident to any such order, or any conveyance or transfer in pursuance thereof, or generally of any proceedings under this Act, to be raised or paid out of the estate, or out of the income thereof, or to be borne and paid in such manner and by such persons as to the court may seem just.

Land may be vested in trustee of a charity.

47. The powers conferred by this Act as to vesting orders may be exercised for vesting any land, stock or chose in action in any trustee of a charity or society over which the court would have jurisdiction upon action duly instituted, whether the appointment of the trustee was made by instrument under a power or by the court under its general or statutory jurisdiction.

Vesting order conclusive as to facts alleged in certain cases.

48. Where a vesting order is made as to any land under this Act or under any Act relating to lunacy, founded on an allegation of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the personal representative of a mortgagee is out of the jurisdiction of the court or cannot be found, or that it is uncertain which of several trustees of a mortgagee was the survivor, or whether the last trustee or personal representative of a mortgagee is living or dead, or on an allegation that any trustee or mortgagee has died and it is not known who is his personal representative, the fact that the order has been so made shall be conclusive evidence of the matter so alleged in any court upon any question as to the validity of the order; but this section shall not prevent the court from directing a reconveyance or the payment of costs occasioned by any such order if improperly obtained.

Payment of moneys or securities into court.

49.—(1) Trustees, or the majority of trustees, having in their hands or under their control money or securities belonging to a trust may pay the same into the court; and the same shall, subject to rules of court, be dealt with according to the orders of the court.

(2) The receipt or certificate of the Chief Clerk of the Supreme Court shall be a sufficient discharge to trustees for the money or securities so paid into court.

(3) Where any moneys or securities are vested in any persons as trustees and the majority are desirous of paying the same into court, but the concurrence of the other or others cannot be

obtained, the court may order the payment into court to be made by the majority without the concurrence of the other or others and where any such moneys or securities are deposited with any banker, broker or other depository, the court may order payment or delivery of the moneys or securities to the majority of the trustees for the purpose of payment into court; and every transfer, payment and delivery made in pursuance of any such order shall be valid and take effect as if the same had been made on the authority or by the act of all the persons entitled to the moneys and securities so transferred, paid or delivered.

MISCELLANEOUS.

50. When in any action the court is satisfied that diligent search has been made for any person who, in the character of trustee, is made a defendant in any action, to serve him with a process of the court, and that he cannot be found, the court may hear and determine the action and give judgment therein against that person in his character of a trustee as if he had been duly served or had entered an appearance in the action and had also appeared by his counsel and solicitor at the hearing, but without prejudice to any interest he may have in the matters in question in the action in any other character.

Court may hear action when trustee cannot be served.

51.—(1) Where a trustee commits a breach of trust at the instigation or request, or with the consent in writing, of a beneficiary, the court may, if it thinks fit, and notwithstanding that the beneficiary may be a married woman entitled for her separate use and restrained from anticipation, make such order as the court seems just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

Beneficiary to indemnify trustee where breach of trust committed at request or instigation of beneficiary.

(2) This section shall apply to breaches of trust committed as well before as after the passing of this Act.

52. The provisions of this Act relating to a trustee shall apply as well to several joint trustees as to a sole trustee.

Application to joint trustees.

53.—(1) Trustees, as defined by this Act, shall be allowed, over and above all actual and necessary expenses, such remuneration as may appear to the court or a judge thereof to be ade-

Remuneration of trustees.

quate to their services, and the court or judge may apportion such remuneration among trustees as may appear just, according to the labor bestowed or the responsibility incurred by them respectively. The total remuneration shall not exceed one-twentieth of the realized value of the assets. Where all the assets shall not have been realized the court or judge may either order further realization or allow remuneration in respect of the unrealized part to any sum less than one-twentieth of the value thereof.

(2) Where an estate is less than \$1,000 in value, the court or judge may allow such remuneration as it shall think adequate.

(3) Notwithstanding anything in this Act, the compensation of the Registrar of the Supreme Court, when acting as a trustee, shall be governed by the rules of the court.

Compensation in will or trust deed deemed full satisfaction unless trustee renounces.

54. When any provision shall be made by any will for specific compensation to an executor, or the deed or other instrument creating the trust makes provision for compensation to the trustee, the same shall be deemed a full satisfaction for his services in lieu of any compensation as mentioned in Section 53 or his share thereof, unless such executor or trustee shall, by a declaration under his hand, filed in the said court, renounce all claim to such specific legacy or compensation so provided. Such declaration shall be filed before probate or administration taken, or the acceptance of the office of trustee.

This Act and order complete indemnity.

55. This Act, and every order purporting to be made under this Act shall be a complete indemnity to all persons for any acts done pursuant thereto; and it shall not be necessary for any such person to enquire concerning the propriety of the order, or whether the court had jurisdiction to make the same.

Rules and regulations.

56. The court shall have power to make all rules and regulations necessary and proper for carrying the provisions of this Act into effect; and such rules and regulations shall be published in *The Newfoundland Gazette* of this province and posted in the office of the Registrar of the Court for at least one month before they come into operation.



CHAPTER 381

An Act Respecting Unclaimed Articles of Clothing and Household Goods

1. This Act may be cited as The Unclaimed Articles Act. Short title.

2. This Act applies in the case of Application.
 - (a) any article of clothing or household goods, of the value of not more than one hundred dollars,
 - (i) which is deposited with a person for cleaning, pressing, dyeing, glazing, washing, or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than six months, and
in respect of which the agreed or reasonable charges for the services mentioned in subparagraph (i) are unpaid; and
 - (b) any article of clothing or household goods, of the value of not more than one hundred dollars,
 - (i) which is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, dyeing, glazing, washing, or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than two years, and
in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than twelve months.

Notice to
owner of
article.

3.—(1) Upon the expiration of the period mentioned in subparagraph (ii) of paragraph (a) or subparagraph (ii) of paragraph (b) of Section 2, as the case may be, the person with whom an article is deposited may cause a notice to be served by personal service upon

- (a) the owner of the article;
- (b) the person who deposited the article; or
- (c) an adult person,
 - (i) at the address where the owner or person who deposited the article resides, or
 - (ii) at the address furnished by the owner or person who deposited the article at the time the article was deposited,

stating,

- (d) the amount of the agreed or reasonable charges in respect of the article; and
- (e) that if such charges are not paid within thirty days of the date of the service of the notice the article will be disposed of.

Idem.

(2) Any notice under subsection (1) may be in respect of more than one article belonging to or deposited by the same person.

Where owner
cannot be
found.

4. Where the whereabouts of the owner of or the person who deposited the article cannot be ascertained and after all reasonable inquires it is found that Section 3 cannot be complied with, the person with whom the article is deposited may, without effecting service of notice as required by Section 3, dispose of the article in the manner prescribed by Section 5.

Disposal of
articles.

5.—(1) Upon the expiration of the thirty-day period mentioned in subsection (1) of Section 3, the person with whom the article is deposited may dispose of it.

(a) by giving it to a charitable organization or by giving it to any organization in order that it may be used for charitable purposes; or

(b) by selling it, by auction or private sale.

(2) Upon a sale under paragraph (b) of subsection (1), the person with whom the article is deposited

Distribution
of proceeds
of sale.

(a) may out of the proceeds of the sale pay to himself the agreed or reasonable charges owing to him, together with the cost and expenses, including the cost of advertising, of the sale; and

(b) shall, within thirty days after the sale, pay the amount of the proceeds remaining, if any, after payment to himself under paragraph (a), to the owner of the article sold or to the Minister of Finance.

(3) The Minister of Finance shall, upon an order being made by a judge of the Supreme Court, pay the amount received by him under paragraph (b) of subsection (2) to the person named in the order.

Idem.

(4) Every person who disposes of articles under this section shall maintain a record of the articles disposed of and the persons or organizations to whom they are disposed.

Records.

6. Where an article has been disposed of under this Act, *prima facie* evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof.

Evidence of
compliance
with Act.

7. Where an article has been disposed of under this Act the person who disposed of it shall thereby relinquish all claims against the owner or person depositing it for unpaid charges for services upon or storage of the article.

Relinquishment
of claims on
disposal of
article.

8. Where any article of clothing or household goods

Disposal of
articles held for
six years.

(a) which has been declared by the owner or person de-

positing it to have a value of not more than one hundred dollars; or

- (b) in the absence of such a declaration having a reasonable market value of not more than one hundred dollars,

was deposited with a person for cleaning, pressing, dyeing, glazing, washing, repairing, or storage, or any combination thereof, and on the first day of July, 1951, any agreed or reasonable charges for services or storage, or both, had remained unpaid for a period of not less than six years, the person with whom the article is deposited may, without notice to any person, give the article to a charitable organization or to any other organization in order that it may be used for charitable purposes.



CHAPTER 382

An Act to Provide for the Relief of Persons from Certain Unconscionable Transactions.

1. This Act may be cited as The Unconscionable Transactions Relief Act. Short title.

2. In this Act Interpretation.

- (a) "cost of the loan" means the whole cost to the debtor of money lent and includes, without restricting the generality of the foregoing, interest, discount, subscription, premium, dues, bonus, commission, brokerage fees and charges, but not actual lawful and necessary disbursements made to the Registrar of Deeds, the Registrar of the Supreme Court, the clerk of a District Court, the sheriff or a city or a town clerk of a municipality;
- (b) "court" means a court having jurisdiction in an action for the recovery of a debt or money demand to the amount claimed by a creditor in respect of money lent;
- (c) "creditor" includes the person advancing money lent and the assignee of any claim arising or security given in respect of money lent;
- (d) "debtor" means a person to whom or on whose account money lent is advanced, and includes every surety and endorser or other person liable for the repayment of money lent or upon any agreement or collateral or other security given in respect thereof;
- (e) "money lent" includes money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or

securing the repayment of money so advanced and includes a mortgage.

The court may re-open transaction and take account, re-open former settlements, order repayment of excess and set aside or revise contract.

3. Where, in respect of money lent, the court finds that having regard to the risk and to all the circumstances the cost of the loan is excessive and that the transaction is harsh and unconscionable the court may

- (a) re-open the transaction and take an account between the creditor and the debtor;
- (b) notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, re-open any account already taken and relieve the debtor from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of the principal and the cost of the loan;
- (c) order the creditor to repay the excess if it has been paid or allowed on account by the debtor; and
- (d) set aside either wholly or in part or revise or alter any security given or agreement made in respect of the money lent, and, if the creditor has parted with the security, order him to indemnify the debtor.

Exercise of powers of court in action by creditor, in action by debtor, or in other proceedings.

4. The powers conferred by Section 3 may be exercised in an action or proceeding

- (a) by a creditor for the recovery of money lent;
- (b) by the debtor notwithstanding any provision or agreement to the contrary and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived; or
- (c) in which the amount due or to become due in respect of money lent is in question.

5.—(1) In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, he may apply for relief under this Act to the judge of the District Court of the judicial district in which he resides and the judge on the application may exercise any of the powers of the court under Section 3.

Relief in District Court.

(2) Where an application is made under subsection (1) the judge may, if he sees fit, at any time before disposing of the application by order remove the proceedings into the Supreme Court.

Removal of proceedings into Supreme Court.

(3) When an order is made under subsection (2) the clerk of the District Court shall forthwith transmit the papers in the case to the Registrar of the Supreme Court.

Idem.

(4) When the papers have been received by the Registrar of the Supreme Court under subsection (3), the application made under subsection (1) is *ipso facto* removed into the Supreme Court and shall be heard and determined by a judge of the Supreme Court in chambers and the judge on the application may exercise any of the powers of the court under Section 3 or he may direct an issue.

Idem.

6. Nothing in this Act affects the rights of a *bona fide* assignee or holder for value without notice or derogates from the existing powers or jurisdiction of any court.

Saving *bona fide* holder for value and existing jurisdiction.



CHAPTER 383

An Act to Secure the Development of Undeveloped Mineral Areas.

1. This Act may be cited as The Undeveloped Mineral Areas Act. Short title.

2.—(1) In this Act Interpretation.

- (a) “development” includes all things necessary to be done preparatory to the carrying on of mining operations and the actual winning and getting of minerals from the undeveloped mineral area and all mining operations conducted in connection therewith;
- (b) “mine” means any work or undertaking for the extraction or production of mineral ore;
- (c) “mineral” includes every naturally occurring inorganic substance both metallic and non-metallic, and without limiting the generality of the foregoing, includes quarry materials and salt, and also includes coal, oil and natural gas;
- (d) “mineral area” means land, whether surface, sub-surface, or submarine
 - (i) comprised in any grant, lease, or licence from the Crown in which minerals were or were not reserved to the Crown,
 - (ii) title to which was obtained in any other manner whatsoever,

and includes a mine;

- (e) "mineral ore" includes all unprocessed minerals or mineral bearing substances;
- (f) "Minister" means the Minister of Mines, Agriculture and Resources;
- (g) "operator" means any person with whom an agreement is made under Section 4;
- (h) "owner" includes a lessee or licensee;
- (i) "quarry materials" means limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, any building stone, and volcanic ash;
- (j) "undeveloped mineral area" means a mineral area that has been declared undeveloped within the meaning of this Act in pursuance of Section 3.

(2) Other parts of speech and tenses of every word defined in subsection (1) have meanings corresponding to the definition of that word.

Declaration by Lieutenant-Governor in Council that a mineral area is undeveloped.

3. Whenever the Minister gives a certificate in writing to the Lieutenant-Governor in Council that in his opinion a mineral area has not been worked or that sufficient moneys have not been expended in its development during the ten year period preceding the date of the certificate the Lieutenant-Governor in Council may by order declare the mineral area to be undeveloped within the meaning of this Act.

Specified minerals, quarry materials or other rights may be exemplified from undeveloped mineral area.

4.—(1) The Lieutenant-Governor in Council may by order exempt from the operation of this Act any specific minerals or quarry materials on or in a mineral area declared to be undeveloped in pursuance of Section 3, or any other rights whatsoever thereon, therein or thereover, and when an order is made under this section this Act shall thereupon cease to apply to the minerals, quarry materials or other rights so exempted.

Retroactive effect of orders.

(2) An order may be made under subsection (1) in respect of any mineral areas that were declared undeveloped in pursuance of Section 3 before the enactment of this section.

5. Every order made under Section 3 or 4 shall be published in *The Newfoundland Gazette* and shall come into force on the date of publication or on such later date as may be stated in the order.

Publication of orders.

6.—(1) The Minister may make an agreement with any company, partnership or person providing for the prospecting of any undeveloped mineral area or for the development of that undeveloped mineral area, including without limiting the generality of the foregoing, the actual winning and getting minerals from that undeveloped mineral area and the conducting of any mining operations connected therewith, or for both such prospecting and development.

Agreements for prospecting and development of undeveloped mineral areas.

(2) In an agreement made under this section, there shall be set forth the consideration, if any, payable to the Minister and the manner and dates of payment, and the operator may be given all or any of the rights conferred on him by the agreement for any term not exceeding ninety-nine years, and in the agreement provision may be made for the renewal of all or any of such rights on the request in writing of the operator, his successors in title, assigns or sub-lessees, to be made before the execution of the first term of ninety-nine years on similar terms and conditions, except the covenant for renewal.

(3) The Minister may make an agreement under this section with respect to two or more undeveloped mineral areas which were held by different owners before an order declaring the mineral areas to be undeveloped was made under Section 3, whether or not the undeveloped mineral areas were so declared by different orders.

(4) When the Minister makes an agreement under this section for the prospecting of any undeveloped mineral area, he may in that agreement enter into, execute and deliver a covenant to give to the company, partnership or person with whom the agreement is made an option for a period not exceeding the prospecting period to take up an agreement for the development of that undeveloped mineral area upon such terms and conditions as are approved by the Lieutenant-Governor in Council and prescribed in the prospecting agreement.

(5) Subject to this Act, an agreement made with an operator in accordance with this section shall upon its execution and delivery be valid and binding upon all persons affected thereby, and all and singular the provisions thereof shall have the force and effect of law for all purposes as if expressly enacted in this Act, and the parties to the agreement and the successors and assigns of each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters and things in and by the agreement provided to be done or not to be done, as the case may be, in the manner and with the effect and under the conditions stipulated and provided in the agreement.

(6) The Minister and every operator have towards each other the same rights they would have, if the Minister was the owner in fee simple of the undeveloped mineral area and the operator was his tenant.

(7) Subject to the terms and conditions of the agreement made with him under this section, an operator has for the period prescribed in the agreement the exclusive right of possession of the undeveloped mineral area to which that agreement relates.

(8) An operator who has prospecting rights under an agreement made in accordance with this section may take away from the undeveloped mineral area to which the agreement relates such minerals and for such purposes and for such period as may be prescribed in the agreement, and that operator has the sole ownership of all such minerals.

(9) An operator who has the right to conduct the development of an undeveloped mineral area under an agreement made in accordance with this section may, subject to the provisions, terms and conditions of and during the period prescribed by the agreement, win and get and take away minerals from that mineral area without any restriction as to quantity and conduct all mining operations in the undeveloped mineral area that are necessary or desirable in connection therewith, and that operator has the sole ownership of all such minerals.

Right of Minister to enter, prospect and develop.

7. In lieu of making an agreement with an operator under Section 6, the Minister may enter upon, prospect and develop any undeveloped mineral area or do any of those things, and

where he does so, he has all the rights of an operator under Section 6 during the maximum period for which he is empowered to confer such rights on an operator under that section.

8.—(1) Subject to this Act, the Minister shall, during the currency of an agreement made under Section 6, pay to the owner of the undeveloped mineral area one-half of the balance of the moneys received by the Minister from the operator and remaining in his hands after deducting all moneys expended by the Minister or on his behalf in the prospecting or development, or both, of the mineral area and making all other deductions and payments to third parties authorized by this Act.

Payments to
owner and
Consolidated
Revenue Fund.

(2) The Lieutenant-Governor in Council may, by order, in any case where he deems it just and equitable so to do, direct that all of the balance of the moneys referred to in subsection (1), or any part of that balance greater than one-half shall be paid to the owner of the undeveloped mineral area, and an order may be made under this subsection in respect of any moneys paid into the Consolidated Revenue Fund in accordance with subsection (3), and when an order is made under this subsection, the amount prescribed by the order shall be paid to the owner in accordance therewith.

(3) If an order is not made under subsection (2), the remaining one-half of the balance of the moneys referred to in subsection (1), or if an order is made under subsection (2) any portion of that balance remaining after the payments prescribed by the order have been made, is the property of Her Majesty in right of Newfoundland and shall be paid into the Consolidated Revenue Fund.

9. Where in respect of any undeveloped mineral area to which an agreement made under Section 6 relates, surface rights are held by a person other than the owner of that mineral area, the Minister shall pay compensation to the holder of the surface rights, to be determined, in default of agreement between the Minister and that holder, by arbitration in the manner prescribed by Section 13, and the Minister may deduct the compensation before making any payment to the owner of the mineral area under Section 8.

Compensation
to holder
of surface
rights.

Minister may take action with respect to undeveloped mineral area, without limitation of time.

10.—(1) When an order is made under Section 3 declaring a mineral area to be undeveloped within the meaning of this Act, the Minister has, subject to this Act, power to make any agreement or to take any action with respect to that undeveloped mineral area, at any time thereafter and without limitation of time, unless the order is cancelled under subsection (2).

(2) An order may be made by the Lieutenant-Governor in Council cancelling any order made under Section 3, relating to the whole or any part of an undeveloped mineral area in respect of which there is no subsisting agreement made under Section 6, and when an order is made under this subsection, the area to which the order of cancellation relates shall thereupon cease to be an undeveloped mineral area, and all of the rights of the owner in the area to which the order relates shall be restored forthwith, without the necessity of any assurance of title other than this subsection, but a further order or orders may be made under Section 3 with respect to that area.

Deduction of expenses by Minister before payment to owner.

11. Where the Minister enters into an agreement under Section 6 for the prospecting or development, or both, of any undeveloped mineral area and the Minister has expended moneys in prospecting or developing, or both, any other mineral area belonging to the owner of the mineral area in respect of which the agreement has been made, the Minister may in calculating sums due the owner under Section 8 deduct sums expended by him on all the owner's mineral areas before making the payment provided for in Section 8.

Non-liability of Minister.

12. The Minister is not liable to any person upon the ground that he has not obtained the best consideration from an operator in an agreement made under Section 6.

Arbitration.

13.—(1) Should arbitration be called for under Section 9, the Minister shall appoint one arbitrator and the holder of the surface rights shall appoint another, and if either party fails to appoint an arbitrator after seven (7) clear days' notice in writing has been given to him by the other requiring him so to do, then the party who has given such notice may apply to the Supreme Court or a judge thereof, and such Court or judge, after due notice to the party in default, shall appoint such arbitrator and the two arbitrators so appointed shall appoint a third arbi-

trator or umpire, and if they fail to appoint such third arbitrator or umpire after seven (7) clear days' notice in writing from either such owner or such holder so to do, the Supreme Court or a judge thereof shall, on the application of the owner or the holder, appoint such third arbitrator or umpire, and the three so appointed shall proceed to hear the parties on the matter in dispute and make their decision and award.

(2) The award in any arbitration held under this section shall be made in writing and delivered promptly to the parties, and the decision and award of the arbitrators or any two of them shall be final and binding on the parties, except that either party may appeal therefrom to the Supreme Court on questions of law only, by giving due notice of the appeal to the other party within one month following the receipt of the award.

(3) Notwithstanding anything to the contrary contained in Section 195 of The Judicature Act, Part VI of that Act, except that section, shall apply to any arbitration held under this section.



CHAPTER 384

An Act to Provide for the Redistribution by the Crown of Certain Unimproved Lands.

WHEREAS the lands hereinafter more specifically referred to have remained undeveloped for many years;

AND WHEREAS the lands or certain parts thereof are required for the development of agriculture and for other purposes;

AND WHEREAS it is not in the interest of the people of Newfoundland that the said lands should remain in an undeveloped state;

AND WHEREAS it is felt that provision should be made for the acquisition of such lands by the Crown so that they may be redistributed for agricultural and other purposes.

1. This Act may be cited as The Unimproved Lands (Redistribution) Act. Short title.

2. This Act applies to the lands granted by the Crown grants referred to in the Schedule, whether or not the lands or any of them or any interest therein is now held by the grantees named in the grants or has passed to any other person, company, partnership or association by conveyance, assignment, lease, devolution of law, prescriptive right or otherwise howsoever. Application of Act.

3.—(1) Whenever in the opinion of the Lieutenant-Governor in Council any land to which this Act applies is or may be required for present or future use by Her Majesty in right of Newfoundland or by the public or any member of the public for or in connection with Expropriation.

- (a) the development of agriculture;
- (b) the development of forestry;
- (c) the utilization, disposal or development of any product of the forest;
- (d) the construction or extension of any city, town, village or settlement;
- (e) the construction, extension, maintenance or repair of roads; or
- (f) the dedication to the public of the use of an existing road

the Lieutenant-Governor in Council may, by order and subject to subsection (2), direct that the land be expropriated.

Description of land.

(2) An order made under subsection (1) shall describe the land to be expropriated and in order to ascertain and measure and obtain a plan and description of the land any person duly authorized by the Minister of Mines, Agriculture and Resources may enter upon the land or any adjoining land for that purpose.

Application of certain provisions of The Expropriation Act.

4. Notwithstanding anything to the contrary contained in Section 60 or in any other provision of The Expropriation Act, only Section 2, Sections 7 to 16, subsections (2), (3) and (4) of Section 17, Section 18, Sections 28 to 31, Sections 35 to 55 and Section 59 of that Act apply, *mutatis mutandis*, and subject to Sections 5 to 8 of this Act, to the expropriation of any land to which this Act applies.

Application of relevant provisions of The Expropriation Act.

5. In the application to land to which this Act applies of the provisions of The Expropriations Act, brought into operation by Section 4 of this Act, a board of arbitrators shall not be appointed, and the Minister of Mines, Agriculture and Resources shall have and may exercise the powers and discharge the duties conferred and imposed on the Minister of Public Works and the board by such provisions.

6.—(1) Subject to subsection (2), the Minister of Mines, Agriculture and Resources shall compensate the owners of land expropriated under this Act for the land expropriated at the rate of thirty cents an acre, but in each case any advantage which an owner may derive or be likely to derive directly or indirectly from the contemplated use of the land shall be taken into account in reduction of the compensation.

Compensation.

(2) The Lieutenant-Governor in Council may by order prescribe a rate exceeding thirty cents an acre but not exceeding one dollar an acre for the calculation of the compensation to be paid in respect of land expropriated under this Act, where he is of the opinion that compensation should be paid at a rate higher than that prescribed by subsection (1) and when an order is made under this subsection compensation shall be paid at the rate prescribed in the order.

Increase of rate.

7.—(1) When land is expropriated under this Act the title to all surface rights, timber, quarry materials, coal, oil, natural gas and salt on and in the land so expropriated vests in Her Majesty in right of Newfoundland upon the expiration of the period prescribed by Section 14 of The Expropriation Act, but the title to the minerals on and in such land shall not be affected by the expropriation.

Title to land to be vested in the Crown.

(2) For the purposes of this section, the expressions “minerals” and “quarry materials” have the meanings assigned to them by Section 3 of The Crown Lands (Mines and Quarries) Act.

Interpretation.

8. Claims by the owners of land that is not land to which this Act applies for all damages caused by injurious affection to such land necessarily resulting from the expropriation of land under and in accordance with this Act shall be dealt with and disposed of under The Expropriation Act, as if the injurious affection was caused by an expropriation of land done under that Act.

Injurious affection.

9. Any payment that the Minister of Mines, Agriculture and Resources may be required to make under this Act shall be paid out of the Consolidated Revenue Fund of the province.

Payments by Minister.

Expropriated
land to be
dealt with
under The
Crown Lands
Act and The
Crown Lands
(Mines and
Quarries) Act.

10.—(1) All land expropriated under this Act shall, from the date that the title thereof vests in Her Majesty in right of Newfoundland, be deemed to be Crown lands to which The Crown Lands Act, and The Crown Lands (Mines and Quarries) Act apply and, subject to subsection (2), may be granted, leased or otherwise disposed of or dealt with under those Acts in the same manner as any other lands to which those Acts apply.

Consideration.

(2) When land that has been expropriated under this Act is granted or otherwise alienated under The Crown Lands Act, a charge shall be made in respect of it at a rate not less than that at which the compensation paid for it was calculated.

SCHEDULE

CROWN GRANT TO	NO.	DATE OF ISSUE	LOCATION	ACREAGE
New York, Newfoundland and London Telegraph Company	5874	22 Jan., 1889	South East Side of Bay St. George	19,200 acres
New York, Newfoundland and London Telegraph Company	5481	1 April, 1887	Cairn Mountain North side of Flat Bay Brook, Bay St. George	2,944 "
New York, Newfoundland and London Telegraph Company	5646	7 Sept., 1887	North side of St. George's Bay	2,916 "
New York, Newfoundland and London Telegraph Company	5480	1 April, 1887	North side Deer Lake	1,920 "
New York, Newfoundland and London Telegraph Company	5873	22 Jan., 1889	Second Pond Gander River	4,000 "
New York, Newfoundland and London Telegraph Company	5449	25 Jan., 1887	West Side Gander River Fourth Pond	2,524 "
New York, Newfoundland and London Telegraph Company	5435	21 Dec., 1886	Extending between Come-by-Chance in Placentia Bay and Bull Arm in Trinity Bay.	2,960 "
Thomas R. Smith Executor of the Will of the late Charles Fox Bennett deceased of St. John's	20	16 July, 1895	South side of East Bay Port-au-Port	1 sq. mile

UNIMPROVED LANDS
(REDISTRIBUTION) ACT

Chapter 384

5223



CHAPTER 385

An Act Respecting the Property of Citizens of the United States of America Dying in Newfoundland

1. This Act may be cited as The United States Citizens (Estates) Act. Short title.

2. When any citizen of the United States shall die in this province, without leaving heirs or testamentary executors resident in this province, notification of the said death shall be given by the Minister of Provincial Affairs, as soon as the same is reported to him, to the Chief Consular Officer of the United States of America in St. John's, and the said Consular Officer shall have the right to appear in all proceedings, either personally or by delegate, on behalf of the absent personal representatives or creditors of such deceased until they are otherwise represented.

U.S. Consul to
be notified, etc.,
of deaths of U.S.
citizens in this
Province.



CHAPTER 386

An Act to Encourage University Education in Newfoundland

1. This Act may be cited as The University Fees and Allowances Act. Short title.
2. In this Act Interpretation.
 - (a) "allowance" means such monetary allowance as may be authorized to be paid under this Act;
 - (b) "Minister" means the Minister of Finance or any other Minister of the Crown appointed by the Lieutenant-Governor in Council for the time being to administer this Act;
 - (c) "regulations" means regulations made under this Act; and
 - (d) "University" means the Memorial University of Newfoundland constituted by The Memorial University Act.
3. The Minister is charged with the administration of this Act. Administration.
- 4.—(1) The Lieutenant-Governor in Council may make regulations Regulations.
 - (a) authorizing the payment by the Minister to the University of
 - (i) such fees, and
 - (ii) such other charges, or
 - (iii) any of such fees and charges or a specified portion or specified portions of any or all of such fees and charges

as he may prescribe in respect of the attendance at the University

(iv) of such students, and

(v) for such period or periods

as he may prescribe;

(b) defining what shall be considered as fees and charges for the purposes of the regulations;

(c) authorizing the payment by the Minister to such students at the University as he may prescribe of such allowances and in respect of such period or periods as he may prescribe;

(d) authorizing the payment by the Minister to such students at the University as he may prescribe of such fellowships and in respect of such period or periods as he may prescribe;

(e) authorizing the payment by the Minister in respect of attendance at a specified university other than the University of any or all of the payments referred to in paragraphs (a), (c) and (d)

(i) to such students, and

(ii) in respect of such period or periods

as he may prescribe;

(f) authorizing the payment by the Minister to or in respect of such students at the University or another specified university of such payments, other than those specifically referred to in this section, as he may prescribe by way of assistance to such students and in respect of such period or periods as he may prescribe;

(g) prescribing the manner of making application for any of the payments referred to in this section, the evidence

to be furnished, including evidence under oath, in connection with such application and the manner of approval of such application;

- (h) prescribing any qualifications, terms and conditions to be filled, met and fulfilled by a student before any or all of the payments referred to in paragraphs (a), (c), (d), (e) and (f) may be paid in respect of such student, under this paragraph the Lieutenant-Governor in Council being authorized to prescribe different qualifications, terms and conditions in respect of the different payments authorized under this section;
- (i) the circumstances under which any of the payments referred to in this section or a portion or portions thereof may be withheld from award, suspended, cancelled or forfeited and the disposition of any such payment so withheld, suspended, cancelled or forfeited;
- (j) respecting the making of investigations as to the eligibility of any person to or in respect of any payment under the regulations and as to the use made thereof, providing for the suspension of payment of any such payment during any such investigation and for the reinstatement or resumption of payment after suspension and providing for the designation of persons as investigators and prescribing their powers and duties;
- (k) prescribing the purpose for which any payment authorized by this section is to be used;
- (l) prescribing the manner of and time when payments authorized by this section are to be made;
- (m) prescribing forms for use under this Act and the regulations;
- (n) forbidding, reducing or restricting any payment or payments authorized under this section in respect of persons in receipt of specified aid from the province or any other source by way of tuition, scholarships, grants, allowances or in any other specified manner;

- (o) establishing such boards, committees and councils as he deems necessary or desirable to assist and advise the Minister in carrying out the provisions of this Act, prescribing the powers and duties thereof and appointing the members thereof; and
- (p) respecting any matter, whether of any of the foregoing kinds or not, necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence
and penalty.

(2) The Lieutenant-Governor in Council may, in regulations made under subsection (1), provide that any person who fails to comply with or otherwise contravenes any specified provision of the regulations is guilty of an offence and he may prescribe penalties to which such person is liable, on summary conviction, for failing to comply with or otherwise contravening such provision of the regulations.

Date of effect
of regulations.

(3) Regulations made under this section shall be published in *The Newfoundland Gazette* and have effect from the date of publication or from such earlier or later date as may be specified in the regulations and the regulations shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and, if not, then within fifteen days after the commencement of the next ensuing session.

Agreements

5.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into agreements with the Government of Canada or any agency thereof or any of them providing for

- (a) the joint undertaking, by the Government of Newfoundland or any agency thereof with the Government of Canada or any agency thereof or by any of them, of projects for the encouragement of or assistance to university students in or from the province, or both such encouragement and assistance, or relating to any aspect of the matters entrusted to the Minister by or under this Act;
- (b) the payment of the province of contributions in respect of the cost of any projects referred to in paragraph (a);
or

- (c) any or all of the matters referred to in paragraphs (a) and (b).

(2) For the purpose of assisting the development of educational opportunities with respect to university students in or from the province and improving the standard of university education in the province or for any of the purposes of this Act, and subject to the approval of the Lieutenant-Governor in Council, the Minister may cause to be prepared and undertaken alone or with Canada, programmes of research and investigation, and may co-ordinate such programmes with other similar programmes being undertaken in the province or elsewhere in Canada.

Research.

6. In carrying out any project or research programme under this Act or in pursuance of any agreement made under this Act, the Minister shall, whenever possible, make use of the services and facilities of departments of the Government of the province.

Use of
Government
Departments.

7. Subject to the approval of the Lieutenant-Governor in Council, the Minister may

Agreements.

- (a) enter into any agreement for promoting the objects of this Act, including, without limitation of the foregoing, agreements with universities anywhere in the province or elsewhere in Canada and agreements with any other person;
- (b) enter into any agreement for which no specific provision is made elsewhere in this Act which he deems necessary or desirable for the purpose of exercising or discharging his powers, duties or functions; or
- (c) enter into any or all of the agreements referred to in paragraphs (a) and (b).

8. The Minister may implement any agreement made under this Act.

Implementation
of agreements.

9. In exercising his powers or carrying out his duties and functions under this Act, the Minister may consult with and inaugurate conferences of representatives of universities, industry, producers, science, labour and municipal authorities.

Consultation.

Payments hereunder not to be assigned or given as security.

10. No amount of money payable under this Act or the regulations shall be assigned, charged, alienated, attached, or anticipated or given as security, and any transaction purporting to assign, charge, alienate, attach, anticipate or give as security any such amount is void.

Return of payment where no entitlement.

11.—(1) A person who receives or obtains any amount of money under this Act or the regulations to which he is not entitled or an amount of money in excess of the sum to which he is entitled, shall forthwith return the cheque or the amount thereof, as the case may be, to the Minister.

Refund of sums paid on account of a student.

(2) A person on account or in respect of whom any amount of money is paid under this Act or the regulations when such a person is not entitled to have such amount of money so paid or on account or in respect of whom an amount of money in excess of the sum which he is entitled to have paid is paid, shall forthwith pay over the amount thereof to the Minister.

Recovery of sums improperly received.

(3) Where a person receives or obtains any amount of money referred to in subsection (1) or on account or in respect of whom any amount of money referred to in subsection (2) is paid, the amount thereof is a civil debt owing from such person to the Minister and the Minister may sue for and recover such amount as such civil debt.

Idem.

(4) Notwithstanding subsection (3), where a person referred to in subsection (1) or (2) is or subsequently becomes entitled to any amount of money under this Act or any other amount of money from the province, the amount of any indebtedness referred to in subsection (3) may be deducted and retained by the Minister out of any such amount of money to which he is or becomes entitled under this Act or otherwise from the province.

Student may be prosecuted.

(5) Subsections (1), (2), (3) and (4) shall apply, notwithstanding the fact that any person referred to in any of those subsections is liable to be, has been or it is intended that he shall be, prosecuted for an offence arising out of his receipt or obtaining of any amount of money referred to in subsection (1) or on account of or in respect of whom any amount of money referred to in subsection (2) is paid.

- 12.** All actions, suits and other proceedings taken by the Minister for the enforcement of any agreement or for the recovery of any amount of money under this Act or for the recovery of damages in tort or arising out of contract shall be instituted in the name of Her Majesty's Attorney General for Newfoundland.
- 13.** No person is entitled as a matter of right to receive or obtain or have paid on account of or in respect of him any amount of money authorized by or under this Act or the regulations.
- 14.** The Minister shall, not later than the 30th day of May in each year, submit a written report to the Lieutenant-Governor in Council on the administration of this Act for the preceding financial year together with a statement showing the expenditure made under this Act for that year, and the Minister shall lay copies of such report and statement before the Legislature within fifteen days after he has submitted them to the Lieutenant-Governor in Council if the Legislature is then in session or, if it is not in session, within fifteen days after the commencement of the next ensuing session.
- 15.** Any payments required to be made by the Minister or by or on behalf of Her Majesty in right of the province pursuant to any agreement entered into under this Act or in carrying out the provisions of this Act or the regulations shall be paid by the Minister out of the Consolidated Revenue Fund of the province, and any amounts of money paid to or recovered by the Minister under the provisions of this Act or the regulations shall be paid into the said Consolidated Revenue Fund.
- 16.** Power to enter into any agreement shall include power to amend any such agreement from time to time, but approval of the Lieutenant-Governor in Council for any amending agreement is required in like manner as for the original agreement.
- 17.** The receipt or obtaining of any amount of money under this Act or the regulations by any person or on account or in respect of whom any payment of money is made under this Act or the regulations, does not by itself constitute a disqualification of such person, if otherwise qualified to vote, from voting at any provincial or municipal election.

Actions to be taken in name of Attorney General.

Payments not a matter of right.

Annual report.

Payments.

Power to amend agreements.

Voting right.

under this Act or the regulations when not so entitled.

18.—(1) A person shall not knowingly receive or obtain any amount of money under this Act or the regulations to which he is not entitled.

Idem.

(2) A person shall not knowingly benefit from the payment of any amount of money paid on account of or in respect of him under this Act or the regulations when he is not entitled to so benefit.

Idem.

(3) A person shall not knowingly aid or abet another person to receive or obtain any amount of money under this Act or the regulations to which that other person is not entitled.

Idem.

(4) A person shall not knowingly aid or abet another person to benefit from the payment of any amount of money under this Act or the regulations when such other person is not entitled to so benefit.

Offence.

19.—(1) Any person who fails to comply with or otherwise contravenes any of the provisions of this Act or the regulations is guilty of an offence and every person who is guilty of an offence is, where no penalty is specifically provided in this Act or the regulations, liable on summary conviction in the case of a first conviction to a fine not exceeding one hundred dollars and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding two hundred dollars and, in either case, in default of payment to imprisonment for a term not exceeding three months.

Offences within twelve months of each other.

(2) For the purpose of subsection (1), a conviction is not deemed to be a second or subsequent conviction unless it is in respect of an offence committed within twelve months after the date of a previous offence.

Offence committed more than twelve months of previous offence.

(3) For the purpose of subsection (1), a conviction is deemed to be a first conviction if it is in respect of an offence committed more than twelve months after the date of the last previous offence.

Consent to prosecution.

20.—(1) A prosecution under this Act or the regulations shall not be taken except with the prior written consent of the Minister.

(2) A prosecution under this Act or the regulations shall not be commenced or process served later than one year after the alleged offence was committed.

Time limit for prosecutions.

21. The University Student Aid Rules, 1966, forming the Schedule to Order-in-Council 693-'66 approved by His Honour the Lieutenant-Governor on the twenty-second day of September, A.D. 1966, and published in *The Newfoundland Gazette* of the twenty-seventh day of September, A.D. 1966, and any amendments to such rules are deemed to be and always to have been regulations made under and by virtue of this Act and to be and always to have been valid and effectual.

Validity of certain Rules.



CHAPTER 387

An Act to Amend and Consolidate the Law Relating to Urban and Rural Planning

1. This Act may be cited as The Urban and Rural Planning Act. Short title.

INTERPRETATION.

2. In this Act Interpretation.
- (a) "Appeal Board" means an Appeal Board established under Section 8;
- (b) "appropriate Appeal Board" means, subject to subsection (3) of Section 8,
- (i) where there is more than one Appeal Board, the Appeal Board appropriate to the area of the province concerned, or
- (ii) where there is one Appeal Board only, that Appeal Board;
- (c) "Authority" means a Joint Planning Authority constituted under Section 43;
- (d) "authorized administrator" means an authorized Council or a Joint Planning Authority, or the Board, or a Public Authority exercising jurisdiction in the Municipal Planning Area, the Joint Planning Area, the Local Planning Area, or the Regional Planning Area or part thereof entrusted to it under and in accordance with this Act;

- (e) "Authorized Council" means a Council authorized by the Lieutenant-Governor in Council under Section 13 to exercise control within a Municipal Planning Area and includes a Council authorized by or under this Act to administer a Municipal Plan;
- (f) "Board" means the Provincial Planning Board constituted by Order in Council under Section 5 save where the context indicates that it means a Board of Arbitrators;
- (g) "building" means every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under the land and every part of a building and any chimney, staircase, porch or other structure used in connection with a building and all equipment, apparatus, or appliances attached to or installed in a building;
- (h) "Council" means any City Council, Town Council, Rural District Council or Board of Trustees constituted by or under the Local Government Acts for the time being in force and includes any council or board of a city or municipality or metropolitan area constituted by or under a special Act;
- (i) "Court" means the Supreme Court of Newfoundland;
- (j) "development" means the carrying out of any building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, buildings or premises and without limiting the generality of the foregoing

shall specifically include,

- (i) the making of an access onto a highway, road, or way,
- (ii) the erection of an advertisement or sign,

- (iii) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time,

and shall exclude

- (iv) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (v) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (vi) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose,
- (vii) the use of any building or land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such,
- (viii) the use of any land for the purposes of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with land so used,
- (ix) the carrying out of mining operations in any part of the province when it is outside of a Joint Planning Area, Municipal Area, Local Planning Area, Protected Road Area of Control, or Protected Area,
- (x) the carrying out of works for the erection, maintenance, improvement or other alteration of any building that is located wholly within the cur-

tilage of an existing lawfully constructed industrial undertaking providing in the opinion of the Board that such works will not materially change the use of the industrial undertaking or have an adverse effect upon the land, development, or amenities of any adjacent area;

- (k) "land" shall include buildings and structures on, over or under the soil, and fixtures which form part of the foregoing;
- (l) "Minister" means the Minister of Municipal Affairs and Housing or any other Minister of the Crown appointed by the Lieutenant-Governor in Council for the time being to administer this Act;
- (m) "Public Authority" includes Her Majesty in right of the province and any person or body of persons authorized to do or enforce the doing of any act or thing or to exercise any power or upon whom any duty is imposed by or under a public statute;
- (n) "subdivision" means the dividing of any land, whether in single or joint ownership into two or more pieces for the purpose of development.

Administration. **3.** The Minister is charged with the administration of this Act.

Supersession of provisions of Act. **4.** The powers conferred upon an authorized administrator by this Act shall be in addition to all powers conferred under any other Act; and when any provision of this Act conflicts with any other Act, save The Family Homes Expropriation Act, this Act shall prevail.

PART I.

ADMINISTRATION.

Provincial Planning Board. **5.—(1)** The Lieutenant-Governor in Council may by order constitute a Provincial Planning Board of not more than fifteen persons which shall include

- (a) such representatives of Departments of the Government of Newfoundland concerned with any aspects of urban and rural development or matters associated therewith within the province as may be designated or appointed by the Lieutenant-Governor in Council; and
 - (b) such other persons as the Lieutenant-Governor in Council appoints.
- (2) Each member of the Board shall hold office until his successor is appointed by the Lieutenant-Governor in Council and is eligible for reappointment.
- (3) The Board shall be presided over by a chairman appointed from among its members by the Lieutenant-Governor in Council or in the absence of the chairman, such member as the members present shall from among themselves appoint.
- (4) A majority of the members of the Board shall constitute a quorum.
- (5) The Board may adopt rules for its procedure and shall cause full minutes of its proceedings to be kept.
- (6) A vacancy in the Chairmanship shall not impair the authority of the remaining members of the Board to act.
- (7) No member of the Board shall receive any remuneration for his services as a member but may be paid his actual expenses necessarily incurred in the discharge of his duties as a member of the Board.
- (8) The Minister shall from time to time appoint a secretary of the Board, from among the members or otherwise.
- (9) Meetings of the Board shall be called by the secretary on the instruction of the Chairman.

6.—(1) The Board shall

- (a) advise the Minister with respect to urban and rural planning;
- (b) discharge any duties or functions assigned to it by this or any other Act or by the Minister;

Powers and
duties of
Board.

(c) each year, make a report to the Minister concerning the activities of the Board during the preceding calendar year.

(2) Subject to the approval of the Minister, the Board may

(a) conduct studies with respect to the physical, economic and social aspects of development and prepare reports and recommendations on regional planning, metropolitan growth, the planning of new towns, and any other matters relating to the development of any part of the province that may require the consideration of the Lieutenant-Governor in Council;

(b) assist and advise any Public Authority in the planning of orderly and economical development of land within its jurisdiction and as to the methods whereby such orderly and economical development may be obtained;

(c) collect such information, undertake such research and publish and disseminate such material as will assist public authorities, and encourage the planning of orderly and efficient development within the province.

Enquiries
and hearings.

7.—(1) Subject to the approval of the Minister, the Board may, itself or by any person appointed or designated by it, make enquiries into and report on any matter before the Board or any matter or thing over which the Board has jurisdiction.

(2) For the purposes of holding an enquiry or hearing under this or any other Act or regulation or under a municipal regulation, the Board, or any person appointed by it to make an enquiry, has all the powers of a commissioner under The Public Enquiries Act.

(3) The Board may make and adopt rules of practice, not inconsistent with this Act, regulating its procedure.

(4) In the conduct of enquiries and hearings before it, the Board is not bound by the technical rules of evidence.

(5) The Board may order by whom and in what proportion the costs and expenses incurred in making any enquiry and report or in holding any hearing under this Act shall be paid, and may fix the amount of the costs and expenses in accordance

with a schedule or scale of costs adopted by the Board or as a lump sum.

(6) Where necessary in any enquiry or matter before the Board, the Board or any person appointed by it to make an enquiry may enter upon and inspect any land or other property.

8.—(1) The Minister may, by order, establish

Establishment of Appeal Boards.

(a) an Appeal Board for the entire province; or

(b) such Appeal Boards as he may consider desirable, each such Appeal Board to be assigned, by the Minister, a specified area of the province over which it shall, subject to subsection (3), have jurisdiction for the purposes of this Act,

any such Appeal Board to be constituted of such number of persons, not less than three and not more than five, as the Minister may consider desirable, and the Minister may appoint to any such Appeal Board such representatives of Departments of the Government of the province and such other persons as he may consider desirable.

(2) An Appeal Board shall, with respect to the area of jurisdiction of such Appeal Board pursuant to paragraph (a) or (b) of subsection (1), hear, decide and issue orders respecting appeals in all cases where, under this Act or the regulations made under this Act or under any other Act or regulations made thereunder an Appeal Board is required so to do.

Powers and duties of an Appeal Board.

(3) Where there is more than one Appeal Board, in the event of any dispute as to which Appeal Board has, for the purposes of this Act, jurisdiction for any matter, the decision of the Minister thereon is, subject to the Minister's right to rescind or amend any such decision, final and conclusive for all such purposes and is not subject to review by a court of law or otherwise.

Decision of Minister as to jurisdiction of an Appeal Board.

9.—(1) The Minister may, by order, prescribe rules of procedure for an Appeal Board.

Procedure of Appeal Board.

Application of certain subsections of Section 7 to Appeal Board.

(2) Subsections (2), (4), (5) and (6) of Section 7 shall, *mutatis mutandis*, apply to an Appeal Board.

Appointment of Secretaries to Appeal Boards.

(3) The Minister may at any time, and from time to time, appoint a Secretary to any Appeal Board, or a Secretary common to all Appeal Boards where there is more than one Appeal Board, and determine the remuneration he shall be paid.

Members of Appeal Boards to serve without remuneration.

(4) No member of an Appeal Board shall receive any remuneration for his services as such, but he may be paid his actual expenses necessarily incurred in the discharge of his duties as a member of that Appeal Board.

Members of Appeal Boards hold office during pleasure.

(5) Every member of an Appeal Board holds office during pleasure.

Chairman.

(6) Every Appeal Board shall be presided over

(a) by a chairman appointed from among its members by the Minister; or

(b) in the absence of the chairman, by such member as the members present may from among themselves appoint.

Quorum.

(7) The majority of the members of an Appeal Board constitutes a quorum.

Date of coming into force of subsection (4).

(8) Subsection (4) shall come into force on a day to be fixed by proclamation of the Lieutenant-Governor in Council.

Decision of Appeal Board final.

10. A decision of an Appeal Board made under Section 8 is final and binding upon all parties, subject only to the provisions of Section 130.

PART II.

MUNICIPAL PLANS.

Proposal to prepare Municipal Plan.

11.—(1) Any Council may by resolution propose to prepare a Municipal Plan in accordance with this Act.

(2) When a resolution is passed under subsection (1) the Council concerned shall apply to the Minister requesting him to define the area to be comprised in the proposed Municipal Plan.

- (3) When a Council makes an application under subsection (2) it shall forward to the Minister with the application
- (a) a copy of the resolution passed in accordance with subsection (1) and certified by the Chairman of the Council to have been so passed;
 - (b) a description of the whole of the area in respect of which the application is made; and
 - (c) a statement of the arrangements that the Council has made or proposes to make for
 - (i) the preparation of the Municipal Plan, and
 - (ii) the administration of interim development control.

12.—(1) The Minister may, upon the receipt of an application made in accordance with Section 11, define the area to be comprised in the Municipal Plan.

Definition of area.

- (2) When defining an area in accordance with subsection (1) the Minister may include in the area so defined any land outside of the municipality concerned which in the opinion of the Minister is necessary to enable the Council
- (a) to exercise control over any development relating to the municipality that may occur beyond its boundaries;
 - (b) to control watersheds for the purposes of municipal water supply, whether within, or without its boundaries;
 - (c) to control the amenities of the municipality.

13.—(1) When a Municipal Planning Area has been defined under Section 12, the Lieutenant-Governor in Council may from time to time by order suspend for a stated time or generally the operation of the whole or any part of the provisions of any existing Act, proclamation, regulation, ordinance, by-law or other law relating to the Municipal Planning Area and may by order authorize the Council concerned to exercise interim control over any development within the Municipal Planning Area until the scheme referred to in Section 40 is published in *The Newfoundland Gazette* and authorizing the Council concerned to exercise

Interim development order.

control over any development that may take place within the Municipal Planning Area during that period.

Regulations.

(2) The Lieutenant-Governor in Council may, when making an order under subsection (1) or at any time thereafter, make regulations:

- (a) prohibiting the development of land or the erection of any house or building in the Municipal Planning Area without the approval of the Authorized Council;
- (b) prescribing that no application for the development of land within the Municipal Planning Area shall be approved by the Authorized Council unless it conforms with any standards or with any outline plan of the Municipal Planning Area designated in the regulations;
- (c) providing for the issuing by the Authorized Council of conditional consent in respect of specified forms of land development or erections or in respect of specified localities in the Municipal Planning Area;
- (d) providing for the approval by the Authorized Council for a limited period of the development of land or the erection of any house or building in the Municipal Planning Area;
- (e) providing that in respect of approval given by the Authorized Council by virtue of regulations made under paragraph (c) or paragraph (d) the Authorized Council may, where all of the conditions have not been fulfilled or where the period specified has expired, order the development or erection to be discontinued and the land in respect of which the conditional or temporary approval was given to be restored to its former state;
- (f) providing for the exercise by the Authorized Council of any other powers which in the opinion of the Lieutenant-Governor in Council are necessary or desirable for the purpose of this Act;
- (g) prescribing the manner in which an order made under this section is to be administered with respect to the control of interim development.

(3) In any regulations made under subsection (2), the Lieutenant-Governor in Council may limit the application of the regulations or any provision thereof to developments or classes of development specified in the regulations or may exempt from the application of any such regulations developments or classes of development specified therein, and may provide further that the regulations or any provision thereof shall apply generally throughout the Municipal Planning Area, or in any part of it.

Application of regulations.

(4) A person affected by a decision of an Authorized Council made pursuant to any regulations made under subsection (2) may appeal to the appropriate Appeal Board.

Appeal.

(5) The appropriate Appeal Board shall hear and determine the appeal, having regard to the merits and circumstances of the case and to any considerations arising from or relevant to the preparation of the Municipal Plan.

Idem.

14. When an interim development order is made under Section 13 the Authorized Council shall prepare or arrange for the preparation of a scheme of development in the Municipal Planning Area to be known as the Municipal Plan and shall forward to the Minister the Municipal Plan completed in accordance with Section 15 within two years of the date of an Interim Development Order made under subsection (1) of Section 13.

Preparation of Municipal Plan.

15.—(1) A Municipal Plan

Municipal Plan.

(a) shall be prepared under the direction of qualified planning officers or qualified planning consultants who shall be appointed by the Authorized Council and be responsible to it, and shall have been first approved by the Minister;

(b) shall be prepared on the basis of surveys and studies of land use, population growth, the economic base of the municipality, its present and future transportation and communication needs, public services, social services and such other factors as are relevant to the preparation of a Municipal Plan.

Requisites of
Municipal
Plan.

(2) Every Municipal Plan shall contain proposals for such general development of the Municipal Planning Area as can be foreseen for a period not exceeding ten years from the date of the completion of the Municipal Plan and shall be designed to co-ordinate the public purposes of the Authorized Council that bear upon urban development so as to achieve the common well-being of the community and to conserve the financial and material resources of the Municipal Planning Area and without limiting the generality of the foregoing shall contain

- (a) a plan or plans showing
 - (i) the proposed network of streets sufficient to carry the volume of traffic over them or reasonably to be anticipated,
 - (ii) the proposed division of all the land in the Municipal Planning Area into areas of permitted land use classes that the Authorized Council considers necessary for the purposes of the Municipal Plan,
 - (iii) the delineation of areas for comprehensive re-development;
- (b) proposals relating to the provision of public roadways, services, public buildings, schools, parks and recreation areas and the reservation of land for these and other public and community purposes;
- (c) proposals as to the content of land use zoning regulations, and other regulations or schemes required in order to put the Municipal Plan into effect;
- (d) a proposed program of public works relating to streets, public buildings, public open spaces and utilities which should be undertaken by the appropriate authorities during the period covered by the Municipal Plan in order to implement the Municipal Plan and a time table indicating when such public works should be completed and an estimate of the capital cost thereof;
- (e) a program setting forth the order in which any part or parts of the development provided for in the Municipal Plan is to be carried out and the order in which any designated parts of the area included in the Municipal

Plan is to be supplied with light, water and sewerage, streets, transit and other facilities; and

- (f) a proposal showing in detail the method of financing any works and expenses to be incurred in connection with or incidental to the carrying out of the development contemplated in the Municipal Plan

and shall include such other written statements, reports, charts and drawings as may be necessary to express and illustrate the proposals contained in the Municipal Plan.

16.—(1) When the Municipal Plan is completed in accordance with this Act, the Authorized Council shall consider it and if it is found satisfactory shall adopt it by resolution.

Adoption of
Municipal
Plan.

(2) Before the Municipal Plan is adopted in accordance with subsection (1) two copies thereof shall be sent to the Minister who shall advise the Authorized Council as to the form and content of the Municipal Plan and its conformity with this Act.

(3) When a Municipal Plan is adopted in accordance with subsection (1) two copies thereof shall be impressed with the seal and signed by the Chairman of the Authorized Council.

17.—(1) Every Authorized Council shall, when a Municipal Plan prepared by it has been adopted, give notice of its intention to seek the approval thereof by the Minister and such notice shall be given by one publication in *The Newfoundland Gazette* and by advertisement inserted at least once a week for two successive weeks in a newspaper published or circulating in the area affected, and the publication in *The Newfoundland Gazette* and the first advertisement in such newspaper shall be published at least four clear weeks before the date fixed for the hearing of objections referred to in Section 18.

Notice of
adoption of
Municipal
Plan.

(2) The notice shall state a place where, and hours during which, the Municipal Plan referred to in subsection (1) shall be inspected by any interested person and the time and place set for the hearing of objections referred to in Section 18.

(3) The Authorized Council shall make suitable provision for inspection of the Municipal Plan referred to in subsection (1) by interested persons during the period from the first publication of the notice referred to in that subsection until the date of the hearing of objections referred to in Section 18.

Arrangements
for public
hearing.

18. When an Authorized Council has adopted a Municipal Plan by resolution in accordance with Section 16 the Minister shall, subject to this Act and upon application of the Authorized Council set a day, hour and place for the holding of a public hearing to consider any objections to the Municipal Plan or any part thereof which may be raised by any person, corporation, partnership or association; and the date shall be fixed sufficiently far in advance to allow the Authorized Council a reasonable time in which to arrange for the first publications of the notice referred to in Section 17 at least one month before the date of the public hearing, and the public hearing shall be held at some place within the jurisdiction of the Authorized Council.

Appointment of
Commissioner.

19.—(1) Subject to subsection (2) the public hearing referred to in Section 18 shall be held by a Commissioner to be appointed by the Minister and the Minister shall appoint such other persons as he may deem necessary to assist the Commissioner in holding the public hearing and completing his report thereon and the Minister shall fix the remuneration to be paid to the Commissioner and to such other persons.

(2) The Authorized Council shall pay, within thirty days from receipt of notice from the Minister so to do, any sum that may, upon the completion of the public hearing, be found necessary fully to defray the total cost of and incidental to the public hearing.

(3) Upon the completion of the public hearing and the receipt by the Minister of the report of the Commissioner and the copies of the evidence referred to in Section 23 prepared in a manner satisfactory to the Minister, the Authorized Council shall pay to the Commissioner and to the persons appointed to assist him such remuneration as was fixed by the Minister under subsection (1) together with all reasonable expenses incurred by any of them, and shall pay all other expenses of and incidental to the public hearing; and all such remuneration and expenses shall be a first charge against the Authorized Council which may be enforced by the Minister in his official name and style.

Filing of
objections.

20. Any person, corporation, partnership or association who or which desires to have his or its objections to the Municipal Plan or any part thereof considered at the public hearing shall, at least five days before the date set for the public hearing, deposit

with the clerk or secretary of the Authorized Council two copies of a statement of his objections in writing signed by him.

21. On the day and hour and at the place fixed by the Minister under this Act, the Commissioner appointed for the purpose shall proceed to conduct the public hearing and shall hear all objections taken in accordance with this Act and may put the objector on oath if thought fit.

Public hearing.

22.—(1) A Commissioner appointed under this Act for the purposes of a public hearing has power to summon any witness and to require him to give evidence orally or in writing upon oath or upon solemn affirmation and to produce such documents and things as may be deemed requisite to the public hearing.

Powers of Commissioner.

(2) A Commissioner referred to in subsection (1) has the same power to enforce the attendance of witnesses and to compel them to give evidence as is possessed in any court of law in civil cases, and any false statement made by any witness on oath or solemn affirmation is punishable in the same manner as perjury.

23.—(1) When any public hearing held under this Act is completed, the Commissioner conducting it shall forward to the Minister a written report thereof in duplicate together with two copies of all evidence taken at the public hearing.

Commissioner to forward report to Minister.

(2) In the written report to be forwarded by the Commissioner under subsection (1) he shall set forth in full detail his recommendations respecting all objections considered by him at the public hearing together with his reasons therefor and a statement showing all objections which came to his notice but which were not considered by him together with the reasons why they were not so considered.

24.—(1) When the public hearing is completed the Authorized Council shall apply to the Minister for his approval of the Municipal Plan.

Application to Minister for approval of Municipal Plan.

(2) The application to the Minister for his approval of the Municipal Plan shall be accompanied by

(a) two copies of the Municipal Plan, certified correct by the clerk or secretary of the Authorized Council;

- (b) a copy of the adopting resolution so certified;
- (c) a copy of all written objections to the Municipal Plan.

Approval by
the Minister.

25.—(1) The Minister may, upon considering a Municipal Plan, together with a report of the public hearing relating to it and the evidence taken at the public hearing, approve or disapprove the Municipal Plan, or may approve it subject to such amendments and qualifications as may appear to him to be necessary or desirable.

(2) In the event of the Minister's considering it necessary to disapprove a Municipal Plan or to approve it subject to amendments and qualifications

- (a) if he disapproves it in the main or as a whole he may direct that it be cancelled and a new plan prepared;
- (b) if he amends or qualifies it in part only, he may direct a supplementary hearing upon the matters affected by the change, and may direct the Commissioner to give a hearing on the change either to citizens generally or to such part of the community as he may consider to be especially affected by the change.

Publication of
approval of
Minister.

26. Within ten days of the receipt of final approval by the Minister of the Municipal Plan, the authorized Council shall publish a notice of the approval in *The Newfoundland Gazette* and in one issue of a newspaper published or circulating in the area affected, and shall within ten days after publication forward a copy of each publication to the Minister.

Variation, etc.,
of Municipal
Plan.

27.—(1) A Municipal Plan may be amended or revoked in whole or in part by the Authorized Council, but such amendment or revocation shall have no effect unless approved by the Minister.

(2) Unless the Minister otherwise directs, and then subject to subsection (3), the procedure set forth in this Act shall apply to any amendment or revocation of the Municipal Plan as if such amendment or revocation was the Municipal Plan; and every such amendment or revocation shall be read together with and form part of the Municipal Plan to which it relates.

(3) Where, pursuant to subsection (2), the Minister directs that the procedure referred to in that subsection shall not apply, he shall, by order, specify the procedure that shall apply.

28. A Municipal Plan or any amendment or revocation thereof or any further plan or scheme shall take effect from the date of the publication in *The Newfoundland Gazette*, as required by Section 26, of the approval thereto of the Minister.

Time when
Municipal
Plan
takes effect.

29. From the time when a Municipal Plan or any further plan or scheme prepared for the purposes of a Municipal Plan and approved and brought into effect by or under this Act takes effect it shall be binding upon the Authorized Council and upon all other persons, corporations, partnerships, associations or other organizations whatsoever.

Municipal
Plan
binding upon
municipality
concerned.

30.—(1) Every Municipal Plan shall be reviewed by the authorized Council on the expiration of every five years from the date on which the Municipal Plan came into effect and revised as necessary according to the developments which can be foreseen during the next ten years.

Review of
Municipal
Plan.

(2) Where a revision of a Municipal Plan becomes necessary it shall be amended in accordance with this Act.

31.—(1) At any time after the adoption of a Municipal Plan the Authorized Council may prepare and adopt a development scheme for the purpose of

Development
schemes.

- (a) ensuring that any proposal contained in the Municipal Plan will be carried out or will be carried out in a particular manner;
- (b) amplifying the details of any such proposal;
- (c) carrying out urban renewal in accordance with the *National Housing Act, 1954*, as amended by subsequent legislation, or any subsequent or similar Act.

(2) Without limiting the generality of subsection (1), the Authorized Council, by a development scheme, may

- (a) provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of such land and buildings as are necessary to carry out the development scheme;

- (b) reserve land for future acquisition as the site or location of any public roadway, service or building or for a school, park or other open space and make such agreements with the owners of the land as will permit its acquisition and use for those purposes;
 - (c) specify the manner in which any particular area of land is to be used, subdivided, or developed, and regulate or prohibit the construction of buildings that would interfere with the carrying out of the development scheme; and
 - (d) make available any land for agricultural, residential, commercial, industrial, or other uses of any class at any particular time.
- (3) A development scheme shall describe and set out
- (a) the manner in which the scheme is intended to implement a proposal or part of a proposal contained in the Municipal Plan;
 - (b) the land affected by the scheme;
 - (c) the details of
 - (i) the development to be carried out, and
 - (ii) any land to be reserved and the manner in which the reservation is to be effected, or
 - (iii) the manner in which land affected by the scheme is to be subdivided;
 - (d) any other pertinent information.

Adoption of
development
schemes.

32. The procedure set forth in Sections 16 to 28 inclusive, of this Act shall apply to a development scheme as if such development scheme was the Municipal Plan and every such development scheme shall be read together with and form part of the Municipal Plan to which it relates.

33.—(1) When a Municipal Plan or any further plan or scheme comes into force, the Authorized Council may acquire by expropriation or otherwise any lands or buildings the acquisition of which is essential to the carrying out of the plan or scheme, together with lands

Acquisition of lands and buildings for a development scheme.

(a) that are the remnants of parcels, portions of which are necessary for carrying out the plan or scheme, or

(b) that may be injuriously affected by the plan or scheme.

(2) An Authorized Council may dispose of any lands acquired for the purpose of a Municipal Plan or any further plan or scheme subject to any building or other restrictions that may be set out in the Municipal Plan or any further plan or scheme.

Disposal of lands.

(3) An expense incurred by an Authorized Council in acquiring lands or taking any other action for the purposes of a Municipal Plan or any further plan or scheme shall be met as part of the cost of the Municipal Plan or any further plan or scheme, and the proceeds of any sale or other disposition of the lands so acquired shall be applied against the cost of the Municipal Plan or any further plan or scheme.

Expenses.

34.—(1) When a Municipal Plan is brought into effect the Authorized Council may cause to be prepared and adopted by resolution of the Authorized Council plans of development lines showing clearly land required for

Development lines.

(a) new streets and additions to and widening of existing streets;

(b) public open spaces; and

(c) public buildings, utilities and other matters,

and the development lines shall be prepared in strict conformity with the Municipal Plan.

(2) Plans of development lines adopted by an Authorized Council in accordance with subsection (1) shall be forwarded to the Minister for his approval.

(3) The Minister may give or withhold his approval or give qualified approval to any plan forwarded to him under subsection (2) in the same manner as is provided by this Act in respect of a Municipal Plan.

(4) The Authorized Council shall cause to be published in *The Newfoundland Gazette* a notice of every approval given by the Minister under subsection (3).

(5) Every plan approved by the Minister under subsection (3) shall take effect from the date of publication, in accordance with subsection (4), of the notice of the approval of the Minister relating to it.

New use of land within development lines does not entitle owner of land to compensation for injurious affection.

35. From the time when any plan of development lines is brought into effect any new use of land or erection of any building or structure on any land within the development lines shall not entitle the owner of the land to compensation for injurious affection if the land is at any time thereafter expropriated under this Act.

Amendment or revocation of plan.

36. Unless the Minister directs another manner of amendment or revocation, any plan of development lines approved by the Minister under this Act may at any time thereafter be amended or revoked in the same manner as the plan was brought into effect and any such amendment or revocation shall be read together with and form part of the plan.

Control and use of land.

36.—(1) When the Municipal Plan comes into effect the Authorized Council shall develop fully a scheme for the control of the use of land in strict conformity with the Municipal Plan or any further plan or scheme, and without limiting the generality of the foregoing, shall prepare

- (a) zoning plans dividing the Municipal Planning Area into use zones;
- (b) land use zoning regulations; and
- (c) subdivision regulations.

(2) Regulations prepared under subsection (1) shall to all intents and purposes

- (a) comply with the requirements of Sections 71 to 77;
- (b) contain provisions for appeal to the appropriate Appeal Board.

38. Before the scheme referred to in Section 37 is adopted by resolution of the Authorized Council two copies thereof shall be sent to the Minister who shall advise the Authorized Council as to the form and content of the scheme and its conformity with this Act.

Submission to Board.

39.—(1) When the scheme referred to in Section 37 is adopted by resolution the Authorized Council shall submit it to the Minister for approval.

Submission to Minister.

(2) The Minister may approve or disapprove any scheme submitted to him for approval under subsection (1), or may approve any such scheme subject to such qualifications as may appear to him to be necessary or desirable.

(3) The Minister may before issuing a decision under subsection (2) direct the Board to make an enquiry into, and report upon any scheme submitted to him for approval under subsection (1).

(4) A notice of every approval given by the Minister under subsection (2) shall be published in *The Newfoundland Gazette*.

40. A scheme approved by the Minister under Section 39 shall come into effect on the date of publication of a notice to that effect in *The Newfoundland Gazette*.

Date of coming into effect.

41. Unless the Minister directs another manner of amendment or revocation, any scheme brought into effect by virtue of Section 40 may be amended or revoked at any time in the same manner in which the scheme was brought into effect and any such amendment or revocation shall be read together with and form part of the scheme.

Amendment or revocation.

PART III.

JOINT MUNICIPAL PLANS.

42.—(1) Where it appears to him to be necessary or desirable, the Minister may, upon the application of one or more Councils, declare any area consisting of one or more municipalities or

Joint Planning Area.

Municipal Planning Areas or any part of any of them and the land referred to in subsection (2) to be a Joint Planning Area and may define its boundaries.

(2) In determining the boundaries of a Joint Planning Area the Minister may include therein at his own discretion any land outside of the municipalities concerned which may include land administered by a community council established under The Community Councils Act or any subsequent similar Act which appears to the Minister to be

- (a) adjacent to the municipalities concerned and the probable extension thereof; or
 - (b) necessary to control watersheds; or
 - (c) necessary to insure control over the countryside surrounding the municipalities or any part of any of them included in the Joint Planning Area; or
 - (d) so situated that its development would affect the natural amenities existing or to be developed in the municipalities concerned or in the Joint Planning Area.
- (3) An application made to the Minister under subsection (1) shall be preceded by a resolution to enter a Joint Municipal Plan passed by every Council making the application.
- (4) Every Council making an application under subsection (1) shall forward to the Minister with the application
- (a) a copy of the resolution to plan certified by the Chairman of the Council; and
 - (b) a description of the whole Municipal Planning Area in respect of which the application is made.

Constitution
of Joint
Planning
Authorities.

43.—(1) Subject to this section when a Joint Planning Area is defined by the Minister under Section 42 the Lieutenant-Governor in Council may, by order, constitute a Joint Planning Authority to administer the Joint Planning Area consisting of such number of persons to represent the province and the muni-

icipalities concerned as the Lieutenant-Governor in Council may consider necessary or desirable, and the Joint Planning Authority when so constituted shall be a corporation.

(2) An order constituting a Joint Planning Authority shall specify

- (a) the municipalities that are to be represented on the Authority and the name of the Authority;
- (b) the number of members to be appointed to the Authority by each represented municipality; and
- (c) the members to be appointed to the Authority by the Minister to represent the province.

(3) The order shall include regulations

- (a) governing the organization of the Authority, the holding of its meetings and the transaction of its business in general; and
- (b) prescribing the proportion in which the funds required to meet the estimated annual expenses of the Authority are to be contributed by the province and by the represented Councils.

(4) The financial year of a Joint Planning Authority shall be the twelve-month period beginning on the first day of April.

(5) On or before the first day of November in each year, a Joint Planning Authority shall submit to its members and to the Minister

- (a) a report on its operations and activities during the preceding financial year; and
- (b) in such standard form as the Minister may prescribe, a statement of the income and expenditures, assets and liabilities of the Authority for the preceding financial year and an estimate of income and expenditure for the succeeding year.

Municipal
representation.

44.—(1) The Council of a municipality represented on a Joint Planning Authority shall

- (a) pay to the Authority the funds required of it to meet the expenses of the Authority, as determined under the regulations governing the Authority; and
- (b) appoint, by resolution, the members required by the regulations governing the Authority to be appointed to represent the municipality on the Authority.

(2) Where a municipality is represented by one member, that member shall be a member of the Municipal Council.

(3) Where a municipality is represented by more than one member, one member shall be a member of the Municipal Council and any other member may be

- (a) a member of the Council; or
- (b) a resident of the municipality who is not a municipal official.

Delegation
of duties.

45. The Council of a municipality represented on a Joint Planning Authority may delegate to the Authority the function of administering the provisions or part of the provisions of a Joint Plan or development scheme but only when those provisions are determined by the Authority to be of common concern to two or more municipalities represented on the Authority.

Duties of
Joint Planning
Authority.

46. A Joint Planning Authority

- (a) shall advise and assist the Council of any municipality represented on the Authority
 - (i) in the planning of orderly and efficient development of the municipality, and
 - (ii) on matters affecting the planning of orderly and efficient development that are of common concern to the municipality and any other municipality or the province;

- (b) shall prepare a Joint Municipal Plan for the Joint Planning Area under its jurisdiction; and the provisions of this Act from Section 13 to and including Section 15 and of Section 30 shall apply to the Joint Planning Authority, the Joint Planning Area and the Joint Municipal Plan as if the Joint Planning Authority was an Authorized Council, the Joint Planning Area was a Municipal Planning Area and the Joint Municipal Plan was a Municipal Plan;
- (c) shall when so requested, prepare and recommend to the Council of any municipality represented on the Authority all or any of the schemes, plans, or regulations referred to from Section 31 to and including Section 41;
- (d) shall exercise such rights and powers and perform such duties relating to the planning and control of development as are
 - (i) vested in it by the Lieutenant-Governor in Council, or
 - (ii) delegated to it by resolution of the Council of a municipality represented on the Authority;
- (e) may expend the funds furnished to it by the municipalities represented on the Authority and by the province for any of the purposes of the Authority;
- (f) may with the approval of the Minister appoint such planning officers and other employees and such consultants as the Authority considers necessary for its purposes.

47. A Council of a municipality represented on a Joint Planning Authority shall when a Joint Municipal Plan has been prepared in accordance with paragraph (b) of Section 46 of this Act take action in accordance with the provisions of Section 16 to and including Section 41 of this Act in respect of that part of the Joint Planning Area which constitutes the Municipal Planning Area of the municipality concerned as if that portion of

Duties of a municipality.

the Joint Municipal Plan was a Municipal Plan and the Council was an Authorized Council under this Act.

PART IV.

LOCAL AREA PLANS.

Local
Planning Area.

48. Where it appears to him to be necessary or desirable, the Minister may declare any area outside of a Municipal Planning Area and outside of a Joint Planning Area to be a Local Planning Area and may define its boundaries.

Board to
prepare Local
Area Plan.

49. The Board shall when requested by the Minister consider and recommend to him a plan, to be known as a Local Area Plan, for the physical development and improvement in a systematic and orderly manner of the Local Planning Area based primarily upon public convenience and general welfare, economic use of the land, improved facilities for traffic, transportation, sewage disposal, water supply, schools, parks and recreation and other public requirements.

Approval of
the Minister
to be obtained.

50.—(1) When a Local Area Plan is submitted to the Minister under Section 49 the Minister may approve or disapprove it or may approve it subject to any qualifications which he may consider necessary or desirable.

(2) A notice of every approval given by the Minister under subsection (1) shall be published in *The Newfoundland Gazette*.

Date of coming
into effect.

51. A Local Area Plan approved by the Minister under Section 50 shall come into operation on the date of publication in *The Newfoundland Gazette*.

Amendment
or revocation.

52. A Local Area Plan brought into effect in accordance with this Act may be amended or revoked at any time in the same manner in which the Local Area Plan was brought into effect and any such amendment or revocation shall be read together with and form part of the Local Area Plan.

Review of
Local Area
Plan.

53. On the expiration of every five years from the date when a Local Area Plan comes into effect the Board shall review the Local Area Plan and submit to the Minister a report on its work together with recommendations for revision of the Local Area Plan where revision appears to be desirable.

54.—(1) The Minister may approve or disapprove any recommendation made for revision of the Local Area Plan under Section 53 or may approve the recommendation subject to any qualifications which he may consider necessary or desirable.

Revision of Local Area Plan.

(2) Where a revision of a Local Area Plan is in the opinion of the Minister necessary or desirable the Local Area Plan shall be amended in accordance with this Act.

55. Unless the Minister otherwise directs, when a Local Area Plan is brought into effect under this Act, the provisions of this Act shall for the purpose of carrying out all of the objects of the Local Area Plan apply to the Board, the Local Planning Area, the Local Area Plan and to every person as if the Board was an Authorized Council, the Local Planning Area was a Municipal Planning Area, and the Local Area Plan was a Municipal Plan.

Certain provisions of this Act to apply in respect to Local Area Plan.

56.—(1) Where it appears to him to be necessary or desirable, the Minister may by order designate any area in the province as a Development Control Area, and the area shall be defined in the order.

Development Control Area.

(2) Where a Development Control Area is designated under subsection (1), all the provisions of this Act relating to Local Area Plans shall, *mutatis mutandis*, apply to that Development Control Area, including, without limitation of the generality of the foregoing, provisions

Certain provisions of this Act to apply to Development Control Areas.

- (a) relating to appeals to Appeal Boards; and
- (b) respecting regulations contained in Part VIII of this Act and elsewhere in this Act.

PART V.

REGIONAL PLANS.

57. Where it appears to him to be necessary or desirable the Minister may declare any area to be a Regional Planning Area and may define its boundaries.

Regional Planning Area.

Board to
prepare
Regional Plan.

58. The Board shall when requested by the Minister consider and recommend to him a plan, to be known as a Regional Plan.

Requisites of
Regional Plan.

59. A Regional Plan

- (a) shall be prepared on the basis of surveys and studies of land use, population growth, the economic base of the regional planning area, its transportation and communication needs, public services, social services and such other factors as are relevant to the preparation of a Regional Plan;
- (b) shall include such written statements, reports, charts and drawings as may be necessary to express and illustrate the proposals contained in the Regional Plan;
- (c) may include
 - (i) a map showing the division of all or part of the land in the Regional Planning Area into areas of permitted land use classes as the Board considers necessary for the purposes of the Regional Plan,
 - (ii) a schedule prescribing the uses of lands and buildings to be permitted within each of those areas,
 - (iii) proposals relating to the provision of highways, public roadways, services, public buildings, schools, parks and recreation areas and the reservation of land for these purposes,
 - (iv) a schedule setting out the sequence in which specified areas may be developed or re-developed and in which the public services and facilities should be provided,
 - (v) proposals relating to the financing and programming of public development projects and capital works to be undertaken by the municipalities or other public authorities having jurisdiction within the Regional Planning Area,

- (vi) proposals relating to the conservation of natural resources, the prevention of pollution of streams, and bodies of water, the control of flooding and the utilization of land and resources within the Regional Planning Area,
- (vii) proposals relating to the supply of water and the provision of sewerage facilities or other public services within the Regional Planning Area,
- (viii) proposals relating to the location, attraction, development, diversification and dispersal of industry within the Regional Planning Area and proposals to facilities the development of industrial enterprises especially adapted to the economic base and resources of the Regional Planning Area,
- (ix) proposals relating to the adjustment of boundaries between municipalities and communities,
- (x) any other proposals or matters which in the opinion of the Board are necessary or desirable.

60.—(1) When a Regional Plan is submitted to the Minister the Minister may approve or disapprove it or may approve it subject to any qualifications which he may consider necessary or desirable.

Approval of Minister to be obtained.

(2) A notice of every approval by the Minister under subsection (1) shall be published in *The Newfoundland Gazette*.

61. A Regional Plan approved by the Minister shall come into effect on the date of publication of a notice to that effect in *The Newfoundland Gazette*.

Date of coming into effect.

62. A Regional Plan brought into effect in accordance with this Act may be amended or revoked at any time in the same manner in which the Regional Plan was brought into effect and any such amendment or revocation shall be read together with and form part of the Regional Plan.

Amendment or revocation.

Review of
Regional Plan.

63. On the expiration of every five years from the date when a Regional Plan comes into effect the Board shall review the Regional Plan and submit to the Minister a report on its work together with recommendations for revision of the Regional Plan where revision appears to be desirable.

Revision of
Regional Plan.

64.—(1) The Minister may approve or disapprove any recommendation made for revision of the Regional Plan under Section 63 or may approve the recommendation subject to any qualifications which he may consider necessary or desirable.

(2) Where a revision of a Regional Plan is in the opinion of the Minister necessary or desirable the Regional Plan shall be amended in accordance with this Act.

Regional
Development
Order.

65.—(1) When a Regional Plan is approved the Lieutenant-Governor in Council may make an order to be known as a Regional Development Order prohibiting all public authorities and all other persons, corporations, partnerships, associations or other organizations whatsoever from taking any action or undertaking any development that conflicts with or is inconsistent with the Regional Plan and authorizing the Board or any public authority to make any regulations consistent with this Act, for its implementation and enforcement.

(2) In any order made under subsection (1) the Lieutenant-Governor in Council may limit the application of the order or any provision thereof to developments or classes of development specified in the order or may exempt from the application of the order or any provision thereof developments or classes of development specified therein, and may provide further that the order or any provision thereof shall apply generally throughout the Regional Planning Area or in any part of it.

PART VI.

PROTECTED AREAS.

Protected
Area.

66. The Lieutenant-Governor in Council may declare any area of natural beauty or amenity to be a Protected Area where in his opinion control should be exercised over development in order to preserve the natural amenities of the area.

67. When a Protected Area has been declared, the Minister may authorize the preparation of such plans and schemes as he considers necessary for the conservation and development for public use of the natural amenities of the area.

Preparation of plans for Protected Area.

68. When a plan or scheme is prepared under Section 67 the Lieutenant-Governor in Council may make an order to be known as a Protected Area Order prohibiting all public authorities and all other persons, corporations, partnerships, associations or other organizations whatsoever from taking any action or undertaking any development that conflicts with or is inconsistent with the plan or scheme and authorizing any public authority to make regulations consistent with this Act for the implementation and enforcement of such plan or scheme.

Protected Area Order.

PART VII.

PROTECTED ROADS.

69. The Lieutenant-Governor in Council may by order designate any existing or proposed highway, road or way as a Protected Road for the purpose of controlling development along the highway, road, or way.

Protected Road.

70. The Minister or any Public Authority designated by him shall make regulations and may establish building control lines on each side of any Protected Road for the purpose of controlling development alongside protected roads.

Board to make regulations.

PART VIII.

REGULATIONS.

71.—(1) In order to promote the objects of this Act and for the purpose of giving effect to its provisions according to their true intent, the Minister may, subject to the approval of the Lieutenant-Governor in Council, make such regulations as in his opinion are necessary or desirable for carrying out the spirit, intent and meaning of this Act in relation to matters for which no express provision for implementation has been made or in respect of which only partial or imperfect provision has been made.

Making of regulations.

(2) Without limiting the generality of subsection (1), regulations shall be made for the purpose of regulating, controlling, directing, prohibiting, or licensing, development; and controlling and directing the design and appearance, and the maintenance, use, and occupancy of buildings and other development.

(3) Regulations made under this section may require the issuing of permits or licences in respect of anything done or permitted to be done, under this Act, fixing the fees to be charged for these permits or licences and providing for conditions to be attached to the permits or licences and the issuing of temporary permits or licences.

Application of regulations.

72. Regulations made under Section 71 may be general or may relate to one or more specific classes of development or land and in any one or more areas may differ from those in other areas.

Administration of regulations.

73. Regulations made under this Act, unless otherwise stated in this Act, may be administered by the Minister or by an authorized administrator or a Council or Public Authority as may be assigned by the Lieutenant-Governor in Council, but, where such assignment is made, provisions must be included in the regulations for appeal to the appropriate Appeal Board.

Discretionary powers.

74. Regulations made under this Act may provide for the exercise of discretion by the authority charged with the administration of the regulations, where literal conformity with the regulations under all circumstances would prejudice the proper development of land or be contrary to the best interests of the public at large, provided that the limits of such discretion and the circumstances under which it may apply are clearly set out in the regulations.

Dedication of land for public use.

75.—(1) Regulations made under this Act may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the authority administering the regulations.

Arbitration.

(2) If the Minister and the owner or owners of lands dedicated to public use pursuant to subsection (1) cannot agree as to the cost of such lands, the cost shall be fixed by a board of

arbitrators, as if the lands were expropriated pursuant to Section 78, and if the lands are so dedicated by two or more owners, subsections (5) and (6) of Section 94 shall apply.

(3) The cost of any lands dedicated to public use pursuant to subsection (1) shall be divided proportionately and equitably among and borne by all owners whose lands are directly benefitted by the subdivision or development.

Division of cost where land is dedicated to public use.

(4) When there are two or more owners whose lands are directly benefitted by a subdivision or development and such owners do not agree as to the division between them of the cost of lands dedicated to public use pursuant to subsection (1), the division of such cost shall be fixed and determined by the board of arbitrators acting pursuant to subsection (2).

Division of cost.

(5) Land dedicated for public use may be sold or leased by the authority administering the regulations for the purposes of any development that conforms with the requirements of a plan or scheme approved under this Act, and the proceeds of any sale or other disposition of the land shall be applied against the cost of acquisition of any other land required for public use.

76. Whenever any regulation made under this Act conflicts with any regulation, rule, by-law, or order in the same connection made under any other Act, the regulation made under this Act shall prevail.

Conflict of regulations.

77. Regulations made under this Act shall have effect from the date of publication of a notice to that effect in *The Newfoundland Gazette* or from such earlier or later date as may be prescribed in the regulations.

Coming into effect of regulations

PART IX.

EXPROPRIATION AND COMPENSATION.

78.—(1) Whenever in the opinion of the Minister it is necessary to acquire land for the purposes of this Act, and

Minister may expropriate land.

(a) the owner of the land or any person having an interest in it refuses to accept such sum of money as the Minister

or the authorized administrator on whose behalf the land is to be acquired offered for the purchase of the land;

- (b) no agreement can be reached on the amount to be paid for the land or on any other terms of the purchase of the land;
- (c) the owner of the land is not known to the Minister or cannot be found by the Minister after reasonable enquiry;
- (d) the owner of the land is incapable of conveying the land or his interest in it; or
- (e) for any other reason the Minister deems it advisable to expropriate the land

the Minister may in accordance with this Act expropriate the land on behalf of Her Majesty in right of Newfoundland or on behalf of the authorized administrator named in the notice of expropriation.

Authorized administrator has power of Minister in certain cases.

(2) Whenever the Minister expropriates land on behalf of an authorized administrator, the authorized administrator may exercise all the powers conferred and shall carry out all the duties and obligations imposed upon the Minister by this Act, save those set out in Section 89.

EXPROPRIATION ON BEHALF OF AN AUTHORIZED ADMINISTRATOR.

Application to the Minister for expropriation.

79. Whenever an authorized administrator requires land and wishes to have it expropriated the authorized administrator or its duly authorized representative shall apply to the Minister for the expropriation of the land and together with the application shall submit to the Minister a plan and description of the land to be expropriated and a statement of the purpose for which the land is required.

EXPROPRIATION PROCEDURE.

Ascertaining of land to be expropriated.

80.—(1) The Minister may by a person duly authorized by him for the purpose ascertain and delimit the land to be expro-

propriated, whether for the Crown or for an authorized administrator, and for that purpose the person so authorized may enter upon any land and do any work necessary in the opinion of that person to ascertain and measure and obtain or prepare a plan and description of the land to be expropriated.

(2) The Minister shall compensate the owner of any land injuriously affected by an act done under this section and in default of agreement between the Minister and the owner the amount of compensation shall be determined and paid in the same manner as nearly as may be and with the same effect as compensation is determined and paid under this Act.

Compensation for injurious affection.

81.—(1) The Minister shall

- (a) serve a written notice on the owner of the land to be expropriated and on any other person who is known by the Minister at the time when the notice is served to have an interest in the land; or
- (b) if the owner is incapable of conveying the land or cannot be found in the province or is not known to the Minister or if for any other reason personal service cannot be conveniently effected, post a written notice in a conspicuous place on the land to be expropriated.

Notice of expropriation to be served on owner or posted on land.

(2) A notice of expropriation shall

- (a) contain a description of the land to be expropriated;
- (b) state the purpose for which the land is required and that it is being taken for that purpose under this Act;
- (c) name the authorized administrator, if any, on whose behalf the land is being expropriated and in whom title to the land will vest; and
- (d) be signed by or for the Minister.

Contents of notice of expropriation.

82.—(1) Where the notice of expropriation is served on the owner of the land which is being expropriated the notice may require the owner to file a claim for compensation with the Minister within such time after the date of service of the notice

Owner may be required to file claim.

as the Minister may fix in the notice, but the Minister may extend the time for such filing as he deems fit.

Failure to
file claim.

(2) If the owner of the land which is being expropriated is required to file a claim for compensation under subsection (1) and does not do so within the time fixed in the notice or within such further period as the Minister fixes, a board of arbitrators appointed under this Act may fix the amount of compensation to be paid and the award of the board is final.

Publication
of notice
requiring
claims to
be filed.

83.—(1) The Minister may, in addition to serving or posting a notice of expropriation, cause a notice to be published in one or more newspapers published in the province and circulating in the area where the land which is being expropriated is located requiring every person who may be interested in the land to file a claim within three months after the date of the notice.

Barring of
claims.

(2) After the expiration of three months from the publication of the notice referred to in subsection (1) a board may proceed to determine the amount of compensation payable in respect of the land expropriated; and any claimant who has failed to file a claim is bound by the award of the board.

Where limited
estate is
required.

84. Where land expropriated under this Act is required for a limited time only or where only a limited estate, right, or interest in the land is required, the notice of expropriation shall so indicate and the compensation payable in respect of that land shall be fixed accordingly.

Rights of
mortgagees
and lien
holders.

85.—(1) Where the land is to be expropriated is subject to a mortgage or lien and the mortgagee or lien holder is known to the Minister, a copy of the notice of expropriation shall be served on the mortgagee or lien holder.

Payment to
mortgagee
or lien
holder.

(2) Where the claim of a mortgagee or lien holder has been proved to the satisfaction of the Minister, the amount secured by the mortgage or lien shall be deducted from the compensation payable and be paid by the Minister to the mortgagee or lien holder and the receipt of the mortgagee or lien holder is a valid discharge of the Minister for the amount of the compensation paid in satisfaction of the mortgage or lien.

(3) No action lies against the Minister for any loss or damages suffered by the mortgagee or lien holder because of the failure of the Minister to comply with this section.

No action for non-compliance.

86.—(1) An error in a notice of expropriation does not invalidate the expropriation of the land.

Error not to invalidate expropriation.

(2) A notice of expropriation may be amended and an amendment shall be served or posted and registered in accordance with this Act as if it was a notice of expropriation and shall be deemed to have been served or posted at the same time as the notice of expropriation amended by it.

Amendment of notice of expropriation.

87.—(1) A notice of expropriation may be given under this Act where an agreement as to the compensation to be paid or given has been made between the Minister and the person who in the opinion of the Minister is the apparent owner of the land and where in the opinion of the Minister title to the land cannot be conveniently or readily transferred by the apparent owner.

Notice of expropriation where compensation agreed upon.

(2) This Act applies so far as it is necessary to every expropriation made under subsection (1) and a notice of expropriation given under that subsection shall be posted in a conspicuous place on the land in addition to being served on the apparent owner.

Application of this Act.

(3) Where land is expropriated under subsection (1) no reference shall be made to a board if the apparent owner of the land establishes his title to the land but where it is found that the apparent owner is not the true owner of the land compensation shall be assessed and paid to or in respect of the true owner in accordance with this Act.

No reference to board where title to land established.

88.—(1) Ten days after a notice of expropriation is served or posted, as the case may be, in accordance with this Act the title to the land vests in the authorized administrator named in the notice of expropriation and if no authorized administrator is named in the notice the title to the land vests in the Minister for and on behalf of Her Majesty in right of the province.

Vesting of title.

(2) If any person resists or in any way opposes the Minister or any person acting on his behalf in entering upon and taking

Order for possession.

possession of or exercising any power in respect of any expropriated land after the title to the land has vested under subsection (1), a judge of the Supreme Court, or a judge of the District Court for the district in which the land is situated or a magistrate may, on proof of service of the notice of expropriation or of the posting of it on the land, order the sheriff or a constable to put down the resistance or opposition and to put the Minister or some person acting on his behalf in possession of the land.

Execution by
sheriff or
constable.

(3) The sheriff or constable shall carry out the order made under subsection (2) and shall forthwith make a return to the judge or magistrate stating the manner in which he executed the order.

REGISTER OF EXPROPRIATIONS.

Register of
expropriations.

89. The Minister shall cause to be kept for the purpose of record a register which shall contain the particulars of all expropriations under this Act and of all notices and awards which have been served, posted or made in connection with those expropriations.

REGISTRATIONS IN REGISTRY OF DEEDS.

Registry of
Deeds,
registration of
notices in
expropriation.

90.—(1) A copy of a notice of expropriation upon which is endorsed or to which is attached an affidavit or a certificate of oath in proof of service of the notice upon the owner of the land or of the posting of the notice as provided in this Act is deemed to be included amongst the deeds and other documents to which reference is made in Section 6 of The Registration of Deeds Act and the copy of the notice with the affidavit or certificate attached shall, notwithstanding any provision of that Act to the contrary, be registered in accordance with that Act without proof for registration and without payment of fees.

Proof of
service or
posting.

(2) The provisions of the said Act relating to proof for registration of an instrument shall apply to proof of service or of posting of the notice as if the person serving or posting the notice were the subscribing witness to the execution of the instrument.

(3) The registration of the copy of the notice with the affidavit or certificate attached has the same effect as the registration of an instrument under the said Act and for the purposes of Section 9 of the said Act the person in whom the title is vested under Section 88 of this Act is deemed to be a purchaser for valuable consideration.

Effect of registration of notice.

(4) Entry by the Registrar of Deeds in the index to the books of registry of the names of the person or body upon whom the notice is served or upon whose land the notice is posted and of the person in whom the title is vested under Section 88 of this Act as the parties, the situation of the land to which the notice relates, a description of the document as a notice of expropriation, the date of the service or posting of the notice and the place of registration constitutes compliance with the provisions of Section 27 of The Registration of Deeds Act, but where the name of the owner of the land is not known an entry to that effect shall be made instead of his name.

What constitutes compliance with Registration of Deeds Act.

COMPENSATION.

91.—(1) Subject to this Act, the Minister shall pay compensation to the owner of land expropriated and to the owner of any land injuriously affected by the expropriation.

Compensation to be paid.

(2) No compensation shall be paid under this Act

Matters in respect of which compensation not to be paid.

- (a) in respect of the expropriation of a highway, road, street or other way which immediately before the expropriation was dedicated to the use of the public or vested in a municipal authority;
- (b) to a municipal authority in respect of water pipes, hydrants or sewers erected or placed on, in, over or under land;
- (c) in respect of any building where a Public Authority has under any law of Newfoundland or any regulation, rule, by-law, proclamation or order made thereunder declared the building to be uninhabitable and refused permission to repair it or ordered that the building be condemned or demolished; or

- (d) in respect of any land that is designated in an approved subdivision, pursuant to regulations made under this Act, for streets, parks, playgrounds or other public purposes.

Payment of outstanding assessments.

(3) Where an assessment authorized by law has been levied on land that has been expropriated but has not been paid and the Minister has notice of the assessment before compensation has been paid, the amount of the assessment shall be deducted from the compensation payable and be paid by the Minister to the body levying the assessment and the receipt of that body is a valid discharge of the Minister for the amount of the compensation paid in satisfaction of the assessment.

PARTICULARS OF CLAIMS.

Information supporting claims to be submitted to Minister.

92.—(1) When a notice of expropriation has been served or posted under this Act, the person on whom it is served, the owner and every other person who is or may be entitled to claim compensation in respect of the expropriation or injurious affection resulting from the expropriation shall submit to the Minister

- (a) particulars of his estate and interest in the land expropriated or injuriously affected and of every charge, lien or other encumbrance to which the land is subject;
- (b) title deeds, plans and any other documents in his possession or available to him relating to the title to the land; and
- (c) any other information which the Minister requests in connection with the land, the title to the land and his interest in it or in connection with his claim.

Notice to claimant when proof of the title not satisfactory.

(2) If a claimant fails to furnish the Minister with satisfactory proof of title the Minister shall notify the claimant in writing that satisfactory proof of title has not been furnished and the notification shall be served personally or by registered mail on the claimant within thirty days after the claimant files a claim with the Minister.

(3) Nothing contained in this Act shall be deemed to require the Minister to make or arrange for the payment of compensation or the transfer of any other matter provided by way of compensation under this Act until such time as the claimant has established his title or claim to the reasonable satisfaction of the Minister or in accordance with this Act.

Owner of land must prove title before compensation is paid.

BOARD OF ARBITRATORS TO FIX COMPENSATION.

93. If the Minister and the owner of land expropriated or injuriously affected by the expropriation cannot agree on the amount of compensation to be paid for the expropriated land or on account of injurious affection or if the owner cannot be found or if there is any doubt as to the ownership of the land, or if for any other reason the Minister deems it expedient, the amount of compensation to be paid shall be fixed by a board appointed under this Act.

Board of arbitrators shall fix compensation.

APPOINTMENT, POWERS, DUTIES AND PROCEDURE OF BOARD.

94.—(1) A board of arbitrators consists of a chairman and two other arbitrators.

Number of arbitrators.

(2) The Minister shall appoint the chairman of the board and one other arbitrator.

Appointments by Minister.

(3) The Minister shall by notice in writing notify the owner of land which has been expropriated or injuriously affected that a board is to be appointed and the owner shall within thirty days after the date of the notice appoint the third arbitrator.

Appointment of third arbitrator.

(4) If the owner of the land which has been expropriated or injuriously affected refuses or neglects to appoint an arbitrator within the time limited by subsection (3) or if the owner cannot be found or is incapable of appointing an arbitrator or the Minister does not know who the owner is, the Minister shall appoint the third arbitrator.

Idem.

(5) Whenever land belonging to different owners in any locality is expropriated or injuriously affected and the Minister and every owner cannot agree upon the amount of compensation to be paid, the amount to be paid every owner with whom for any reason agreement cannot be reached shall be fixed by a

Appointment of arbitrators where more than one piece of land in a locality is expropriated.

board and for this purpose "owner" in subsections (3) and (4) means the majority of the owners with whom agreement cannot be reached.

Meaning of "locality".

(6) In subsection (5) "locality" means any area defined as such by the Minister.

Oath of arbitrators.

(7) Each arbitrator shall before entering upon the duties of his office take and subscribe the following oath of office before any person authorized to administer oaths:

"I, A.B., make oath and say that I will to the best of my ability faithfully perform the duties of an arbitrator under The Urban and Rural Planning Act in connection with the expropriation by the Minister of Municipal Affairs of land at — (*or as the case may be*). So help me God."

Revocation of appointment of arbitrator.

(8) If an arbitrator refuses to act, dies, resigns, or is for any reason unable to carry out his duties under this Act, the Minister shall revoke the appointment of that arbitrator and the party who appointed that arbitrator shall appoint another in accordance with this section to act in his stead.

Revocation not to interfere with proceedings.

(9) The revocation of the appointment of an arbitrator under subsection (8) shall not impair the right of the remaining arbitrators to act and when an arbitrator is appointed pursuant to subsection (8) the arbitrator shall proceed as if he had been a member of the board originally appointed.

Fees of board.

95.—(1) The Minister shall, subject to the approval of the Lieutenant-Governor in Council, fix the fees to be paid to the members of each board other than those whose salaries are paid out of the public funds of the province.

Idem.

(2) The Minister may at any time enter into an agreement with the members of a board for the payment to them of a fixed amount and the execution of the agreement has effect as a full discharge of all claims by the members of the board for remuneration under this Act or otherwise.

Board to give notice of hearing.

96. A board shall give notice of its hearings to those parties known to the board who claim any interest or who in the opinion

of the board may have an interest in the land which was expropriated and shall accord to those parties a reasonable opportunity to offer evidence at the hearings.

97.—(1) A board has the same power to enforce attendance of witnesses and to compel them to give evidence and to produce documents as is vested in a court of law in civil cases.

Board may compel witnesses to attend, etc.

(2) An arbitrator may for the purposes of this Act administer oaths and take affirmations.

Oaths and affirmations.

98.—(1) Witnesses summoned to give evidence before a board are entitled to fees on the scale fixed for payment to witnesses in the Supreme Court.

Witness fees.

(2) Witness fees shall be included in the costs payable and shall be paid by the party bearing the costs and expenses of the hearing before the board.

Idem.

99.—(1) One of the arbitrators shall take down in writing the evidence brought before the board unless either party asks that it be taken down by a stenographer and in that case the board shall appoint a stenographer if it thinks it necessary, or the board may order the evidence to be recorded by a tape or other recorder and subsequently transcribed into type for record.

Note of evidence; tape recording.

(2) The stenographer shall be sworn before the board before entering upon his duties.

Stenographer to be sworn.

(3) The fees and expenses of the stenographer in connection with the arbitration or the costs of tape or other recording and of transcription may be paid by arrangement between the parties but if they are not so paid they shall form part of the costs of the arbitration and be ordered by the board accordingly.

Costs of stenographer.

100.—(1) A board may, in addition to assessing the value of land expropriated, try all questions of law and fact which it is necessary for it to try in order

Board may try questions of law and fact.

(a) to fix the amount of compensation to be paid in respect of the land which was expropriated or injuriously affected by the expropriation; and

- (b) to determine the persons to whom compensation should be paid and the amount which should be paid to each of them.

Case stated.

(2) A board may state an award for compensation as to the whole or part thereof in the form of a special case for the opinion of the Supreme Court.

Reference to Supreme Court by board on question of law.

(3) A board may at any stage of its proceedings and shall if so directed by the Court or a judge thereof state in the form of a special case for the opinion of the Court any question of law arising in the course of the proceedings.

Any party may apply for case stated.

(4) Any party may apply to the Court or a judge thereof for an order directing that any question of law arising in the course of proceedings before a board shall be stated in the form of a special case.

RULES FOR ASSESSING COMPENSATION.

Rules for assessing compensation.

101.—(1) In fixing the amount of compensation to be paid under this Act a board shall, subject to subsection (2), act in accordance with the following rules:

- (a) The compensation shall be an amount based on the fair market value of the land and on existing use value at the time of the commencement of expropriation proceedings and no account shall be taken of the compulsory acquisition of the land, and disturbance of the owner or occupier, or any other injurious affection.
- (b) The fair market value of the land shall, subject to this Act, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise but the board is entitled to consider all returns and assessments of capital value for taxation made or acquiesced by the owner of the land.
- (c) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is one to which the land could be applied only in pursuance of statutory powers or one for which there

is not a market apart from the special needs of a particular purchaser or the requirements for which the land is expropriated, but any *bona fide* offer for the purchase of the land made before the commencement of the expropriation proceedings which may be brought to the notice of the board shall be taken into account.

- (d) Where the value of the land is increased by reason of the use of it or of any premises on the land in a manner which could be restrained by any court or is contrary to law or which because of overcrowding or for any other reason is detrimental to the health of the inmates of the premises or to the health of the public, the amount of that increase shall not be taken into account.
- (e) Where a house or premises are in such a condition as to be a nuisance or are in a state of defective sanitation or are not in reasonably good repair, the value of the house or premises shall be an amount which would be estimated as the value if the nuisance were abated or if the house or premises were put into a sanitary condition or into reasonably good repair, after deducting the estimated expense of abating the nuisance or putting the house or premises into such condition and repair, as the case may be.
- (f) Where a house or premises are in the opinion of the board unfit and not reasonably capable of being made fit for human habitation, no compensation shall be paid in respect of them.
- (g) In all cases any advantage which the owner may derive or be likely to derive directly or indirectly from the contemplated work and operations for which the land is expropriated shall be taken into account in reduction of the amount of the compensation.
- (h) Where land is and but for the expropriation would continue to be devoted to a purpose of such a nature that there is no general demand or market for the land for that purpose, the amount of the compensation may, if the board is satisfied that reinstatement in some

other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement.

- (i) No compensation shall subject to this Act be allowed in respect of any costs, expenses, loss, damages or inconvenience incurred or sustained in investigating any Municipal Plan, Joint Municipal Plan, Local Area Plan, Regional Plan, or other scheme, plan or regulation made under this or any other Act, or expropriation proceeding taken under this Act or anything incidental to any of them or in respect of anything done under this Act or under any regulation, rule, by-law or order made thereunder or in respect of any delay in proceeding with or by any amendment, revocation or abandonment of any of them; or
- (j) any actual or anticipated loss, damage or inconvenience suffered by any person in respect of the development of any land or the erection of any building or structure or the doing of anything whatsoever which is not developed, erected or done in accordance with any Municipal Plan, Joint Municipal Plan, Local Area Plan, Regional Plan, or other scheme or plan, or any regulation, rule, by-law, proclamation or order relating to it and made under this Act.

Compensation
for injurious
affection.

(2) Where, in the opinion of the board, it is proper to make an award in respect of the expropriation of land, for the disturbance to the owner or occupier or for any other injurious affection properly the subject of compensation, the board may in addition to the amount awarded in accordance with subsection (1) make an award of such sum as it may fix.

AWARDS.

Alterations
or additions
in addition
to award.

102. If the injury to land alleged to be injuriously affected by the expropriation of other land may be removed wholly or partly by any alteration in or addition to the work done or to be done on the land expropriated or by the abandonment of any part of the land expropriated or by the grant to the owner of the injuriously affected land of any other land or of an easement and if the Minister, before an award is made, undertakes to make the

alteration or addition or to abandon part of the land expropriated or to grant other land or an easement to that owner, the board shall take that undertaking into account in making the award in respect of the injurious affection and the owner is entitled to have the alteration or addition made or the part of the land abandoned or other land or an easement granted to him.

103.—(1) If any land subject to a lease or sub-lease for a term not less than one year is expropriated the board shall apportion the compensation fixed in respect of the land between the lessor and lessee and sub-lessee or the assigns of either in such manner as in its absolute discretion it sees fit.

Apportionment of award where land subject to leaseholds.

(2) If part only of the land referred to in subsection (1) is expropriated the board shall in addition apportion the rent payable in respect of the land between the land so expropriated and the residue of the land and after the apportionment the lessee or sub-lessee or their assigns shall, as to all future accruing rent, be liable only for so much of the rent as is so apportioned in respect of the land not expropriated and in respect of the land not expropriated and as against the lessee and sub-lessee or their assigns the lessor has all the same rights and remedies for the recovery of the portion of rent as previously to the apportionment he had for the recovery of the whole rent reserved by the lease, and all the covenants, conditions and agreements of the lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which is not expropriated in the same manner as they would have done if that part only of the land had been included in the lease or sub-lease.

Idem.

104.—(1) If when any land has been expropriated the board is of the opinion that the person from whom the land was expropriated may be properly indemnified by having a portion of land assigned to him from any land of the Minister the board may with the assent of the Minister mark off so much of the adjoining land of the Minister as the board thinks sufficient to replace the expropriated land.

Exchange of land subject of money payment.

(2) The Minister shall convey the land marked off under subsection (1) to the person whose land has been expropriated and the title to that land when conveyed by the Minister vests in that person and is in lieu of an award for compensation.

Minister shall convey the land marked off.

Return of land expropriated or part thereof or retention of limited interest therein.

105.—(1) Whenever at any time before the compensation has been actually paid or, where a board has been appointed, at any time before an award is made, any parcel of land taken for the purposes of this Act or any part of the parcel is found to be unnecessary for the purpose for which it was expropriated or if it is found that only a more limited estate or interest in the land or any part of it is required, the Minister may by a notice in writing served or posted in the manner provided in Section 81 declare that the land or the part of it referred to in the notice is not required and is abandoned by the person in whom the title vested under Section 88 or that it is intended to retain only such limited estate or interest in the land or any part of it as is mentioned in the notice.

Revesting of returned land.

(2) Upon the notice in writing referred to in subsection (1) being registered in the same manner as is provided in Section 90 for the registration of a notice of expropriation the land declared to be abandoned shall revert in the person from whom it was taken or in those entitled to claim under him and all the provisions of Sections 89 and 90 apply to the notice as if it was a notice of expropriation.

Revesting subject to other estates.

(3) In the event of a limited estate or interest in the land or any part of it being retained by the person in whom the title vested under Section 88 the land shall revert in accordance with subsection (2), subject to the estate or interest so retained.

Revesting to mitigate compensation.

(4) The event of the abandonment revesting the land in the person from whom it was expropriated shall be taken into account in addition to all the other circumstances of the case in estimating or assessing the amount to be paid to any person claiming compensation for the land expropriated and not abandoned.

Award of board to be written.

106.—(1) The board shall make its award in writing within sixty days after it has been appointed, unless the Minister extends that period, and shall deliver a copy of it forthwith to every party to the arbitration.

Award to include findings of board.

(2) The board shall include in the award its findings on all questions of law and fact which it has tried and the amount of compensation which it awards.

(3) The award of any two arbitrators shall be deemed to be the award of the board and, subject to this Act, is final. Award is final.

(4) The board may at any time correct in an award a clerical mistake or error arising from any accidental slip or omission. Correction of error.

(5) The Minister or an owner of land which has been expropriated may within thirty days after the date of an award give to the other party notice of an appeal to the Supreme Court against the findings of the board upon any questions of law or fact in connection with the expropriation or upon the question of the amount of compensation awarded by the board. Appeal.

(6) Costs in an appeal under subsection (5) may be awarded by the Court for or against the Minister. Costs.

107.—(1) No award is invalid because of any want of form or other technical objection if this Act has been substantially complied with, if the award states clearly the compensation awarded and the lands in respect of which it has been awarded. Award not invalid because of want of form.

(2) The board may but need not name in the award the person to whom compensation is to be paid but the lands in respect of which the award has been made shall be clearly indicated. Payee of award need not be named.

108.—(1) The board may award costs in respect of any hearing before it under this Act but the costs shall be taxed by a taxing officer of the Supreme Court in accordance with the scale headed "Lower Scale" in Appendix N to The Judicature Act. Board may award costs.

(2) If the compensation awarded by a board in any case is greater than the sum, if any, which the Minister offered in writing for the land which was expropriated or injuriously affected, the Minister shall pay the costs and expenses of the hearing before the board and the fees of the board provided for in this Act; but if the compensation awarded does not exceed the sum, if any, so offered the person who refused the offer shall pay those costs, expenses and fees; and where in respect of any land expropriated or injuriously affected no sum was so offered before expropriation those costs, expenses and fees shall be paid by the party designated by the board. Who is to pay costs.

PAYMENT OF COMPENSATION.

Time of
payment of
compensation.

109. Subject to this Act, the Minister shall pay the compensation awarded by a board within six months after the date on which the award was made and if the compensation is not paid within thirty days after that date it shall thereafter bear interest at the rate of five per centum per annum until it is paid.

Claims upon
compensation.

110. The compensation agreed upon or awarded in respect of land expropriated or injuriously affected by the exercise of powers conferred by this Act shall stand in the stead of the land expropriated or injuriously affected and any claim to or encumbrance therein shall, as against the Minister, become a claim to or upon the compensation and shall no longer affect the land expropriated or injuriously affected.

PAYMENTS INTO COURT.

Payment of
compensation
into Court
by Minister.

111. If in respect of any land which has been expropriated or injuriously affected

- (a) the owner
 - (i) refuses to accept the compensation awarded in respect of the land,
 - (ii) neglects or fails to make out a title to the land or the interest therein claimed by him to the reasonable satisfaction of the Minister,
 - (iii) refuses to execute any document or receipt of indemnity in respect of the land as required by the Minister,
 - (iv) is absent from Newfoundland or cannot after enquiry by the Minister be found, or
 - (v) is under any disability;
- (b) any other person to whom compensation is payable under this Act

- (i) refuses to accept the compensation awarded to him,
 - (ii) is under any disability,
 - (iii) is a partial or qualified owner, or
 - (iv) is not entitled to sell or convey the land; or
- (c) the Attorney General certifies that in his opinion there are or are likely to be conflicting claims in respect of the compensation or that for any reason whatsoever it is advisable to pay the compensation to the Registrar,

the Minister may pay or arrange for the payment of the compensation payable in respect of the land or any interest therein into the Supreme Court, subject to the control and disposition of the Court in accordance with this Act, and from the date of that payment the Minister is not liable to pay interest under this Act or otherwise; and upon payment into Court the Registrar shall give the Minister a receipt for the compensation and that receipt constitutes a full and valid discharge of the Minister in respect of liability to make or pay or to arrange for the making or paying of compensation for the land.

112. When money is paid into the Supreme Court under this Act the Minister shall

- (a) notify those persons referred to in Section 111 to whom notice can be given;
- (b) file with the Registrar the name and address of every person who to the knowledge of the Minister claims the compensation or any part of it, together with all information in the possession of the Minister in respect of the expropriation and claims for payment of compensation on account of the expropriation or injurious affection resulting from it; and
- (c) within ten days after payment into Court cause a notice to be published in one or more newspapers published

Minister to notify claimants. file information with Registrar and require claimants to file claims with Registrar.

in the province and circulating in the area where the land is located stating the place where the land is located, describing and delimiting the land, that the land has been expropriated under this Act and calling upon all persons who had any interest in or claim against the land or who have been injuriously affected by the expropriation to file their claims to the compensation or part of it with the Registrar.

Registrar to furnish names and addresses of claimants.

113. The Registrar shall give to any person requesting it the name and address of every claimant to compensation filed with him by the Minister or by or on behalf of the claimants.

Registrar shall pay owner if he establishes his claim.

114.—(1) Where compensation is paid into the Supreme Court under this Act the Registrar shall, upon any person establishing his claim to it or any portion of it according to law and fulfilling all of the terms or conditions applying to him under this Act, pay to that person the compensation or the portion thereof, as the case may be, but the Registrar shall not pay the compensation in any case where it appears to him that the claim of any person is or is likely to be contested or has not been established in accordance with this subsection.

Registrar to state reason for refusal to pay.

(2) Where the Registrar refuses to pay any compensation under subsection (1) he shall give to any person claiming payment a certificate of his refusal to pay the compensation and stating his reasons for his refusal.

Where claim is contested, any claimant may apply to the Supreme Court.

115. Where there are conflicting claims to compensation to which this Act applies or any portion thereof paid into the Supreme Court under this Act or where for any other reason the Registrar has refused to make payment under Section 114, any person claiming the compensation or any part thereof may, subject to this Act, apply to a judge of the Court for an order directing that the compensation or part thereof be paid to him.

PETITION FOR PAYMENT OUT OF COURT.

Application to Supreme Court to be by petition.

116. Every application to a judge of the Supreme Court under Section 115 shall be made by petition of the claimant stating that to the best of his belief he was immediately before the expropriation the owner of the land or interest in respect of which

he claims and setting forth in detail the facts on which his belief is founded and if he is not aware of the existence of any claim adverse to or inconsistent with his own he shall so state, or if he is aware of any adverse claim he shall set forth every such adverse claim and shall state that he is not aware of any except what he sets forth, and the petition shall be verified by affidavit, but with leave of a judge of the Court the affidavit of the petitioner may be dispensed with or may be made by some person other than the petitioner or an affidavit may be made as to part by one person and as to part by another.

117.—(1) Before any proceedings are taken under Section 116 the claimant shall cause notice of his intention to make application under that section to be posted in the Registry of the Supreme Court for three clear days, and he shall thereafter give notice of his application in accordance with The Judicature Act and the Rules of Court made thereunder to every claimant whose name has been filed with the Registrar and to every person who to his knowledge claims the compensation or any part thereof.

Notice of application to Supreme Court.

(2) Where it appears to the judge that there is any person who may have a claim adverse to or inconsistent with that of the petitioner, the petitioner shall cause such notice to be served on that person by personal or substituted service as the judge deems necessary or desirable.

Idem.

(3) At any stage of the proceedings the judge may require any further publication to be made or any further notice to be served upon any person which he may deem necessary.

Idem.

118. Any person having an adverse claim or a claim not recognized in the petition may at any time before the hearing of the subject matter of the petition file with the Registrar a statement of the particulars of his claim verified by affidavit and serve a copy thereof on the petitioner, his solicitor or agent.

Adverse claims.

119. The judge may at any stage of the proceedings order security for costs to be given by the petitioner or by any person making an adverse claim.

Security for costs.

120. The judge may order costs either as between party and party or as between solicitor and client to be paid by or to any party to any proceeding.

Costs.

Adjudication.

121. Subject to this Act, the matter of the petition may be heard and adjudicated upon and the judge may thereafter make such order for the distribution, payment or investment of the compensation and for securing the rights of all parties interested as he deems fit.

Compensation to be disposed of as judge directs.

122. The Registrar shall in any case referred to in Section 121 dispose of the compensation as directed by the judge.

Application of Judicature Act.

123. Subject to this Act, the practice and procedure under The Judicature Act and the Rules of Court made thereunder apply to all proceedings under Sections 116 to 122.

BARRING OF CLAIMS.

Claims barred after three years.

124.—(1) Subject to subsection (2), every claim for compensation to which this Act applies or to any part of it paid into the Supreme Court under this Act which has not before the expiration of three years from the date of payment into Court been established to the satisfaction of the Registrar or adjudicated upon by a judge of the Court in accordance with this Act is upon the expiration of that period forever barred.

(2) Where before the expiration of the period of three years referred to in subsection (1)

(a) (i) a claim to the compensation was made to the Registrar, or

(ii) an application for payment of the compensation was made to a judge of the Court under this Act, and the claim or application has not been finally disposed of before the expiration of that period; or

(b) a claim was made to the Registrar and the claim was refused after the expiration of that period or within one month after the date of the refusal of the claim, whichever is later, and an application under this Act has been made in respect of that claim to a judge of the Court within three months after the expiration of that period,

the claim or application may be dealt with and disposed of in the same manner and with the same effect as if the period of three years had not expired at the date of final disposition.

125. Where a claim to compensation is barred under Section 124, the compensation and all interest accrued thereon become the property of the Minister and the Registrar shall thereupon return the compensation and interest to the Minister.

Compensation to be returned to Minister when claims barred.

MISCELLANEOUS.

126.—(1) Where any person who, if not under a disability, might have made a claim for compensation under this Act, or might have made any application, given any consent, done any act or been a party to any proceeding under this Act, is an infant or a person of unsound mind the guardian of the infant or of the estate of the person of unsound mind may file such claim for compensation, make such application, give such consent, do such act or be a party to such proceeding as that person might have filed, made, given, done or been if he had not been under a disability and the guardian shall otherwise represent that person for the purposes of this Act.

Guardian of infant or person of unsound mind.

(2) Where an infant or person of unsound mind referred to in subsection (1) has no guardian, a judge of the Supreme Court may appoint a guardian *ad litem* of that infant or person for the purposes of that subsection and the guardian *ad litem* has the powers of a guardian referred to in that subsection.

Guardian *ad litem* for purposes of subsection (1).

(3) Where it appears that an infant or person of unsound mind may be interested in opposing the claim of a claimant making a petition under this Act, a judge of the Supreme Court may appoint a guardian *ad litem* to represent the infant or person of unsound mind and the infant or person of unsound mind is bound by the adjudication in the matter in respect of which the petition is made.

Guardian *ad litem* for person opposing claim.

(4) The judge may order that the costs of the guardian *ad litem* appointed under subsection (3) be paid by the petitioner.

Costs in respect of subsection (3).

(5) A guardian or guardian *ad litem* referred to in this section may receive notices, make nominations, receive payment of compensation, give effectual receipts and discharges and otherwise

Powers of guardian and guardian *ad litem*

for the purposes of this Act act on behalf of the person of whom he has been appointed guardian.

Disposal of land.

127. The Minister may, subject to the approval of the Lieutenant-Governor in Council, sell, lease or otherwise dispose of any land or any interest therein expropriated and not abandoned upon such terms and conditions and for such consideration, if any, as the Minister deems fit.

Entry upon land to do certain things.

128.—(1) Whenever the Minister thinks it necessary or desirable for the performance of anything authorized to be done by or under this Act he may by his employees, engineers, contractors and other servants or any person duly authorized enter upon any Crown land or upon the land of any person whatsoever and may at all reasonable times enter all houses, buildings, tenements or erections upon the land and may do and execute thereon or therein all such works and things as may be required for the purpose of that performance.

Compensation for injurious affection.

(2) The Minister shall compensate the owner of any land injuriously affected by any act done under this section and in default of agreement between the Minister and the owner the amount of compensation shall be determined and paid in the same manner as nearly as may be and with the same effect as compensation is determined and paid under this Act.

PART X

MISCELLANEOUS.

Appeals to the Board.

129.—(1) An appeal to an Appeal Board may be made by a person

- (a) who claims that the strict enforcement of the requirements of a regulation made under this Act would cause him special and unnecessary hardship because of circumstances peculiar to the use, character or situation of his land or building, or development; or
- (b) who is not satisfied with a decision resulting from the exercise of discretionary powers by the authority charged with the administration of regulations made under this Act; or

(c) when a regulation made under this Act provides for an appeal.

(2) An appeal may be heard by a quorum of an Appeal Board.

(3) An appeal shall be submitted in writing to the secretary of an Appeal Board and shall state the circumstances and grounds of the appeal.

(4) An Appeal Board shall ensure that reasonable notice of the hearing of each appeal is given to all persons who, in its opinion, may be affected by the subject of the appeal.

(5) An Appeal Board shall consider and determine each appeal having due regard to the circumstances and merits of the particular case and the general purposes and intent of the regulations and any scheme or plan that has been adopted and, in the case of an appeal made under paragraph (a) of subsection (1), shall seek to relieve the appellant from unnecessary hardship to such extent as in its opinion will not be unduly adverse to the public interest.

(6) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose such conditions or limitations as it deems proper and desirable in the circumstances.

(7) The decision of an Appeal Board is final and binding upon all parties, subject only to an appeal under Section 130.

130.—(1) Upon a question of jurisdiction or upon a question of law an appeal lies from an order of an Appeal Board made pursuant to subsection (2) of Section 8, to the Supreme Court of Newfoundland.

Appeal to
the Supreme
Court of
Newfoundland.

(2) An appeal to the Court shall be made within thirty days from the date of the order of the Appeal Board.

(3) An Appeal Board is entitled to be represented by counsel and heard on the appeal.

(4) The judge hearing the appeal shall either confirm or vacate the order and if he vacates it he shall refer the matter back to the Appeal Board with his opinion as to the error in law or jurisdiction and the Appeal Board shall deal with the matter in accordance with that opinion.

Enforcement
of planning.

131.—(1) Where, after making such enquiries as he considers sufficient, the Minister is satisfied

- (a) that an authorized administrator is not completing or conforming to, enforcing or administering the provisions of a Municipal Plan, Joint Municipal Plan, Local Area Plan or Regional Plan or further scheme or regulations pursuant thereto in force under this Act; or
- (b) that it is in the public interest that a Municipal Plan or Joint Municipal Plan or further scheme or plan or regulations pursuant thereto be prepared or completed in accordance with the provisions of this Act,

he may order the appropriate authorized administrator to conform to, enforce, administer, prepare, complete, adopt or enact, as the case may be a Municipal Plan, Joint Municipal Plan, Local Area Plan or Regional Plan, or further scheme or plan or regulations pursuant thereto within such time or times as he may state in his order.

(2) If default is made by the authorized administrator in carrying out an order made under this section, the Minister, for the purposes of carrying out the order, may exercise for and in the name of the authorized administrator any of the powers conferred upon him under this Act.

Authorized
administrator
may be
required to
purchase
land, where
permission
to develop
is
refused or
restricted.

132.—(1) Where an authorized administrator acting in accordance with a scheme or plan brought into force by or under a Municipal Plan, a Joint Municipal Plan, a Local Area Plan, a Regional Plan, Protected Road or a Protected Area Order refuses permission to develop land or grants permission subject to conditions, then if the owner of the land claims.

- (a) where permission to develop the land was refused, that the land has become incapable of reasonably beneficial

use in its existing state, or where permission to develop the land was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions; and

- (b) that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been or would be granted under such scheme,

the owner may, within sixty days from the date on which he was notified by the authorized administrator of the refusal of permission to develop the land or the grant of permission subject to such conditions, serve on the authorized administrator exercising jurisdiction in the territory in which the land is situated a purchase notice requiring it to purchase his interest in the land in accordance with this section.

(2) Where a purchase notice is served on an authorized administrator under subsection (1), that authorized administrator shall forthwith transmit a copy thereof to the Minister, and subject to this section the Minister shall, if he is satisfied that the conditions specified in paragraph (a) and paragraph (b) of subsection (1) are fulfilled, confirm the notice; and thereupon the title to the land shall be vested in the authorized administrator and compensation shall be awarded and made as if the land was expropriated under this Act.

(3) The Minister shall not confirm a purchase notice served under subsection (1) unless he is satisfied that

- (a) the land is particularly suitable and ripe for the development for which permission is sought;
- (b) solely because of the scheme or plan referred to in subsection (1) the land cannot be used for the development; or
- (c) the land cannot be used for any other development under the scheme or plan referred to in subsection (1).

(4) Where it appears to the Minister to be expedient so to do, he may, instead of confirming a purchase notice served under subsection (1), grant permission for the development in respect of which the application was made, or, where permission for that development was granted subject to conditions, revoke or amend the conditions so that the land may be rendered capable of reasonably beneficial use by the carrying out of the development.

(5) Where it appears to the Minister that the land or any part thereof could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, instead of confirming a purchase notice served under subsection (1), or instead of confirming it in respect of any part of the land, direct that such permission shall be so granted if an application therefor is made.

(6) Where it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient so to do, he may, if he confirms a purchase notice served under subsection (1), modify it, either in relation to the whole or in relation to any part of the land affected by the notice, by substituting any other authorized administrator for the authorized administrator on whom the purchase notice was served; and thereupon this section shall have effect accordingly.

(7) If upon the expiration of six months from the date on which a purchase notice is served under subsection (1), the Minister has not confirmed the purchase notice, or taken any other action in respect of it under subsection (4) or subsection (5), or notified the owner by whom the purchase notice was served that he does not propose to confirm it, the purchase notice shall thereupon be deemed to be confirmed and all of the results shall follow as if the notice was confirmed under subsection (2).

(8) Before confirming a purchase notice, or taking any other action in respect of it under this section, the Minister shall give notice of his proposed action

- (a) to the person by whom the purchase notice was served;
- (b) to the authorized administrator on whom the purchase notice was served;

- (c) to the authorized administrator for the area in which the land is situated; and
 - (d) to any authorized administrator which the Minister proposes, under subsection (6), to substitute for the authorized administrator on which the purchase notice was served, and if, within a period, not less than twenty-eight days from the date of the service of the purchase notice, to be prescribed in the notice to be given by the Minister under this subsection, any authorized administrator on which that notice was served so requires, the Minister shall, before confirming the purchase notice or taking any other action under this section in respect of it, afford to that authorized administrator an opportunity of appearing before and being heard by a person designated or appointed by the Minister for the purpose.
- (9) Any notice may be served under this section,
- (a) on the Minister by leaving it at the office of the Minister or by posting it by registered mail addressed to the Minister;
 - (b) on an authorized administrator by leaving it with or posting it by registered mail addressed to the person in charge of the office of that authorized administrator; or
 - (c) on any other person by personal service or by posting it by registered mail addressed to the last known address of that person in Newfoundland.

133. The Minister, any of the Minister's authorized officers or servants, an authorized administrator and any of an authorized administrator's authorized officers or servants have the right to enter into or upon any property to make any inspection or survey for the purposes of this Act.

Right of entry.

134.—(1) Every person who contravenes this Act or any regulation, order, Municipal Plan, Joint Municipal Plan, Local Area Plan, Regional Plan or any other plan or scheme made thereunder or fails to comply with any requirement or obliga-

Penalty.

tion imposed on him by this Act or any regulation, order, Municipal Plan, Joint Municipal Plan, Local Area Plan, Regional Plan or any other plan or scheme made thereunder or who interferes with or obstructs any person in the discharge of his duties under any of them or who tears down, removes or damages any notice posted or published under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding six months.

(2) The conviction of any person for failing to comply with any requirement or obligation referred to in subsection (1) shall not operate as a bar to further prosecution under this Act for the continued failure on the part of such person so to comply.

(3) In addition to the penalty prescribed under subsection (1) the magistrate who convicts a person of an offence referred to in that subsection may order that person to remove or restore to its former state any building, structure or thing erected or placed on any land or any land dealt with in anywise contrary to this Act or regulations made under this Act and, if that person does not carry out that order within the time prescribed by the magistrate, the magistrate may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted.

Concerning regulations and orders under previous Act.

135. Any regulations, orders, Municipal Plan, Joint Plan, Local Area Plan or any other plan or scheme made under The Urban and Rural Planning Act, 1953, the Act No. 27 of 1953, in so far as they are not revoked or rescinded, as the case may be, and as from time to time amended, shall continue in force and all the consequences shall follow as if they had been made under the provisions of this Act.

Minister may order stoppage of development pending prosecution.

136.—(1) Where a person begins a development contrary or apparently contrary to this Act or the regulations or any order, Municipal Plan, Local Area Plan or Joint Municipal Plan, Regional Plan or other plan or scheme the Minister or any authorized administrator may order that person to stop the development or any work connected therewith pending final adjudication in any prosecution arising out of the development.

(2) A person who does not comply with an order made under subsection (1) is guilty of an offence and liable, in addition to the penalties provided for in Section 134, on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding six months.

137. Prosecution for breaches of this Act or the contravention of any regulation, order, Municipal Plan, Local Area Plan or Joint Municipal Plan, Regional Plan or any other plan or scheme made thereunder may be taken by the Attorney General or by the Minister, an authorized administrator, or an officer designated by any of them for the purpose and all fines and penalties recovered thereunder shall by the court imposing the same be forwarded to the Department of Justice for payment over to the Crown.

Prosecutions.



CHAPTER 388

An Act Respecting the Grading of Certain Products of Agriculture in Newfoundland.

1. This Act may be cited as The Vegetable (Grading) Act. Short title.
2. In this Act unless the context otherwise requires Interpretation.
 - (a) "grade" means any grade established pursuant to this Act or the regulations;
 - (b) "inspector" means any person appointed as an inspector by the Minister under this Act;
 - (c) "Minister" means the Minister of Mines, Agriculture and Resources;
 - (d) "product" means potatoes, turnips, beet, carrots, and parsnips and such other natural products of agriculture as the Lieutenant-Governor in Council may designate;
 - (e) "regulations" means regulations made under this Act;
 - (f) "vehicle" means every device in, upon or by which any person or property may be transported or drawn upon land or water.
- 3.—(1) The Lieutenant-Governor in Council may from time to time make regulations Regulations.
 - (a) classifying and establishing grades for each kind of product;
 - (b) with respect to packages or containers or the inspection, grading, packing, marking, shipment, advertise-

ment, purchase and sale of products within the province;

- (c) prescribing when and where any regulation shall be in force;
- (d) with respect to the registration of packers and of persons assembling products and the registration and licensing of brokers, commission agents and dealers and prescribing fees for inspection, registration and licensing;
- (e) with respect to the cleanliness and sanitation of premises in which products are graded, packed, or assembled;
- (f) with respect to any other matter concerning which the Lieutenant-Governor in Council deems any regulations necessary for carrying out the purposes of the Act.

(2) Regulations made under subsection (1) may provide penalties for a breach of the regulations and shall have effect from the date of publication in *The Newfoundland Gazette* or from such other date as may be specified in the regulations.

**Appointment
of inspectors.**

4. The Minister may appoint as inspectors for the purposes of this Act and the regulations such persons as he may deem expedient, including any inspector or inspectors employed in Newfoundland under and for the enforcement of any Act of the Parliament of Canada dealing with any product or products referred to in paragraph (d) of Section 2.

**Powers of
inspectors.**

5. An inspector may at any time for the purpose of enforcing any provisions of this Act or the regulations

- (a) enter any place or premises or any vehicle used or being used for the storage or carriage of products or which the inspector believes is being so used;
- (b) require to be produced for inspection or for the purposes of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, sale records, or other records or papers;

- (c) inspect any product which is being transported by vehicle and require the driver of any vehicle believed by the inspector to be carrying a product or products to stop for the purpose of inspection;
- (d) detain any product for the time necessary to complete his inspection or otherwise;
- (e) at the expense of the producer, packer, or owner take samples of products wherever or whenever he may deem necessary.

6. Any products detained under this Act or the regulations are at all times at the risk and expense of the owner, but the inspector shall immediately notify the owner or person having possession of the product or products by prepaid telegram, letter or otherwise that the product or products are being detained in storage or otherwise as the case may be.

Product detained at risk of owner.

7. A certificate of the appointment of any inspector and any inspection or other certificate purporting to be signed by an inspector is, without further proof of the signature or official position of the person signing the certificate *prima facie* evidence in any court of the facts set forth in the certificate.

Certificate of inspector *prima facie* proof.

8. The Minister may at the request of any Newfoundland producers' association authorize the registration of foreman packers or head packers or other persons in charge of or responsible for the work of those engaged in the packing of a product or products in packing houses, warehouses or other places.

Registration of foreman in packing houses.

9. Every person is guilty of an offence who

Offences.

- (a) packs, advertises, sells, offers, has in his possession for sale, or transports for sale any product which in any respect does not comply with the provisions of this Act or the regulations except as may by regulation be permitted for manufacturing or processing purposes;
- (b) represents any product to be of a certain grade, variety, or class unless such product has been so graded or classed in accordance with the regulations;

- (c) misrepresents the grade, variety or class or origin of any product;
- (d) sells, offers, or has in possession for sale any product in any package or container of which the faced or shown surface falsely represents the contents;
- (e) carelessly handles or damages any product while being packed, transported, warehoused or otherwise dealt with, but this does not apply to any carrier subject to the provisions of the *Railway Act, 1919* (Canada);
- (f) obstructs any inspector or gives to an inspector a false name or address or other false information; or
- (g) refuses to permit any product or products to be inspected under this Act.

**Special
penalty.**

10. Every person guilty of an offence is liable upon summary conviction

- (a) for a first offence to a fine of not less than ten dollars nor more than twenty-five dollars;
- (b) for each subsequent offence to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment for a term not exceeding thirty days;

and

- (c) in default of payment of a fine imposed for either a first or subsequent offence to imprisonment for not more than sixty days.



CHAPTER 389

An Act Respecting the Prevention of Venereal Disease

1. This Act may be cited as The Venereal Disease Prevention Act. Short title

2. In this Act Interpretation
 - (a) "medical health officer" shall mean the medical health officers appointed under The Health and Public Welfare Act.
 - (b) "Minister" shall mean the Minister of Health.
 - (c) "physician" shall mean a legally qualified medical practitioner.
 - (d) "place of detention" shall mean any hospital, sanatorium, gaol, prison, lock-up, reformatory, industrial farm, or industrial refuge so designated by the Minister or any other place designated as a place of detention by the Lieutenant-Governor in Council but shall not include any private hospital existing and being operated at the time of the passing of The Health and Public Welfare Act.
 - (e) "prescribed" shall mean prescribed by the regulations.
 - (f) "regulations" shall mean regulations made under the authority of this Act.
 - (g) "venereal disease" shall mean syphilis, gonorrhoea, chancre or granuloma inguinale.

Infected person to submit to treatment.

3.—(1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to a medical health officer, who shall direct his course of conduct and treatment.

Certificate.

(2) Every such person shall continue treatment until he obtains from the attending physician a notice in writing that he has received adequate treatment.

Penalty.

(3) Every person who fails to comply with any of the provisions of this section shall be liable, upon summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months.

Duty to report.

4.—(1) It shall be the duty of

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, school or college, industrial, female or other refuge, or other similar institution,

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time.

Within twenty-four hours.

(2) The report in the prescribed form shall be completed and forwarded to the Minister within twenty-four hours after the first diagnosis, treatment or knowledge by or of such physician, head or other person.

Information as to infection.

5.—(1) Any medical health officer may lay an information in writing before a magistrate charging that any person named in such information

- (a) is infected with a venereal disease and is unwilling or unable to conduct himself in such a manner so as not

to expose any other person to the danger of infection;
or

(b) is infected with a venereal disease and refuses or neglects to take or continue treatment as required by this Act and the regulations.

(2) Upon receiving any such information, the magistrate shall hear and consider the allegations of the informant and if he considers it desirable or necessary, the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person named in such information, requiring him to appear before him or some other magistrate at a time and place named therein, or if he shall so decide, and provided that such information shall be substantiated by oath or affirmation, he may issue a warrant to apprehend the person against whom such information shall be laid and to bring him before him or some other magistrate.

Issue of
summons
or warrant.

(3) Where a person appears or is brought before the magistrate under this section, such magistrate shall inquire into the truth of the matter charged in the summons, and for such purpose shall proceed in the manner prescribed by The Summary Jurisdiction Act.

Magistrate's
inquiry.

(4) Where a magistrate finds that the truth of the information has been established, he shall order that the person named in the information be admitted to and detained in a place of detention for such period, not exceeding one year, as the magistrate may deem necessary.

Order for
detention.

(5) In any inquiry under this section a certificate as to the result of any test made, signed or purporting to be signed by the director of a laboratory approved by the Minister shall be *prima facie* evidence of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature.

Laboratory
certificate
prima facie
evidence.

(6) Any person detained under this section may, with the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still infected with venereal disease and in need of further treat-

Extension of
detention.

ment, he may order that such person be further detained for necessary.

Discharge
by Minister.

(7) Where the Minister is of the opinion that any person detained under this section is no longer infected with venereal disease or has received an adequate degree of treatment, he shall direct the discharge of such person.

Certificate as to
gonorrhoea.

6. A report or certificate of a physician given for the purposes of subsection (1) of Section 7 that any person is infected with gonorrhoea may be given whether or not laboratory findings indicate the presence of gonorrhoea when the clinical findings and history of such person so indicate.

Action of med-
ical health
officer on
reasonable
belief.

7.—(1) Where a medical health officer has reasonable grounds for believing that any person is or may be infected with venereal disease or has been exposed to infection, such medical health officer may give notice in writing in the prescribed form to such person directing him to submit to an examination by a physician designated by or satisfactory to such medical health officer and to procure and produce to the medical health officer within the time specified in the notice, a report or certificate of the physician that such person is or is not infected with venereal disease.

Penalty.

(2) Every person who without reasonable excuse, the proof of which shall be upon him, fails to comply with a direction made under subsection (1) shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment not exceeding six months.

Powers of
medical health
officer
on report.

(3) If by the report or certificate mentioned in subsection (1) it appears that the person so notified is infected with venereal disease, the medical health officer may

(a) with the approval of the Minister, order in writing that such person be removed and detained in a place of detention for the prescribed treatment until such time as the medical health officer is satisfied that an adequate degree of treatment has been attained: Provided that such person be brought before a magistrate within two

weeks of such detention to be dealt with under the provisions of subsection (4) of Section 5; or

- (b) deliver to such person directions in the prescribed form as to a course of conduct to be pursued and may require such person to produce from time to time evidence satisfactory to the medical health officer that he is undergoing adequate medical treatment and is in other respects carrying out such directions, and where such person fails to comply with the course of conduct prescribed for him or to produce the evidence required, the medical health officer may exercise all the powers vested in him by paragraph (a) of this subsection or may proceed under Section 5.

(4) Where a medical health officer makes an order under paragraph (a) of subsection (3) he shall deliver the order to a police constable or ranger who shall thereupon take the person named in the order into his custody and remove him to the place of detention named in the order, and the person for the time being in charge of the place of detention, upon receiving such order, shall receive such person and shall detain him until he is authorized by such medical health officer to release him.

Duties of police constable or ranger on order of medical health officer.

(5) A medical health officer may adopt the procedure or do any of the acts referred to in subsection (3) with regard to any person who has been examined by a physician at any time within one year previously and has been certified by such physician to be infected with venereal disease.

Where person certified within one year.

(6) A medical health officer may require a person whom he believes may be infected with venereal disease to undergo more than one examination in order to determine the presence or absence of such infection.

More than one examination may be required.

(7) The medical examinations referred to in subsection (6) shall be made at the expense of the Minister.

8.—(1) Where any physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge has reason to believe that any person under his charge may be infected with venereal disease or

Examination by physician in charge of institution.

has been exposed to infection with venereal disease, he may, and if he is directed by a medical health officer he shall, cause such person to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if such examination discloses that he is so infected such physician shall report the facts to a medical health officer.

Duty of physician in charge of institution.

(2) Where an examination has not been made under this section every physician in medical charge of any goal, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge shall report to a medical health officer the name and place of confinement of any person under his charge whom he suspects or believes to be infected with venereal disease and such report shall be made within twenty-four hours after he suspects or believes such person to be so infected.

Duplicate report.

(3) A copy or statement of every report made under this section shall be forwarded to the Minister.

Examination of persons in custody or committed to prison.

9. A medical health officer may cause any person under arrest or in custody, whether awaiting trial or serving the sentence of a court upon conviction of any offence, to undergo such examination as may be necessary in order to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of infection with venereal disease and may direct that such person shall remain in custody until the results of such examination are known: Provided that any person under arrest or in custody who has not been convicted of any offence shall not be compelled to undergo such examination unless a medical health officer has reasonable grounds of belief that such person has been or is infected or has been exposed to infection with venereal disease.

Treatment where disease found to exist.

10. Where any person under arrest or in custody or serving the sentence of a court upon conviction of any offence is found to be infected with venereal disease a medical health officer may by order in writing direct that such person undergo treatment therefor, and that such action be taken as the medical health officer or the Minister may deem advisable for his isolation and the prevention of infection by him, and that he be detained in custody until cured or until he has received a degree of treatment

considered adequate by the attending physician and the Minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section shall be sufficient warrant to the person to whom the order is addressed to carry out the terms thereof.

11.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician, the physician shall report to the Minister the name and address of such person together with such other information as may be required by the regulations.

Physician to report person refusing to continue treatment.

(2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister within fourteen days of the appointment.

Failure to attend within seven days.

(3) A physician who fails to report as required by this section shall incur a penalty of not less than twenty-five dollars and not more than one hundred dollars.

Penalty.

12.—(1) No person other than a physician shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

Supply of drugs, etc., by unqualified persons prohibited.

(2) Every person who contravenes subsection (1) shall incur a penalty of not more than five hundred dollars and in default of payment shall be imprisoned for a period not exceeding twelve months.

Penalty.

(3) Subsection (1) shall not apply to

Exception as to chemists.

(a) a registered pharmaceutical chemist who dispenses to a patient of a physician upon a written prescription: Provided that this exemption shall not apply when such a chemist fills a prescription a second or subsequent time without the written direction of the prescribing physician.

- (b) a graduate nurse or a member of the Public Health Nursing Service acting under the direction of a physician.

Offences.

13.—(1) Every person who

- (a) wilfully neglects or disobeys any order or direction given by the Minister or a medical health officer under this Act or the regulations;
- (b) hinders, delays or obstructs any medical health officer, police constable or ranger, or other person acting in the performance of his duties under this Act;
- (c) publishes any proceedings taken under this Act or the regulations;
- (d) willfully represents himself as bearing some other name than his own or makes any false statements as to his ordinary place of residence during the course of his treatment for any venereal disease with the purpose of concealing his identity; or
- (e) fails to comply with any of the provisions of this Act or the regulations;

shall, where no other penalty is prescribed, incur a penalty of not more than one hundred dollars and in default of payment shall be imprisoned for a period not exceeding three months.

Prosecutions.

(2) The Summary Jurisdiction Act shall apply to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act and proceedings authorized by Section 5 shall be conducted in camera and no person shall publish or disclose any such proceedings except under the authority of this Act or the regulations.

Statements as to existence of disease.

14.—(1) Every person who publicly or privately, orally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, shall incur a penalty of two hundred dollars and in default of payment shall be imprisoned for a period of not more than six months.

(2) Subsection (1) shall not apply to a communication or disclosure made in good faith Exceptions.

- (a) to the Minister;
- (b) to a medical health officer for his information in carrying out the provisions of this Act;
- (c) to a physician;
- (d) in the course of consultation for treatment or diagnosis for venereal disease;
- (e) to the superintendent or head of any public hospital, sanatorium or place of detention;
- (f) to any evidence given in any judicial proceedings of facts relevant to the issue;
- (g) to any communication authorized or required to be made by this Act or the regulations;
- (h) by a physician or inspector to an employer in respect of his employee within the scope of Section 19 of The Food and Drugs Act; or
- (i) to the clerks of any of the persons mentioned in this subsection where the communication is necessary for the keeping of records.

(3) Notwithstanding the provisions of subsection (1) a physician may, for the protection of health, give information concerning the patient to persons residing in the same household. Information to family.

15. Every person engaged in the administration of this Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment and shall not communicate any such matter to any other person except in the performance of his duties under this Act or when instructed to do so by a medical health officer, or the Minister. Obligation to observe secrecy.

Laboratory reports.

16. No person shall issue or make available to any person other than a physician who is attending a patient in respect of whom a laboratory report is made or such other persons as are engaged in the administration of this Act, any such laboratory report either in whole or in part of any examination made to determine the presence or absence of venereal disease.

Secrecy as to name.

17.—(1) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any account in connection with treatment therefor, but the case may be designated by a number or otherwise and it shall be the duty of every person concerned with the administration of this Act to see that secrecy is preserved.

Penalty.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall incur the penalties provided by Section 14.

Voluntary admission to place of detention.

18.—(1) A person may be admitted to a place of detention upon voluntary application for the purpose of examination or treatment for venereal disease, and such person shall remain in such place of detention until discharged by the Minister or a magistrate.

Persons deemed in lawful custody.

(2) Every person committed to a place of detention under the provisions of this Act and every person admitted to such a place for examination or treatment under subsection (1) shall be deemed to be a person in lawful custody.

Offence.

(3) Any person being in a place of detention under the provisions of this Act, leaving such place of detention without the permission of a Medical Health Officer, shall be guilty of an offence.

Where person infected is under sixteen years of age.

19. Where any person infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall upon

summary conviction, be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 20.—(1) The Minister may make regulations | Regulations. |
| (a) prescribing the method and extent of the examination of any person for the purpose of ascertaining whether or not such person is infected with venereal disease or the extent of such infection; | Examinations. |
| (b) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons; | Conduct of patient. |
| (c) prescribing the hospitals which shall furnish treatment to persons or any classes of persons infected with venereal disease; | Hospitals. |
| (d) prescribing rules for the treatment of persons infected with venereal disease in hospitals, places of detention and other places; | Treatment. |
| (e) for preventing the spread of infection from persons suffering from venereal disease; | Preventing infection. |
| (f) for distributing to physicians and hospitals information as to the treatment, diet and care of persons infected with venereal disease and requiring physicians and hospitals to distribute the information to such persons; | Distributing information. |
| (g) prescribing methods and remedies for the treatment, alleviation and cure of venereal disease; | Approval of remedies. |
| (h) providing for the display of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure; | Notices. |

- Forms. (i) prescribing the forms of notices, certificates and reports required or authorized to be given or issued under this Act;
- Progress reports. (j) requiring every physician to furnish reports with respect to the condition and treatment of persons infected with venereal disease who are or who have been under his diagnosis, treatment, care or charge;
- Procedure on appeal. (k) prescribing the procedure to be followed and the evidence required in case of an appeal to the Minister from any action or decision of a medical health officer under this Act;
- Patent medicines. (l) approving patent, proprietary or other medicines, drugs or appliances for the cure or alleviation of venereal disease;
- Clinics. (m) providing for the establishment of and furnishing of financial assistance to clinics for the treatment of venereal disease and for the regulation and control of such clinics;
- Grants. (n) providing for the making of grants or payments in respect of the maintenance, hospitalization or special treatments for any class or classes of patients in places of detention or elsewhere in addition to or in lieu of any other moneys which may be payable in respect of such maintenance, hospitalization or special treatments;
- Fees. (o) prescribing fees which shall be paid under this Act;
- Sending of notices. (p) prescribing the mode of sending or giving any notice, report or direction required or permitted to be sent or given by this Act or the regulations;
- Discipline. (q) respecting the discipline and general management of places of detention, their officers and servants, and respecting the control, employment, dietary and treatment of inmates; and
- General. (r) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

(2) The Minister shall publish in *The Newfoundland Gazette* either the regulations made by him under this Act or a notice that regulations have been made and such regulations shall come into effect as from the date of such publication or from such later date, if any, as may be fixed by the regulations.

Regulations,
publication
and coming
into effect
thereof.

21.—(1) Every person who deems himself aggrieved by any action or decision of a medical health officer under this Act may appeal therefrom to the Minister by giving notice in writing to the Minister and to the medical health officer.

Appeal of
Minister.

(2) The Minister may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Minister may deem necessary to determine the matter in dispute.

Evidence
on appeal.

(3) The decision of the Minister shall be final.

Decision final.

22. A medical health officer or a physician designated by him in writing for the purpose may, on reasonable grounds of suspicion that any person is infected with a venereal disease, enter in and upon any house, outhouse or premises at any time for the purpose of making inquiry and examination with respect to the state of the health of any person therein and may cause any person found therein who is infected with any venereal disease to be removed to a place of detention or may give such directions as may prevent other persons in the same house, outhouse or premises from being infected.

Right of entry.

23. The administration of this Act and the regulations shall not interfere with the course of justice in the case of any person under arrest or in custody previous to trial for any offence: Provided that where it is necessary for the purpose of any examination authorized or required by this Act, such person may be held in custody until the results of the examination are shown.

Administration
of Act not
to interfere
with course
of justice.



CHAPTER 390

An Act to Authorize the Execution on Behalf of Newfoundland of an Agreement Between the Government of Newfoundland and the Government of Canada for the Settle- ment of Veterans on Provincial Lands and for Other Purposes.

WHEREAS by *The Veterans Land Act, 1942, (Canada)*, the Government of Canada, as a measure of rehabilitation of members of the Active Forces of Canada and of certain persons who have had service upon ships comparable to active service of a member of the Forces in a theatre of war, has made provision for granting financial assistance to such persons in order to encourage them to seek rehabilitation in the agricultural industry either as a full time occupation or as a part time occupation coupled with some other employment;

AND WHEREAS the said Act provides that the Minister of Veterans Affairs may, with the approval of the Lieutenant-Governor in Council, enter into an agreement with the Government of any province for the settlement of veterans on any provincial lands which the Provincial Government may submit as being specially suitable for settlement by veterans;

AND WHEREAS it is desirable that the Government of Newfoundland should have power to enter into an agreement with the Minister for the purposes of that Act and to reserve certain parcels of land so that they may be available for such settlement.

1. This Act may be cited as *The Veterans Land Settlement Act*. Short title.

Interpretation.

2. In this Act unless the context otherwise requires—

- (a) "Director" means The Director, *The Veterans Land Act* appointed under the Dominion Act;
- (b) "Dominion Act" means *The Veterans Land Act, 1942, (Canada)*;
- (c) "veteran" means a veteran as defined in the Dominion Act.

Power to enter into agreement.

3.—(1) The Lieutenant-Governor in Council may authorise the Minister of Mines, Agriculture and Resources to enter into an agreement on behalf of the Government of Newfoundland with the Minister of Veterans' Affairs on behalf of the Government of Canada for the settlement of veterans on provincial lands.

Provisions of agreement.

(2) The agreement shall contain such provisions, conditions, and limitations with respect to the settlement of veterans as the Ministers may mutually decide.

Reservation of lands for veterans.

4. The Lieutenant-Governor in Council may reserve such Crown lands as he deems expedient for the purpose of making the land so reserved available for settlement by veterans in accordance with the provisions of the Dominion Act and the Lieutenant-Governor in Council may from time to time except any lands from the lands so reserved.

Power to convey lands to Director.

5.—(1) The Minister of Mines, Agriculture and Resources may from time to time grant in fee simple and free of cost to the Director any parcel of land being part of the lands reserved under Section 4.

Lands to be used for settlement of veterans.

(2) Every parcel of land granted to the Director under this section shall be used by the Director for the purpose of settling a veteran thereon pursuant to the Dominion Act and for no other purpose.

Lands not used for settlement of veterans revert to Province.

(3) If for any reason a veteran is not settled on any parcel of land granted under this section the Minister of Mines, Agriculture and Resources is entitled to have the parcel re-conveyed to him by the Director on demand but if a veteran is settled

thereon under the provisions of the Dominion Act Newfoundland has no further right to the parcel of land.

6. If the Government of Canada in preparation for the settlement of veterans pursuant to the Dominion Act makes improvements on any of the lands reserved under Section 4 the Government of Canada shall have a lien upon the land so improved for the value of such improvements.

Lien in favor
of Dominion
where land
improved.

7. A grant issued under Section 5 shall be in the form, as nearly as may be, of a grant issued under subsection (1) of Section 6 of The Crown Lands Act, and shall, in addition to the conditions, exceptions and reservations contained in that form, contain a provision reserving to the Crown in right of Newfoundland all petroleum that may be in, on, or under the land granted.

Form of grant.



CHAPTER 391

An Act Respecting Warehousemen's Liens.

1. This Act may be cited as The Warehousemen's Lien Act. Short title.
2. In this Act Interpretation.
 - (a) "goods" includes personal property of every description that may be deposited with a warehouseman as bailee;
 - (b) "lien" means a lien which is created by this Act;
 - (c) "warehouseman" means a person who receives goods for storage as a bailee for hire; and
 - (d) "warehouseman's charges" means the charges in respect of which a warehouseman has a lien.
- 3.—(1) Subject to Section 4, every warehouseman has a lien Warehouse-
man's lien. on goods deposited with him for storage whether deposited by the owner of the goods or by his authority or by any person entrusted with the possession of the goods by the owner or by his authority.
- (2) The lien is for the amount of the warehouseman's charges, Charges
covered
by lien. that is to say
 - (a) all lawful charges for storage and preservation of the goods;
 - (b) all lawful claims for money advanced, interest, insurance, transportation, labour, weighing, coopering and other expenses in relation to the goods, whether of the foregoing kind or not; and

- (c) all reasonable charges for
 - (i) any notice required to be given under this Act,
 - (ii) notice and advertisement of sale, and
 - (iii) sale of the goods where default is made in satisfying the warehouseman's lien.

Requirement
as to notice
of lien in
certain cases.

4.—(1) Where the goods on which a lien exists were deposited not by the owner or by his authority but by a person entrusted by the owner or by his authority with the possession of the goods, the warehouseman shall within two months after the date of the deposit give notice of the lien

- (a) to the owner of the goods, including the person in whom the right of property therein is vested where a valid receipt note, hire receipt or other instrument evidencing a bailment or conditional sale of the goods is filed under The Conditional Sales Act, at the date of the deposit of the goods; and
- (b) to the grantee of the goods under any bill of sale or chattel mortgage registered under The Bills of Sale Act, at the date of the deposit of the goods.

Contents
of notice

(2) The notice given under subsection (1) shall be in writing and contain

- (a) a brief description of the goods;
- (b) a statement showing
 - (i) the location of the warehouse where the goods are stored,
 - (ii) the date of their deposit with the warehouseman, and
 - (iii) the name of the person by whom they were deposited; and

- (c) a statement that a lien is claimed by the warehouseman under this Act in respect of goods.

(3) Where the warehouseman fails to give the notice required by this section, his lien, as against the person to whom he has failed to give notice, is void as from the expiration of the period of two months from the date of the deposit of the goods.

Loss of lien
from failure
to give notice.

5.—(1) In addition to all other remedies provided by law for the enforcement of liens or for the recovery of warehouseman's charges, a warehouseman may, in the manner provided in this section, sell by public auction any goods upon which he has a lien for warehouseman's charges which have become due.

Enforcement
of lien
by sale
of goods.

(2) The warehouseman shall give written notice of his intention to sell

Notice of sale.

- (a) to the person liable as debtor for the warehouseman's charges for which the lien exists;
- (b) to the owner of the goods, including the person in whom the right of property therein is vested where a valid receipt note, hire receipt or other instrument evidencing a bailment or conditional sale of the goods is filed under The Conditional Sales Act, at the date of the deposit of the goods;
- (c) to the grantee of the goods under any bill of sale or chattel mortgage registered under The Bills of Sale Act, at the date of the deposit of the goods; and
- (d) to any other person known by the warehouseman to have or claim an interest in the goods.

(3) The notice given under subsection (2) shall contain

Contents
of notice.

- (a) a brief description of the goods;
- (b) a statement showing

- (i) the location of the warehouse where the goods are stored,
 - (ii) the date of their deposit with the warehouseman, and
 - (iii) the name of the person by whom they were deposited;
- (c) an itemized statement of the warehouseman's charges showing the sum due at the time of the notice;
- (d) a demand that the amount of the charges as stated in the notice and such further charges as may accrue shall be paid on or before a day mentioned, not less than twenty-one days from
- (i) the delivery of the notice if it is personally delivered, or
 - (ii) the time when the notice should reach its destination according to the due course of mail if it is sent by mail; and
- (e) a statement that unless the charges are paid within the time mentioned the goods will be advertised for sale and sold by public auction at a time and place specified in the notice.

Advertisement
of sale.

- (4) Where the charges itemized in the notice given under subsection (2) are not paid on or before the day mentioned in the notice, an advertisement of the sale,
- (a) describing the goods to be sold;
 - (b) stating the name of the person liable as debtor for the charges for which the lien exists; and
 - (c) stating the time and place of the sale,

shall be published at least once a week for two consecutive weeks in a newspaper published in the province and circulating

in the locality where the sale is to be held and the sale shall be held not less than fourteen days from the date of the first publication of the advertisement.

6. Where a notice of lien under Section 4 or a notice of intention to sell under Section 5 has been given but the provisions of the section have not been strictly complied with, if the court or a judge before whom any question respecting the notice is tried or enquired into considers

Substantial compliance with Act.

- (a) that those provisions have been substantially complied with; or
- (b) that it would be inequitable that the lien or sale shall be void by reason of the non-compliance,

no objection to the sufficiency of the notice shall in any such case be allowed to prevail so as to release or discharge the goods from the lien or vitiate the sale.

7.—(1) From the proceeds of the sale under this Act the warehouseman shall satisfy his lien and shall pay over the surplus, if any, to the person entitled thereto and the warehouseman shall when paying over the surplus deliver to the person to whom he pays it a statement of account showing how the amount has been computed.

Disposition of proceeds of sale.

(2) If

Payment into court.

- (a) the surplus, if any, is not demanded by the person entitled thereto within ten days after the sale under this Act; or
- (b) there are different claimants or the rights thereto are uncertain,

the warehouseman shall upon the order of a judge pay the surplus into the Supreme Court or into the District Court having jurisdiction where the sale takes place upon the order of a judge.

(3) An order made under subsection (2) may be made *ex parte* upon such terms and conditions as to costs and otherwise as the judge may direct and may provide to what fund or name the amount shall be credited.

Ex parte order under Subsec. (2).

**Statement
of account.**

(4) The warehouseman at the time of paying the amount into court under subsection (2) shall file in the court a copy of the statement of account showing how the amount has been computed.

**Duty of
warehouseman
where charges
paid before
sale.**

8.—(1) At any time before goods are sold under this Act any person claiming an interest or right of possession in the goods may pay the warehouseman the amount necessary to satisfy his lien, including the expenses incurred in serving notices and advertisement and preparing for the sale up to the time of the payment.

**Delivery
of goods.**

(2) The warehouseman shall deliver the goods referred to in subsection (1) to the person making the payment if he is the person entitled to the possession of the goods on payment of the warehouseman's charges thereon, but if that person is not so entitled to the possession of the goods the warehouseman shall retain possession of the goods according to the terms of the contract of deposit.

**Manner of
giving notices
required
by Act.**

9. Where by this Act any notice in writing is required to be given the notice shall be given by delivering it to the person to whom it is to be given or by mailing it in the post office, postage paid and registered, addressed to him at his last-known address.



CHAPTER 392

An Act Respecting Warehouse Receipts.

1. This Act may be cited as The Warehouse Receipts Act. Short title.
2. In this Act Interpretation.
 - (a) "action" includes a counterclaim and a set-off;
 - (b) "fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit;
 - (c) "goods" includes all chattels personal other than things in action and money;
 - (d) "holder", as applied to
 - (i) a negotiable receipt, means a person who has possession of the receipt and a right of property therein, and
 - (ii) a non-negotiable receipt, means a person named therein as the person to whom the goods are to be delivered or his transferee;
 - (e) "negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to bearer or to the order of a named person;
 - (f) "non-negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the holder thereof;
 - (g) "purchaser" includes a mortgagee and pledgee;

- (h) "receipt" means a warehouse receipt;
- (i) "to purchase" includes to take as mortgagee or as pledgee;
- (j) "warehouse receipt" means an acknowledgement in writing by a warehouseman of the receipt for storage of goods not his own;
- (k) "warehouseman" means a person who receives goods for storage as a bailee for hire.

Form of receipts.

3.—(1) A receipt shall contain the following particulars:

- (a) the location of the warehouse or other place where the goods are stored;
- (b) the name of the person by whom or on whose behalf the goods are deposited;
- (c) the date of issue of the receipt;
- (d) a statement
 - (i) that the goods received will be delivered to the holder thereof, or
 - (ii) that the goods received will be delivered to bearer or to the order of a named person;
- (e) the rate of storage charges;
- (f) a description of the goods or of the packages containing them;
- (g) the signature of the warehouseman or his authorized agent; and
- (h) a statement of the amount of any advance made and of any liability incurred for which the warehouseman claims a lien.

- (2) Where a warehouseman omits from a negotiable receipt any of the particulars set forth in subsection (1) he is liable for damage caused by the omission. Liability for omissions from negotiable receipt.
- (3) A receipt shall not by reason of the omission of any of the particulars set forth in subsection (1) be deemed not to be a warehouse receipt. Omissions not to affect receipt.
- (4) A warehouseman may insert in a receipt issued by him any other term or condition that Warehouseman may insert conditions in receipt.
- (a) is not contrary to any provision of this Act; and
- (b) does not impair his obligation to exercise such care and diligence in regard to the goods as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.
- (5) Subject to this Act, a warehouse receipt, when delivered to the owner or bailor of the goods or mailed to him at his address last known to the warehouseman, constitutes a contract between the owner or bailor and the warehouseman but the owner or bailor may by notice in writing given within twenty days after the delivery or mailing notify the warehouseman that he does not accept the contract and thereupon he shall remove the goods deposited, subject to the warehouseman's lien for charges, and if notice is not given the warehouse receipt so delivered or mailed constitutes the contract. Contract constituted.
- 4.** Words in a negotiable receipt limiting its negotiability are void. Negotiable and non-negotiable receipts.
- 5.—**(1) No more than one receipt shall be issued in respect of the same goods except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, Marking of duplicate receipts.
- (a) shall bear the same date as the original; and
- (b) shall be plainly marked on its face "Duplicate".
- (2) A warehouseman is liable for all damages caused by his failure to observe subsection (1) to any person who purchases Liability when not so marked.

the subsequent receipt for valuable consideration, believing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Effect of duplicate receipts.

(3) A receipt upon the face of which the word "Duplicate" is plainly marked is a representation and warranty by the warehouseman that it is an accurate copy of a receipt properly issued and uncanceled at the date of the issue of the duplicate.

Marking of non-negotiable receipts.

6.—(1) A warehouseman who issues a non-negotiable receipt shall mark or cause to be marked plainly upon its face the words "non-negotiable" or "not negotiable".

Failure to mark.

(2) Where a warehouseman does not comply with subsection (1), a holder of the receipt who purchases it for valuable consideration believing it to be negotiable may, at his option, treat the receipt as

- (a) vesting in him all rights attaching to a negotiable receipt; and
- (b) imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable;

and the warehouseman is liable accordingly.

Duty to deliver.

7.—(1) A warehouseman in the absence of lawful excuse shall deliver the goods referred to therein,

- (a) in the case of a negotiable receipt, to the bearer thereof upon demand made by the bearer and upon the bearer's
 - (i) satisfying the warehouseman's lien, if any,
 - (ii) surrendering the receipt with such endorsements as are necessary for the negotiation of the receipt, and
 - (iii) acknowledging in writing the delivery of the goods; or

(b) in the case of a non-negotiable receipt, to the holder thereof upon the holder's

(i) satisfying the warehouseman's lien, if any, and

(ii) acknowledging in writing the delivery of the goods.

(2) Where a warehouseman refuses or fails to deliver the goods in compliance with subsection (1) the burden lies upon the warehouseman to establish the existence of a lawful excuse for his refusal or failure.

Failure to deliver.

8. Where a person is in possession of a negotiable receipt

Delivery on presentation of a negotiable receipt.

(a) that has been duly endorsed to him or endorsed in blank; or

(b) by the terms of which the goods are deliverable to him or his order or to bearer,

if delivery is made in good faith and without notice of any defect in the title of that person the warehouseman is justified in delivering the goods to that person.

9.—(1) Subject to Section 19, where a warehouseman delivers goods for which he has issued a negotiable receipt and fails to take up and cancel the receipt, he is liable, for failure to deliver the goods, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after delivery of the goods by the warehouseman.

Negotiable receipts must be cancelled on delivery of goods.

(2) Subject to Section 19, where a warehouseman delivers part of the goods for which he has issued a negotiable receipt and fails

Negotiable receipts to be marked on delivery of part of goods.

(a) to take up and cancel the receipt; or

(b) to place plainly upon it a statement of what goods or packages have been delivered,

he is liable, for failure to deliver all the goods specified in the receipt, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

Lost or
destroyed
receipts.

10. Where a negotiable receipt has been lost or destroyed a judge of the Supreme Court may, upon application after notice to the warehouseman by the person lawfully entitled to possession of the goods and upon satisfactory proof of the loss or destruction of the receipt, order the delivery of the goods upon the giving of a bond with sufficient sureties to be approved in accordance with the practice of the court to indemnify the warehouseman against any liability, cost or expense he may be under or be put to by reason of the original receipt remaining outstanding and the warehouseman is entitled to his costs of the application.

Warehouseman
has reasonable
time to
determine
validity
of claims.

11. Where a warehouseman has information that a person other than the holder of a receipt claims to be the owner of or entitled to the goods he may refuse to deliver the goods until he has had a reasonable time, not exceeding ten days, to

- (a) ascertain the validity of the adverse claim; or
- (b) commence interpleader proceedings.

Conclusiveness
of negotiable
receipt.

12. A negotiable receipt is, in the hands of a holder who has purchased it for valuable consideration, conclusive evidence of the receipt by the warehouseman of the goods therein described as against the warehouseman and any persons signing the receipt on his behalf, notwithstanding that the goods or some part thereof may not have been so received, unless the holder of the receipt has actual notice at the time of receiving it that the goods have not in fact been received.

Description
of goods
in receipt.

13. Where goods are described in a receipt merely by a statement

- (a) of certain marks or labels on the goods or on the packages containing them;

- (b) that the goods are said by the depositor to be goods of a certain kind; or
- (c) that the packages containing the goods are said by the depositor to contain goods of a certain kind,

or by a statement of import similar to that of paragraph (a), (b) or (c), the statement does not impose any liability on the warehouseman in respect of the nature, kind or quality of the goods, but shall be deemed to be a representation by the warehouseman either

- (d) that the marks or labels were in fact on the goods or packages;
- (e) that the goods were in fact described by the depositor as stated; or
- (f) that the packages containing the goods were in fact described by the depositor as containing goods of a certain kind,

as the case may be.

14. A warehouseman is liable for loss of or injury to goods caused by his failure to exercise such care and diligence in regard to them as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

Liability for care of goods.

15. Where authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade and in that case

Co-mingled goods and warehouseman's liability therefor.

- (a) the holder of the receipts for the mingled goods owns the entire mass in common; and
- (b) each holder is entitled to such proportion thereof as the quantity shown by his receipt to have been deposited bears to the whole.

16. Where goods are delivered to a warehouseman by the owner or person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable receipt is issued for them, they cannot thereafter while

Levy upon goods for which a negotiable receipt has been issued.

in the possession of the warehouseman be levied under an execution, unless the receipt is first surrendered to the warehouseman.

Negotiable receipt must state charges for which lien is claimed.

17. Where a negotiable receipt is issued for goods, the warehouseman has no lien on the goods except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

Perishable and hazardous goods.

18.—(1) Where goods

- (a) are of a perishable nature; or
- (b) by keeping will deteriorate greatly in value or injure other property,

the warehouseman may give such notice as is reasonable and possible under the circumstances

- (c) to the holder of the receipt for the goods if the name and address of the holder are known to the warehouseman; or
- (d) if the name and address of the holder are not known to him then to the depositor,

requiring him to satisfy the lien upon the goods and to remove them from the warehouse and, on the failure of the person to whom the notice is given to satisfy the lien and remove the goods within the time specified in the notice, the warehouseman may sell the goods at public auction or private sale without advertising.

Method of giving notice.

(2) The notice referred to in subsection (1) may be given by sending it by registered letter post addressed to the person to whom it is to be given at the person's last known place of address and the notice shall be deemed to be given on the day following the mailing.

Disposal of goods where not sold.

(3) If the warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he thinks fit and shall not incur liability by reason of the disposal.

(4) The warehouseman shall from the proceeds of any sale made pursuant to this section,

Disposal of proceeds of sale.

(a) satisfy his lien; and

(b) hold the balance in trust for the holder of the receipt.

19. Where goods have been lawfully sold to satisfy a warehouseman's lien or have been lawfully sold or disposed of under Section 18 of this Act, the warehouseman is not liable for failure to deliver the goods to the holder of the receipt.

Effect of sale.

20.—(1) A negotiable receipt may be negotiated by delivery

Negotiation of negotiable receipts.

(a) where by the terms of the receipt the warehouseman undertakes to deliver goods to the bearer; or

(b) where by the terms of the receipt the warehouseman undertakes to deliver goods to the order of a named person and that person or a subsequent endorsee has endorsed it in blank or to bearer.

(2) Where

Idem.

(a) by the terms of a negotiable receipt goods are deliverable to bearer; or

(b) a negotiable receipt has been endorsed in blank or to bearer

the receipt may be negotiated by the bearer endorsing it to a named person, and in that case the receipt shall thereafter be negotiated by

(c) the endorsement of the endorsee or a subsequent endorsee; or

(d) delivery if it is again endorsed in blank or to bearer.

(3) Where by the terms of a negotiable receipt the goods are deliverable to the order of a named person, the receipt may be negotiated by the endorsement of that person.

Idem.

Idem.

(4) An endorsement pursuant to subsection (3) may be in blank, to bearer or to a named person and if the endorsement is to a named person the receipt may be again negotiated by endorsement in blank, to bearer or to another named person and subsequent negotiation may be made in like manner.

Transfer of receipts.

21. The goods covered by a non-negotiable receipt may be transferred by the holder by delivery to a purchaser or donee of the goods of a transfer in writing executed by the holder but the transfer shall not affect or bind the warehouseman until he is notified in writing thereof.

Rights of person to whom a receipt has been transferred.

22.—(1) A person to whom the goods covered by a non-negotiable receipt is transferred acquires

(a) as against the transferor

(i) the title to the goods, and

(ii) the right to deposit with the warehouseman the transfer or duplicate thereof or to give notice in writing to the warehouseman of the transfer;

and

(b) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt upon

(i) deposit of the transfer of the goods, or

(ii) giving notice in writing of the transfer and upon the warehouseman having a reasonable opportunity of verifying the transfer.

Rights of a person to whom a receipt has been negotiated.

23. A person to whom a negotiable receipt is duly negotiated acquires

(a) such title to the goods as the person negotiating the receipt to him had or had ability to transfer to a purchaser in good faith for valuable consideration;

- (b) such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of receipt had or had ability to transfer to a purchaser in good faith for valuable consideration; and
- (c) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

24. Where a negotiable receipt is transferred for valuable consideration by delivery and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt unless a contrary intention appears and the negotiation shall take effect as of the time when the endorsement is made.

Transfer of negotiable receipt without endorsement.

25. Unless a contrary intention appears, a person who for valuable consideration negotiates or transfers a receipt by endorsement or delivery, including one who assigns for valuable consideration a claim secured by a receipt, warrants

Warranties on sale of receipt.

- (a) that the receipt is genuine;
- (b) that he has a legal right to negotiate or transfer it;
- (c) that he has no knowledge of any fact that would impair the validity of the receipt;
- (d) that he has a right to transfer the title to the goods; and
- (e) that the goods are merchantable or fit for a particular purpose whenever that warranty would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

26. The endorsement of a receipt does not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfil their respective obligations.

Endorser not a guarantor.

When negotiation not impaired by fraud, mistake or duress.

27. The validity of the negotiation of a receipt is not impaired by the fact that

- (a) the negotiation was a breach of duty on the part of the person making the negotiation; or
- (b) the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to the person making the negotiation,

if the person to whom the receipt was negotiated or a person to whom the receipt was subsequently negotiated paid value therefor without notice of the breach of duty or fraud, mistake or duress.

Subsequent negotiations.

28. Where a person who has sold, mortgaged or pledged

- (a) goods that are in a warehouse and for which a negotiable receipt has been issued; or
- (b) a negotiable receipt representing goods,

continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale or other disposition thereof to any person receiving it in good faith for valuable consideration and without notice of the previous sale, mortgage or pledge has the same effect as if a previous purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Negotiation defeats vendor's lien.

29. Where a negotiable receipt has been issued for goods a seller's lien or right of stoppage *in transitu* shall not defeat the rights of a purchaser for value in good faith to whom the receipt has been negotiated, whether the negotiation be prior or subsequent to the notification to the warehouseman who issued the receipt of the seller's claim to a lien or right of stoppage *in transitu*, and the warehouseman shall not deliver the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Application to existing receipts.

30. The provisions of this Act do not apply to receipts made and delivered before the first day of July, 1963.



CHAPTER 393

An Act to Revise the Law Respecting the Disposal of Waste Material.

- 1.** This Act may be cited as The Waste Material (Disposal) Act. Short title.
- 2.** In this Act Interpretation.
- (a) “area” means an area established as a Waste Material Disposal Area under Section 3, and with respect to a committee means the area for which the committee was appointed;
 - (b) “committee” means a Waste Material Disposal Committee appointed under Section 4;
 - (c) “dumping ground” means land declared to be a dumping ground in an order made under this Act;
 - (d) “Minister” means the Minister of Mines, Agriculture and Resources;
 - (e) “regulations” means regulations made under this Act;
 - (f) “waste material” includes refuse, garbage, rubbish, discarded material of all kinds and any material or thing that may be a danger to the health of human beings, animals, wild life or fish.
- 3.—(1)** The Minister may by order establish any area in the province other than Minister may by order establish area.
- (a) an area incorporated under a special Act;

(b) a municipality or Local Improvement District established under The Local Government Act; or

(c) a local government community organized under The Community Councils Act,

as a Waste Material Disposal Area by the name of "The Waste Material Disposal Area of"

Defining of area.

(2) An area may be defined by

(a) precise boundaries;

(b) the name by which the area is generally or commonly known; or

(c) such other means as the Minister deems fit.

Extension or reduction of area.

(3) The Minister may by order extend or reduce an area by amending an order made under subsection (1) or by revoking that order and substituting another order therefor and when an area is extended this Act and any regulations made before the date of the extension of the area and still in force in the area shall come into force in the extended area on that date.

Publication and effective date of order.

(4) An order made under this section shall be published in *The Newfoundland Gazette* and has effect from the date of publication or from such later date as may be prescribed in the order and the order applies in the area defined or referred to in the order on and after the date on which it has effect.

Appointment of committee.

4.—(1) On or after making an order under subsection (1) of Section 3 the Minister may appoint a committee for the area in respect of which the order was made and the committee shall be designated as "The Waste Material Disposal Committee for"

Size of committee.

(2) A committee shall consist of such number of persons as the Minister determines, but in any case not less than five.

Term of members.

(3) The members of a committee hold office during pleasure and for such period as the Minister may prescribe when he appoints them.

Body corporate,

5. A committee is a body corporate.

- 6.** A committee may with the approval of the Minister appoint such officers, clerks and servants as may be necessary for the conduct of its business and fix their remuneration. **Staff.**
- 7.—(1)** The Minister may by order declare such land in an area as he shall define in the order to be a dumping ground. **Dumping ground to be declared.**
- (2) Land defined in an order made under subsection (1) may be Crown land or private land if the owner of the private land has given written permission for the use as a dumping ground of the land so defined. **Dumping ground may be Crown or private land.**
- (3) The committee for an area in which a dumping ground is located shall cause the dumping ground to be marked clearly by signs and may otherwise indicate the boundaries of the dumping ground. **Dumping ground to be marked.**
- 8.—(1)** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations for the more effective carrying out of the provisions and purposes of this Act and in particular, but without limiting the generality of the foregoing, may make regulations **Regulations.**
- (a) respecting the design and construction of dumping grounds;
 - (b) respecting the operation and control of dumping grounds by committees or the Minister or both;
 - (c) regulating or restricting the dumping of waste material in dumping grounds;
 - (d) prohibiting the dumping of waste material in dumping grounds except in accordance with conditions prescribed in the regulations;
 - (e) providing for the setting apart of portions of dumping grounds for the dumping of waste material which may putrefy and regulating the manner in which that waste material shall be dumped;

- (f) prescribing measures to be taken to prevent waste material in a dumping ground from becoming a nuisance to the public or to persons living or working near the dumping ground and from becoming a menace to health;
- (g) respecting the disposal of waste material from commercial or industrial establishments in areas;
- (h) regulating, restricting or prohibiting the dumping of waste material outside
 - (i) an area established under this Act,
 - (ii) an area incorporated under a special Act,
 - (iii) a municipality or Local Improvement District established under The Local Government Act, or
 - (iv) a local government community organized under The Community Councils Act,

and designating places in which and prescribing conditions under which waste material may be disposed of in those places.

Regulations may differ.

(2) Regulations may be made to apply in respect of some or all committees, areas, dumping grounds and waste materials or in respect of different committees, areas, dumping grounds and waste materials and different regulations may be made in respect of different committees, areas, dumping grounds and waste materials or in respect of the same committees, areas, dumping grounds, and waste materials under different circumstances or at different times and respecting the dumping of different kinds of waste material.

Publication and coming into force of regulations.

(3) Regulations shall be published in *The Newfoundland Gazette* and come into force on the date of publication or such later date as may be prescribed in the regulations and the Minister shall lay them before the Legislature within fifteen days after they are made if the Legislature is then in session or, if it

is not then in session, within fifteen days after the commencement of the next ensuing session.

9.—(1) A committee shall

**Duties and
powers of
committee.**

- (a) in accordance with the regulations, if any,
 - (i) operate and control the use of the dumping ground in an area,
 - (ii) arrange for the collection at regular intervals of waste material from persons who live in the area and who pay the rate fixed by the committee in accordance with subparagraph (i) of paragraph (b),
 - (iii) arrange for the dumping of waste material in the dumping ground in an area, and
 - (iv) take such measures as the committee deems necessary or as may be prescribed by the regulations to prevent waste material in the dumping ground in an area from becoming a nuisance to the public or to persons living or working near the dumping ground or from becoming a menace to health;
- (b) with the approval of the Minister
 - (i) fix the rates to be charged for the collection of waste material in the area and fix different rates for the collection of different kinds of waste material, and
 - (ii) prescribe the times at which rates fixed under subparagraph (i) shall be paid to the committee;
- (c) collect the rates payable to the committee under this Act;
- (d) out of money collected by the committee or granted to the committee by the Government pay the salaries of persons appointed under Section 6 and all other ex-

penses incurred in carrying out the committee's operations;

(e) take such measures as the committee deems necessary to prevent persons from entering the dumping ground in an area for the purpose of removing waste material therefrom;

(f) submit to the Minister at such times and in respect of such periods as he prescribes

(i) an audited balance sheet and audited statement of receipts and disbursements, together with the auditor's report, if any, thereon, and

(ii) a report on the committee's operations; and

(g) carry out such orders, if any, as the Minister may deem necessary to make for the better control and use of the dumping ground in an area.

Disposal of waste material from commercial and industrial enterprises.

(2) A committee may, in accordance with the regulations, if any, make such arrangements as the committee deems fit with persons or firms engaged in commercial or industrial enterprises in the area respecting the disposal by or on behalf of those persons or firms of waste material from those enterprises.

Occupier of premises to pay rates.

(3) The occupier of premises from which waste material is collected shall pay to the committee the rate fixed by the committee for the collection of that waste material.

No collection if rates not paid.

(4) A committee shall not collect waste material from premises in respect of which the rate fixed by the committee has not been paid.

Use of dumping ground.

10.—(1) A dumping ground shall be used only for the dumping of waste material by a committee or by any other person with the permission of the committee.

Removal of material prohibited.

(2) No person shall remove waste material from a dumping ground.

11.—(1) In any case where a committee appointed under this Act has failed to fix or to collect rates for the collection of waste material in their area the Minister may fix such rates and may require the committee to collect them.

Fixing of charges by the Minister in certain cases.

(2) Where there is a system of collection and a rate, a resident of the area who is paying the rate may deposit material in the dump by means of his own vehicle, without further charge.

(3) Where there is no system of collection of waste material, the Minister may prescribe charges for the dumping of material in a dumping ground.

(4) Whether there is a system of collection and a rate in the area or not, the Minister may prescribe a fee for the dumping of waste in the dumping ground by persons not resident in the area rated.

(5) The Minister may order to whom and when and how such fees are to be paid, and how the moneys are to be accounted for and disposed.

12.—(1) Subject to subsection (2), no person shall dump waste material in an area other than in a dumping ground.

Dumping other than in dumping ground prohibited.

(2) The owner or occupier of private land in an area may in accordance with a permit issued by the committee dump waste material on that part of the land defined in the permit.

Dumping on private land by owner under permit.

(3) The committee may attach such conditions as it deems fit to a permit issued under subsection (2).

Conditions attached to permit.

13. Every person who violates any of the provisions of this Act or the regulations or of the conditions of any permit issued under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

penalty.

14. In the event of a conflict between this Act and The Health and Public Welfare Act or any regulation or order made under that Act, The Health and Public Welfare Act or the regulation or order made thereunder prevails.

Conflict.



CHAPTER 394

An Act to Secure the Purity of Water

1. This Act may be cited as The Waters Protection Act. Short title.

2. The Minister of Health shall have the general oversight and care of all inland waters, whether standing, running or below ground, for the purpose of keeping them wherever possible fit for drinking and domestic purposes and free from any condition which is or might be injurious to the public health. Powers of Minister of Health.

3. The Minister may, by his officers at all times approach and examine any waters, whether on public or on private property, and may examine the lands forming the watershed or environment of any waters, and may examine any buildings on such watershed or environment and the sanitary arrangements or equipment thereof, and may take samples of any water or liquids for analysis. Inspection.

4. Whenever any thing or condition or practice shall be found in or upon the watershed or environment of any waters which are or may reasonably be expected to be used for drinking or domestic purposes, or for bathing or swimming or as ornamental waters, and it appears likely that such thing or condition or practice does or may lead to the contamination, infection or fouling of such waters, the Minister may by order in writing require the authority or person having control in the circumstances to remove or destroy such thing or to amend or prevent such condition or to desist from such practice. Correction of harmful conditions.

5. The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations for the prevention of the contamination, infection or fouling of any waters; and may in such regulations provide penalties for breach thereof by way of fine not exceeding fifty dollars or in default of payment, imprison- Regulations.

ment for seven days for a first offence or five hundred dollars or in default of payment, imprisonment for a period not exceeding three months for any subsequent offence; but nothing in this section shall prevent the Minister from making *ad hoc* orders under Section 4.

Protection
of public
drinking
supplies.

6. No person shall,

- (a) build a house;
- (b) establish a farm or any farm building;
- (c) establish a cemetery or burying ground; or
- (d) lay any sewer or sewerage disposal arrangement of any kind,

upon the watershed of any river or body of water from which a public supply of water for drinking and domestic purposes is drawn without the prior permission of the Minister; which permission may be refused or given subject to conditions; and any person who shall do any of the things mentioned in this section without permission, or who, having received permission upon conditions shall commit a breach of any of such conditions, shall be guilty of an offence.

Damaging
water supply
of another.

7. Any person who wilfully or negligently puts or allows to pass into a well, spring or other source of water supply used by any person or persons any substance or thing whereby such well, spring or other source of water supply is damaged or the water supply thereof is rendered less

- (a) wholesome; or
- (b) fit for domestic use

is guilty of an offence.

Penalties.

8. Any person who,

- (a) wilfully disobeys any reasonable order of the Minister made under this Act; or

(b) commits an offence specified in this Act,

shall be liable to a penalty not exceeding fifty dollars, or in default of payment, seven days' imprisonment for a first offence, and to a penalty not exceeding five hundred dollars, or in default of payment, to imprisonment for a period not exceeding three months for a second or any subsequent offence; and in the case of a continuing condition or practice, each week of continuance shall be deemed a separate offence.



CHAPTER 395

An Act to Provide a Weekly Day of Rest for Certain Employees.

1. This Act may be cited as The Weekly Day of Rest Act. **Short title.**
2. In this Act **Interpretation.**
 - (a) "employee" means any person employed by an employer as defined in paragraph (b);
 - (b) "employer" means any person hiring, employing or superintending the labour or work of any employee and includes a body of persons, corporate or unincorporate;
 - (c) "Minister" means the Minister of Labour; and
 - (d) "regulations" means regulations made under this Act.
3. The Minister is charged with the administration of this Act. **Administration.**
4. The purpose and intent of this Act is to regulate matters within the competence of the Legislature of the province, and nothing in this Act shall be construed to affect or regulate any matter which is not subject to the legislative authority of the said Legislature. **Provisions against conflict of legislative authority.**
5. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other Act respecting employees, and no provisions of this Act shall derogate from any law, custom or agreement insuring more favourable conditions to employees than does this Act. **Provisions in addition to other Acts.**

Day of rest.

6. Subject to Section 7 of this Act and the regulations, every employer shall allow his employees a rest period of at least twenty-four consecutive hours in every seven days, and, wherever possible, such rest period shall be on a Sunday.

Exceptions.

7. Section 6 does not apply in respect of

(a) employees employed solely in senior managerial capacities, as defined by the regulations; or

(b) employees engaged in work of any emergency nature which necessitates immediate remedial action,

and in case of dispute the Minister shall, subject to the regulations, conclusively determine whether or not an employee is employed solely in a senior managerial capacity.

Temporary exemptions from application of Section 6.

8.—(1) The Minister may, if he is of the opinion that the circumstances warrant it, following written application from an employer, grant a permit exempting that employer from compliance with Section 6 in respect of all or any of his employees, for such period not exceeding thirty days and subject to such terms and conditions, if any, as may be prescribed in the permit, because of

(a) an accident, actual or threatened, or urgent work necessary to be performed in respect to the premises or equipment of the employer to avoid serious interference with the work or business ordinarily carried on by the employer;

(b) abnormal pressure of work in special circumstances in so far as the employer cannot resort to other measures; or

(c) danger of loss of perishables.

Accumulated holidays.

(2) Where the Minister grants a permit under subsection (1), every employee shall, in respect to each rest period to which he would be entitled under Section 6 except for such permit and for which he works, accumulate and be entitled, subject to subsection (4), to an additional period of holiday equivalent thereto

with or without pay, as the case may be, in conformity with the pay provisions that would have been applicable to the rest period if it had been taken at the normal time in the absence of such a permit.

(3) The Minister may cancel or renew any permit granted under subsection (1), and any number of permits or renewals may be granted under this section in respect of the same employer.

Cancellation and renewal of permits.

(4) An employer shall allow any period or periods of holiday accumulated pursuant to subsection (2)

Time for taking of accumulated holidays.

(a) where the applicable permit is not renewed, to be taken within thirty days after the expiry of the permit; or

(b) where the applicable permit is renewed, to be taken within thirty days after the expiry of such renewal or, where there is more than one renewal, the expiry of the last of such renewals,

and, for the purposes of this subsection, a permit may expire by cancellation pursuant to subsection (3).

9.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as he deems advisable for the more effective carrying out of its purposes according to its true spirit, intent and meaning and for dealing with any matters for which no express provision has been made or in respect of which only partial or imperfect provision has been made, and in particular, but without limitation of the foregoing, may make regulations

Regulations.

(a) exempting any specified employer or employers or class or group of employers from the provisions of Section 6 in respect of all employees or in respect of any specified employee or employees or class or group of employees;

(b) prescribing the terms and conditions upon which Section 6 shall not apply to any employer or employers or

class or group of employers referred to in paragraph (a);

- (c) defining, for the purposes of paragraph (a) of Section 7, senior managerial capacities;
- (d) prescribing returns, statements and other documents to be made or furnished by employers and other persons, the information to be given in such returns, statements and other documents, and by whom and in what language and manner and at what time or times they shall be made or furnished;
- (e) prescribing books, accounts and records to be kept and maintained by employers, the language and manner in which such books, accounts and records and other books, accounts and records required by this Act to be kept are to be kept and prescribing periods of preservation of such books, accounts and records; and
- (f) respecting any other matter or thing not specifically mentioned in this subsection, where in the opinion of the Lieutenant-Governor in Council such provision is required to give effect to and carry out the objects of this Act.

Regulations
may be
limited.

(2) Any regulations made under this section may be limited as to time or place or both.

Publication.

(3) Regulations made under this section shall be published at least once in *The Newfoundland Gazette* and shall have effect on the expiration of thirty days from the date of such publication or from such later date as may be stated in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and, if it is not, then within fifteen days after the commencement of the next ensuing session.

Appointment
of inspectors.

10. The Minister may appoint or designate such inspectors, officers and other persons as he may deem necessary for the proper carrying out of this Act and the regulations.

11. Any person appointed or designated under Section 10 may, from time to time and at all reasonable times, enter upon the business premises of any person or the premises where his records are kept,

Powers of inspectors.

- (a) to determine whether this Act and the regulations are being and have been complied with; or
- (b) to inspect, audit and examine books of account, records or documents,

and the persons occupying or in charge of such premises shall answer all questions pertaining to those matters and shall produce for inspection such books of account, records or documents as the person so appointed or designated may request.

12. A person shall not

- (a) interfere with or hinder any person conducting an inspection, examination or search under this Act;
- (b) refuse to answer any question put to him in accordance with Section 11; or
- (c) fail to produce for inspection any book of account, record or document in his possession or under his control that he is requested to produce for purposes of inspection.

Failure to answer questions or produce for inspection an offence.

13. When an action or proceeding is taken against an inspector, officer or other person appointed or designated under Section 10 for anything done by him under this Act or the regulations and the court before which the action or proceeding is taken is satisfied that there was probable cause for the action of the inspector, officer or other person and that it was not malicious, a verdict or judgment shall not be given against the inspector, officer or other person for more than five cents damages or for any costs of suit.

Actions against inspectors.

14. Where the rest period referred to in Section 6 is not given simultaneously to a class or group of his employees, the employer shall post, in a conspicuous place to which his em-

Posting of roster.

ployees have access, a schedule or roster giving the names of the employees in such class or group and the time at which each such employee shall receive his rest period.

Employers
to keep
records.

15. The employer shall keep and maintain such proper books, accounts and records as may be necessary to show his compliance with this Act and for the purpose of any inspection necessary for the proper carrying out of this Act and the regulations.

General
penalty.

16.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations or any of the requirements or obligations imposed on him by virtue of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Continuing
offence.

(2) The conviction of any person in accordance with subsection (1) does not operate as a bar to further prosecution or prosecutions for the continued contravention or failure to comply on the part of the person in accordance with subsection (1).

Construction
of Act.

17. This Act shall not be deemed to authorize any work on Sunday that may now or hereafter be prohibited by law.



CHAPTER 396

An Act Respecting Weights and Measures and the Inspection of Lumber

1. This Act may be cited as The Weights and Measures Act. Short title.

2.—(1) Loaves of Bread of the kinds herein mentioned intended for sale, whether at wholesale or retail, shall be made of the following weights only— Standard weights of and markings of loaves of bread.

<i>Kinds of Bread</i>	<i>Weights of Loaves</i>
White bread	Three pounds or one and one-half pounds or one pound.
Brown, whole wheat or graham bread	One and one-half pounds or one pound.
Raisin bread	One and one-quarter pounds

and there shall be stamped or marked on the loaf itself or on the wrapper the initials or name of the maker and the weight of the loaf.

(2) Every person who sells or offers for sale any bread which is not stamped or marked in accordance with the provisions of subsection (1) of this section shall be liable to a penalty of not less than one dollar nor more than five dollars for every loaf so sold or offered for sale.

(3) Every person who sells bread shall keep suitable scales and shall, if required by the purchaser, weigh the loaf or loaves being sold.

(4) Any loaf sold or offered for sale which is short of the weight marked thereon or on the wrapper may be seized by the

purchaser or by any police constable or ranger and delivered to a stipendiary magistrate who may dispose of the same as he deems fit and impose upon the person who sells or offers for sale any such loaf any other penalty provided by this Act and for the purpose of this subsection every police constable or ranger is authorized to visit any premises where bread is made or sold either at wholesale or retail and search for and weigh all loaves found therein.

(5) Every person who obstructs or opposes a police constable or ranger making any search or seizure under the provisions of this section, shall be liable to a penalty of not less than ten dollars nor more than twenty-five dollars.

(6) The provisions of this section shall not apply to loaves made to order for a customer's own use or that of his family.

Standard sizes
of wooden
hoops and
bundles.

3.—(1) Whenever wooden hoops are sold by the bundle every bundle shall contain twenty-four hoops manufactured of hard timber.

(2) Wooden hoops for herring barrels shall be six feet six inches in circumference, inside measurement.

(3) Wooden hoops for fish casks and tierces shall be eight feet in circumference, inside measurement.

(4) The maker of wooden hoops for sale shall attach to each bundle of hoops made by him for sale a label or ticket bearing his name.

(5) Any person who shall make for sale, or sell any hoops in contravention of this section shall, for each bundle of hoops so made or sold by him, forfeit the sum of five dollars, which sum may be recovered in a summary manner before a stipendiary magistrate or justice of the peace by any person who shall sue for the same.

Surveyors of
lumber.

4. The Lieutenant-Governor in Council shall appoint persons to be surveyors of lumber, who shall, previously to their entering upon the duties of their office, give security to Her Majesty, and shall be sworn before a justice faithfully to discharge the duties of such office.

5. The duties of such surveyors of lumber shall be to survey and measure, upon request made by the vendor or purchaser thereof, all timber, pit props, plank and lumber, imported into or the produce of this province which may be offered for sale, and to mark upon each piece of timber, plank and lumber the quantity therein, and also the grade or quality thereof, using the figures I., II. and III., and the letter R., to indicate first, second and third grade and refuse respectively; and also upon the like request to survey all shingles made in or imported into this province and offered for sale, and to mark each bundle of shingles which shall not be of standard size with the letter R. for refuse.

Duties of surveyors.

6. The standard size of each shingle shall be sixteen inches long, and of each bundle of shingles shall be twenty inches wide and twenty-five tiers high, well and closely packed; and if any shingles shall be falsely or fraudulently packed they shall be forfeited, and all shingles marked with the letter R. by the surveyor of lumber shall be sold as refuse.

Standard size of shingles.

7. If a surveyor of lumber shall, after having received twelve hours' notice from the purchaser or vendor requiring such surveyor to survey or measure any timber, pit props, plank, lumber or shingles, refuse or neglect so to do, (unless unavoidably prevented by sickness or by being employed in the survey of timber, pit props, plank, lumber or shingles elsewhere), he shall be liable to a penalty not exceeding twenty-five dollars; and if any surveyor of lumber shall be unfaithful or negligent in the discharge of his duty he shall be liable to a penalty not exceeding one hundred dollars, and shall be incapable of acting as a surveyor of lumber thereafter; and if any person shall act as a surveyor of lumber except he be appointed in manner aforesaid he shall be liable to a penalty not exceeding forty dollars for each offence.

Penalty on surveyor.

8.—(1) Where lumber is sold by the cord, as in the case of pit props, a cord shall mean the quantity of round timber that can be properly piled within a space of one hundred and twenty-eight cubic feet, without deduction for air spaces between the logs.

Standard measurement of cords and logs.

(2) The board measure of a log shall be determined by multiplying the diameter of the log at the top by one-half the said

diameter in inches, and multiplying the product by the length of the log in feet, and dividing the resulting product by twelve. The result shall be the board measurement of the log in feet.

Survey of
pit props,

9.—(1) Whenever the actual cutter of pit props shall sell the same by measurement, he shall, before delivering any such pit props, cause the same to be surveyed by a duly appointed surveyor of lumber, under a penalty not exceeding twenty-five dollars for each offence.

(2) Whenever any timber other than pit props, or any plank, lumber or shingles, are being sold by measurement, and a dispute arises between the vendor and the purchaser as to the correctness of such measurement, either party may cause the said timber, plank, lumber or shingles, to be surveyed by a duly appointed surveyor of lumber, whose certificate as to the measurement thereof shall be final and binding on both parties.

General
penalty.

10. Any person offending against any of the provisions of this Act where no specific penalty is prescribed, shall for each offence be liable to a penalty not exceeding twenty dollars, and in all cases in default of payment, where no imprisonment is mentioned, may be imprisoned for a period not exceeding fourteen days.

Recovery of
penalties.

11. All penalties and forfeitures under this Act may be recovered summarily, together with costs, and all such penalties and forfeitures shall be paid into the Consolidated Revenue Fund.



CHAPTER 397

An Act Respecting the Licensing of Welfare Institutions

- 1.** This Act may be cited as The Welfare Institutions Licensing Act. Short title.
- 2.** In this Act Interpretation.
- (a) “Board” means the Welfare Institutions Board established by this Act;
 - (b) “Inspector” means an inspector appointed for the purposes of this Act;
 - (c) “licence” means a licence under this Act;
 - (d) “Minister” means the Minister of Social Services and Rehabilitation or any other Minister of the Crown appointed by the Lieutenant-Governor in Council for the time being to administer this Act;
 - (e) “regulations” means regulations made under this Act; and
 - (f) “welfare institution” means a building, part of a building, group of buildings or other place or accommodation conducted or operated by any person and which is used, in whole or in part, as
 - (i) a boarding home, orphanage or other institution for children wherein care, food, and lodging are furnished, with or without charge, for five or more children under sixteen years of age living apart from their parents or guardians, if any, excepting,

- (A) any foster home as defined by The Child Welfare Act,
 - (B) any receiving home as defined by the Act referred to in clause (A), and
 - (C) any home maintained by a person to whom the children living in that home are related by blood or marriage;
- (ii) a maternity home or other institution wherein food and lodging are furnished, with or without charge, for two or more women residing therein apart from their husbands, if any, during any portion of the three months of their pregnancy immediately preceding delivery or during any portion of the three months immediately succeeding delivery;
 - (iii) a boarding home or other institution wherein food and lodging together with care or attention are furnished, with or without charge, for two or more persons who, on account of age, infirmity, physical or mental defect, or other disability, require the attention or care, excepting a home maintained by a person to whom the inmates are related by blood or marriage;
 - (iv) a hostel, shelter, mission, refuge, or other institution to serve unemployed persons, wherein food and lodging are furnished, with or without charge, to two or more adult persons who are destitute or are in receipt of some form of public or social assistance granted to persons who are destitute; or
 - (v) a crèche, day-nursery or other similar institution, wherein children under sixteen years of age are received and cared for during a portion of the day.

Minister to
administer Act.

3. The Minister is charged with the administration of this Act.

- 4.—**(1) There is hereby established a board which shall be known as the Welfare Institutions Board. Creation of Board
- (2) Subject to subsection (5), the membership of the Board shall be comprised of five members who shall be Membership of Board.
- (a) the Assistant Deputy Minister of Social Services and Rehabilitation;
 - (b) the Director of Institution in the Department of Social Services and Rehabilitation;
 - (c) the Director of Administration in the Department of Social Services and Rehabilitation;
 - (d) the Director of Child Welfare appointed under the provisions of The Child Welfare Act, and
 - (e) the Director of Social Assistance appointed under the provisions of The Social Assistance Act.
- (3) The Lieutenant-Governor in Council may designate one of the members of the Board to be Chairman and another to be Vice-Chairman of the Board. Chairman and Vice-Chairman.
- (4) Three members of the Board shall constitute a quorum. Quorum.
- (5) If a vacancy occurs in the Board because of the death, resignation or illness of a member, the Lieutenant-Governor in Council may appoint a person to act as member in the place of the person concerning whom the vacancy arose until, with respect to a vacancy occurring because of death or resignation, a person is appointed to fill the position of Assistant Deputy Minister of Social Services and Rehabilitation, Director of Institutions, Director of Administration, Director of Child Welfare or Director of Social Assistance, as the case may be, or, with respect to the illness of any of the said officers, the said officer resumes his duties as such officer. Vacancy.
- (6) Members of the Board shall serve without remuneration, but shall be entitled to receive payment in respect of travelling and other personal expenses necessarily incurred by them in the discharge of their official duties. No remuneration to members of Board.

Chairman to be chief executive officer.

5.—(1) The Chairman shall be the chief executive officer of the Board and shall be charged with the general direction, supervision and control of the business of the Board.

Absence of Chairman.

(2) During the incapacity or absence for any reason of the Chairman or a vacancy in the office of Chairman, the Vice-Chairman has and may exercise all of the powers of the Chairman and shall discharge all of his duties.

Powers of Board not impaired by vacancy in membership.

(3) The exercise of the powers of the Board shall not be impaired by reason of a vacancy in its membership.

Acts valid notwithstanding certain defects.

(4) All acts done by the Board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the Board, be as valid as if that defect had not existed.

Operation of welfare institution without licence prohibited.

6. A person shall not conduct or operate, or hold himself out as conducting or operating, a welfare institution unless he is the holder of a subsisting licence to conduct and operate such institution issued pursuant to this Act.

Power of Board to issue licences.

7.—(1) Subject to this Act and the regulations, the Board may issue a licence to any person to conduct and operate a welfare institution if it is satisfied that

- (a) the applicant is a fit and proper person to operate a welfare institution;
- (b) the premises to be used are in a clean and sanitary condition and in good repair and are reasonably secure against the hazard of fire; and
- (c) the applicant is likely to conduct and operate a welfare institution in a manner that will not be detrimental to the welfare of the inmates or to the general public interest.

Form and term of licence.

(2) Every licence issued by the Board shall be in such form as may be prescribed by the regulations and it shall expire on the 31st day of December of the year for which it is issued.

(3) Every person holding from the Board a licence to conduct and operate a welfare institution shall keep the licence continuously displayed in a conspicuous place, satisfactory to the Board, on the premises in respect of which it is issued.

Display of licence.

8. Without limiting the generality of any regulations, the Board may revoke, at any time, a licence granted to any person to conduct and operate a welfare institution if the licensee or any employee of the licensee violates any provision of this Act or of the regulations or of any order made under the regulations, and may refuse to reissue a licence to that person until it is satisfied that he and his employees are likely to abide by this Act and the regulations and any order made under the regulations.

Power of Board to revoke licences.

9. Every licensed welfare institution shall be open at all times to visitation and inspection by any member of the Board, any inspector or any authorized representative of the Board, who may examine every part thereof and may call for and examine the records of the institution, financial or otherwise, and may enquire into all matters concerning the institution, its employees and inmates.

Welfare institutions open to inspection.

10.—(1) If he has cause to believe or suspect that a welfare institution is being operated without a licence in any building, part of a building, group of buildings or other place or accommodation, any member of the Board, any inspector or any authorized representative of the Board may enter and inspect that building, part of a building, group of buildings or other place or accommodation, and every portion thereof, and may request from the proprietor of the building, part of a building, group of buildings or other place or accommodation full information regarding the purpose for which it is used.

Inspection of suspected welfare institutions.

(2) A person shall not prevent or obstruct or attempt to prevent or obstruct the entry or inspection referred to in subsection (1).

Offence.

(3) A proprietor referred to in subsection (1) shall not refuse or fail to give information regarding the purpose for which the building, part of a building, group of buildings or other place or accommodation referred to in subsection (1) is used.

Idem

Certain
practices not
permitted.

11. A person who conducts or operates any welfare institution or who is an employee of such welfare institution shall not

- (a) endeavour to persuade a woman to enter a welfare institution during her confinement by offering to dispose of her child after birth, or by stating that he will give out children for adoption, or by holding himself out to dispose of children in any manner whatsoever;
- (b) advertise any child for adoption, or dispose of any child in any way other than to transfer the custody of the child to a relative by blood or marriage, without first informing the Board in writing;
- (c) bring, cause to be brought, advertise for, or in any way encourage the entry into Newfoundland of any adult person from another province of Canada or from another country to become an inmate of a welfare institution;
- (d) bring, cause to be brought, advertise for, or in any way encourage the entry into Newfoundland of any child from another province of Canada or from another country to become an inmate of a welfare institution, without first obtaining, in writing, the approval of the Chairman of the Board with respect to such child; or
- (e) solicit funds by any general or public appeal for the support of a welfare institution without first informing the Board in writing.

Provision
against conflict
of jurisdiction.

12. The purpose and intent of this Act is to regulate matters within the competence of the Legislature of the province, and nothing in this Act shall be construed to affect or regulate any matter which is not subject to the legislative authority of the said Legislature.

Duties of
inspectors.

13.—(1) When requested by the Board, an inspector shall investigate and report to the Board upon an application, for a licence to conduct and operate a welfare institution, assigned to him by the Board for investigation and report.

(2) An inspector shall perform such duties, additional to those referred to in subsection (1) and in the regulations, as the Board or the Minister, or both, may direct. Idem.

14.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make such regulations not inconsistent with this Act as it deems necessary or advisable for the effective carrying out of the purposes of this Act according to its true spirit, intent and meaning and for dealing with any matters for which no express provision has been made or in respect of which only partial or imperfect provision has been made, and, without prejudice to the generality of the foregoing, may make regulations Regulations.

- (a) providing for the issuance, reissuance and refusal to grant or reissue, suspension and revocation of licences referred to in Section 6;
- (b) providing for a person whose licence is refused, suspended, revoked or not reissued, or in respect of whom such refusal, suspension, revocation or non-reissuance is being considered, to show cause why said licence should not be so refused, revoked or suspended, or why it should be reissued, as the case may be;
- (c) prescribing conditions, additional to those set forth in Section 7, with which any applicant for a licence to operate a welfare institution must comply to become eligible to obtain a licence;
- (d) prescribing fees payable for a licence and for any reissuance thereof;
- (e) requiring the bonding of operators of welfare institutions and prescribing the amount and form of such bonds, the types or classes of securities acceptable as collateral security, the period that bonds shall subsist, the conditions upon which bonds may be forfeited and respecting all matters subsequent to forfeiture;
- (f) providing for the appointment and prescribing the duties and functions of inspectors;

- (g) prescribing forms necessary or desirable for use in carrying out or enforcing any of the regulations;
- (h) providing for the making of such orders and the issuing of such directions as are necessary or desirable to enforce the due observance and carrying out of the provisions of this Act or the regulations;
- (i) prescribing the conduct, management, appointments, and general standards of operation to be required of licensed welfare institutions;
- (j) prescribing the keeping of records in welfare institutions and the submission of reports in respect of such institutions to the Board;
- (k) providing for the holding of enquiries into the operation of this Act and into any charge or complaint that any operator of a welfare institution or any other person whosoever has contravened any provision of this Act or the regulations, or has made any false statement in any form, return, report, record, account or statement required to be completed or made under this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such enquiry shall have any or all of the powers that are or may be conferred upon a Commisisoner by or under The Public Enquiries Act, including the power to take evidence under oath;
- (l) requiring and prescribing returns and statements to be made by persons holding licences and other persons, the information to be given in such returns and statements, and by whom and in what manner and at what time or times they shall be made;
- (m) exempting any person or persons or class or classes of persons or any welfare institution or welfare institutions or class or classes of welfare institutions from the application of any of the provisions of this Act or the regulations; and

(n) respecting any matter, whether of the foregoing kind or not, necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Regulations made under subsection (1) shall be published in *The Newfoundland Gazette* and shall have effect from the date of publication or from such later date as may be stated in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made, if the Legislature is then in session, and if it is not, then within fifteen days after the commencement of the next ensuing session. Publication.

15. Every person who fails to comply with or otherwise contravenes any of the provisions of this Act or the regulations or of any order or direction made or issued under the regulations, or makes a false statement in any application, form, report, return, account, record, statement or other document completed or made under this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than three hundred dollars for a first offence and not more than five hundred dollars for a subsequent offence. Offence.

16. The Board shall make a report to the Minister annually, on a date to be prescribed by the Minister, concerning the work of the Board during the previous year, and the report shall be laid before the Legislature within fifteen days after it is submitted to the Minister if the Legislature is then sitting, and, if it is not, then within fifteen days after the commencement of the next ensuing session. Report by Board.



CHAPTER 398

An Act to Enable Effect to be Given to a Convention for the Regulation of Whaling, Signed at Geneva on Behalf of His Majesty on the 24th Day of September, 1931; and for Other Purposes Connected with the Whaling Industry.

- 1.** This Act may be cited as The Whaling Industry (Regulations) Act. Short title.

INTERPRETATION.

- 2.** In this Act unless the context otherwise requires: Interpretation.

- (a) "factory" means any premises where oil or any other products are manufactured from whales or where whales are treated so as to be disposed of commercially, but does not include a ship;
- (b) "master" in relation to any ship includes the person for the time being in command or charge of the ship;
- (c) "Minister" means the Minister of Fisheries;
- (d) "prescribed" means prescribed by the Minister by regulation;
- (e) "ship" and "British Ship" have the same meaning as in the (Imperial) Merchant Shipping Act, 1894.

- 3.** The provisions of this Act apply only in relation to whales known as whalebone whales or baleen whales: Provided that if, for the purpose of enabling effect to be given to any Convention Description of whales to which the Act applies.

relating to other whales which is signed on behalf of Her Majesty after the commencement of this Act, it appears to the Lieutenant-Governor in Council to be necessary so to do, the Lieutenant-Governor in Council may by Order in Council direct that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, the provisions of this Act shall apply in relation to those other whales or to such descriptions thereof as may be so specified.

LICENSING OF SHIPS AND FACTORIES.

Whaling shps
to be licensed;
fee; term of
licence.

4.—(1) Upon application made in the prescribed manner by the owner or charterer of any British ship, the Minister may, in his discretion, and subject to the following provisions of this Act, grant a licence authorizing the use of the ship for taking whales within the territorial waters of Newfoundland.

(2) The Minister may by regulations approved by the Lieutenant-Governor in Council prescribe a fee to be paid for the issue of such licence, which fee shall not exceed one hundred dollars.

(3) A licence granted under the provisions of this section shall, unless previously cancelled under this Act, continue in force for one year from the day specified in the licence as the day on which it takes effect.

Condition of
ship licence.

5. There shall be attached to every licence under this Act authorizing the use of a ship for taking whales, the following conditions:—

- (a) That the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section or the taking of which is prohibited by this Act.
- (b) That the licence shall be valid only in respect of a specified portion of the territorial waters of Newfoundland.

6.—(1) Upon an application made in the prescribed form by the occupier of any factory situate in Newfoundland the Minister may in his discretion and subject to the following provisions of this Act grant a licence authorizing the use of such factory for treating whales.

Factories to be licensed; fee; term of licence.

(2) The Minister may by regulations to be approved by the Lieutenant-Governor in Council prescribe a fee to be paid on the issue of a licence, which fee shall not exceed one thousand dollars.

(3) A licence granted under the provisions of this section shall, unless previously cancelled under this Act, continue in force for one year from the day specified in the licence as the day on which it takes effect.

7. There shall be attached to every licence under this Act authorizing the use of a factory the following conditions:—

Conditions of factory licence.

- (a) that there must be recorded in the prescribed manner and by the prescribed person—
 - (i) with respect to each whale treated in the factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and
 - (ii) the prescribed particulars as to the number of whales treated in the factory, and as to the yield of oil of different grades, and the quantities of meal, guano and other products derived, from those whales; and
- (b) that the factory must be equipped with plant of a type approved by the licensing authority for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and

- (c) that, except in the case of a whale or part of a whale, intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and
- (d) that adequate arrangements must be made for utilizing residual products; and
- (e) that the records required by the licence to be kept must be transmitted at such time and in such manner as may be prescribed to the Minister; and
- (f) that the factory must be placed on a site approved by the Minister and that the operations of the licensee must be carried on within the limits to be defined by the Minister.

Additional conditions of licences.

8. There may be attached to any licence under this Act such conditions (if any) in addition to the conditions required by the foregoing provisions of this Act as may appear to the Minister necessary or expedient for the purpose of preventing as far as practicable:

- (a) any wastage of whales or whale products;
- (b) the taking of whales during certain seasons, and any conditions attached to such licence as aforesaid for the purpose of preventing the taking of whales during certain seasons, may specify different seasons in relation to different descriptions of whales.

Ship licences to be issued only to holders of factory licences.

9. No licence for a ship shall be issued, transferred or assigned, except to the holder of a licence for a factory under this Act and subject to the condition that all whales taken by such ship shall be brought to and treated at the factory in respect of which the owner or charterer of such ship holds a licence.

Limitation of number of factories.

10. Not more than six factories on the coast of Newfoundland shall be licensed; that is to say, on the East Coast from Cape Bauld or Cape Race not more than two; on the South

Coast from Cape Race to Cape Ray not more than two; on the West Coast from Cape Ray to Cape Bauld not more than two. No factory on the Newfoundland coast shall be operated within a distance of seventy-five miles of another factory on the same coast. Not more than two factories may be licensed on the coast of Labrador. No factory on the Labrador coast shall be operated within a distance of seventy-five miles of another factory on the Labrador coast.

11. It shall not be lawful to transfer or assign any licence unless such transfer or assignment shall have been first approved by the Minister and such transfer or assignment and such approval shall be endorsed on the licence.

Assignment of licence without leave prohibited.

CONTRAVENTION OF LICENCE CONDITIONS.

12. If any condition attached to a licence under this Act is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of the factory, shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one thousand dollars, or to both such imprisonment and such fine; and the Court by whom the offender is convicted may, if the Court think fit, cancel any licence granted under this Act to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereupon cease to be in force.

Contravention of licence conditions.

13. Without prejudice to the provisions of the last foregoing section, if any person fails to keep any record in accordance with the conditions attached to a licence under this Act or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be guilty of an offence under this Act.

Failure to keep records; penalty.

PROHIBITION OF OPERATION WITHOUT A LICENCE.

14.—(1) It shall be unlawful for any ship to be used within the territorial waters of Newfoundland for taking whales, unless

Prohibition of use of unlicensed ship; penalty.

the owner or the charterer of the ship is the holder of a licence in force under this Act authorizing the ship to be so used.

(2) If any ship is used for taking whales in contravention of this section, the master and (subject to the following provisions of this Act) the owner and charterer (if any) of the ship, shall each be liable, in respect of each whale taken in contravention of this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding one thousand dollars, and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale, or to both such imprisonment and such fines.

Prohibition
of use of
unlicensed
factory;
penalty.

15.—(1) It shall be unlawful for any factory situate in Newfoundland or Labrador to be used for treating whales unless the occupier of the factory is the holder of a licence in force under this Act authorising the factory to be so used.

(2) If any factory is used for treating whales in contravention of this section, the manager, and subject to the following provisions of this Act, the occupier of the factory shall each be liable in respect of each whale treated in contravention of this section, to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand dollars, and an additional fine not exceeding the value of the products, if any, obtained or obtainable from the whale or to both such imprisonment and such fines.

PROTECTION OF CERTAIN CLASSES OF WHALES.

Protection of
certain classes
of whales.

16.—(1) If any person within the territorial waters of Newfoundland kills or takes or attempts to kill or to take,

- (a) a right whale, or
- (b) an immature whale, or
- (c) a female whale which is accompanied by a calf,

that person and the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceed-

ing three months, or to a fine not exceeding one thousand dollars and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

(2) For the purposes of this section a whale of any description shall be deemed to be immature if it is of less than such length as may be prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(3) In this section

- (a) "blue whales" means whales known by any of the names set out in Part II of the Schedule to this Act;
- (b) "calf" includes a suckling whale;
- (c) "fin whales" means whales known by any of the names set out in Part III of the Schedule to this Act.
- (d) "right whale" means a whale known by any of the names set out in Part I of the Schedule to this Act;

(4) Regulations prescribing lengths of whales for the purposes of any of the provisions of this Act may also prescribe the manner in which the lengths are to be measured.

INSPECTION.

17.—(1) For the purpose of enforcing the provisions of this Act any person appointed a whale fishery inspector by or under the authority of the Minister on producing on demand evidence of the fact that he is so appointed:

Inspector,
powers of;
obstruction of;
penalty.

- (a) may board or enter any ship or factory which he has reason to believe is used for taking or treating whales,

and inspect the ship or factory and its plant and equipment; and

- (b) may, in the case of such ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and
- (c) may take copies of, or extracts from, any documents produced to him.

(2) Every person who refuses to produce to a whale fishery inspector any document which is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an inspector, or otherwise obstructs, or refuses facilities to, such an inspector in the discharge of his functions under this section, shall be liable to a fine not exceeding five hundred dollars.

Forgery of documents.

18. If any person with intent to deceive:

- (a) forges or uses, or lends to or allows to be used by any other person, a licence or permit under this Act, or forges an entry in any record kept under this Act; or
- (b) makes or has in his possession any document so closely resembling a licence or permit under this Act as to be calculated to deceive;

he shall be guilty of an offence under this Act.

PROHIBITIONS.

Prohibition of floating factories.

19.—(1) No vessel equipped as a floating factory for the manufacture of whale products shall be used for such purpose within the territorial waters of Newfoundland. Any such vessel

found operating in the said territorial waters may be seized and brought into port and the master or owner of such vessel shall be liable to a penalty of five thousand dollars.

(2) No such vessel as aforesaid wherever used shall enter any port in Newfoundland save in case of emergency for such shelter, repairs or assistance as are usually permitted by the comity of nations, under a penalty of five thousand dollars.

(3) In either of the foregoing cases the vessel may be detained until the said penalty is paid or satisfactory security is given for the payment thereof, and unless payment is made within thirty days of conviction such vessel may after the expiration of such period be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same.

(4) It shall be unlawful to bring into or land in Newfoundland any whale or whale products captured by or manufactured on board any such vessel; and any person bringing in or landing such whale or whale products shall be liable to a penalty of five thousand dollars.

(5) Penalties under this section shall be recoverable in the Supreme Court.

20. Any person holding a licence under this Act for a ship or factory shall use all proper and efficient means for preventing pollution of any waters of Newfoundland by the introduction of any noxious or offensive matter from such ship or factory.

Prohibition of contamination of waters.

21. The Minister may from time to time give leave to any holder of a whaling licence in respect of a ship or factory to dispose of and may make such rules and regulations as may be deemed necessary for the disposal of such portions of the carcasses of the whales brought to any factory or premises or to any part of Newfoundland as cannot be manufactured into oil or other marketable products, to prevent the same becoming a nuisance or in any manner polluting the waters so as to be injurious to the public health or to the fisheries.

Disposal of parts of whales in certain cases.

Whales not to be pursued, etc., near fishing boats, etc.

22. No person shall pursue, capture, shoot at or kill any whale within the distance of one nautical mile from any boat or vessel at anchor or engaged in fishing, or within the distance of one-half mile of any boat or vessel not at anchor or engaged in fishing.

Prohibition of use of method of catching where whale not held by line.

23. It shall be unlawful for the holder of a licence under this Act or his assigns to use in catching whales any method which does not include a harpoon with a whaling line attached thereto and fixed or fastened to the boat or vessel from which the whale is captured or killed.

Fishing gear fouled, etc., to be taken to port.

24. A whaling steamer finding, catching or fouling any fishing gear, of which the owner is not known, shall take the same to the nearest port and place the same in safe custody and give notice to the Minister of such finding, catching or fouling.

PROCEDURE.

Penalty, general.

25. Any person committing any breach of a regulation made under this Act or committing any breach of the provisions of this Act where no penalty is otherwise provided, shall be liable to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months.

Legal proceedings.

26. In any proceeding taken by virtue of this Act against the owner or charterer of a ship or against the occupier of a factory in respect of any act or omission on the part of another person, it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove that the act or omission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

Penalties recoverable summarily.

27. Penalties in respect of offences under this Act shall be recoverable summarily, save as herein otherwise provided.

Disposition of fines.

28. All fins recovered hereunder shall be paid to the Department of Finance.

Special permits for scientific purposes.

29.—(1) Notwithstanding anything in this Act, the Minister may grant to any person a special permit authorizing that person to kill, take and treat whales for purposes of scientific re-

search or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as the Minister thinks fit, and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Act.

(2) The Minister may at any time revoke a permit granted by him under this section.

30. Nothing in this Act shall apply to porpoises or to pot-heads, so called, or shall be deemed to prevent any person not engaged in the whaling industry from utilizing any whale found dead, the owner of which is unknown to him.

Exception of porpoises and potheads.

SCHEDULE

NAMES OF WHALES

Schedule.

PART I

RIGHT WHALES.

Atlantic right whale.	North Atlantic right whale.
Arctic right whale.	North Cape whale.
Biscayan right whale.	Pacific right whale.
Bowhead.	Pigmy right whale.
Greenland right whale.	Southern pigmy right whale.
Greenland whale.	Southern right whale.
Nordkaper.	

PART II

BLUE WHALES.

Blue whale.	Sulphur bottom.
Sibbald's rorqual.	

PART III

FIN WHALES.

Common finback.
Common finner.
Common rorqual.
Finback.

Fin whale.
Herring whale.
Razorback.
True fin whale.



CHAPTER 399

An Act to Restrict the Use of White Canes to Blind Persons

1. This Act may be cited as The White Cane Act. Short title.

2. In this Act Interpretation.
 - (a) "blind person" means a person who
 - (i) is registered as blind with the Canadian National Institute for the Blind, a corporation incorporated under the *Companies Act* (Canada);
 - (ii) is in receipt of an allowance on account of blindness under The Blind Persons Allowances Act and the *Blind Persons Act* (Canada); or
 - (iii) having been in receipt of a pension on account of blindness under the Old Age and Blind Persons Pensions Act, 1949, and the *Old Age Pensions Act* (Canada) or of an allowance on account of blindness under the Acts mentioned in subparagraph (ii), is in receipt of a pension under the *Old Age Security Act* (Canada) and is still blind within the meaning of the Acts mentioned in subparagraph (ii) and regulations made thereunder;
 - (b) "white cane" means a cane or walking stick the major portion of which is white.

3. No person other than a blind person shall carry or use a white cane in any public thoroughfare, public conveyance or public place. Restriction on use of white cane.

- (g) "licence" means an instrument issued under this Act or the regulations, conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act or the regulations;
- (h) "Minister" means the Minister of Mines, Agriculture and Resources;
- (i) "non-resident" means a person other than a resident;
- (j) "open season" means any period during which it is lawful to hunt, take, or kill, or attempt to hunt, take, or kill, wild life under the provisions of this Act and the regulations;
- (k) "pelt" means the untanned skin of a fur bearing animal;
- (l) "regulations" means regulations made under this Act;
 - (i) a Canadian citizen who has resided in the province for a period of six consecutive months immediately preceding his application for a licence or permit under the regulations;
 - (ii) any person, other than a Canadian citizen, who has resided in the province for a period of twelve consecutive months immediately preceding his application for a licence or permit under the regulations;
- (m) "resident" means
- (n) "skin" means the untanned skin of a fur bearing animal stripped from the body;
- (o) "snare" means any device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
- (p) "trap" means any spring trap, gin, deadfall, snare, box or net used to capture wild life, and "trapping" has a corresponding meaning;

- (q) “unprime” where applied to pelts means that the pelts show natural markings of a dark or bluish colour on the flesh side;
- (r) “wild life” means any wild animal or bird to which the provisions of this Act or of the regulations apply, and includes the furs, skins and other parts thereof and the eggs of such birds;
- (s) “wild life officer” means the Chief Game Warden or any district warden, forest officer, or other officer or servant of the Department of Mines, Agriculture and Resources or any other officer or person authorized to assist in the conservation of wild life and fish and the enforcement of this Act and the regulations and includes all officers and members of the Royal Canadian Mounted Police and the Newfoundland Constabulary and any peace officer for the time being exercising his functions in the Province of Newfoundland.

3.—(1) The Minister shall have the management and control of all measures of any kind whatsoever for the protection, preservation and propagation of wild life.

Powers of
Minister.

(2) The Minister may authorize or cause signs or notices to be exhibited, fixed, or posted in such places as he may determine for the purpose of marking the boundaries of any reserve or place, the use of which for fishing, hunting, camping or any other purpose is or may be prohibited or restricted under the provisions of this Act or the regulations, or for the purpose of prohibiting or regulating the doing of any act or thing under the provisions of this Act or the regulations or for any purpose connected with or incidental to the administration or enforcement of this Act or the regulations.

4. The Minister may from time to time appoint honorary advisory boards with whom he may if he deems it advisable consult in all or any matters arising under this Act.

Advisory
boards.

5.—(1) The Minister may, subject to the approval of the Lieutenant-Governor in Council, from time to time make regulations for the protection, preservation, and propagation of wild life and

Regulations.

scribe the fees to be paid for such licences, and to regulate the issue of badges to and the wearing and production of the badges by the holders of such licences; and to prescribe the fees which the holders of such licences may charge for their services;

- (o) to prohibit or control the export of wild life or any particular species or class thereof or the furs, skins or other parts thereof;
- (p) to licence buyers and shippers of, and dealers in furs and skins of animals and to control and regulate all dealings therein;
- (q) to licence hunters and trappers;
- (r) to control and licence the sale of ammunition of all kinds or of any specified kind or kinds, and to prescribe the registers to be maintained by dealers or others in connection therewith and to provide for such inspection and such returns as he may consider necessary;
- (s) to prohibit or regulate the possession, sale, or purchase of or other dealings of any kind whatsoever in wild life or any particular species or class thereof, whether generally or during periods or in circumstances to be specified in such regulations;
- (t) to prohibit or regulate the cold storage, canning or preservation by any other means, of the flesh of wild life;
- (u) to prescribe amounts of cash deposits for the purposes of subsection (7) of Section 11, and he may prescribe different amounts in respect to different items, classes, types or kinds of wild life, materials, implements, appliances or things;
- (v) to prescribe penalties for the removal, damaging, or defacement of signs or notices exhibited, fixed or posted under the authority of the Minister;

- (w) to control and licence establishments for the breeding of wild life or any species or class thereof in captivity;
- (x) to determine the rewards which may be paid in cases of successful prosecution of offences against this Act or the regulations;
- (y) to provide for the confiscation to the Crown of wild life unlawfully taken or unlawfully exported or attempted to be exported;
- (z) to permit the sale and possession of wild life during such period or periods other than the open season as he may deem fit;
- (aa) to prohibit or control the importation of wild life into Newfoundland;
- (bb) to amend, vary, alter, revoke or cancel any regulation, proclamation, rule or order or any provision of any of them
 - (i) made under The Wild Life Act, 1947, or any other statutory provision of Newfoundland which was repealed at the time of the coming into operation of this Act,
 - (ii) relating to any matter or thing in respect of which regulations may be made under the provisions of this subsection preceding this paragraph, and
 - (iii) in force at the time of the coming into operation of this Act,

and he may in any such regulations prescribe a penalty for a breach of any of the provisions thereof or of any order made thereunder or of any of the conditions attached to a licence or permit issued thereunder or to which such licence or permit may be subject, not exceeding that provided in Section 18 of this Act; and in respect of the foregoing matters different regulations

may be made so as to apply to different parts of Newfoundland and generally or during particular periods.

(2) Any regulations made under subsection (1) shall have effect from the date of publication in *The Newfoundland Gazette* or such other date as may be specified in the regulations or any order made thereunder.

(3) Notwithstanding any regulations made under subsection (1), the Minister may at any time issue a licence for the taking or export of wild life for scientific purposes or for the purposes of propagation or for presentation to or exchange with any authority or body in any other province of Canada or in any country.

(4) Any regulations made under subsection (1) may empower the Minister to make orders for any of the purposes for which regulations are authorized by this Act to be made and for amending and altering such regulations and may contain such other provisions as appear to the Lieutenant-Governor in Council to be necessary or expedient for the purposes of such regulations or for more effectively carrying out the provisions of this Act or for supplying any deficiency therein.

Officers.

6.—(1) The Minister may appoint such persons as he may deem necessary to carry out the provisions of this Act and of the regulations and may prescribe their titles and duties and make general regulations as to their conduct and employment.

(2) The Minister may appoint wardens and deputy wardens in and for any part of the province who shall serve without remuneration.

(3) Every warden appointed pursuant to subsection (2) has and may exercise all of the powers conferred on a wild life officer by this Act, and every deputy warden appointed pursuant to that subsection has and may exercise all of the powers so conferred on a wild life officer, except those conferred by Sections 10, 11, 12 and 15.

(4) The Lieutenant-Governor in Council may prescribe the terms and conditions under which wardens and deputy wardens

may exercise their powers, and may from time to time substitute new terms and conditions or cancel or alter any of them.

(5) When the Minister is satisfied that any person appointed under subsection (2) has failed to observe or fulfil any subsisting term or condition prescribed pursuant to subsection (4), he may cancel the appointment of that person forthwith.

7.—(1) Subject to subsection (2), every wild life officer shall, if required by the Minister, take and subscribe the following oath of office:

Oath to be taken and subscribed by wild life officers.

“I, of in the Province of Newfoundland,, do solemnly swear that I will faithfully, honestly, impartially and to the best of my ability, fulfil, execute and perform the office and duties of such according to the true intent and meaning of The Wild Life Act, as now or hereafter amended, and the regulations made thereunder. So help me God.”

(2) Subsection (1) does not apply to officers and members of the Royal Canadian Mounted Police and of The Constabulary Force of Newfoundland and to any peace officer for the time being exercising his functions in the province.

Exception.

8.—(1) All licences or permits issued under the regulations shall be signed by the Minister or by such officer or officers as he may empower for that purpose.

Licences; suspension or cancellation.

(2) The Minister shall have discretion to grant or refuse any licence or permit.

(3) The Minister may at any time suspend or cancel any licence or permit the holder of which has in the opinion of the Minister been guilty of a breach of any of the provisions of this Act or of the regulations or of any order made thereunder or of any condition attached to the licence or permit or to which the licence or permit is subject; and the Minister shall not be held to strict proof of such breach but may act on such information as

he deems sufficient after considering any explanation offered by the licensee or permit holder.

Evidence.

9. The sale or possession of any wild life, save during the open season for such wild life or during any other period within which such sale or possession may by regulation be permitted, is *prima facie* evidence that the person selling the same or having the same in his possession has taken or killed such wild life during the close season.

Searches.

10.—(1) Any wild life officer who has reasonable cause to suspect that there is in any equipment or receptacle capable of being used for the purpose of keeping, holding, or carrying wild life and carried by or upon any person, wild life taken, killed or dealt with contrary to any of the provisions of this Act or of the regulations may without warrant stop such person and open, examine, and search any such equipment or receptacle.

(2) Any wild life officer who has reasonable cause to suspect that there is in or upon any house, shop, store, building, wharf, premises, or place, vehicle, speeder, caboose, or railway car, aircraft, vessel, boat, or raft, wild life taken, killed, or dealt with contrary to any of the provisions of this Act or of the regulations may, without warrant, therein or thereon enter and search and for such purpose may stop any such vehicle, speeder, caboose, railway car, aircraft, vessel, boat, or raft.

(3) Any wild life officer who has reasonable cause to suspect that there is in any package or luggage wild life taken, killed, or dealt with contrary to any of the provisions of this Act or of the regulations may, without warrant, open and search the same and examine the contents thereof and for such purpose may take possession of any such package or luggage.

Seizure and
confiscation.

11.—(1) Any wild life officer who has reasonable cause to suspect that

(a) any material, implement, appliance or thing has been used; or

(b) any wild life has been taken, killed, or possessed

in violation of this Act or the regulations may, on view, seize the same and any paper, document or record in the possession of the person concerned at the time of the seizure and which in the officer's opinion might afford evidence of the commission of an offence under this Act or the regulations and any other material, implement, appliance or thing in the possession of the person concerned at the time of seizure and capable of use in taking, killing, possessing, storing or transporting the kind of wild life with which the suspected use, taking, killing or possessing is connected, including, but without limiting the generality of the foregoing, any gun or firearm, silencer, trap, decoy, snare, light, team, wagon, automobile, motor truck or vehicle of any description, boat, skiff, canoe or vessel of any description, aeroplane, refrigerator or storage locker or container of any description.

(2) Subject to this section, any wild life, paper, document, record, material, implement, appliance or thing seized pursuant to subsection (1) shall be retained in the custody of the wild life officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

Custody of
seized things.

(3) Where, in the opinion of the person having custody of any wild life or other perishable thing seized pursuant to subsection (1), that wild life or other perishable thing will rot, spoil or otherwise perish, that person may sell the wild life or other perishable thing in such manner and for such price as may be determined by the Minister or other person designated by the Minister generally or specially for the purpose.

Perishable
goods.

(4) The proceeds of a sale referred to in subsection (3) (less any expenses involved in the sale) shall be paid to the Minister for credit to the Consolidated Revenue Fund and any of the proceeds not forfeited under subsection (5) or applied under subsection (10) may be paid to the person entitled thereto out of the said Fund.

Proceeds of
sale.

(5) Where a person is convicted of an offence under this Act or the regulations, the convicting magistrate or justices may, in addition to any other penalty imposed, order that

Court may
order forfeiture.

- (a) any wild life, paper, document, record, material, implement, appliance or thing seized pursuant to subsection (1) or the cash deposit in respect thereof made pursuant to subsection (7); or
- (b) the whole or any part of the proceeds of a sale (less any expenses involved in the sale) referred to in subsection (3)

be forfeited, and upon such order being made the wild life, paper, document, record, material, implement, appliance or thing, or cash deposit, or proceeds, as the case may be, so ordered to be forfeited, are forfeited to Her Majesty in right of the province.

Forfeiture where ownership not ascertainable.

(6) Notwithstanding subsection (5), where the ownership of any wild life, paper, document, record, material, implement, appliance or thing seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the wild life officer by whom the seizure is made, the wild life, paper, document, record, material, implement, appliance or thing is, upon the seizure thereof, forfeited to Her Majesty in right of the province.

Re-delivery on cash deposit.

(7) Where any wild life, material, implement, appliance or thing has been seized under subsection (1), any magistrate may, except in the case of any wild life, material, implement, appliance or thing forfeited under subsection (6), order re-delivery thereof to the person concerned upon security of a cash deposit or bond, in an amount prescribed in the regulations in respect to the wild life, material, implement, appliance or thing seized, or, where the regulations do not so prescribe, in an amount satisfactory to the Minister, being given to Her Majesty in right of the province.

Things seized to be returned unless proceedings instituted.

(8) Any wild life, paper, document, record, material, implement, appliance or thing seized under subsection (1), or the cash deposit in respect thereof made pursuant to subsection (7), or the proceeds realized (less any expenses involved in the sale) from a sale under subsection (3), except any wild life, paper, document, record, material, implement, appliance or thing forfeited under subsection (6), shall be returned or paid to the person from whom the wild life, paper, document, record, material, implement, appliance or thing, or cash deposit, was taken if no prosecution in respect of the alleged offence is instituted, and

in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

(9) Except as provided in Section 13, any wild life, paper, document, record, material, implement, appliance or thing forfeited under subsection (5) or (6) shall, after the expiration of ninety days from the date of the forfeiture, be disposed of as the Minister directs.

Disposal of
forfeited
things.

(10) Where any wild life, paper, document, record, material, implement, appliance or thing has been seized pursuant to subsection (1), or a cash deposit or bond in respect thereof has been made pursuant to subsection (7), and the proceedings in respect of the offence have been instituted, but the wild life, paper, document, record, material, implement, appliance or thing, or cash deposit or bond or any proceeds realized from a sale under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited under subsection (5) and have not been forfeited under subsection (6), such wild life, paper, document, record, material, implement, appliance or thing, or cash deposit, or bond or proceeds of sale (less any expenses involved in the sale), as the case may be, shall be returned or paid to the person from whom the wild life, paper, document, record, material, implement, appliance or thing was taken, or cash deposit received, as the case may be, unless there has been a conviction and a fine imposed, in which case the wild life, paper, document, record, material, implement, appliance or thing may be detained until the fine is paid, or the cash deposit or bond made pursuant to subsection (7) or the proceeds realized from a sale of any wild life or other perishable thing pursuant to subsection (3) (less any expenses involved in the sale) may be applied in or towards payment of the fine, and any of the cash deposit or bond not so applied may be paid to the person entitled thereto out of the Consolidated Revenue Fund.

Return of
thing seized
if no forfeiture
ordered.

(11) Notwithstanding anything contained in this section, a wild life officer may, at the time of seizure, return to its habitat any wild life seized pursuant to subsection (1) that the wild life officer believes to be alive.

Release of
seized wild life.

Search, seizure and confiscation of gun or other firearms.

12. A wild life officer may, without a warrant, enter and search any logging camp, mining camp or construction camp in which he has reasonable cause to suspect that any gun or other firearm is kept or had contrary to this Act or the regulations and may, on view, seize the same, and upon conviction of any person in respect thereof, the gun or other firearm is, in addition to any other punishment imposed, forfeited to Her Majesty in right of Newfoundland and may be disposed of as the Minister may direct.

Application by person claiming interest.

13.—(1) Where any wild life, paper, document, record, material, implement, appliance or thing is forfeited to Her Majesty in right of the province under subsection (5) or (6) of Section 11 (hereinafter in this section referred to as the "forfeited item"), any person (other than a person convicted of the offence that resulted in the forfeiture or a person in whose possession the forfeited item was when seized), who claims an interest in the forfeited item as owner, mortgagee, lienholder or holder of any life interest may, within thirty days after such forfeiture, apply by notice in writing to any magistrate for an order pursuant to subsection (4) of this Section 13.

Date of hearing.

(2) The magistrate to whom an application is made pursuant to subsection (1) shall fix a day not less than ten days after the date of filing of the application for the hearing thereof.

Notice.

(3) The applicant shall serve a notice of the application and of the hearing upon the Minister at least five days before the day fixed for the hearing.

Order of judge.

(4) Where, upon the hearing of an application, it is made to appear to the satisfaction of the magistrate,

(a) in the case of a forfeiture under subsection (5) of Section 11, that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted of the offence;

(b) in the case of a forfeiture under subsection (6) of Section 11, that the applicant is innocent of any complicity in the alleged offence that resulted in the forfeiture and

of any collusion in relation to that offence with any person who may have committed the offence; and

- (c) that the applicant exercised all reasonable care in respect of the person permitted to obtain the possession of the forfeited item to satisfy himself that it was not likely to be used contrary to the provisions of this Act or the regulations, or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or the liengiver,

the applicant is entitled to an order declaring the nature, extent, and (considering the then actual value of the forfeited item) value of his interest.

(5) Section 21 of The Summary Jurisdiction Act with respect to appeal to the District Court therein referred to shall, *mutatis mutandis*, apply to an order made under subsection (4) of this Section 13. Appeal.

(6) The Minister shall, upon application made to him by any person who has obtained a final order under this section, Application to Minister pursuant to order under subsection (4).

- (a) except in the case of any wild life or other perishable thing disposed of pursuant to subsection (3) of Section 11 or wild life or other perishable thing re-delivered pursuant to subsection (7) of that section, direct that the forfeited item to which the interest of the applicant relates be handed over to the applicant; or

- (b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, or such lesser amount as the Lieutenant-Governor in Council may direct, be paid to him.

(7) This section does not apply to any wild life that has been returned to its habitat pursuant to subsection (11) of Section 11. Exception.

(8) Any payment directed to be made under paragraph (b) of subsection (6) of this section shall be paid out of the Consolidated Revenue Fund. Payment under subsection (6) to be made from Consolidated Revenue Fund.

Jurisdiction.

(9) Notwithstanding that the value of the property involved exceeds his usual jurisdiction and notwithstanding the provisions of any other Act or law,

(a) any magistrate shall, for the purposes of subsections (1), (2) and (4) of this Section 13; and

(b) the appropriate judge of a District Court shall, for the purposes of subsection (5) of this Section 13

have jurisdiction for the purposes of this Section 13, and

(c) the procedure in any hearing conducted by a magistrate pursuant to this Section 13 respecting the subpoenaing of witnesses and compelling them to attend, the taking and hearing of evidence and any other matter not specifically provided by this Section 13 shall be governed by the provisions of The Summary Jurisdiction Act relating to civil actions.

Offence and penalty.

14. Every person who obstructs or resists any wild life officer, licensed guide or warden while he is engaged in exercising the powers or discharging the duties conferred or imposed on him by or under this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months.

Administration of oaths.

15. Any wild life officer shall, if thereto authorized in writing by the Minister, have power to administer oaths and take statutory declarations for the purpose of this Act and the regulations.

Prohibition of waste.

16. Any person who, having taken or killed any wild life fit for food, wilfully or intentionally allows the flesh thereof to be destroyed, wasted, or spoiled, and any person who, having taken or killed a fur bearing animal, wilfully or intentionally allows the skins thereof to be destroyed, wasted, or spoiled, is guilty of an offence and liable to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months.

17. Offences under this Act or the regulations are triable summarily before a stipendiary magistrate or two justices of the peace. Trial of offences.

18. Every person who contravenes or fails to comply with any requirement or obligation imposed on him by this Act or the regulations or any order made thereunder or who fails to observe or fulfil any condition, attached to a licence or permit issued under the regulations, or who interferes with or obstructs any person in the discharge of his duties under this Act, the regulations or any such order, or who tears down, removes, or damages any regulation, order, or notice posted or published under this Act or the regulations is guilty of an offence and liable, on summary conviction, where no specific penalty is provided in this Act or the regulations, to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a period not exceeding six months. General penalty.



CHAPTER 401

An Act Respecting the Making of Last Wills and Testaments

1. This Act may be cited as The Wills Act.

Short title.

PART I.

2. No will shall be valid unless it be made in writing, nor unless it be either in the handwriting of the testator, and signed by him, or, if not so written and signed, be signed by him in the presence of at least two witnesses, who shall, in the presence of the testator, sign the same as witnesses, and in case such will shall be made by a marksman, unless the same shall have been first read over to or by the testator in the presence of the said witnesses: Provided that any seaman or fisherman, being at sea, may dispose of his property in the same manner as he might have done before the passing of this Act.

Wills, how executed.

3. No will shall be valid if made by a person under the age of seventeen years.

Age of person competent to make a will.

4. No appointment made by will, in exercise of any power, shall be valid unless the same be executed in manner hereinbefore required; and every will so executed shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointment by will in exercise of power, how executed.

5. Every will executed in manner hereinbefore required shall be valid without any publication thereof.

Publication not necessary.

Incompetency of witness not to invalidate will.

6. If any person who shall attest the execution of a will shall, at the time of the execution thereof, or at any time afterwards be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Devise to witness not void if will can be otherwise proved.

7. No devise, bequest, legacy, estate, interest, gift or appointment, to any person, or to the husband or wife of any person, who shall attest the execution of any will, shall be null and void if the will can be sufficiently proved, according to the provisions hereinbefore contained without proof by such person of the execution thereof; but where the will cannot be sufficiently proved without the evidence of such person, he or she shall be admitted as a witness to prove the execution or the validity or invalidity, of such will, and in such case the devise, bequest, legacy, estate, interest, gift or appointment in his or her favor shall be null and void.

Executor may be witness.

8. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Will revoked by marriage.

9. Every will made by a man or a woman shall be revoked by his or her marriage, except a will made in exercise of a power of appointment, when the property thereby appointed would not, in default of such appointment, pass to his or her executor or administrator, or to the person entitled as his or her next of kin, under The Intestate Succession Act.

Will not revoked by presumption of intention.

10. No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

Manner of revocation of will.

11. No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, and with the intention of revoking the same.

12. No obliteration, interlineation or other alteration, made in any will after the execution thereof, shall be valid or have any effect except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be made and executed in manner hereinbefore required; but such will, with such alteration as part thereof, shall be deemed to be duly executed if the signature of the testator, or such signature and the subscription of the witnesses, as the case may be, be made in the margin or on some part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will or attached thereto.

Alterationns in will after execution.

13. No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

Revoked will not revived otherwise than by re-execution.

14. No conveyance or other act made or done subsequently to the re-execution of a will, or relating to, any property therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such property as the testator shall have power to dispose of by will at the time of his death.

Subsequent conveyance not to affect will.

15. Every will shall be construed with reference to the property comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

Construction of will as to time.

16. A general devise or bequest of the property of any kind of the testator, or of such property in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any property to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may

Construction of general devise.

think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

Construction of certain terms.

17. In any devise or bequest of any property, the words “die without issue”, “die without leaving issue”, or “have no issue”, or any other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior *quasi estate tail*, or of a preceding gift being without any implication arising from such words or limitation of *quasi estate tail* to such person or issue, or otherwise: Provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

To prevent lapsing of devise.

18. Where any person, being a child or other issue of the testator, to whom any property shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator, leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to brother or sister predeceasing testator.

19.—(1) Except when a contrary intention appears by the will, where a person dies in the lifetime of a testator either before or after the testator makes the will and that person

- (a) is a brother or sister of the testator to whom, either as an individual or as a member of a class, is devised or bequeathed an estate or interest in real or personal property not determinable at or before his death; and
- (b) leaves a child or children living at the time of the death of the testator,

the devise or bequest does not lapse, but takes effect as if it had been made directly to

(c) that child; or

(d) those children, share and share alike,

as the case may be, and, for the purposes of this section, a child is deemed to be living at the time of the death of the testator if he, having been begotten before the death of the testator, is born alive thereafter.

(2) This section applies to the will of a person who dies after this section came into force on the thirty-first day of March, 1969, whether such will was made before or after this section came into force.

20. This Act shall not extend to any will made prior to the thirteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four.

Limitation of
provision of
Act.

PART II.

CONFLICT OF LAWS.

21.—(1) In this Part

Interpretation.

- (a) “an interest in land” includes a leasehold estate as well as a freehold estate in land and any other estate or interest in land whether the estate or interest is real property or is personal property;
- (b) “an interest in movables” includes an interest in a tangible or intangible thing other than land and includes personal property other than an estate or interest in land.

(2) Subject to this Part, the manner and formalities of making a will and its intrinsic validity and effect, so far as it relates to an interest in land, are governed by the law of the place where the land is situated.

Lex rei sitae

Lex domicilii.

(3) Subject to this Part, the manner and formalities of making a will and its intrinsic validity and effect, so far as it relates to an interest in movables, are governed by the law of the place where the testator was domiciled at the time of his death.

Wills of interest in movables.

22. As regards the manner and formalities of making a will, so far as it relates to an interest in movables, a will made either within or outside the province is valid and admissible to probate if it is made in accordance with the law in force at the time of its making in the place where

- (a) the will was made;
- (b) the testator was domiciled when the will was made; or
- (c) the testator had his domicile of origin.

Change of domicile.

23. A change of domicile of the testator occurring after a will is made does not render it invalid as regards the manner and formalities of its making or alter its construction.

Construction of will.

24. Nothing in this Part precludes resort to the law of the place where the testator was domiciled at the time of making a will in aid of its construction as regards either an interest in land or an interest in movables.

Movables used in relation to land.

25. Where the value of a thing that is movable consists mainly or entirely in its use in connection with a particular parcel of land by the owner or occupier of the land, succession to an interest in the thing, under a will or on an intestacy, is governed by the law of the place where the land is situated.

Limitation of this Part.

26. This Part does not extend to any will made before the first day of July, 1955.

Construction of this Part.

27. This Part shall be so interpreted and construed as to effect its general purpose of making uniform the law of those provinces which enact it.



CHAPTER 402

An Act Respecting the Wills and Estates of Members of the Newfoundland Regiment and of the Newfoundland Branch of the Royal Naval Reserve and Other Volunteers

1. This Act may be cited as The Wills (Volunteers) Act.

Short title.

2. In this Act, unless the contrary intention appears from the context, the following expressions shall have the following meaning:

Interpretation.

- (a) "administration" includes both letters of administration with the will annexed and letters of administration to the estate of an intestate;
- (b) "Court" means the Supreme Court of Newfoundland or a judge thereof;
- (c) "deceased volunteer" means a volunteer who has died while on actual military, naval, or forestry service, or while actually serving as a member of such medical or nursing organization, as aforesaid, or as a chaplain in His Majesty's service;
- (d) "volunteer" means a member of the Newfoundland Regiment or of the Newfoundland Branch of the Royal Naval Reserve, or of the Newfoundland Forestry Companies, or a person, who, being at the outbreak of the war of 1914-1918 a resident of Newfoundland became a member of any of His Majesty's naval, military, medical or nursing services or organizations or served as a chaplain in His Majesty's services.

Wills of
volunteers
made on
active service.

3. Anything contained in The Wills Act to the contrary notwithstanding, any volunteer, while on actual military or naval service, may dispose by will of his property in any manner in which he might lawfully so do according to the law of England, if at the time of making such disposition he were a member of His Majesty's regular army, or recruited in England for the Royal Naval Reserve, as the case may be.

Estates not
over \$500.

4. The following provision of this Act shall apply only in the case where the estate of a deceased volunteer does not exceed in value the sum of five hundred dollars, in the computation of which value, vested interests only shall be reckoned.

Proof of will.

5. The will of a deceased volunteer made while on actual military or naval service, shall be sufficiently proved for the purpose of probate or administration by the production to the Court of a copy of such will, certified by the Attorney General or Deputy Attorney General to have been received by him from the Newfoundland Pay and Record Office in London, or from the Admiralty, as the case may be, and it shall not be necessary to produce the original thereof.

Certain fees
and
documents
dispensed with.

6. No notice of application for probate or letters of administration to the will or estate of a deceased volunteer, and no certificate under The Death Duties Act shall be required by the Court. No Court fees or Commissioner's fees shall be payable on any grant of probate or letters of administration under this Act, nor on any affidavit connected with such grant or with the application therefor.

Powers of
Attorney
General.

7. Application to the Court for probate or administration to the will or estate of a deceased volunteer may be made on behalf of the Newfoundland Regiment Pay and Record Office by the Attorney General or Deputy Attorney General on his own petition and affidavit as to the facts, and he shall have power to designate the person to whom administration is to be granted in cases of intestacy or failure to appoint an executor, without regard to the right of such person or any other person, apart from this Act, to obtain such grant.

Administrator's
oath.

8. No security shall be required from an administrator appointed under the last preceding section, but he shall be required

to take and subscribe the usual administrator's oath: Provided that in cases where there is no commissioner or other person authorized by law to administer oaths within two miles of the place of residence of such administrator, he may subscribe such oath before a clergyman, school teacher, or other person approved for the purpose by the Registrar of the Court, and in such case such person shall append his signature as a witness to the subscription of such oath by such administrator, and the oath so subscribed shall have the same force and effect, both civilly and criminally, as if it had been subscribed and sworn before a Commissioner of the Court.

9. The performance of the duties set forth in this Act by the Attorney General or his deputy shall not entail any charge or payment out of the public funds of this province, or out of the estate of the deceased; but the said duties shall be deemed to be covered by the salaries voted for the Attorney General and the Deputy Attorney General.

Services of
Department of
Attorney
General free.



CHAPTER 403

An Act to Consolidate the Law Relating to Compensation to Workmen for Injuries Suffered in the Course of Their Employment.

1. This Act may be cited as The Workmen's Compensation Act. Short title.

2. In this Act and in any regulations made under this Act unless the context otherwise requires Interpretation.
 - (a) "accident" includes a wilful and intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause;
 - (b) "accident fund" means the fund provided for the payment of compensation, medical aid, outlay and expenses under Part I of this Act;
 - (c) "association" means any association or body of employers whose constitution has been approved by the Board as entitling it to represent any of the classes provided for in this Act or any subdivision or group of employers in such class;
 - (d) "Board" means The Workmen's Compensation Board established by this Act;
 - (e) "category A fishing vessel" means a fishing vessel of seventy tons or more gross tonnage which is solely, usually or chiefly operated for fishing as defined in paragraph (o) in offshore waters, and includes a trawler, dragger, banking vessel, longliner, trap longliner, collector boat or seiner of such tonnage so operated;

- (f) "category B fishing vessel" means a fishing vessel of ten tons or more gross tonnage, not being a category A fishing vessel, operated for fishing as defined in paragraph (o), and includes a trawler, dragger, banking vessel, longliner, trap longliner, jackboat, collector boat or seiner of such tonnage so operated;
- (g) "class" means the class into which an industry has been assigned on the division of industries into classes under Part I;
- (h) "commissioner" means a member of the Board;
- (i) "common law wife" means a woman who, although not legally married to a man, cohabits with him and is recognized as his wife in the community in which they live;
- (j) "compensation" means compensation paid in accordance with Part I of this Act to a workman or his dependents in respect of personal injury by accident arising out of and in the course of the workman's employment;
- (k) "construction" includes reconstruction, repair, alteration and demolition;
- (l) "dependents" means such of the members of the family of a workman as were wholly or partly dependent upon his earnings at the time of his death or who, but for the incapacity due to the accident, would have been so dependent, but does not include persons who became dependents by reason of the marriage of the injured workman between the time of the accident and the time of the death of the workman resulting from the accident where the Board is not satisfied that the workman was, at the time of that marriage, in such a condition of health as to justify him in having an expectation of surviving for at least one year thereafter;
- (m) "employer" includes
 - (i) every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any

work in or about an industry within the scope of this Act,

- (ii) the principal, contractor and subcontractor referred to in Section 86,
 - (iii) in respect of any industry referred to in subparagraph (i) a receiver, liquidator, executor, administrator and any person appointed by a Court or a judge who has authority to carry on an industry,
 - (iv) municipal corporations,
 - (v) the Crown in right of Canada in so far as it may in its capacity of employer submit to the operation of this Act, and
 - (vi) the Crown in right of the province and any permanent board or commission of the Crown in right of the province in so far as the province may in its capacity of employer submit for itself or for any such board or commission to the operation of this Act;
- (n) "employment" means and refers to the whole or any part of any establishment, undertaking, work, operation, trade or business within the scope of this Act, and in the case of any industry not as a whole within the scope of this Act includes any department or part of such industry as would if carried on separately be within the scope of this Act;
- (o) "fishing" means fishing for gain, other than for sport, in tidal waters, and
- (i) includes fishing for anadromous fish while in such waters,
 - (ii) is deemed to include work performed in the functioning, while fishing or proceeding to or return-

ing from fishing, of the vessel used for fishing,
and

- (iii) is deemed to include all other work incidental to or connected with fishing usually performed by persons engaged in fishing, but
- (iv) does not include the taking of seals, whales or other creatures of or in tidal waters not being fish;
- (p) "industrial disease" means any of the diseases mentioned in the Schedule and any other disease peculiar to or characteristic of a particular industrial process, trade or occupation;
- (q) "industry" includes the whole or any part of any industry, operation, undertaking, establishment, work, trade or business and, in the case of any industry, operation, undertaking, establishment, work, trade or business not as a whole within this Act, means any department or part of the industry, operation, undertaking, establishment, work, trade or business which would, if carried on by itself, be within this Act;
- (r) "invalid" means physically or mentally incapable of earning;
- (s) "manufacturing" includes making, preparing, altering, repairing, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any article or commodity;
- (t) "medical aid" means medical, surgical and dental aid, hospital and skilled nursing services and any artificial member or members and any apparatus and the repairing and replacement of such member or members or apparatus, transportation and such other matters and things as the Board may authorize or provide;
- (u) "member of the family" includes wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, step-

son, stepdaughter, brother, sister, half-brother, half-sister and a person who stood in *loco parentis* to the workman or to whom the workman stood in *loco parentis*, whether related to him by consanguinity or not so related, and where the workman is the parent or grandparent of an illegitimate child, includes that child, and where the workman is an illegitimate child, includes his parents and grandparents;

- (v) "navigation" includes all kinds of operations carried on by means of a "ship" as defined by the *Canada Shipping Act*;
- (w) "outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;
- (x) "regulations" means regulations made by the Board under this Act;
- (y) "stevedoring" means the loading or unloading of vessels, aircraft or railway cars and the handling of goods, articles and commodities on or about any airport, siding, dock, wharf or quay;
- (z) "teaming" includes all kinds of work done by workmen with teams, carts, including hand carts, drays, trucks, cabs, carriages, automobiles and other vehicles;
- (aa) "widow" and "invalid widower" refers to the widow or invalid widower of a workman whose death results from an accident in respect of which compensation is payable under this Act;
- (bb) "workman" means a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a person who is a learner, although not under a contract of service

or apprenticeship, who becomes subject to the hazards of an industry within the scope of Part I for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment.

PART I.

Scope of
Part I.

3.—(1) This Part applies to employers and workmen in or about

- (a) any operations carried on in a factory;
- (b) the industries of manufacturing; logging, lumbering, rafting of lumber, river driving; mining, quarrying; excavation, diamond-drilling; road construction, building, construction, building moving, demolition; engineering; printing; installation of plumbing, heating and electrical systems; fishing, fish handling and fish processing; canning; automobile repairing, service, storage or selling; armature winding; ice harvesting, cutting, storing or delivery; kelp collection; stone dressing; land surveying;
- (c) the operation of wholesale and retail stores; repair shops; marble works or monument business; bakeries; horticultural nurseries and green houses; ice rinks; bowling alleys; broadcasting stations; barber shops, beauty parlors; laundries; restaurants, theatres; beer parlors; packing houses; lumber yards; coal yards; refrigeration or cold storage plants; warehouses; elevators; and where there are ten or more bedrooms, the operation of hotels or lodging houses; commercial buildings or apartment buildings where rooms, suites or space is rented to a tenant; hospitals;
- (d) the operation of railways or tramways; telegraph, cable of telephone systems; electric light or power plants or systems; steam-heating plants; gas works; water works; sewers; and any public utility;

- (e) the operation of docks, wharves; boats, ships, tugs, dredges; ferries;
 - (f) navigation, stevedoring;
 - (g) janitor service; chimney cleaning or window cleaning service; messenger service or delivery service; extermination and fumigating service; blacksmithing, horseshoeing; transportation, teaming, trucking, hauling; scavenging, street-cleaning; handling of hides; painting, decorating, renovating; dyeing and cleaning;
 - (h) any of the industries, operations, or occupations incidental to or connected with any of the industries, occupations or operations enumerated in paragraphs (a) to (g); and
 - (i) any employment by or under the Crown in right of the province including employment by any permanent board or commission of the Crown in right of the province in so far as the province may, for itself or for any such board or commission, agree that this Part applies.
- (2) Subject to Sections 4 and 5, this Part does not apply to
- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business;
 - (b) out workers;
 - (c) executive officers or directors of corporations; or
 - (d) nationals of the United States of America employed by United States persons or corporations at leased areas under The American Bases Act, 1941, and at other military installations of the United States.
- (3) Members of the crew, including the master, of a category A fishing vessel are, provided some person is deemed their employer by virtue of paragraph (a) of this subsection, deemed

Persons not within scope of Part I.

Commercial fishermen in category A fishing vessels.

to be workmen within the meaning of this Act in or about the industry of fishing notwithstanding that such members are remunerated wholly, mainly or partly by shares in the profits or gross earnings or net earnings after expenses from the operation of such vessel, and

- (a) the person with whom such members of the crew share such profits or earnings is deemed to be the employer of such members; and
- (b) the share received by any such member as aforesaid is deemed such member's earnings or part of his earnings, as the case may be,

within the meaning and for all the purposes of this Act, and

- (c) any person so deemed to be a workman or employer, as the case may be, is deemed to be within the scope of this Part:

Provided however that the Lieutenant-Governor in Council may at any time, and from time to time, by order

- (d) exclude from the operation of this subsection other than the portion of this proviso up to the end of this paragraph (d) any person or persons or class or classes of persons, and, upon such order coming into force, such person or persons or class or classes of persons, as the case may be, shall not be deemed to be within the scope of this Part during the period covered by such exclusion; and
- (e) make regulations defining what shall be "offshore waters" for the purposes of paragraph (e) of Section 2.

Non-application
of The
Workmen's
Compensation
Act, 1948.

(4) Notwithstanding Section 104 of this Act, The Workmen's Compensation Act, 1948, the Act No. 30 of 1948, as amended, does not apply to the persons

- (a) deemed to be within the scope of this Part under subsection (3) of this section or to the industry in which they are engaged as it applies to them;

- (b) who, by virtue of being employers or workmen in or about the industry of fishing under paragraph (b) of subsection (1) of Section 3, are within the scope of this Part;
- (c) admitted by the Board as being workmen within the scope of this Part under subsection (6) of Section 4 or deemed to be the employers of such workmen under that subsection, during the period covered by such admission; or
- (d) admitted by the Board under subsection (7) of Section 4 as being entitled under this Part for themselves and their dependents to the same compensation as if they were such workmen, during the period they are so entitled.

4.—(1) Where it appears to the Board that any kind of industry not within the scope of this Part may properly be brought within the scope of this Part, the Board may so report to the Lieutenant-Governor in Council who may, by Order in Council, declare the industry to be within the scope of this Part and from and after the date of the Order in Council or such date as may be named therein the industry shall be deemed to be within the scope of this Part.

Admission of industry to Part I by Order in Council.

(2) Any industry or workman not within the scope of this Part by virtue of Section 3 may, on the application of the employer, be admitted by the Board as being within the scope of this Part, and from and after such admission and during the period of such admission the industry or workman shall be deemed to be within the scope of this Part.

Admission of industry or workman to Part I on application of employer.

(3) Any employer in an industry within the scope of this Part may be admitted by the Board as being entitled for himself and his dependents to the same compensation as if the employer were a workman within the scope of this Part.

Admission of employer to Part I.

(4) On the application of a city, town or municipality, within whose boundaries a volunteer fire brigade or department is located and serves, the Board may admit the fire brigade or department as being within the scope of this Part, and from and after such admission and during the period of such ad-

Admission of volunteer fire brigade.

mission the fire brigade or department and members thereof shall be deemed to be within the scope of this Part.

Effect of admission.

(5) When a volunteer fire brigade or department has been admitted as being within the scope of this Part,

- (a) the members of the brigade or department shall be deemed to be such volunteers, call fire fighters, ambulance drivers, first-aid men and other persons as are certified to be members by an official of the city, town or municipality authorized in that behalf by the council thereof;
- (b) the city, town or municipality that made the application for admission of the brigade or department shall be deemed to be the employer for the purposes of this Part, and the persons who are certified under paragraph (a) to be members of the brigade or department shall be deemed to be workmen for the purposes of this Part;
- (c) the persons who pursuant to paragraph (a) are deemed to be members of the brigade or department shall be deemed to be in the course of their employment from the time when they arrive at the place where their duties begin and shall be deemed to have finished their employment when they leave the place where their duties have been completed and shall be deemed to be in the course of their employment when delegated or required by officers of the brigade or department to take part in fire drill or fire drill tournaments; and
- (d) the city, town or municipality shall yearly on or before a date prescribed by the Board and at such other times as the Board requires notify the Board of the number of members of the brigade or department and of a sum which shall not be less than twenty-five hundred dollars a year or more than five thousand dollars a year and that sum shall for the purposes of this Part be deemed to be the average earnings of each of those members.

(6) Members of the crew, including the master, of a category B fishing vessel who are remunerated wholly or mainly by shares in the profits or gross earnings or net earnings after expenses from the operation of the vessel, may, on joint application of a majority of such members of the crew and the person deemed to be the employer of such members, be admitted by the Board as being workmen within the scope of this Part, and from and after such admission shall be deemed to be and to continue to be within the scope of this Part until a request for cancellation is received by the Board from a majority of the members of that crew and the person deemed to be the employer of such members of the crew, and

Admission
of crews
of category
B fishing
vessels.

- (a) the person with whom such members of the crew share such profits or earnings is deemed to be the employer of such members; and
- (b) the share received by any such member as aforesaid is deemed such member's earnings or part of his earnings, as the case may be,

within the meaning and for all the purposes of this Act.

(7) Any person engaged in or about the industry of fishing not being an employer or a workman or not

Admission
to Part I
of certain
persons
engaged in
fishing.

- (a) deemed to be within the scope of this Part under subsection (3) of Section 3; or
- (b) admitted by the Board as being a workman within the scope of this Part under subsection (6) of this Section 4 or deemed to be an employer under that subsection, during the period covered by such admission,

but performing work of a nature which if he were a workman would be within the scope of this Part, who is remunerated wholly or mainly by shares in the profits or gross earnings or net earnings after expenses from the operation of either a category A fishing vessel or a category B fishing vessel, may be admitted by the Board as being entitled under this Part for himself and his dependents to the same compensation as if he were such workman,

Admissions subject to conditions.

(8) Admissions under subsections (2), (3), (4), (6) and (7) may be made from time to time subject to such terms and conditions as to the payments of assessments or amounts in lieu of assessments imposed under this Act and as to any other matters and for such period and in such manner and form as the Board may prescribe.

Exclusion of industry or workmen by regulation.

5.—(1) The Board may by regulation exclude from the scope of this Part

- (a) any industry;
- (b) any industry in which not more than a stated number, fixed by the regulation, of workmen, or workmen other than temporary workmen, are employed, and may in the regulation define the meaning of "temporary workmen";
- (c) any trade, employment, occupation, calling, avocation or service from any industry.

Regulation may be revoked or altered.

(2) The Board may from time to time revoke, alter or modify any regulation referred to in subsection (1) but any industry excluded by the regulation may be re-admitted by the Board as being within the scope of this Part.

Exclusion of executives by regulation.

(3) The Board may by regulation exclude the mayor, clerk, treasurer, councillors and other officers of a city, town or municipality and the president, vice-president, directors and other officers of any company without excluding the other persons in any industry.

Where workmen may be excluded

(4) The Board may exclude from the scope of this Part a workman in an industry where the workman is performing work common to an industry within the scope of this Part and to an industry not within the scope of this Part or where his employer is carrying on an industry not within the scope of this Part and also an industry within the scope of this Part and the workman's services are chiefly in connection with the industry not within the scope of this Part.

6.—(1) Where, in an industry within the scope of this Part, personal injury by accident arising out of and in the course of employment is caused to a workman, compensation shall be paid in accordance with this Act to the workman or his dependents, as the case may be, but where the injury is attributable solely to the serious and wilful misconduct of the workman compensation is not payable unless the injury results in death or serious and permanent disablement.

Compensation to workmen.

(2) Where the accident arose out of the employment, it shall be presumed, unless the contrary is shown, that it occurred in the course of the employment, and where the accident occurred in the course of the employment, it shall be presumed, unless the contrary is shown, that it arose out of the employment.

Presumptions as to occurrence of accident.

(3) Where a workman is found dead in the underground workings of a mine at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there is evidence sufficient to rebut the presumption.

Presumption where workman found dead in mine.

(4) Personal injury by accident includes personal injury by lightning, and where personal injury by lightning occurred in the course of the employment it shall be conclusively presumed that it arose out of the employment.

Injury by lightning.

(5) If an injury does not disable a workman longer than the day of the accident, no compensation other than medical aid shall be paid but if the injury disables the workman longer than the day of the accident compensation shall be paid from and including the day following the day of the accident.

No compensation if disability less than one day.

7.—(1) Any person entitled to object to any claim that has been filed with the Board may do so by filing with the Board a notice in writing within ten days after the date the claim was first reported to the person objecting.

Objection to claim; how notified.

(2) A notice filed under subsection (1) shall state fully the nature of the objection and the reason for it, and a copy shall be handed to the workman or mailed to his last known address.

Idem.

Board to
hold enquiry.

(3) The Board shall hold an enquiry into any claim that has been filed with the Board at the earliest convenient date and in any case within forty-five days after a notice is filed under subsection (1).

Liability of
of vessel owner.

8. In the case of a non-fatal accident happening to a workman employed on board a vessel compensation is not payable for the period that the owner of the vessel is subject to the provisions of Part IV of the *Canada Shipping Act* and amendments thereto or otherwise liable to defray the expenses of maintenance of the injured workman and in the case of a fatal accident where the owner of the vessel is liable to pay the expenses of burial the expenses are not payable out of the accident fund.

When compen-
sation payable
to workman or
dependents
resident out-
side of
Newfoundland.

9.—(1) Where it appears that by the laws of any other province, country or jurisdiction a workman or his dependents, if resident in Newfoundland, would be entitled in respect of death or injury in that province, country or jurisdiction to compensation, as distinguished from damages, the Board may order that payments of compensation under this Act may be made to persons resident in that province, country or jurisdiction in respect of any workman killed or injured in Newfoundland, but if the compensation payable under the laws of that province, country or jurisdiction is less than the compensation payable under this Part, the Board may reduce the amount of compensation accordingly and the Board may order that payments of compensation under this Act may be made to persons resident elsewhere in Canada in respect of death or injury as the result of an accident happening in Newfoundland on or after the coming into force of this Act.

Leave to
reside out of
Newfoundland

(2) The Board may upon application grant leave from time to time to any workman or dependent resident in Newfoundland at the time of the accident to reside out of Newfoundland without thereby forfeiting the right to compensation payments under this Act.

Idem.

(3) Where the dependents of a workman are a widow or an invalid widower and one or more children, the Board may upon application grant leave to those dependents or any of them to reside out of Newfoundland and may order that payments of compensation under this Act may be made to any of the depend-

ents while residing out of Newfoundland without reducing the amount of the compensation below what it would have been if the dependents remained within Newfoundland.

(4) Subject to this section and Section 10, nothing in this Act entitles a person not resident in Newfoundland to compensation payments with respect to an accident happening within Newfoundland.

Accidents excluded.

10.—(1) Where the usual place of employment of a workman is in Newfoundland and is in an industry coming under this Part and an accident happens while the workman is employed out of Newfoundland for some purpose connected with his employment in Newfoundland, the workman or his dependents are entitled to compensation in the same manner as if the accident had happened in Newfoundland, but compensation shall not be paid if the employment out of Newfoundland has lasted for more than eight months or if the workman or his dependents are entitled to compensation under the law of the place where the accident happens.

Where accident happens out of Newfoundland.

(2) In any case where compensation is payable in respect of an accident happening out of Newfoundland, if the employer has not fully reported to the Board all the wages of the workman to whom the accident has happened, he is, except insofar as he may be relieved by the Board, liable for the full amount or capitalized value of the compensation and the payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.

Liability of employer if accident not fully reported.

(3) The Board may make or carry out arrangements with the Workmen's Compensation Board of any other province to avoid duplication of assessment on the earnings of workmen protected at the same time under the laws of two or more provinces relating to workmen's compensation and may make any adjustment in assessments by the employers of the workmen that the Board deems equitable and may repay any other Workmen's Compensation Board for any payment of compensation made by it under any of those arrangements.

Arrangements with other provinces.

(4) Subject to this section compensation is not payable under this Part where an accident to a workman happens while he is employed out of Newfoundland.

Accidents excluded.

Action may be brought where workman entitled to recover against person other than employer.

11.—(1) Where an accident happens to a workman in the course of his employment in such circumstances as entitle him or his dependents to an action against some person other than his employer, the workman or his dependents, if they are entitled to compensation, may claim compensation or may bring an action.

Workman entitled to difference between compensation under Act and amount collected.

(2) If a workman referred to in subsection (1) or his dependents bring an action and less is recovered and collected than the amount of the compensation to which the workman or dependents would be entitled under this Act, the workman or dependents are entitled to compensation under this Part to the extent of the amount or amounts of the difference.

Subrogation of Board.

(3) If a workman referred to in subsection (1) or his dependents or any of them have claimed compensation, the Board shall be subrogated to the rights of the workman or his dependents and may maintain an action in his or their names or in the name of the Board against the person against whom the action lies for the whole or an outstanding part of the claim of the workman or his dependents against such person.

Not obligatory upon Board to sue.

(4) It is not obligatory upon the Board to sue for or require payment of damages caused by an accident referred to in subsection (1) unless it thinks fit to do so, and the Board may compromise the cause of action or release its claim therefor if, in its discretion, it thinks it inadvisable to bring action for the damages.

Approval of Board where workman compromises action.

(5) A compromise settlement of any action by a workman referred to in subsection (1) or his dependents at an amount less than the compensation provided for under this Part is of no effect unless made with the approval of the Board.

Where amount collected by Board more than compensation under Act.

(6) If the Board, where it is subrogated to the position of a workman or dependent under subsection (3), recovers and collects more than the amount of the compensation to which the workman or dependent would be entitled under this Act, the sum representing the amount of the excess less costs and administration charges, or any part of such sum, at the discretion of the Board, may be paid to the workman or dependent, but such

workman or dependent is not entitled to such sum, or part of such sum, as a matter of right.

12.—(1) In any case referred to in subsection (1) of Section 11, neither the workman, his personal representative, his dependents nor the employer of the workman has any right of action in respect of the accident against an employer in any industry within the scope of this Part or against any workman of that employer unless the accident occurred otherwise than in the conduct of the operations usual in or incidental to the industry carried on by the employer; and in any such case where it appears to the satisfaction of the Board that a workman of an employer in any class is injured or killed owing to the negligence of an employer or of the workman of an employer in another class within the scope of this Part, the Board may direct that the compensation awarded in that case shall be charged against the last-mentioned class.

Action precluded.

(2) Subsection (1) does not affect any right of action or indemnity an employer may have against another employer arising out of a contract or agreement made between the employers.

Employer's contract rights not affected.

(3) Where an action in respect of an injury is brought against an employer by a workman or his personal representative or a dependent, the Board has jurisdiction upon the application of any party to the action to adjudicate and determine whether the action is one the right to bring which is taken away by this Act.

Jurisdiction of Board.

13.—(1) An action does not lie for the recovery of compensation and the right to compensation provided by this Part is in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his dependents are or may be entitled against the employer of the workman for or by reason of any accident in respect of which compensation is payable or which arises in the course of the workman's employment in an industry under this Part at the time of the accident, and an action does not lie in respect of the accident or any injury arising therefrom.

Part I in lieu of all rights against employer.

(2) This section does not apply where the workman and the work he was engaged in at the time of the accident were not within the operation of this Part.

Section does not apply where work not within operation of Part I.

Compensation may not be waived.

14. A workman shall not agree with his employer to waive or to forego any of the benefits to which he or his dependents are or may become entitled under this Part and every agreement of that nature is void.

No deduction from wages.

15.—(1) Subject to this Act, an employer shall not either directly or indirectly deduct from the wages of any of his workmen any part of any sum which the employer is or may become liable to pay into the accident fund or otherwise under this Part or require or permit any of his workmen to contribute in any manner towards indemnifying the employer against any liability which he has incurred or may incur under this Part.

Penalty.

(2) Every person who contravenes any of the provisions of subsection (1) is for every such contravention guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and is also liable to repay to the workman any sum which has been so deducted from his wages or which the workman has been so required or permitted to pay.

Compensation not assignable or liable to attachment.

16. Except with the approval of the Board a sum payable as compensation or by way of commutation of any periodical payment in respect of it may not be assigned, charged or attached, nor shall it pass by operation of law except to a personal representative, nor shall any claim be set off against it except with the consent of the Board when the debt is for board and lodging.

Doubts to be resolved in favour of workman.

17. Notwithstanding anything in this Act or any application for compensation, an applicant is entitled to the benefit of the doubt, which means that it is not necessary for the applicant to adduce conclusive proof of his right to the compensation applied for, but that the Board is entitled to draw and shall draw from all the circumstances of the case, the evidence and medical opinions, all reasonable inferences in favour of the applicant.

Medical aid.

18.—(1) The Board may provide any workman who is entitled to compensation under this Part or who would have been so entitled had he been disabled longer than the day of the accident with such medical aid as in the opinion of the Board may be necessary as a result of the injury, and the Board may, in its discretion, make a daily allowance to an injured workman for his subsistence when, under its direction, he is undergoing

treatment at a place other than the place wherein he ordinarily resides, and the workman is entitled to

- (a) such artificial member or members and apparatus as may be necessary as a result of any accident;
- (b) have the artificial member or members and apparatus kept in repair or replaced in the discretion of the Board;
- (c) have clothing which is damaged or worn by the use of the artificial member or members or apparatus kept in repair or replaced in the discretion of the Board at a cost not exceeding in any one year the sum of one hundred dollars;
- (d) the replacement of any article of clothing destroyed as a result of any accident and the replacement or repair, as the Board may determine, of any such article damaged as such result;
- (e) such dental appliances and apparatus as may be necessary as a result of any accident;
- (f) have the dental appliances and apparatus kept in repair or replaced in the discretion of the Board;
- (g) such spectacles as may be necessary as a result of the injury; and
- (h) have the spectacles, in the discretion of the Board, renewed from time to time.

(2) Medical aid shall be furnished or arranged for by the Board as it may direct or approve out of the accident fund and is at all times subject to the supervision and control of the Board and such amounts as the Board may consider necessary shall be included in the assessment levied upon the employers.

Medical aid;
how furnished
and paid

(3) All questions as to the necessity, character and sufficiency of medical aid furnished shall be determined by the Board.

Questions
determined
by Board.

(4) The fees or charges payable for medical aid shall

Fees fixed
by Board.

- (a) be fixed by the Board; and
- (b) not be more than the Board deems reasonable and proper for service rendered to a workman,

and an action does not lie for an amount larger than that fixed by the Board.

Account for medical aid to be rendered within six months.

(5) When an account for payment of medical aid is not received by the Board within six months after the medical aid has been rendered, the Board may refuse to pay the account or if in its opinion the circumstances so warrant may pay the whole or such portion of the account as it thinks fit.

No contribution by workman.

(6) (a) An employer shall not directly or indirectly collect or receive or retain from a workman contributions towards the expense of medical aid.

(b) Every person contravening paragraph (a) is liable on summary conviction to a fine not exceeding fifty dollars and shall upon the order of the Board reimburse the workman treble the amount of any sum so collected, received or retained.

(c) It is not a contravention of paragraph (a) for the employer to receive or collect a contribution from a workman under any arrangement approved by the Board.

Employer may arrange medical aid subject to approval of Board.

(7) (a) Where any employer has established or establishes in connection with any industry carried on by him an arrangement for furnishing medical aid to his workmen which in the opinion of the Board is at least as favourable to the workmen as that provided in this Act, the Board, after investigating the facts and considering the wishes of the workmen and employer, may approve the arrangements, and pending the investigation the Board may provisionally approve the arrangement and as long as the approval remains unrevoked the arrangement may be continued in lieu of the medical aid provided by this Act and the em-

ployer is entitled to such reduction in his rate of assessment as the Board deems just.

- (b) The Board, for the purpose of approving an arrangement referred to in paragraph (a), may take into consideration contributions voluntarily or by arrangement with workmen made by the employer to any relief or other association of which at least the majority of workmen of the employer are members.
- (c) Any arrangement or practice which was in force at the date this Act came into force and which has since been continued for providing medical aid for workmen in any industry, although at the expense of workmen, may be temporarily continued, unless otherwise ordered by the Board pending the adoption of such arrangement as may meet with the approval of the Board, and while the temporary arrangement or practice is so continued the Board is not liable to furnish medical aid to any workman entitled to medical aid under the arrangement or practice, unless in the opinion of the physician attending under the arrangement the personal injury requires immediate treatment by a dentist or by an eye, ear, nose or throat specialist, or unless skilled nursing services are required and are authorized by the Board.

(8) Nothing in this Act affects any obligation upon an employer under any other statute or any regulation made thereunder.

Statutory obligations unaffected.

(9) The Board may, in any industries in which it deems it proper, require employers to maintain such first aid appliances and service as the Board directs.

First aid appliances.

(10) When a workman has been so seriously injured within the meaning of this Act that he cannot continue at his regular work, the employer shall at his own expense as soon as reasonably possible after the accident obtain necessary medical aid or convey him to a place where he may receive medical aid, and the employer at his own expense shall, upon the happening of an accident to one of his workmen, provide immediate trans-

Medical aid or transportation at employer's expense.

portation to a hospital should that be necessary or to a place where proper or adequate medical aid can be given and shall also provide the giving of such medical aid as may be necessary to the injured workman upon the journey to the hospital or to that place.

Failure to
comply;
penalty.

(11) If an employer fails to comply with subsection (10), any person may obtain medical aid or convey the injured workman to a hospital or place referred to in that subsection and if the employer fails to pay the reasonable charges for obtaining the aid or for the conveyance the Board may pay the charges and the employer is liable to pay the Board double the amount so paid and the payment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

Further
benefits

(12) Where, in conjunction with or apart from the medical aid to which workmen are entitled free of charge, further aid or other service or benefit is or is proposed to be given or arranged for, any question arising as to whether or to what extent any contribution from workmen is or would be one prohibited by this Part shall be determined by the Board.

Reports by
physician, etc.

(13) Every physician, surgeon and hospital official attending, consulted respecting or having the care of any workman shall furnish to the Board from time to time without additional charge such reports as may be required by the Board in respect of the workman.

Where work-
man entitled
to aid
under Part V
Canada
Shipping Act.

(14) In the case of any workman employed as a master, mate, engineer, seaman, sailor, steward, fireman or in any other capacity on board of any vessel on which duty has been paid or is payable under Part V of the *Canada Shipping Act*, subsections (1) to (5) of this section do not apply to the workman during the period in respect of which the duty has been paid or is payable or during which the workman is entitled to medical and surgical attendance and other treatment under that Act.

Charges for
services to be
made to
Board only.

(15) A physician, surgeon or other person, entitled to be paid by the Board under this Part for any services performed or for any medicines or materials supplied, shall not make any charge against an injured workman, an employer or any person, other than the Board, for those services, medicines or materials.

(16) To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may in its discretion deem necessary or expedient, and the expense shall be borne out of the accident fund and may be collected in the same manner as moneys required to pay compensation or expenses of administration, but the total expenditures under this section shall not exceed fifteen thousand dollars in any calendar year.

Aid in getting workmen back to work.

19.—(1) Where, as a result of an injury, a workman is unable to return to his former employment or is able to do so only if he undergoes a period of training or re-training, the Board may take such measures and make such expenditures as it may in its discretion deem necessary or expedient to provide that workman with such academic or vocational training as in the opinion of the Board may be necessary to enable him to resume his former employment or to enter new employment.

Aid in training injured workmen.

(2) The expense of carrying out subsection (1) shall be borne out of the accident fund and may be collected in the same manner as money required to pay compensation or expenses of administration, but the total expenditures under this section shall not exceed seventy-five thousand dollars in any calendar year.

Expense to be borne out of accident fund.

(3) This section shall be deemed to have come into force on the first day of July, 1957.

Date deemed in force.

20.—(1) There shall be a Board to be known as The Workmen's Compensation Board consisting of three members to be called commissioners, and the Board shall administer this Act.

Constitution of Board

(2) The Lieutenant-Governor in Council shall appoint the members of the Board and shall designate one of them as chairman and another as vice-chairman.

Appointment of members and designation of chairman and vice-chairman.

21.—(1) If there is no chairman or the chairman is absent or unable to act, the vice-chairman shall act as and has all the powers of the chairman.

Powers of vice-chairman.

- Filling of vacancy. (2) Whenever a commissioner ceases to hold office the Lieutenant-Governor in Council shall appoint a person to fill the vacancy.
- Incapacity of commissioner. **22.**—(1) In the case of the illness or absence from Newfoundland of a commissioner or of his inability to act from any cause, the Lieutenant-Governor in Council may appoint some person to act for the time being in his stead, and the person so appointed has all the powers and shall perform all the duties of a commissioner.
- Application of subsection (1). (2) Subsection (1) applies in the case of the chairman of the Board as well as in the case of any other commissioner.
- Presumption as to vice-chairman. **23.** Where the vice-chairman appears to have acted for or instead of the chairman, it shall be conclusively presumed that he so acted for one of the reasons mentioned in subsection (1) of Section 21.
- Tenure of office. **24.** Each commissioner holds office during pleasure.
- Retirement of commissioners. **25.** Unless otherwise directed by the Lieutenant-Governor in Council, a commissioner shall cease to hold office when he attains the age of sixty-five years.
- Commissioners to devote whole time to duties. **26.**—(1) Each commissioner shall devote the whole of his time to the performance of his duties under this Act.
- Salaries. (2) The salaries of the commissioners shall be paid out of the accident fund and shall be fixed by the Lieutenant-Governor in Council.
- Quorum. **27.** Two commissioners constitute a quorum for meetings of the Board.
- Vacancies. **28.** A vacancy in the Board does not impair the authority of the two remaining commissioners to act.
- Witnesses; production of books and documents. **29.**—(1) The Board has the like powers as the Supreme Court for compelling the attendance of witnesses and of examining them under oath and compelling the production of books, papers.

documents and other things whether of the foregoing kind or not.

(2) A commissioner sitting alone has all the powers, rights and privileges which are vested in a stipendiary magistrate under The Summary Jurisdiction Act in respect of

Powers of a commissioner sitting alone.

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of the books required to be kept by an employer either by this Act or by the regulations; and
- (c) punishing persons guilty of contempt,

and a summons signed by a commissioner 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.

30. Subject to the approval of the Lieutenant-Governor in Council, the Board may acquire by purchase, gift or otherwise property of all kinds and may erect such buildings as it deems necessary for its purposes and may with like approval sell, lease or deal in any other manner with its property.

Board may hold and deal with property.

31.—(1) The Board may by regulations made in accordance with subsection (4) establish a pension scheme for the members, officers and employees of the Board providing for

Power to establish pension scheme for members, officers and employees of the Board.

- (a) the payment of a pension, annuity, allowance or gratuity to any of those members, officers and employees or to any of his beneficiaries or dependents on
 - (i) his retirement at a stated age or on account of permanent disability,
 - (ii) his illness or death before or after retirement, or
 - (iii) the termination from any cause whatsoever of his employment;

- (b) the grant of any other benefit whatsoever whether in cash or in services, to any of those members, officers and employees or to any of his beneficiaries or dependents; or
- (c) the payment or grant of any of the pensions, annuities, allowances, gratuities or benefits referred to in paragraphs (a) and (b); and
- (d) the terms and conditions upon which any of the pensions, annuities, allowances, gratuities or benefits referred to in paragraphs (a) and (b) will be paid or granted; and
- (e) the payment of contributions towards the pension scheme to be made by the Board and by any of the members, officers and employees of the Board to whom that scheme applies by virtue of the regulations and the amounts of the contributions.

Board may decide method of payment of pensions, etc., and do all necessary to give effect to decision.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Board

- (a) shall decide whether the pensions, annuities, allowances, gratuities or benefits made available under a pension scheme established under this section shall be paid or granted
 - (i) out of the current revenues of the Board,
 - (ii) by contract with Her Majesty in right of Canada under the *Government Annuities Act* (Canada),
 - (iii) by contract with an insurer authorized to carry on business in Newfoundland, or
 - (iv) by contract with Her Majesty in right of Newfoundland, or otherwise; and
- (b) may enter into any contract or undertaking and do all things necessary to give effect to a decision made in accordance with this subsection.

(3) The Board

- (a) may deduct or provide for the deduction by instalments from the salary, wages or other remuneration of a person to whom a pension scheme established under this section applies by virtue of regulations made under subsection (4) contributions payable by that person under the pension scheme and shall pay all instalments so deducted to the fund, person or company to which the contributions are payable under the pension scheme; and
- (b) shall pay out of the accident fund all contributions or other expenses payable by the Board under the pension scheme.

Board may deduct contributions from wages and pay contributions payable by Board.

(4) For the purposes of carrying out the objects of this section and giving full effect to its provisions according to their true intent the Board may, subject to the approval of the Lieutenant-Governor in Council, make such regulations as in its opinion are necessary or desirable to provide for the pension scheme and for any matter connected therewith for which no express provision has been made under this section or in respect of which only partial or imperfect provision has been made and in particular but without restricting the generality of the foregoing may

Regulations

- (a) provide for any of the matters referred to in subsection (1);
- (b) prescribe the class or classes of the members, officers and employees of the Board to which a pension scheme established under this section shall apply with or without giving to the members of any such class the right exercisable within a period to be prescribed in the regulations to elect to be excluded from the pension scheme;
- (c) provide for counting towards the pension of any person to whom the pension scheme applies, all or any part of the full time service with the Board done by that person before the pension scheme was established;

- (d) provide that the pension scheme shall take effect from any date occurring between the first day of April, 1959, and the date of the coming into effect of the regulations;
- (e) direct that all contributions in respect of service done before the first day of April, 1959, and counted for the purposes of a pension established under subsection (1) shall be paid by the Board out of the accident fund;
- (f) provide for the retirement of all employees of the Board on attaining the retirement age to be prescribed in the regulations or if they are unable to perform their duties owing to mental or physical incapacity;
- (g) prescribe different retirement ages for men and women employees; and
- (h) provide that employees who were of or over the age of sixty years on the first day of October, 1959, may defer their retirement until they attain the age of seventy years for men and the age of sixty-five years for women.

Publication and effective date of regulations.

(5) Regulations made under subsection (4) have effect from the date of publication in *The Newfoundland Gazette* or from such later date as may be prescribed by the regulations and the regulations shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session and, if not, then within fifteen days after the commencement of the next ensuing session.

Establishment of pension scheme for commissioners.

32.—(1) The Lieutenant-Governor in Council may establish a pension scheme for the award of a pension to every commissioner who is not eligible to receive a pension or gratuity under The Civil Service Act or under a pension scheme established pursuant to Section 31 or to his widow or both of them.

Pensions payable out of accident fund.

(2) Pensions awarded under a pension scheme established pursuant to this section shall be paid wholly out of the accident fund.

Contributions towards pension.

(3) In a pension scheme established pursuant to this section specific provision may be made requiring commissioners to pay

into the accident fund contributions towards their pensions but in the absence of such specific provision pensions shall be awarded and paid on a non-contributory basis.

(4) For the purposes of carrying out the objects of this section and giving full effect to its provisions according to their true intent, the Lieutenant-Governor in Council may make such regulations as in his opinion are necessary or desirable to provide for a pension scheme established pursuant to this section and for any matter connected therewith for which no express provision has been made under this section or in respect of which only partial or imperfect provision has been made and in particular, but without restricting the generality of the foregoing, may make regulations prescribing

Regulations.

- (a) the period of service to be done by a commissioner before a pension may be awarded to or in respect of him;
- (b) the remuneration of commissioners which may be taken into account in calculating pensions;
- (c) the basis for the determination of the amounts of pensions and the method for calculating those amounts;
- (d) the minimum and maximum amounts of pensions which may be awarded;
- (e) the contributions, if any, towards pensions to be paid by commissioners into the accident fund, the amounts of those contributions and the time and manner of payment;
- (f) all other terms and conditions upon which pensions shall be awarded and paid; and
- (g) providing for counting towards a pension all or any part of the full time service done by a commissioner before the pension scheme was established.

(5) Regulations made under subsection (4) have effect from the date of publication in *The Newfoundland Gazette* or from such later date as may be prescribed by the regulations and the regulations shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session and,

Date of coming into force of regulations.

if not, then within fifteen days after the commencement of the next ensuing session.

Interpretation. (6) For the purposes of this section "pension" includes a gratuity.

Offices in City of St. John's **33.** The offices of the Board shall be situated in the City of St. John's and its sittings shall be held there, except where it is expedient to hold sittings elsewhere, and in that case sittings may be held in any part of Newfoundland.

Board may regulate proceedings. **34.**—(1) The Board shall sit at such times and conduct its proceedings in such manner as it may deem most convenient for the proper discharge and speedy despatch of business, and in respect of any matter coming before the Board for decision, any employer, association, workman or dependent interested in the decision is entitled on application to a public hearing before the decision is made by the Board.

Notice. (2) Where there is a request for a public hearing under subsection (1), the Board shall give reasonable notice in writing, to any employer, association, workman or dependent requesting such hearing and to all other interested parties, as to the time and place of such hearing.

Service of notice. (3) The notice required by subsection (2) may be served by delivering it at or sending it by registered post to the place of business or the residence of the person to whom it is directed, or, where the notice is to be served on a corporation or an unincorporated body of persons, by delivering the notice at or sending it by registered post to the office, or if there are more offices than one, to any of the offices of the corporation or body of persons.

absolute right to counsel. (4) Any person, corporation or body of persons appearing before the Board at a hearing shall have an absolute right to appear and be represented by legal counsel.

Officers appointed by Lieutenant-Governor in Council. **35.**—(1) The Lieutenant-Governor in Council shall appoint a secretary, a chief medical officer and one or more assistant medical officers who shall perform such duties as the Board prescribes.

- (2) The persons appointed under subsection (1) shall hold office during the pleasure of the Lieutenant-Governor in Council. Tenure of office.
- (3) Subject to subsection (4), the Board shall appoint and prescribe the duties of such auditors, actuaries, accountants, inspectors, clerks and other servants, other than those referred to in subsection (1), as the Board deems necessary for carrying out the provisions of this Part. Board to appoint other servants.
- (4) The Board may make appointments under subsection (3) only to posts which the Board has established with the approval of the Lieutenant-Governor in Council. Posts to be approved by Lieutenant-Governor in Council.
- (5) The persons appointed under subsection (3) shall hold office during the pleasure of the Board. Tenure of office.
- (6) The Board shall fix the salaries of the persons referred to in subsections (1) and (3) in accordance with a scale approved by the Lieutenant-Governor in Council and may pay those salaries out of the accident fund. Salaries.
- 36.**—(1) The Board may act upon the report of any of its officers, and any enquiry which it deems necessary to make may be made by any one of the commissioners or by an officer of the Board or some other person appointed to make the enquiry, and the Board may act upon his report as to the result of the enquiry. Board may act upon report.
- (2) A person appointed under subsection (1) to make an enquiry has for the purposes of the enquiry all the powers conferred upon the Board by Section 29. Power of enquiry.
- 37.**—(1) Subject to Section 38 the Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or distinction is conferred upon the Board, and the action or decision of the Board is final and conclusive and is not open to question or review in a court of law and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or pro-
- Jurisdiction of Board.

ceedings in a court of law or be removable by certiorari or otherwise into a court of law.

Idem.

(2) Subject to Section 38 and without limiting the generality of subsection (1), the Board has exclusive jurisdiction to determine

- (a) whether an injury or death in respect of which compensation is claimed was caused by an accident;
- (b) the question whether an injury has arisen out of or in the course of an employment within the scope of this Part;
- (c) the existence and degree of disability by reason of an injury;
- (d) the permanence of disability by reason of an injury;
- (e) the degree of diminution of earning capacity by reason of an injury;
- (f) the amount of average earnings;
- (g) the existence, for the purpose of this Part, of the relationship of any member of the family of a workman as defined by this Act;
- (h) the existence of dependency;
- (i) whether, with respect to paragraph (1), of Section 2, a workman was, at the time of the marriage referred to in that paragraph, in such a condition of health as to justify him in having an expectation of living for at least one year thereafter;
- (j) whether or not an industry or any part, branch or department of an industry is within the scope of this Part, and the class to which an industry or any part, branch or department of an industry within the scope of this Part should be assigned;

(k) whether a workman in an industry is within the scope of this Part and entitled to compensation thereunder;

(l) whether any particular disease is peculiar to, or characteristics of, any particular industrial process, trade or occupation to which this Part applies.

(3) Nothing in subsection (1) or (2) shall be construed to prevent the Board from reconsidering any matter which has been dealt with by it or from rescinding, altering or amending any decision or order previously made by it.

Amendment
of order.

(4) The decisions of the Board shall be upon the real merits and justice of the case and it is not bound to follow strict legal precedent.

Decisions to
be on merits.

(5) No action for damages shall be brought in any court of law against the Board or a commissioner in respect of anything done by it or him beyond the jurisdiction as conferred by this Act if it was done in the *bona fide* belief that it was within its or his jurisdiction.

No action
against
Board or
members.

38.—(1) An appeal lies to the Supreme Court of Newfoundland from any order, ruling or decision of the Board involving any question

Appeal.

(a) as to the Board's jurisdiction;

(b) of law; or

(c) of mixed law and fact.

(2) The Board may, of its own motion, or upon the application of any party, and upon such security, if any, being given as the Board directs, state a case in writing for the opinion of the Supreme Court of Newfoundland upon any question which in the opinion of the Board is a question as to the Board's jurisdiction or a question of law, and a like reference may also be made at the request of the Lieutenant-Governor in Council, and the Supreme Court shall hear and determine the question or questions arising in a case so stated and remit the matter to the Board with the opinion of the Court thereon.

Stated case.

Judicature
Act and rules
of Supreme
Court to apply

39.—(1) Subject to this Act, The Judicature Act and the Rules of the Supreme Court of Newfoundland, so far as they can be applied and are not inconsistent with this Act, shall apply to every proceeding with respect to appeals and stated cases referred to in Section 38 in the same way and to the same extent as they, at the date of the coming into force of this section, relate to appeals to the Supreme Court of Newfoundland from District Courts under The District Courts Act and as they relate to stated cases.

Service of
documents
on Board.

(2) Any notice or other document required to be served on the Board may be served on the chairman or vice-chairman of the Board.

Notice to
persons
interested.

(3) The Supreme Court of Newfoundland has power, with respect to appeals and stated cases referred to in Section 38, to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing and such persons are entitled to be heard.

Procedure
on appeal.

(4) When an appeal is taken to the Supreme Court of Newfoundland under the provisions of Section 38, all proceedings shall, unless that Court otherwise directs, be taken and the question for that Court's consideration shall be determined as if that Court were conducting a hearing *de novo* into the matter or thing concerning which the order, ruling or decision of the Board appealed from was made.

Procedure
on stated case.

(5) When a case is stated for the opinion of the Supreme Court of Newfoundland under the provisions of Section 38, all proceedings shall, unless that Court otherwise directs, be taken and the question or questions arising therein be determined as if that Court were conducting a hearing *de novo* into the matter or thing concerning which the stated case arose.

Time of appeal.

40. An appeal to the Supreme Court of Newfoundland under the provisions of Section 38 shall be made within thirty days from the date of the order, ruling or decision appealed from.

41.—(1) The Board may

Powers of Board to invest funds.

- (a) invest any funds arising under this Part and any other moneys under its control in securities authorized by the laws of Newfoundland for the investment of trust funds and approved by the Minister of Finance and, subject to the like approval, sell any securities and reinvest the proceeds in securities so authorized and approved or use the proceeds for any other purposes authorized by this Act;
- (b) place any of its funds and moneys on deposit in a bank or banks approved by the Minister of Finance; and
- (c) with the approval of the Minister of Finance, borrow, by way of overdraft or otherwise, from any chartered bank such sums as, in the opinion of the Board, may be deemed expedient for the proper carrying out of the provisions of this Act.

(2) Where at any time there is not money available in the accident fund for payment of the compensation which has become due, the Lieutenant-Governor in Council may direct that the money be advanced out of moneys voted by the Legislature and in that case the amount advanced shall be repaid to the Minister of Finance at his request.

Advances for payment of compensation may be made out of moneys voted by the Legislature.

(3) The funds, investments and income of the Board are free from every form of taxation.

Funds free from taxation.

42.—(1) The Lieutenant-Governor in Council may appoint an auditor to audit the accounts of the Board and the remuneration of the auditor shall be paid by the Board.

Auditor.

(2) The Auditor General shall audit the accounts of the Board whenever he deems it expedient to do so.

Audit by Auditor General.

43.—(1) The Board shall on or before the first day of March in each year make a report to the Minister of Labour of its transactions during the next preceding calendar year and the report shall contain such particulars as the Lieutenant-Governor in Council may prescribe.

Board to report to Minister of Labour.

Minister to
table report.

(2) The Minister of Labour shall lay the report made to him under subsection (1) before the Legislature within fifteen days after it is made if the Legislature is then in session and, if not, then within fifteen days after the commencement of the next ensuing session.

Administration
expenses paid
out of accident
fund.

44. All expenses incurred in the administration of this Part shall be paid out of the accident fund.

Contribution
may be made
from moneys
voted by
the Legislature
towards admin-
istration
expenses.

45. To assist in defraying the expenses incurred in the administration of this Part, there may be paid to the accident fund out of moneys voted by the Legislature such annual sum not exceeding twenty-five thousand dollars as the Lieutenant-Governor in Council may direct and any sum so paid shall be repaid to the Minister of Finance at his request.

Scale of
compensation.

46.—(1) Where death of a workman results from an injury, the amount of compensation shall be

- (a) the necessary expenses of the burial of the workman not exceeding three hundred dollars and, where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding one hundred and twenty-five dollars for necessary extra expenses of the burial thus entailed;
- (b) where the widow or an invalid widower is the sole dependent a lump sum of two hundred dollars and thereafter a monthly payment of one hundred dollars;
- (c) where the dependents are a widow or an invalid widower and one or more children, a lump sum payment of two hundred dollars and thereafter a monthly payment of one hundred dollars, with an additional monthly payment of thirty-five dollars for each child under the age of sixteen years but a widow, entitled to compensation by reason of the death of her husband, or an invalid widower, entitled to compensation by reason of the death of his wife, is not entitled to any further compensation as a dependent of any other workman whose death results from an accident, and

any compensation payable to that widow or invalid widower in any capacity other than that of a widow or invalid widower shall cease when that widow or invalid widower becomes entitled to compensation as a widow or invalid widower;

- (d) where the dependents are children, a monthly payment of forty-five dollars to each child under the age of sixteen years; and
- (e) where compensation is not payable under paragraph (b), (c) or (d), and persons other than those mentioned in those paragraphs are dependents, a sum reasonable and proportionate to the pecuniary loss to those dependents occasioned by the death, to be determined by the Board.

(2) Where compensation is payable to or for a child under paragraph (c) or (d) of subsection (1) or under subsection (2) of Section 48, additional compensation is not payable with respect to that child by reason of the subsequent death from an injury of any person upon whom that child was wholly or partly dependent. Exception.

(3) Payments provided for in paragraph (e) of subsection (1) shall continue only as long as in the opinion of the Board it might reasonably have been expected that the workman, had he lived, would have continued to contribute to the support of the dependent. Duration of payments.

(4) Where there are both total and partial dependents the compensation payable under subsection (1) may be allotted partly to the total and partly to the partial dependents. Compensation to dependents.

(5) Exclusive of the expenses of burial and lump sum payment of two hundred dollars, the compensation payable under subsection (1) shall not in any case exceed three hundred and seventy-five dollars (\$375.00) a month, and if the compensation payable under that subsection would in any case exceed that amount it shall be reduced accordingly and where several persons are entitled to monthly payments the payments shall be reduced proportionately. Limit on amount of compensation payable.

Compensation for period between inquiry and death.

(6) Where death results from an injury or after an injury from any cause, any compensation payable with respect to any portion of the period between the date of the injury and the date of the death may be paid by the Board to the widow or to such dependents of the deceased workman as the Board may deem advisable and in case of minors or persons of unsound mind payment may be made in accordance with Section 58.

Death before payment of compensation.

(7) Any compensation payable under subsection (1) to a workman or dependent who dies before the compensation is paid may be paid to such member or members of the family of the deceased workman or dependent or to such person or persons caring or providing for the deceased workman or dependent prior to his or her death as the Board may deem advisable.

Continuance of existing household.

(8) Where a workman to whom this section applies does not leave a widow or where the widow of the workman dies, and in the opinion of the Board it is desirable to continue the existing household, and where an aunt or a sister of the workman or of the widow or other suitable person acts as foster mother in keeping up the household and maintaining and taking care of the children entitled to compensation in a manner which the Board deems satisfactory, the foster mother, while so doing, is entitled to receive the same monthly payments of compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of those payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive.

Application of rates.

(9) The amount of compensation provided for by subsections (1), (2) and (5) apply to all payments accruing from the first day of April, 1961, whether the accident in respect of which the payments accrue occurred before or after that date and whether or not any payments in respect of the accident were determined or paid before that date but nothing in this subsection entitles a person to claim additional compensation for any period of time before that date.

Provision of additional money.

(10) Where any additional money is necessary to provide for the increase of compensation in respect of accidents which happened before the first day of April, 1961, as provided for by Section 10 of The Workmen's Compensation (Amendment) Act,

1961, that money may be levied and collected from those employers who have been assessed in respect of the accident fund in such manner and at such times as the Board may deem equitable.

(11) Where a workman has had

Common law wife.

- (a) for the entire period of seven years immediately preceding his death a common law wife; or
- (b) during the entire period of two years immediately preceding his death a common law wife by whom he has had one or more children,

and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Part may, in the discretion of the Board, be paid to the common law wife until such time as she marries, but such common law wife is not entitled to any such compensation as a matter of right; and

- (c) for the purposes of this subsection the expression "dependent widow" means the woman who was the legal wife and a dependent of a workman immediately before his death; but
- (d) a dependent common law wife receiving compensation pursuant to this subsection may not be paid compensation for acting or claiming to act as a foster mother to the children of the deceased workman.

47.—(1) If a dependent widow marries, the monthly payments to her shall cease but she is entitled, in lieu of them, to a lump sum equal to the monthly payments for one year and the lump sum is payable within one month after the day of her marriage.

Where widow marries.

(2) This section does not apply to payments to a widow in respect of a child.

Exception.

48.—(1) Payments in respect of a child shall cease when the child attains the age of sixteen years or dies but compensation is payable to an invalid child without regard to the age of the

Respecting children's payments.

child and payment to the child shall continue so long as in the opinion of the Board it might reasonably have been expected that the workman, had he lived, would have continued to contribute to the support of the child.

Dependents remaining entitled to compensation.

(2) Where a payment to any one of a number of dependents ceases the remaining dependents are entitled to receive the same compensation as though they had been the only dependents at the time of the death of the workman.

Non-application of subsection (2).

(3) Subsection (2) does not apply where a payment ceases by reason of the remarriage of a widow.

Continuance of payment for education of child.

(4) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period for which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of twenty-one years.

Additional payments during illness of child.

(5) The Board may pay to a dependent child under the age of eighteen years or a dependent invalid child such additional amount on account of illness as it may see fit but the additional amount shall not exceed ten dollars per month during the duration of the illness.

Permanent total disability.

49. Where permanent total disability of a workman results from an injury, the amount of the compensation shall be a weekly or other periodical payment during the life of the workman

- (a) where the accident causing the injury occurred before the first day of April, 1956, equal to sixty-six and two-thirds per centum; or
- (b) where the accident causing the injury occurred on or after the first day of April, 1956, equal to seventy-five per centum,

of his average weekly earnings during the previous twelve months if he had been so long employed, but if he has not been

so long employed then for any less period during which he has been in the employment of his employer.

50.—(1) Where permanent partial disability of a workman results from an injury, the impairment of earning capacity of the workman shall be estimated from the nature and degree of the injury and the compensation shall be a weekly or other periodical payment during the life of the workman or such other period as the Board may fix of a sum proportionate to the impairment not exceeding in any case the like proportion of sixty-six and two-thirds per centum or seventy-five per centum, as the case may be, of his average weekly earnings ascertained in the manner provided by Section 49.

Permanent partial disability.

(2) Where the impairment of the earning capacity of the workman does not exceed ten per centum of his earning capacity, instead of such weekly or other periodical payment the Board shall, unless in the opinion of the Board it would not be to the advantage of the workman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the workman.

Where impairment up to 10% of earning capacity.

(3) The Board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations that may be used as a guide in determining the compensation payable in permanent partial disability cases.

Guide to compensation payable.

(4) Notwithstanding subsection (1), where the amount which the workman was earning before the accident has not been diminished, the Board may pay compensation in any case where the workman has suffered a permanent injury which, in the opinion of the Board, is capable of impairing his earning capacity.

Payment where injury may impair earning capacity.

(5) Where the Board deems it more equitable, the Board may award compensation for permanent partial disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly or other periodical payment of sixty-six and two-thirds per centum or seventy-five per centum, as the case may be, ascertained in the manner provided by Section 49, of such difference, and regard

Compensation may be based on difference in earnings before and after accident.

shall be had to the workman's fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

Saving. (6) Where a workman is receiving compensation for a permanent or temporary disability, he shall not receive compensation for any further or other disability in any amount that would result in his receiving in the aggregate compensation in excess of that payable for total disability.

Idem. (7) Where a workman has received a lump sum in lieu of the periodic payments that otherwise would have been payable for a permanent disability, he shall, for the purposes of subsection (6), be deemed to be still in receipt of the periodic payments.

Temporary total disability. **51.** Where temporary total disability of a workman results from an injury the compensation shall be the same as that provided for in Section 49 but it is payable only so long as the disability lasts.

Temporary partial disability. **52.** Where temporary partial disability of a workman results from injury the compensation shall be the same as that provided for in Section 50 but it is payable only as long as the disability lasts and subsection (2) of that section applies.

Minimum payments. **53.** Notwithstanding anything to the contrary contained in this Part, the amount of compensation to which an injured workman is entitled is not less than

(a) for temporary total disability

(i) where his average earnings are not less than twenty-five dollars a week, twenty-five dollars a week, and

(ii) where his average earnings are less than twenty-five dollars a week, the amount of those earnings,

and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earnings capacity; and

- (b) for permanent total disability where the workman is unable to engage in any gainful occupation
 - (i) where his average earnings are not less than one hundred and twenty-five dollars a month, one hundred and twenty-five dollars; and
 - (ii) where his average earnings are less than one hundred and twenty-five dollars a month, the amount of those earnings.

54. Notwithstanding anything to the contrary contained in this Part, in the case of workmen suffering injury by accident arising out of and in the course of the employment whilst doing rescue work in a mine after an explosion, accident, or catastrophe or in any other industry or the premises thereof during or immediately after a fire or other catastrophe, for the saving of human life, the compensation payable in that case shall be computed on the basis of one hundred per centum in lieu of the percentages otherwise provided in this Act.

Amount of compensation to be 100% of average earnings in certain cases.

55.—(1) In respect of an accident happening

- (a) before the first day of April, 1961, average earnings shall be computed in such manner as is best calculated to give the monthly or weekly rate at which the workman was remunerated, but not so as in any case to exceed the rate of three thousand dollars per annum;
- (b) on or after the first day of April, 1961, but before the first day of January, 1965, average earnings shall be computed in such manner as is best calculated to give the monthly or weekly rate at which the workman was remunerated, but not so as in any case to exceed the rate of four thousand dollars per annum;
- (c) on or after the first day of January, 1965, but before the first day of July, 1969, average earnings shall be computed in such manner as is best calculated to give the monthly or weekly rate at which the workman was remunerated, but not so as in any case to exceed the rate of five thousand dollars per annum; and

Manner of computing average earnings.

(d) on or after the first day of July, 1969, average earnings shall be computed in such manner as is best calculated to give the monthly or weekly rate at which the workman was remunerated, but not so as in any case to exceed the rate of six thousand dollars per annum.

In case of shortness of service or its casual nature.

(2) Where, owing to the shortness of the time during which the workman was in the employment of his employer or the casual nature of his employment or the term of it, it is impracticable to compute the rate of remuneration as of the date of the accident regard may be had to the average weekly or monthly amount which during the twelve months previous to the accident was being earned by a person in the same grade employed at the same work by the same employer or if there is no person so employed then by a person in the same grade employed in the same class of employment and in the same locality.

Where two or more employers.

(3) Where the workman has entered into concurrent contracts of service with two or more employers under which he worked at one time for one of them, at another time for another of them, his average earnings shall be computed on the basis of what he would probably have been earning if he had been employed solely in the employment of the employer for whom he was working at the time of the accident.

Manner of employment by same employer.

(4) Employment by the same employer means employment by the same employer in the grade in which the workman was employed at the time of the accident uninterrupted by absence from work because of illness or any other unavoidable cause.

Special payments not part of earnings.

(5) Where the employer was accustomed to pay the workman a sum to cover any special expenses entailed on him by the nature of his employment that sum shall not be reckoned as part of his earnings.

Board may award compensation in certain cases.

(6) Where in any case it seems more equitable, the Board may award compensation, having regard to the earnings of the workman at the time of the accident.

Deductions from compensation.

56.—(1) In fixing the amount of a weekly or monthly payment regard shall be had to any payment, allowance or benefit which the workman may receive from his employer during the

period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

(2) Where compensation is payable any sum deducted from the compensation under subsection (1) may be paid to the employer out of the accident fund.

Payments to employer out of accident fund.

57.—(1) Where any workman or dependent is entitled to compensation he shall file with the Board an application for the compensation, together with the certificate of the attending physician, if any, and such further or other proofs of his claim as may be required by the Board.

Application for compensation.

(2) Every physician or surgeon attending or consulted upon any case of injury to any workman shall furnish or cause to be furnished from time to time such reports and in such form as may be required by the Board in respect of the injury.

Reports by physicians, etc.

(3) Every physician in attendance upon an injured workman shall give all reasonable and necessary information, advice and assistance to enable the workman or his dependents, as the case may be, to make application for compensation and to furnish such proofs as may be required by the Board.

Idem.

(4) Every employer shall, within three days after the happening of an accident to a workman in his employment by which the workman is disabled from earning full wages or by reason of which the workman is entitled to medical aid, notify the Board in writing of

Report by employer.

- (a) the happening of the accident and nature of it;
- (b) the time when the accident happened;
- (c) the name and address of the workman;
- (d) the place where the accident happened;
- (e) the name and address of the physician or surgeon, if any, by whom the workman was or is attended for the injury; and

(f) other particulars, if any, required by the Board.

Further reports
by employer.

(5) Every employer shall make such further and other reports respecting the accident and workmen as may be required by the Board.

Notice of
accident to be
given as soon
as possible.

(6) Compensation is not payable unless

(a) notice of the accident is given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured; and

(b) the claim for compensation is made within six months from the happening of the accident or in case of death within six months after the date of death.

What notice
shall contain.

(7) The notice given under subsection (6) shall give the name and address of the workman and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

How notice may
be served.

(8) The notice given under subsection (6) may be served by delivering it at or sending it by registered post to the place of business or the residence of the employer, or, where the employer is a body of persons incorporated or unincorporated, by delivering the notice at or sending it by registered post to the employer at the office or, if there are more offices than one, at any of the offices of the body of persons.

Effect of failure
to give notice.

(9) Failure to give the notice or to make the claim in accordance with subsection (6) or any defect or inaccuracy in a notice does not bar the right to compensation where in the opinion of the Board the employer was not prejudiced thereby and the Board is of opinion that the claim for compensation is a just one and ought to be allowed.

Offence.

(10) An employer who does not comply with subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

58.—(1) Payments of compensation shall be made in such manner and in such form as may appear to the Board to be most convenient, and in the case of minors or persons of unsound mind payments may be made to such persons as in the opinion of the Board are best qualified in all the circumstances to administer the payments, whether or not the person to whom the payment is made is the legal guardian of the minor or person of unsound mind.

Payments of compensation; how made.

(2) If a person entitled to compensation is committed to a mental hospital or to any jail, penitentiary, or place of detention, compensation is not payable for the period of confinement but the Board may pay the whole or any part of the compensation so withheld to any dependent or dependents of the person so confined or to such other persons as in the opinion of the Board are best qualified in all the circumstances to administer the payments.

Persons committed to institution.

(3) In the case of a child under sixteen years of age coming within subsection (2), any compensation payable to the child may in the discretion of the Board be paid to the institution to which the child has been committed.

Child under sixteen.

59.—(1) The Board may in its discretion commute the whole or any part of the payments of compensation due or payable to the workman or any beneficiaries for a lump sum in lieu of the payments and the lump sum shall be applied as directed by the Board.

Lump sum.

(2) The Board may in its discretion instead of paying any compensation payable in a lump sum divide the compensation into periodical payments.

Periodical payments.

(3) Where, in any case in the opinion of the Board, it will conserve the accident fund to provide a special surgical operation or other special medical treatment for a workman and the provision of the operation or treatment by the Board is, in the opinion of the Board, the only means of avoiding heavy payment for disability, the expense of the operation or treatment may be paid out of the accident fund.

Special operation or treatment.

Where person entitled to compensation leading immoral or improper life.

60.—(1) Where the Board is of the opinion that any person entitled to compensation is leading an immoral or improper life, the Board may, after due investigation, withhold or suspend compensation for such period as the Board deems proper and where compensation is so withheld or suspended it shall be paid to the other dependents, if any, or such of the other dependents as the Board deems advisable.

Where likely to use compensation in gambling, etc.

(2) Where the Board is of opinion that a workman entitled to compensation is likely to use the money in gambling or otherwise than for the benefit of his wife or his children or persons dependent upon the workman, the Board in its discretion may withhold or suspend the payment of compensation for such period as the Board deems advisable.

Payment of compensation withheld.

(3) Where compensation is withheld under subsection (2) the Board may in its discretion pay the compensation or any portion thereof to the wife or children of the workman entitled to compensation or to any person who was or any persons who were at the time of the accident dependent upon the workman, or may pay the compensation to a trustee appointed by the Board to be expended for the benefit of the workman, his wife or children or persons dependent upon him.

Board may withhold payments with respect to death of child unlawfully employed.

(4) The Board may withhold compensation payable to a parent with respect to the death of any child under the age of fourteen years where the employment of the child was unlawful by virtue of any statute.

Board's power to review.

61.—(1) The Board may re-open, rehear, redetermine, review or readjust any claim, decision or adjustment, either because an injury has proven more serious or less serious than it was deemed to be, or because new evidence relating to the claim, decision or adjustment has been presented to it, or because a change has occurred in the condition of an injured workman or in the number, circumstances or condition of dependents or otherwise.

Increase of periodical payment.

(2) Where an injured workman was under twenty-one years of age at the date of the accident which caused the injury and the review under subsection (1) takes place more than six months after the accident, the amount of a periodical payment

may be increased to the sum to which he would have been entitled if his average earnings had at the date of the accident been equal to what, if he had not been injured, he would probably have been earning at the date of the review.

62.—(1) The Board may from time to time require a workman applying for or receiving compensation to submit to medical examination by the Board or its duly appointed officer and, in default of the requirement being complied with, may withhold the compensation.

Workmen
subject
to medical
examination.

(2) The Board may from time to time require such proof as it deems necessary of the existence and condition of any dependents in receipt of compensation.

Proof of exist-
ence and con-
dition of
dependents.

ACCIDENT FUND AND ASSESSMENT.

63. Compensation shall be paid out of the accident fund.

Accident fund.

64.—(1) For the purpose of creating and maintaining the accident fund the Board shall in its discretion divide into classes all industries within the scope of this Part.

Industries shall
be classified.

(2) The Board may by regulation re-arrange the classes of industry provided for in subsection (1) and transfer any industry to any other class.

Re-arrangement
by regulation.

(3) The Board shall assign every industry within the scope of this Part to its proper class and, where any industry includes several departments assignable to different classes, the Board may assign the industry to the class of its principal or chief department or may divide the industry into two or more departments, assigning each to its proper class.

Assignment of
any industry
to proper class.

65.—(1) The Board shall every year assess and levy upon and collect from the employers in each class by an assessment rated upon the payroll, or otherwise as the Board may deem proper, sufficient funds to meet all claims payable during the year and in case an employer refuses or neglects to furnish a payroll statement or estimate the Board may make its own estimate of the amount of the payroll of the employer for the purpose of making a provisional assessment, but in cases where

Levying of
assessments.

an employee of an incorporated company is a shareholder in the company and is remunerated in whole or in part for his services with a share of profits and the employer does not return to the Board what the Board considers to be a reasonable sum for the earnings of the employee the Board may make such addition to the actual payroll of the employer as it deems just and reasonable to represent the earnings of the employee.

Provision of additional moneys.

(2) Notwithstanding the repeal of the Acts hereinafter mentioned in this subsection (2), the increases of compensation provided for by

- (a) Sections 11, 12 and 14 of The Workmen's Compensation (Amendment) Act, 1966-67, the Act No. 58 of 1966-67;
- (b) Section 2 of The Workmen's Compensation (Amendment) Act, 1968, the Act No. 24 of 1968; and
- (c) Section 5 of The Workmen's Compensation (Amendment) Act, 1969, the Act No. 59 of 1969,

shall continue to apply and any additional moneys necessary to provide for the increases of compensation consequent on the provisions of any of the said sections shall continue to be levied and collected from those employers that have been assessed in respect of the accident fund in such manner and at such times as the Board may deem equitable.

Assessment where contractor sub-lets.

(3) Where an employer is a contractor and sub-lets the whole or any part of the work to a subcontractor, the Board may determine the percentage of assessment of each such employer on the price agreed upon for the work done by him instead of upon his payroll.

Separate accounts to be kept.

66. Separate accounts shall be kept of the amounts collected and expended in respect of every class and of every fund set aside by way of reserve, but for the purpose of paying compensation the accident fund is nevertheless deemed one and indivisible.

Assessment for reserves.

67.—(1) The Board may, in addition to the amount actually required in each class for the year, assess, levy and collect from the employers in any class surcharges to be set aside as reserves

- (a) by way of providing a special fund out of which may be paid any increase in the capitalization of periodical compensation payments payable in future years, or any portion thereof, if, in the opinion of the Board, any such increase cannot otherwise be provided without placing an undue burden on the employers in any class;
- (b) by way of setting up a reserve fund to be used to meet such part of the cost of claims of workmen suffering enhanced disabilities, because of similar or other disabilities previously suffered, as in the opinion of the Board is the result of the previous disabilities; or
- (c) for the purpose of raising a special fund to be used to meet the loss arising from any disaster or other circumstances which in the opinion of the Board would unfairly burden the employers in any class.

(2) The Board may, in respect of any industry or class where it is deemed expedient, assess, levy and collect in each year a sufficient amount to provide capitalized reserves which are deemed sufficient to meet the periodical payments accruing in future years in respect of all accidents during each year.

Capitalized reserves.

(3) Where classes are re-arranged in accordance with Section 64 the Board may make such adjustment and disposition of the funds, reserves and accounts of the classes affected as it may deem just and expedient.

Adjustment.

68.—(1) Every employer shall pay into the accident fund such assessments as may be levied by the Board and if an assessment or any part thereof is not fully paid in accordance with the terms of the levy the Board has a right of action against the employer in respect of any amount unpaid, together with costs of the action.

Powers of Board respecting assessments.

(2) Assessments may be made in such manner and form and at such times and by such procedure as the Board may deem adequate and expedient and may be general as applicable to any class or subclass or special as applicable to any industry or part or department of an industry.

How assessments may be made.

Security
may be
required.

(3) Where an employer engages in any industry within the scope of this Part, the Board, if it is of the opinion that the industry is to be carried on only temporarily, may require the employer to pay, or to give security for the payment to the Board of, a sum which in the opinion of the Board may be sufficient to pay all assessments that the Board may make with respect to that industry, and the payment of the sum may be enforced in accordance with Section 80.

Default by
employer.

(4) In any case where an employer defaults in the payment of an assessment and an execution issued upon a judgment entered with respect to the assessment is returned with a certificate from a sheriff or his deputy that he was unable to satisfy the execution in full and the employer continues to carry on an industry within the scope of this Part in which workmen are employed, a judge of the Supreme Court, upon an application made on behalf of the Board by chambers summons, without the issue of any writ or the commencement of any action, may restrain the employer from carrying on any industry within the scope of this Part until the amount due on the execution and all assessments made by the Board and the costs of the application are paid.

Notice of
amount of
assessment.

69. The Board shall give notice to each employer, in such manner as may be deemed by the Board proper and sufficient, of the amount of the assessment due from time to time in respect of his industry and the time when those assessments are due and payable.

Employer to
pay without
demand.

70. Notwithstanding any provision of this Part respecting estimates of payrolls and notice to employers, every employer, without demand from the Board, shall cause to be paid to the Board the full amount of every assessment assessed or levied in accordance with this Part.

Classification
of rates.

71.—(1) The Board may establish such subclassification differentials and proportions in the rates as between the different kinds of employment in the same class as it may deem just.

Rates need not
be uniform.

(2) It is not necessary that the assessment upon the employers in a class or subclass be uniform but it may be fixed or graded in relation to the hazard of each or of any of the industries in-

cluded in the class or subclass, and for that purpose the Board may adopt a system of merit rating.

72. If in any class the estimated assessments prove insufficient, the Board may make such further assessments and levies as may be necessary or may temporarily advance the amount of any deficiency out of any reserve and may add that amount to any subsequent assessment.

Additional assessments.

73. Assessments may, whenever the Board deems it expedient, be collected in half-yearly, quarterly or monthly instalments or otherwise, and where it appears that the funds in any class are sufficient for the time being the Board may abate any instalment or defer its collection.

When assessments may be collected.

74.—(1) In each year, as soon as the necessary information is obtained, the amount of the assessment for the preceding calendar year shall be adjusted upon the actual requirements of the class and upon the correct ascertained payroll of each industry and the employer shall upon demand of the Board forthwith make up and pay to the Board any deficiency or the Board shall refund to the employer any surplus or credit the surplus upon the succeeding assessment as the case may require.

How assessments adjusted

(2) If an employer dies intestate and no written notice is given to the Board within three months after the death of the employer that administration of his estate has been granted, the Board may pay to the widow of the deceased employer any money that otherwise would be payable to the employer, if the amount is less than one hundred dollars, and if there is no widow the amount may be paid to any members of the family.

Payments to representatives.

(3) Subject to subsection (1) and to Section 75, an employer who has ceased to be an employer has no right or title to or interest in the accident fund and by ceasing to be an employer he shall be deemed to have released and discharged the Board from all actions, proceedings, claims, accounts and demands in respect of the accident fund.

Effect of ceasing to be employer.

75. Where in any industry a change of ownership or employership has occurred and any assessment in respect thereof remains in whole or in part unpaid at the time of that change,

Where change of ownership.

the Board may levy any part of the unpaid amount or the amount due upon any assessment on either or any of the successive owners or employers, or pay or credit to any one or more of those owners or employers such surplus as the case may require, but as between or amongst those successive owners or employers the assessment in respect of that employment shall, in the absence of an agreement between the respective owners or employers determining the assessment, be apportionable, as nearly as may be, in accordance with the proportions of the payrolls of the respective periods of ownership or employment.

Adjustment
of payroll.

76. In computing and adjusting the amount of the payroll of an industry, regard shall be had only to such portion of the payroll as represents workmen and work within the scope of this Part, and where the workman has been paid

- (a) in respect of employment before the first day of April, 1961, more than at the rate of three thousand dollars per annum;
- (b) in respect of employment on or after the first day of April, 1961, but before the first day of January, 1965, more than at the rate of four thousand dollars per annum;
- (c) in respect of employment on or after the first day of January, 1965, but before the first day of July, 1969, more than at the rate of five thousand dollars per annum; and
- (d) in respect of employment on or after the first day of July, 1969, more than at the rate of six thousand dollars per annum,

the excess shall be deducted from the amount of the payroll and the assessment shall be based on the payroll as so reduced.

Statements to
be furnished
by employers.

77.—(1) Every employer shall, on or before a date to be fixed by the Lieutenant-Governor in Council or whenever thereafter he shall have become an employer within the meaning of this Act, or whenever required from time to time by the Board so to do, cause to be furnished to the Board a statement show-

ing an estimate or estimates of the probable amount of the payroll together with such further and other information as may be required by the Board for the purpose of assigning the industry carried on by the employer to the proper class and of making the assessment hereunder, and shall likewise at or after the close of each calendar year, or at such other times and in such form as may be required by the Board, furnish a certified statement of his payroll, verified by statutory declaration, for the purpose of enabling the Board to adjust and compute the amount of assessment in accordance with Section 74.

(2) Every employer shall keep in such form and with such detail as may be required for the purpose of this Act careful and accurate accounts of all wages paid to his employees and those accounts shall be kept within Newfoundland and shall be produced, on request, to the Board and its officers.

Employers to keep account of wages paid.

(3) Where the business of the employer embraces more than one branch of business or class of industry the Board may require separate statements to be made as to each branch or class of industry and the statements shall be furnished and verified in accordance with subsection (1).

Separate statements as to branches, etc.

(4) If an employer does not furnish to the Board the statements referred to in subsections (1) and (3) within the prescribed time the Board may base any assessment or supplementary assessment thereafter made upon him on such sum as in its opinion is the probable amount of the payroll of the employer and the employer is bound thereby, but if it is afterwards ascertained that the amount is less than the actual amount of the payroll the employer is liable to pay to the Board the difference between the amount for which he was assessed and the amount for which he would have been assessed on the basis of his payroll.

Failure to furnish statements.

(5) If an employer does not comply with subsection (1), (2) or (3) or if any statement made pursuant to subsection (1) or (3) is not a true and accurate statement of any of the matters required to be set forth in it the employer for every such non-compliance and for every such statement is liable on summary conviction to a fine not exceeding five hundred dollars and default or delay in furnishing any such statement or insufficiency

Penalty for default in furnishing statements

of estimate of expenditures for wages also renders the employer liable to pay an additional percentage of assessment or to pay interest, as fixed by the Board.

Every person to make return when required.

(6) Every person, though not an employer, or not an employer carrying on an industry within the scope of this Part, shall, whenever required, make a return to the Board stating whether he has or has not employed workmen during any period since the coming into operation of this Act that the Board may designate, and if he has employed workmen he shall state in the return the nature of the industry in which they were employed and furnish such other information as the Board may require.

Reports required from persons engaged in lumbering, logging, etc.

78.—(1) Persons engaging in any of the industries of lumbering, logging, sawmilling, the planing or processing of lumber, the manufacture of lumber or lumber products, including ties, shingles, laths and other products of the forest, shall advise the Board within ten days after commencing to engage in any such industry and at the same time, and at other times if and when required by the Board to do so, shall furnish the Board with such particulars of their operations in those industries or any of them as the Board or its officers or agents may require.

Deemed to be employer unless Board exempts.

(2) If a person referred to in subsection (1) considers himself or his operations or proposed operations outside the scope of this Part he shall nevertheless be deemed to be an employer to whom and to whose operations this Part applies unless within ten days after commencing to engage in the operations he applies to the Board for a declaration that his operations are outside the scope of this Part and that he is exempt from assessment in respect thereof and the Board has declared accordingly.

Board may extend time for making application for exemption.

(3) The Board may, where in its opinion the circumstances so warrant, extend the time for the making of an application under subsection (2).

Unpaid assessment.

79.—(1) An employer who does not pay an assessment or a special assessment at the time when it becomes payable is liable to pay and shall pay as a penalty for his default such a percentage upon the amount unpaid as may be prescribed by the regulations or may be determined by the Board and the per-

centage may be added to the amount of the assessment and payment enforced in accordance with Section 80.

(2) Any employer who refuses or neglects to make or transmit any payroll return or other statement required to be furnished by him under Sections 77 and 78 or who refuses or neglects to pay any assessment, special or supplementary assessment, or the provisional amount of any assessment, or any instalment or part thereof, or who refuses or neglects to report to the Board his estimate of payroll, shall, in addition to any penalty or other liability to which he may be subject, pay to the Board the full amount or capitalized value, as determined by the Board, of the compensation payable in respect of all accidents to workmen in his employ which happened during the period of his default and also all medical aid payable in respect of those accidents and the payment of any amount under this subsection may be enforced in the same manner as the payment of an assessment may be enforced, but the amount payable under this subsection shall not exceed an amount which the Board considers just or reasonable under all the circumstances.

Failure to
furnish
statements.

(3) The Board, if satisfied that a default referred to in subsection (2) was excusable, may in any case relieve the employer in whole or in part of liability under this section.

Relief of
liability.

(4) Except insofar as relieved of liability by the Board, the full amount or capitalized value of compensation payable in respect of an accident to a workman whose wages have not been fully reported to the Board, as required by this Part, shall be paid by the employer and payment of such amount may be enforced in the same manner as an assessment may be enforced.

Full compen-
sation payable
by employer
where wages not
fully reported.

80. Where default is made in the payment of an assessment or special assessment or any part of it the Board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it and the person by whom it was payable and the certificate or a copy of it certified by the secretary of the Board to be a true copy may be filed with the clerk of a District Court or with a magistrate and when so filed shall become an order of that Court or the magistrate, as the case may be, and may be enforced as a judgment of the Court

Board may
issue certificate
when payment
in default.

or the magistrate against that person for the amount mentioned in the certificate.

Examination of employer's books.

81. The Board, a commissioner, an officer of the Board or any person authorized by the Board for the purpose has the right to examine the books and accounts of the employer and to make such other enquiry as the Board may deem necessary for the purpose of ascertaining whether any statement furnished to the Board under Sections 77 and 78 is an accurate statement of the matters which are required to be stated therein or of ascertaining the amount of the payroll of any employer or of ascertaining whether any industry or person is within the scope of this Part.

Commissioner or officer may take affidavits

82. The Board, a commissioner and every officer or person authorized by it to make examination or enquiry under Section 81 has power and authority to require and to take affidavits, affirmations or declarations as to any matter of that examination or enquiry and to take statutory declarations required under Section 77, and in all such cases to administer oaths and affirmations and to take declarations and to certify to the same having been made.

Board or other officer may enter premises.

83.—(1) The Board, a commissioner or any officer or person authorized by it for that purpose has the right at all reasonable hours to enter into the establishment of an employer who is liable to contribute to the accident fund and the premises connected with it and every part of them for the purpose of ascertaining

- (a) whether the ways, works, machinery or appliances therein are safe, adequate, and sufficient;
- (b) whether all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises;
- (c) whether the safety appliances or safeguards prescribed by law are used and employed therein; or
- (d) for any other purpose which the Board may deem necessary for the purpose of determining the proportion in

which the employer should contribute to the accident fund.

(2) An employer or any other person who obstructs or hinders the making of any inspection referred to in subsection (1) or who refuses to permit that inspection to be made is liable on summary conviction to a fine not exceeding five hundred dollars.

Obstructing Board or officer.

84.—(1) Subject to subsection (2) an officer of the Board or a person authorized to make an enquiry under this Part shall not divulge or allow to be divulged, except in the performance of his duties or under the authority of the Board, any information obtained by him or which has come to his knowledge in making or in connection with an inspection or enquiry under this Part.

Information to be secret.

(2) Notwithstanding the provisions of subsection (1), the Board may, in its absolute discretion, permit the divulging, to legal counsel representing any person seeking compensation or representing any other interested party, of any information referred to in the said subsection or other information contained in any of the records or files of the Board.

Information may be given to legal counsel.

LIABILITY FOR ASSESSMENT.

85. Where any work within the scope of this Part is performed under contract for any municipal corporation or public service commission, any assessment in respect of that work may be paid by the corporation or commission as the case may be and the amount of the assessment deducted from any moneys owing to the contractor in respect of the work.

Municipal corporation may deduct assessment from moneys due contractor.

86.—(1) Where any work within the scope of this Part is undertaken for any person, hereinafter called the principal, by a contractor, both the principal and contractor are liable for the amount of an assessment in respect thereof and the assessment may be levied upon and collected from either of them, or partly from one and partly from the other of them, but in the absence of any term in the contract to the contrary the contractor is as between himself and the principal primarily liable for the amount of the assessment.

Liability for assessment where work done by contractor.

Liability for assessment where work done by subcontractor.

(2) Where any work within the scope of this Part is performed under a subcontract, the principal, the contractor and the subcontractor are liable for the amount of any assessment in respect of the work, and the assessment may be levied upon and collected from any of them, or partly from one and partly from the other or others of them, but in the absence of any term in the subcontract to the contrary the subcontractor is primarily liable for the amount of the assessment.

Procedure where a contractor or subcontractor has not been assessed.

(3) Any contractor or subcontractor who has not been assessed with respect to the work carried on by him as such contractor or subcontractor, and any workman of such contractor or subcontractor, may be deemed by the Board to be a workman of the principal or, at the option of the Board, the workmen of a subcontractor may be deemed by the Board to be workmen of the contractor with respect to any industry within the scope of this Part, but in the absence of any term in the contract or subcontract to the contrary the principal is entitled to recover from the contractor the amount or proportionate part of any assessment paid by the principal with respect to the contractor or his workmen or with respect to the subcontractor or his workmen and the contractor is entitled to recover from the subcontractor the amount or proportionate part of any assessment paid by the contractor with respect to the subcontractor or his workmen.

Principal may withhold assessment from moneys payable to contractor.

(4) In any case where a principal is or may become liable for an assessment with respect to work carried on by a contractor, the principal is entitled to withhold from any moneys payable to the contractor such amount as the Board may estimate as the probable amount for which the principal is or may become liable and in any action that the contractor may bring against the principal the principal has the right to set off the amount against the contractor and the contractor is not entitled to recover from the principal any portion of the amount, but after the final adjustment by the Board of the amount due with respect to the work carried on by the contractor the contractor is entitled to any amount still remaining in the hands of the principal after payment of the amount due the Board.

Interpretation as between contractor and subcontractor.

(5) As between a contractor and subcontractor the contractor is for the purposes of this section deemed a principal and the subcontractor a contractor.

87. In the case of work or service performed by an employer in any of the industries within the scope of this Part for which the employer would be entitled to a lien under The Mechanics' Lien Act, the owner shall see that any sum which the employer is liable to contribute to the accident fund is paid, and if the owner fails to do so he is personally liable to pay it to the Board and the Board has the like powers and is entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment.

Liability of owner under Mechanics' Lien Act for contribution of employer to accident fund.

88.—(1) There shall be included among the debts which, under The Companies Act and The Trustees Act, are, in the distribution of the property in the case of an assignment or death or in the distribution of the assets of a company being wound up under those Acts respectively, to be paid in priority to all other debts the amount of any assessment the liability wherefor accrued before the date of the assignment or death or before the date of the commencement of the winding-up and those Acts have effect accordingly.

Assessment to be included as debt, etc.

(2) The amount of any assessment and of the cost, if incurred, of recording a certified copy of the assessment in the Registry of Deeds, and any judgment with respect to the assessment are a first lien upon all the property, real, personal or mixed, used in or in connection with or produced in or by the industry with respect to which the employer is assessed though not owned by the employer, subject only to municipal taxes, mechanics' lien or any other lien under an enactment of Newfoundland where the lien is to secure wages of a workman, and the amount levied under execution upon any such judgment to the extent of the amount due upon such execution shall forthwith be paid by the Sheriff or his deputy to the Board.

Lien for assessment.

(3) Any real estate of an employer that may not be otherwise bound by or subject to a lien created by this Part is bound to the same extent as a registered judgment or mortgage by an assessment made under this Part against the employer from the date of the lodging of a certified copy of the assessment in the Registry of Deeds and any judgment entered with respect to the assessment binds the property from the date of the lodging of the assessment so certified.

Real estate bound by assessment.

Registrar of Deeds to record assessment.

(4) The Registrar of Deeds shall record the copy of assessment.

Definition.

(5) For the purposes of subsection (2) the words "amount of any assessment" and "any judgment with respect to the assessment" include any percentage payable under subsection (1) of Section 79 and the amount due upon any certificate or copy filed in accordance with Section 80.

Board may make regulations.

89.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make such regulations as may be deemed requisite for the due administration and carrying out of the provisions of this Part and may prescribe the form and use of such payrolls, records, reports, certificates, declarations and documents as may be requisite.

Effective date of regulations.

(2) Regulations made under subsection (1) have effect from the date of publication in *The Newfoundland Gazette* or from such other date as may be specified in the regulations.

Board may prescribe penalties.

90. Subject to the approval of the Lieutenant-Governor in Council the Board may by regulation prescribe penalties for the violation of any of the provisions of this Act or of any rules, regulations or orders made under the authority of this Act.

Collection of penalties.

91. The penalties imposed in the regulations are recoverable by action in the name of the Board or payment of the penalties may be enforced in the same manner as the payment of an assessment may be enforced and the penalties when collected shall be paid over to the Board and shall form part of the accident fund.

ASSOCIATIONS.

Association rules binding.

92.—(1) Where an association makes rules for the prevention of accidents in the industry represented by the association, the rules are, if approved by the Board, binding on all the employers included in the class, subclass or group represented by the association whether or not the employers are members of the association,

(2) Where an association under the authority of its rules appoints one or more inspectors, engineers or experts for the purpose of accident prevention, the Board may pay the salaries and necessary expenses of those inspectors, engineers or experts out of the accident fund and charge those salaries and expenses to the account of the proper class, subclass or group.

Board may pay salary and expenses of inspectors, etc.

(3) The Board may on the application of an association make an allowance to the association to meet any expenses of the association and pay the allowance out of the accident fund and charge the allowance to the account of the class, subclass or group represented by the association.

Board may make allowance to association.

INDUSTRIAL DISEASES.

93.—(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependents are entitled to compensation as if the disease were a personal injury by accident and the disablement were the happening of the accident, subject to the modifications mentioned in this section, unless at the time of entering into the employment he had wilfully and falsely represented himself as not having previously suffered from the disease.

Certain industrial diseases deemed accidents.

(2) If a workman referred to in subsection (1) at or immediately before the date of the disablement was employed in any process mentioned in the second column of the Schedule hereto and the disease contracted is the disease in the first column of the Schedule set opposite to the description of the process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

Presumption as to disease being due to nature of employment.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations adding to the Schedule to this Act any disease and process not included therein by this Act and this Act applies to the Schedule as amended by any such regulations as if the amendment was incorporated in the Schedule by this Act.

Additions to Schedule.

Right to compensation in respect of disease to which this section does not apply is not affected.

(4) Nothing in this section affects the right of a workman to compensation in respect of a disease to which this section does not apply if the disease is the result of an injury in respect of which he is entitled to compensation under this Part.

Board may order medical examination.

(5) The Board may from time to time by order in writing require any workman in any employment to undergo a medical examination for the purpose of determining whether the workman is affected with an industrial disease or, if so affected, the progress of the disease.

Failure of workman to undergo examination.

(6) Whenever any workman required under this section to undergo a medical examination fails or refuses so to do the employer of the workman shall not continue or maintain the workman in his employ until the workman has undergone the medical examination so required.

Penalty.

(7) An employer who violates subsection (6) is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

Recovery of costs of medical examination.

(8) The Board may by action recover from the employer of a workman all or any portion of the costs incurred for or in connection with a medical examination of the workman under this section.

Interpretation.

94.—(1) In this section "committee" means a committee of medical referees constituted and appointed under this section.

Constitution of committee.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Board may constitute a committee of medical referees consisting of three members for the purpose of investigating and determining, in relation to any claim made by a workman or the dependents of a deceased workman, the nature of any disease named or described in the first column of the Schedule and its relationship to any of the processes described in the second column of the Schedule opposite the disease so named or described, and a committee may be constituted to make such investigation and determination in respect of any number of claims based on death or disability or both alleged to be caused by that disease.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board shall appoint the members of every committee and shall designate one of them as chairman, and the three members of the committee shall be specialists in the disease for the investigation of which the committee was constituted.

Appointment
of member-
ship of
committee.

(4) A committee has all of the powers conferred on a Commissioner by Section 3 of The Public Enquiries Act and the power of the Board under Section 93 to require the workmen concerned to undergo a medical examination.

Power of
committee.

(5) A committee shall conduct such investigations and receive such evidence as it considers necessary for the determination of the questions referred to it by the Board.

Duties of
committee.

(6) A committee shall report to the Board its findings on the nature of the disease and its relationship to any of the processes described in the second column of the Schedule opposite the name or description of the disease and where a workman is examined shall certify to the Board

Report by
committee.

- (a) the condition of the workman;
- (b) his fitness for employment;
- (c) if unfit, the cause of his unfitness;
- (d) the extent of his temporary or permanent disability by reason of the disease in respect of which he has claimed compensation; and
- (e) any other matters which in the opinion of the Board or the committee may be pertinent to the claim,

and where the claim is made by the dependents of a deceased workman the committee shall certify to the Board

- (f) the cause of the workman's death;
- (g) the opinion of the committee as to the reasonableness of the inference that the workman died from the disease;

(h) whether the disease is related to any of the processes described in the second column of the Schedule opposite the name or description of the disease; and

(i) all other matters which may, in the opinion of the Board or the committee, be pertinent to the claim.

Decision of committee final as to medical evidence.

(7) The report of a committee shall be made in writing and delivered promptly to the Board and the decision of the committee or any two of its members is final and binding on the Board and the claimant as to the medical findings in the case.

Cost of investigation.

(8) The cost of the investigations conducted by a committee shall be paid out of the accident fund,

(a) as a charge on the industries allocated under this Act to the same class as that of the employer of the workman, if the claim is accepted; and

(b) as part of the administrative expenses of the Board, if the claim is denied.

Regulations.

(9) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations providing for any matter or thing which appears to be necessary or advisable for the effectual operation of this section.

ADDITIONAL POWERS OF BOARD.

Additional powers of Board.

95.—(1) In addition to other powers given to the Board by this Act, the Board may

(a) investigate from time to time employments and places of employment within Newfoundland and determine what suitable devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all employments or places of employment;

(b) determine what suitable devices or other reasonable means or requirements for the prevention of industrial diseases shall be adopted or followed in any or all employments or places of employment;

- (c) make regulations of general or special application which may apply to both employers and workmen for the prevention of accidents and the prevention of industrial diseases in employments or places of employment;
- (d) establish and maintain places in which shall be exhibited safety devices, safeguards and other means and methods for the protection of the life, health and safety of workmen, and publish and distribute bulletins on any phase of the subject of accident prevention;
- (e) cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their workmen and the general public in regard to first aid and in regard to the causes and prevention of industrial accidents, industrial diseases and related subjects;
- (f) appoint advisory committees, on which employers and workmen shall be represented, to assist the Board in establishing reasonable standards of safety in employments and to recommend regulations; and
- (g) charge any class, subclass or employer with the cost of any expenditure made under this Act for the benefit of that class, subclass or employer, including the cost of investigations, inspections and other services rendered for the prevention of accidents.

(2) Before the adoption of any regulations referred to in paragraph (c) of subsection (1), the Board may hold a conference with a committee of not more than five employers representative of the industries that would be affected by the regulations and a committee of an equal number of workmen engaged in the industries to consider the advisability of adopting the regulations.

Board may confer on regulations with employers and workmen.

96.—(1) Where, in any employment or place of employment, safety appliances or devices are in the opinion of the Board necessary for the prevention of accidents or disease, the Board may order the installation or adoption of those appliances or devices and may fix a reasonable time within which they shall

Board may order installation of safety devices.

be installed or adopted, and the Board shall give notice thereof to the employer and the employer shall post or cause to be posted in a conspicuous place in the place of employment a copy of the notice, and the notice shall remain so posted until the order has been complied with and the employer so notifies the Board and the Board has authorized its removal.

When failure to install safety devices or where danger exists Board may order close down of place of employment.

(2) In any case where safety appliances or devices are by order of the Board required to be installed or adopted or are prescribed by the regulations and the employer fails, neglects or refuses to install and adopt the safety appliances or devices in any employment or place of employment to the satisfaction of the Board, or where under the circumstances the Board is of the opinion that conditions of danger exist in any employment or place of employment which would be likely to result in injury to any person, the Board may in its discretion order the employer forthwith to close down the whole or any part of the employment or place of employment and the industry carried on therein and the Board shall notify the employer of the order and a copy of the order, to be provided by the Board, shall, if the Board so requires, be posted by the employer in a conspicuous place upon the employer's premises.

No abridgement of powers and duties of Department of Health or boards of health.

(3) Nothing contained in subsection (1) takes away or abridges any of the powers and duties of the Department of Health or boards of health, constituted under The Department of Health Act or The Health and Public Welfare Act.

Report to Department of Health.

(4) The Board or any commissioner or any officer appointed by it shall forthwith report to the Department of Health any breach of The Health and Public Welfare Act or regulations made thereunder.

Penalty.

(5) Every employer who fails to comply with an order made by the Board under subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars, and each day's continuance of such failure constitutes a new and separate offence.

GENERAL.

97.—(1) An employer shall not for the purpose of any industry within the scope of this Part commence the operation of or operate any mine, plant or establishment which has not been in operation for the period of seven months last preceding and in which power-driven machinery is used, until leave therefor is obtained from the Board in accordance with this section.

Leave to operate required in certain cases.

(2) Application for leave for the purpose of subsection (1) shall be made to the Board in writing signed by the employer and stating that the plant or establishment is ready for operation and upon receipt of the application the Board or a commissioner or some other person appointed by the Board shall make an inspection of the plant or establishment and if on the inspection the plant or establishment is found to be reasonably free from danger to persons employed therein the Board shall grant leave for the operation of the plant or establishment, but pending inspection the Board may by a temporary permit grant leave to the employer to operate the plant or establishment.

Application for leave; inspection.

(3) Every person who commences the operation of or operates any mine, plant or establishment contrary to this section is guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars or more than one thousand dollars for each day on which the mine, plant or establishment is so operated.

Penalty.

98. This Part does not apply to farm labourers or domestic or menial servants or their employers but the Board, upon the application of an employer, may upon such terms and conditions as the Board may impose admit the industry in which those labourers or servants are employed, and in case of the admission and while the admission is in force the industry and the workmen and servants engaged therein are within the scope of this Part and are subject to this Part and regulations made by the Board.

Persons not within scope of Part I; may be admitted.

PART II.

99. Subject to Section 103, Sections 100, 101 and 102 apply only to the industries to which Part I does not apply and to the

Application of Part II.

workmen employed in those industries but outworkers and persons whose employment is of a casual nature and who are employed otherwise than for the purpose of their employer's trade or business and persons affected by subsections (1) and (4) of Section 5 who are employed in industries within the scope of Part I are not by this section excluded from Sections 100, 101 and 102.

Liability for defective ways, works, machinery, etc.

100.—(1) Where personal injury is caused to a workman by reason of any defect in the condition or arrangement of the ways, works, machinery, plant, buildings or premises connected with or intended for or used in the business of his employer or by reason of the negligence of his employer or any person in the service of his employer acting within the scope of his employment, the workman or, if the injury results in death, the legal personal representative of the workman and any person entitled in case of death have an action against the employer.

Damages which workman may recover.

(2) If an action under subsection (1) is brought by the workman referred to in that subsection he is entitled to recover from the employer referred to in that subsection the damages which the workman sustained by or in consequence of the injury caused to him.

Damages which personal representative may recover.

(3) If an action under subsection (1) is brought by the legal personal representative of the workman referred to in that subsection or by or on behalf of persons entitled to damages under The Fatal Accidents Act that representative or those persons are entitled to recover such damages as he or they are entitled to under that Act.

Liability of person supplying defective ways, works, machinery, etc.

(4) Where the execution of work is being carried into effect under a contract and the person for whom the work is done owns or supplies any ways, works, machinery, plant, building or premises, and by reason of any defect in the condition or arrangement of them personal injury is caused to a workman employed by the contractor or by a subcontractor and the defect arose from the negligence of the person for whom the work or any part of it is done or of some person in his service and acting within the scope of his employment, the person for whom the work or that part of the work is done is liable to the action as if the workman had been employed by him and for that purpose

is deemed to be the employer of the workman within the meaning of this Act, but any such contractor or subcontractor is liable to the action as if this subsection had not been enacted but not so that double damages are recoverable for the same injury.

(5) Nothing in subsection (4) affects any right or liability of the person for whom the work is done and the contractor or subcontractor as between themselves.

Right or liability not affected.

(6) A workman shall not by reason of his continuing in the employment of the employer with knowledge of the defect or negligence which caused his injury be deemed to have voluntarily incurred the risk of the injury.

Effect of continuance in employment after knowledge.

101. A workman is deemed not to have undertaken the risks due to the negligence of his fellow-workmen and contributory negligence on the part of a workman is not a bar to recovery by him or by any person entitled to damages under The Fatal Accidents Act in an action for the recovery of damages for an injury sustained by or causing the death of the workman while in the service of his employer for which the employer would otherwise have been liable.

Certain common law rules abrogated.

102. Notwithstanding Section 101, contributory negligence on the part of a workman shall be taken into account in assessing the damages in an action referred to in that section.

Contributory negligence to be considered in assessing damages.

103. This Part does not apply to farm labourers, domestic or menial servants, fishermen or to their employers.

Persons not within scope of Part II.

PART III.

104.—(1) Notwithstanding its partial repeal by the Act No. 25 of 1950, The Workmen's Compensation Act, 1948, the Act No. 30 of 1948, as amended by the Act No. 35 of 1949, and The Workmen's Compensation Act (1948) (Amendment) Act, 1964, the Act No. 67 of 1964 apply to the master and members of the crew, who are workmen within the meaning of that Act, of a fishing ship within the meaning of that Act and to their employers.

Application of Workmen's Compensation Act, 1948, to fishermen.

- Idem. (2) Subsection (1) may be repealed as from a date fixed by proclamation of the Lieutenant-Governor in Council.
- Idem. (3) The repeal of subsection (1) does not affect the operation of the said Act in respect of accidents happening before the first day of April, 1951.
- Act does not apply to accidents happening before April 1st., 1951. **105.** This Act does not apply to accidents happening before the first day of April, 1951.
- Interpretation. **106.**—(1) In this section “committee” means a committee appointed under subsection (2).
- Appointment and duties of review committee. (2) The Lieutenant-Governor in Council shall at least once in every five years from the first day of May, 1959, appoint a committee of at least three members which shall review, consider, report and make recommendations to the Lieutenant-Governor in Council upon such matters respecting this Act and the regulations and the administration of each as the committee deems fit and upon any other of those matters which the Lieutenant-Governor in Council or the Minister may refer to the committee.
- Order appointing committee. (3) The Lieutenant-Governor in Council shall, when appointing a committee,
- (a) designate one member of the committee to be the chairman and another member to be the vice-chairman of the committee;
 - (b) fix the quorum for meetings of the committee; and
 - (c) prescribe the period within which or the time before which the committee shall report or make its recommendations to the Lieutenant-Governor in Council.
- Expenses and remuneration of members. (4) Each member of the committee shall be paid any expenses which he actually incurs in the performance of his duties as a member of the committee and which in the opinion of the Minister are reasonable and each member, not being an employee of the Government of Newfoundland, may be paid for his ser-

vices such remuneration, if any, as the Lieutenant-Governor in Council fixes.

(5) The Minister of Labour shall provide such technical, clerical and other assistance as may reasonably be necessary to assist the committee and fix the rates of remuneration which shall be paid for that assistance.

Technical
and other
assistance.

(6) The Board shall, out of the accident fund, pay the expenses and remuneration of members of the committee provided for in subsection (4) and bear the cost of the technical, clerical and other assistance provided for in subsection (5).

Board to pay
expenses, etc.

(7) The chairman and, in the absence of the chairman, the vice-chairman of the committee have the powers which may be conferred upon a Commissioner under Section 2 of The Public Enquiries Act and which a Commissioner has under subsection (1) of Section 3 of that Act and subsections (2) and (3) of Section 3 of that Act apply to persons required to give evidence before the committee.

Application of
The Public
Enquiries Act.

SCHEDULE

Description of Disease	Description of Process
Ankylostomiasis	Mining.
Anthrax	Handling of wool, hair, bristles, hides or skins.
Arsenic poisoning or its sequelae	Any process involving the use of arsenic or its preparations or compounds.
Benzol poisoning	Any process involving the use of benzol.
Blisters (infested)	Any process involving continuous friction, rubbing or vibration causing blisters or abrasions.
Brass or zinc or nickel poisoning or its sequelae	Any process involving the use of nickel or brass or melting or smelting of zinc.
Bursitis	Any process involving continuous rubbing, pressure, or vibration of the parts affected.
Bursitis (acute) over the elbow (Miners' beat elbow)	Mining.
Cancer	Arising from the manufacture, handling or use of pitch or tar.
Carbon bisulphide poisoning or its sequelae	Any process involving the use of carbon bisulphide or its preparations or compounds.
Carbon dioxide poisoning or its sequelae	Any process involving the evolution of carbon dioxide.
Carbon monoxide poisoning or its sequelae	Any process involving the evolution of carbon monoxide.
Cellulitis (subcutaneous) of the hand, (Miners' beat hand)	Mining.
Cellulitis (subcutaneous) over the Patella (Miners' beat knee)	Mining.
Chrome poisoning	Any process involving the use of chromium or its compound.
Compressed air illness or caison disease	Any process carried on in compressed air.
Dermatitis (venenata)	Any process involving the use or direct contact with acids and alkalies or acids and oils capable of causing dermatitis (venenata).
Frost-bite	Any process.

Description of Disease	Description of Process
Inflammation of the synovial lining of the wrist joint and tendon sheaths	Mining or any other process involving continuous pressure or vibration of the parts affected.
Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
Nitrous fumes poisoning or its sequelae	Any process in which nitrous fumes are evolved.
Pneumoconiosis	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal.
Phosphorous poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.
Retinitis	Electro-welding or acetylene welding.
Seal finger	Handling of seals or any of the products thereof.
Silicosis	Mining.
Stone workers' or grinders' phthisis	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal.
Carcinoma or malignant disease arising from radiation	Any process, employment or occupation wherein radiation, X-Rays or radioactive materials or substances are involved.



CHAPTER 404

An Act Respecting Prohibition of Payment of Wages of Workmen in Goods or Otherwise than in Money

1. This Act may be cited as The Workmen's Wages Act.

Short title.

2. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

Interpretation.

- (a) "contract" includes any agreement, understanding, device, contrivance, collusion or assignement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and workman are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them;
- (b) "employer" means all masters, foremen, managers, clerks, and other persons engaged in the hiring, employment or superintendence of the labour or work of any workman and shall include a body of persons corporate or unincorporate;
- (c) "order for goods" means any coupon, certificate or other document in writing which may be exchanged for goods at a shop or warehouse kept by or belonging to the employer issuing such coupon, certificate or other document;
- (d) "wages" means any money or other thing had or contracted to be paid, delivered or given as a recom-

pense, reward or remuneration for any labour or work done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain.

- (e) "workman" means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour or clerical work whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any labour or work, but does not include a domestic servant or a logger as defined by Section 2 of The Logging Act, or a shareman when engaged in the prosecution of a fishing voyage and to whom The Masters and Servants Act relates.

How wages shall be payable in contracts of hiring.

3. In all contracts hereafter to be made for the hiring of any workman or for the performance by any workman of any labour or work the wages of such workman shall be made payable in lawful money of Canada or, with the consent of the workman, by cheque payable on demand drawn upon a chartered or incorporated bank doing business in Newfoundland or partly in such money and partly by such cheque, and not otherwise, and if in any such contract the whole or any part of such wages shall be made payable in any manner other than as aforesaid, such contract shall be and is hereby declared illegal, null and void.

Contracts of hiring not to stipulate manner of expending wages.

4. If in any contract hereafter to be made between any workman and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due to any such workman shall be laid out or expended, such contract shall be and is hereby declared illegal, null and void.

Manner of payment of wages.

5. Subject to any deductions permitted by this or any other Act, the entire amount of wages earned by or payable to any workman in respect of any labour or work done by him shall

be actually paid to such workman in lawful money of Newfoundland or, with the consent of the workman, by cheque payable on demand drawn upon a chartered or incorporated bank doing business in Newfoundland or partly in such money and partly by such cheque, and not otherwise; and subject as aforesaid every payment made to any workman by his employer of or in respect of any such wages by the delivery to him of goods or otherwise than in such money or, with the consent of the workman, by such cheque or partly in such money and partly by such cheque, shall be and is hereby declared illegal, null and void.

6. Whenever by agreement, custom or otherwise a workman is entitled to receive in anticipation of the regular period of payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of discount or interest or any similar charge.

Advance of wages to be paid without discount.

7. Every workman shall be entitled to recover from his employer in a court of competent jurisdiction as much of his wages as has not been paid to him in the manner provided by this Act.

Recovery of wages not paid as provided by Act.

8. In any action brought by a workman for the recovery of his wages, the employer shall not, save in the case of goods in respect of which deductions from wages are permitted by this Act, be allowed to make any set-off or counterclaim in respect of any goods had or received by the workman as or on account of his wages or in reward for his labour or work or by reason or in respect of any goods sold, delivered or supplied to such workman at any shop or warehouse kept by or belonging to such employer or in the profits of which such employer shall have any share or interest.

No set-off or counterclaim for goods supplied on account of wages.

9. Save in the case of goods in respect of which deductions from wages are permitted by this Act, no employer of any workman shall be entitled to sue such workman for or in respect of goods supplied to such workman by such employer whilst in his employment as or on account of his wages or reward for his labour or work or for or in respect of goods supplied to such workman at any shop or warehouse kept by

No action by employer for goods supplied on account of wages.

or belonging to such employer or in the profits of which such employer shall have any share or interest.

No claim, set-off or counterclaim for goods supplied under order of employer.

10. In any action brought by a workman for the recovery of his wages, the employer shall not, save in the case of goods or orders for goods in respect of which deductions are permitted by this Act, be entitled to any set-off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer or any agent of the employer, and the employer of a workman or any agent of the employer or any person supplying goods to the workman under any order or direction of such employer or agent shall not, save in the case of goods or orders for goods in respect of which deductions from wages are permitted by this Act, be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under any such order or direction, as the case may be.

No contracts with workman respecting expenditure of wages or dismissal by reason thereof.

11. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment or refuse employment to any workman for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages at any time paid by the employer to such workman are or is or have or has been expended or fail to be or to have been expended, and no employer shall refuse employment to any person as a workman for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages to become payable by the employer to such workman shall be or fail to be expended.

Where cheques to be encashable.

12.—(1) In each case in which payment is made by cheque drawn upon a chartered or incorporated bank doing business in Newfoundland or partly by such cheque, such cheque shall be encashable at par without deduction at an office of the employer, or at a branch of the bank upon which it is drawn, at or within five miles of the place where the workman is employed: Pro-

vided that this subsection shall not apply in case an agreement between an employer and a trade union representing the workman provides that payment or part payment of wages may be made by such cheque so encashable at an office of the employer, or at a branch of the bank upon which it is drawn, situate more than five miles from the place where the workman is employed.

(2) Receipt by a workman of a cheque as payment or part payment of wages shall not be deemed to be such payment or part payment if such cheque, when presented at the office of the employer or the branch of the bank upon which it is drawn, is dishonoured.

Cheques
conditional
payment.

13. Nothing in this Act contained shall extend or be construed to extend to prevent any employer of any workman, or any agent of any such employer, from supplying or contracting to supply to any such workman any medicine or medical attendance or any materials, tools, implements or working clothes to be by such workman used in his trade or occupation or any fuel for any engine or machine, or any hay or other provender for any horse or other beast of burden, to be by such workman used in his trade or occupation, or from demising to any workman the whole or any part of any tenement at any rent to be thereon reserved with or without any other consideration by way of premium whether by lump sum payment or by instalments or from selling to any workman any land or building or from supplying or contracting to supply to any such workman any victuals dressed or prepared under the roof of any such employer and there or about the employer's premises consumed by such workman, or from making or contracting to make any stoppage or deduction from the wages of any such workman for or in respect of any such medicine, medical attendance, materials, tools, implements, working clothes, fuel, hay, provender, rent, or other consideration, land, building or victuals or for or in respect of any money advanced to any such workman for any such purpose as aforesaid: Provided that such stoppage or deduction shall not exceed the real and true value of such materials, tools, implements, working clothes, fuel, hay and provender and shall not be in any case made from the wages of any such workman unless the agreement or contract for such stoppage or deduction shall be in writing and signed by such workman.

Certain
deductions
permissible.

Certain other deductions permissible.

14. Nothing in this Act contained shall extend or be construed to extend to prevent any employer from deducting from the wages of any workman any amount payable under any valid legal or equitable assignment or any written order of the workman not in any such case made for the benefit of the employer, or any amount payable otherwise than to the workman under process or by operation of law, or any amount to be paid for educational, religious, charitable or patriotic purposes, if the authority for the payment for any of the aforementioned purposes is in writing signed by the workman or the payment is made with the written approval of a trade union of which such workman is at the time of such approval or such payment a member or is made pursuant to any resolution passed at a meeting of the majority of workmen employed at the time of such meeting and such approval has not been revoked or such resolution has not been amended or rescinded by subsequent resolution passed at a similar meeting.

Deductions under terms of mortgage or security.

15. Nothing in this Act contained shall be construed to prejudice or affect any mortgage or security made or given by the workman for or on account of an amount in respect of which a deduction from the wages of a workman is permitted by this Act; nor to prevent any employer from deducting from the wages of any workman any amount which the employer is by any terms of any mortgage or security made or given by the workman or by any agreement supplementary thereto authorized to deduct, if the deduction so authorized is for or on account of an amount in respect of which a deduction from the wages of a workman is permitted by this Act.

Certain deductions permitted in towns established by employer.

16. Nothing in this Act contained shall extend or be construed to extend to prevent any employer who has established any town in connection with the operations of such employer from levying in respect of any land, dwelling house or other building held by any workman within the limits of such town any rates for water service, fire protection or other town service provided by such employer which by law or by contract such employer is entitled to levy or from deducting from the wages of the workman any amounts from time to time due and owing in respect of such rates.

17. Nothing in this Act contained shall extend or be construed to extend to prevent any employer from advancing to any workman the amount of his travelling expenses to his place of employment, or from advancing to any workman any money to be by him contributed for savings to any Department of the Government of Newfoundland, or to any industrial, provident, co-operative or friendly society, or to any bank duly established according to law, or from advancing to any such workman any money for provision of a dwelling house or furniture or fuel or food or clothing for himself, his parents, wife or children or for their relief in sickness or for the education of any child or children of such workman or for the discharge of any indebtedness incurred by such workman in respect of such provision, relief or education, or from deducting or contracting to deduct any sum or sums of money so advanced from the wages of such workman.

Deductions
for certain
advances.

18. Nothing in this Act contained shall extend or be construed to extend to prevent any employer from supplying to any workman employed by such employer any goods voluntarily purchased by such workman from a shop or warehouse kept by or belonging to such employer or any order for goods voluntarily purchased by such workman from his employer, or from performing or supplying or contracting to perform or supply or causing to be performed or supplied for or to any workman any work or service voluntarily requested by him, or from deducting from the wages of the workman any amounts from time to time due and owing in respect of such goods or orders for goods so purchased or such work or service so requested: Provided that such deduction shall not exceed the real and true value of such goods or order for goods or work or service and that, in the case of such purchase of goods, the employer shall immediately deliver to the workman a saleslip showing the various items purchased and the price of each item where the cost thereof is known to the employer and that, in the case of performance or supply of work or service, a statement of the cost thereof shall be set forth in writing in the contract or shall as soon as practicable after its completion or from time to time during its currency be delivered to the workman.

Respecting
goods or orders
for goods
voluntarily
purchased or
work or services
voluntarily
requested.

Monthly
payment
of wages.

19. Subject to any deductions permitted by this or any other Act, all wages shall be paid to every workman at intervals of not more than one month, and, save in the case of a workman engaged in clerical work, the employer shall at the time of such payment deliver or cause to be delivered to the workman a statement showing the period in respect of which the wages are being paid, the rate of pay of the workman and all deductions which are being made from such wages.

Offences and
penalties.

20. If any employer, by himself or by the agency of any other person or persons, or any agent of an employer shall directly or indirectly enter into any contract or make any payment by this Act declared illegal, or shall contravene or fail to comply with any of the foregoing provisions of this Act, such employer or agent shall be guilty of an offence against this Act and shall on summary conviction be liable for the first offence to a fine not exceeding fifty dollars or, in default of payment, to imprisonment for a period not exceeding one month and for a subsequent offence to a fine not exceeding one hundred dollars or, in default of payment, to imprisonment for a period not exceeding two months.

Liability of
agents and
other persons.

21.—(1) Where an offence for which an employer is by virtue of this Act liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

Employer
may exempt
himself on
conviction
of offender.

(2) Where an employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer, proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

22.—(1) The Lieutenant-Governor in Council may by Order in Council, and subject to any conditions therein contained, exempt from the operation of this Act or any of the provisions thereof any employer in respect of workmen engaged in any labour or work in such Order specified or in respect of all workmen either indefinitely or for such time as may be limited by such Order.

Exemption
from provisions
of Act.

(2) The power conferred by this section shall be construed as including power to vary or revoke any Order made thereunder.

Power to
vary or
revoke Orders.

(3) Every Order made under this section shall be published in *The Newfoundland Gazette* and shall take effect as from the date of publication or such other date, if any, as shall be prescribed in such Order.

Publication
of Orders.



CHAPTER 405

An Act to Establish the Newfoundland and Labrador Youth Administration

1. This Act may be cited as The Youth Administration Act. Short title.
2. In this Act Interpretation.
 - (a) “Administration” means the Newfoundland and Labrador Youth Administration established by this Act;
 - (b) “agreement” means an agreement entered into under this Act;
 - (c) “amateur sport” means any athletic activity that is engaged in solely for recreation, fitness or pleasure and not as a means of livelihood;
 - (d) “Assistant Director” means the Assistant Director of the Administration;
 - (e) “Council” means the Newfoundland and Labrador Youth Advisory Council established under this Act;
 - (f) “cultural activities” includes music, drama, ballet, visual arts, literary arts and crafts;
 - (g) “Deputy Minister” means the Deputy Minister of Education and Youth;
 - (h) “Director” means the Director of the Administration;
 - (i) “fitness” means the physical and mental condition of an individual that enables him to function at his best in society;

(j) "Minister" means the Minister of Education and Youth; and

(k) "recreational activities" includes the planned use of all available resources, including finances, leadership, areas and facilities, to meet the needs of residents of the province for recreation during their leisure hours.

ADMINISTRATION.

Minister to administer Act.

3. The Minister is charged with the administration of this Act.

ESTABLISHMENT OF ADMINISTRATION.

Creation of Administration.

4. There is hereby established an agency which shall be known as the Newfoundland and Labrador Youth Administration.

Director and Assistant Director.

5.—(1) For the conduct of the business of the Administration, the Lieutenant-Governor in Council may appoint

(a) an officer called the Director; and

(b) an officer called the Assistant Director.

Director to be head of Administration.

(2) Subject to the Minister, the Director shall be the head of the Administration and shall hold office during pleasure.

Assistant Director to be assistant head of Administration.

(3) The Assistant Director shall be the assistant head of the Administration and shall hold office during pleasure.

Absence of Director.

(4) If there is no Director or the Director is absent, the Assistant Director or, if there is no Assistant Director or the Assistant Director is absent, an officer or clerk designated by the Minister has the powers and shall perform the duties of the Director.

Other employees.

(5) Subject to the approval of the Lieutenant-Governor in Council, such other officers, clerks and employees may be appointed or employed by the Minister as are necessary for the proper conduct of the business of the Administration.

(6) The Director, Assistant Director and all other officers, clerks and employees of the Administration shall be paid such rates of remuneration as the Lieutenant-Governor in Council may approve and shall receive the same benefits with respect to pensions and leave and be subject to the same terms and conditions of service as are applicable to employees of departments of Government in equivalent categories.

Status of Director, Assistant Director and other employees.

6. Notwithstanding Section 5, the Lieutenant-Governor in Council may by order designate any person who, immediately before the coming into force of this Act, was an officer, clerk or employee in any department of Government, to fill any position in the Administration and, upon such designation, that person shall be deemed to have been transferred to the Administration.

Transfer of members of staff of Government departments.

7. Where, in this Act, any powers are vested in or any responsibilities are entrusted to the Minister, they shall, in the absence of the Minister, be deemed to be vested in and entrusted to the Deputy Minister.

Deputy Minister to act in absence of Minister.

8. The expenditures of the Administration, including the remuneration of staff, shall be met by the Minister of Finance, on the request of the Minister, out of the Consolidated Revenue Fund of the province from such funds as may be voted annually for the purpose by the Legislature.

Finances of Administration.

9.—(1) The Administration shall have an official seal which shall be officially and judicially noticed.

Seal.

(2) Whenever the official seal of the Administration is used, it shall be authenticated by the signature of the Minister, or in the absence of the Minister, by the signature of the Deputy Minister, or if there is no Deputy Minister or the Deputy Minister is absent, by the signature of the Director, or if there is no Director or the Director is absent, by the signature of the Assistant Director.

Application of seal.

POWERS, FUNCTIONS AND DUTIES OF ADMINISTRATION.

10. The powers, functions and duties of the Administration extend to and include all matters relating to the encouragement, promotion, establishment, development, co-ordination and im-

Powers, functions and duties of Administration.

plementation of amateur sport, fitness, recreational and cultural activities for the benefit of the youth of the province and such other youth services and programmes as the Lieutenant-Governor in Council may by order prescribe.

Certain
specific
powers of
Administration.

11. For the purposes of this Act and without limiting the generality of Section 10, the Administration may, with the approval of the Minister,

- (a) extend financial assistance by way of loans or grants to incorporated and unincorporated communities, youth agencies and groups, sports governing bodies and other organizations and to individuals;
- (b) promote, operate and conduct or assist in the promotion and operation of training centres, workshops, seminars, leadership training courses, courses of instruction, conferences, exhibitions and related activities;
- (c) enquire into, initiate, promote, supervise, assist or implement any proposal, plan, project, activity, programme or undertaking associated or connected with the objects of this Act;
- (d) assist, co-operate with or enlist the aid of any person or groups of persons interested in furthering the objects of this Act;
- (e) undertake or assist in surveys, arrange public meetings, prepare and distribute information, establish advisory services and promote publicity campaigns;
- (f) provide for the recognition of achievement in respect of fitness, amateur sport or cultural activities by the award of citations, certificates, trophies or other symbols of merit; and
- (g) incur such expenditures or do such other things or exercise such other powers as are necessary or desirable for carrying out the purposes of this Act.

Agreements.

12.—(1) The Minister may

- (a) subject to the approval of the Lieutenant-Governor in Council, enter into agreements with the Government of Canada or any agency thereof providing for the payment to the province of contributions in respect of the cost of any projects or programmes undertaken by the Administration in carrying out the objects of this Act; and
- (b) for and on behalf of the Administration and subject to paragraph (a) hereof,
 - (i) enter into any agreements for promoting the objects of this Act including, without limitation of the foregoing, agreements with educational institutions, incorporated or unincorporated communities, organizations, groups or individuals, or
 - (ii) enter into any agreements for which no specific provision is made elsewhere in this Act which he deems necessary or desirable to enable the Administration to exercise or discharge its powers, functions or duties.

(2) The Minister may implement any agreement made under this section.

Implement-
ation of agree-
ments.

(3) Power to enter into any agreement shall include power to amend any such agreement, but if the approval of the Lieutenant-Governor in Council to the original agreement is required, such approval is also required for any amending agreement.

Amendment
of agreements.

ESTABLISHMENT OF NEWFOUNDLAND AND LABRADOR YOUTH
ADVISORY COUNCIL.

13.—(1) The Lieutenant-Governor in Council may by order establish a council to be known as the Newfoundland and Labrador Youth Advisory Council and may appoint the members thereof.

Establishment
of Newfound-
land and
Labrador Youth
Advisory
Council.

(2) The Council shall be representative of the whole province and shall consist of such number of members as the Lieutenant-Governor in Council may prescribe.

Members of
Council.

Tenure of office.

(3) Members of the Council shall be appointed for a period of three years in the first instance but may, at the discretion of the Lieutenant-Governor in Council, be re-appointed for further three-year periods.

Chairman and Vice-Chairman.

(4) The Lieutenant-Governor in Council shall designate one member to be the Chairman of the Council and one member to be the Vice-Chairman.

Quorum.

(5) A majority of the members of the Council constitutes a quorum thereof and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Council to advise Minister.

(6) The Council shall advise the Minister on such matters relating to the operation of this Act as he may refer to it and shall perform such other functions as the Minister may prescribe.

Members to serve without remuneration.

(7) Each member of the Council shall serve without remuneration but may be repaid the amount of such travelling and other out-of-pocket expenses as may be incurred by him in discharging his duties as a member of the Council and as may be approved by the Minister.

GENERAL.

Regulations.

14. The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations providing for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes and provisions of this Act.

Validity of agreements.

15. No agreement, deed or other writing made or executed under this Act shall bind the Administration, the Minister or the Government or be held to be the act of the Administration, the Minister or the Government unless it is sealed with the official seal of the Administration and signed by the Minister, the Deputy Minister, the Director or the Assistant Director in accordance with subsection (2) of Section 9.

SCHEDULE A.

Public general statutes contained in The Revised Statutes of Newfoundland, 1952, and in Statutes enacted during the period 1953 to 1970, both inclusive, the provisions of which are not contained in The Revised Statutes of Newfoundland, 1970, and which are not to be held to be repealed or otherwise affected by the provisions of The Revised Statutes Act, 1970.

REVISED STATUTES OF NEWFOUNDLAND, 1952

- CAP. 40.—The Taxation Agreement Act.
 CAP. 78.—The Bowring Park Area (Control) Act.
 CAP. 207.—The Newfoundland Fisheries Board Act.

(Note: See Statutes of Canada 8-9 Eliz. II, Cap. 15 which repeals the Fisheries Laws of Newfoundland as defined in paragraph (1) of Term 22 of the Terms of Union of Newfoundland with Canada).

- CAP. 252.—The Newfoundland Savings Bank Act.

(Note: Statutes of Canada 12 Eliz. II, Cap. 38 repeals this Act upon proclamation by Governor in Council. No proclamation issued)

1953

- No. 33.—The St. John's Municipal (Loan) Act, 1953.
 No. 60.—The Loan and Guarantee Statutes (Amendment) Act, 1953.
 No. 76.—The Local Authority Guarantee (Amendment) Act, 1953.

1954

- No. 14.—The St. John's Municipal (Loan) (Amendment) Act, 1954.
 No. 23.—The City of St. John's (Stadium Loan) Act, 1954.

- No. 58.—The Local Authority Guarantee (Amendment) Act, 1954.
- No. 59.—The Loan and Guarantee Act, 1954.
- No. 64.—The Loan Act, 1954.
- No. 70.—The Transportation of Timber (Amendment) Act, 1954.

1955

- No. 23.—The Fisheries Assistance Fund Act, 1955.
- No. 33.—The Local Authority Guarantee (Amendment) Act, 1955.
- No. 52.—The Loan Act, 1955.
- No. 61.—The Loan and Guarantee (Amendment) Act, 1955.

1956

- No. 1.—The Canada-Newfoundland Unemployment Assistance Agreement Act, 1956.
- No. 19.—The City of St. John's (Loan) Act, 1956.
- No. 33.—The Admiralty Wharf (Commission of Enquiry) Act, 1956.
- No. 35.—The Transportation of Timber (Amendment) Act, 1956.
- No. 38.—The Local Authority Guarantee (Amendment) Act, 1956.
- No. 48.—The Bowring Park Area (Control) (Amendment) Act, 1956.
(To be proclaimed)
- No. 49.—The Loan and Guarantee (Amendment) Act, 1956.
- No. 50.—The Loan Act, 1956.

1957

- No. 70.—The Loan and Guarantee Act, 1957.
- No. 71.—The Local Authority Guarantee Act, 1957.
- No. 72.—The Loan Act, 1957.
- No. 79.—The Corner Brook—Deer Lake School Tax Areas (Confirmation of Tax) Act, 1957.

1958

- No. 31.—The Loan and Guarantee (Amendment) Act, 1958.
- No. 32.—The Local Authority Guarantee (Amendment) Act, 1958.
- No. 36.—The City of St. John's (Loan) Act, 1958.
- No. 41.—The Mineral Lands Taxation Act, 1958.
- No. 46.—The Loan Act, 1958.
- No. 48.—The Newfoundland Government Building Act, 1958.
- No. 49.—The Loan Act, 1958.

1959

- No. 53.—The Loan and Guarantee (Amendment) Act, 1959.
- No. 69.—The Loan (Amendment) Act, 1959.

- No. 70.—The Local Authority Guarantee (Amendment) Act, 1959.
No. 71.—The Memorial University Building Act, 1959.

1960

- No. 51.—The Local Authority Guarantee (Amendment) Act, 1960.
No. 69.—The Loan and Guarantee (Amendment) Act, 1960.
No. 70.—The Loan Act, 1960.

1961

- No. 20.—The Loan and Guarantee (Amendment) Act, 1961.
No. 21.—The Local Authority Guarantee (Amendment) Act, 1961.
No. 28.—The Loan Act, 1961.

1962

- No. 15.—The Federal—Provincial Power Act, 1962.
No. 44.—The Loan Act, 1962.
No. 50.—The Local Authority Guarantee (Amendment) Act, 1962.
No. 52.—The Loan and Guarantee (Amendment) Act, 1962.

1963

- No. 18.—The Town of Jerseyside Boundaries Act, 1963.
No. 28.—The Corner Brook—Deer Lake School Tax Areas (Confirmation of Tax) (Amendment) Act, 1963.
No. 50.—The Loan and Guarantee (Amendment) Act, 1963.
No. 54.—The Loan Act, 1963.
No. 60.—The Local Authority Guarantee (Amendment) Act, 1963.
No. 74.—The Pension (Registrar Supreme Court) Act, 1963.

1964

- No. 66.—The Local Authority Guarantee (Amendment) Act, 1964.
No. 67.—The Workmen's Compensation Act (1948) (Amendment) Act, 1964.
No. 73.—The Loan Act, 1964.
No. 83.—The Loan and Guarantee (Amendment) Act, 1964.

1965

- No. 19.—The Newfoundland and Labrador Power Commission (Government Guarantee) Act, 1965.
No. 40.—The Loan Act, 1965.
No. 43.—The Loan and Guarantee (Amendment) Act, 1965.
No. 44.—The Local Authority Guarantee (Amendment) Act, 1965.

1966

- No. 30.—The Loan (Canada Pension Plan Investment Fund) Act, 1966.
No. 33.—The Local Authority Guarantee (Amendment) Act, 1966.
No. 47.—The Loan Act, 1966.
No. 50.—The Loan and Guarantee (Amendment) Act, 1966.
No. 72.—The Dog Act, 1966.
(To be proclaimed)
No. 75.—The Pensions (Public Officers) Act, 1966.
No. 81.—The City of St. John's (Loan) Act, 1966.

1966-67

- No. 6.—The Loan and Guarantee (Amendment) Act, 1966-67.
No. 7.—The Local Authority Guarantee (Amendment) Act, 1966-67.
No. 41.—The Pensions (Gander Airport Employees) Act, 1966-67.
No. 51.—The Local Authority Guarantee (Amendment) (No. 2) Act, 1966-67.
No. 91.—The Loan and Guarantee (Amendment) (No. 2) Act, 1966-67.
No. 92.—The Pension (Comptroller and Deputy Minister of Finance) Act, 1966-67.
No. 103.—The Fisheries Assistance Fund (Disposition and Repeal) Act, 1966-67.

1968

- No. 7.—The J. W. Pickersgill Fellowship Act, 1968.
No. 10.—The Chairman of the Board of Commissioners of Public Utilities (Pension) Act, 1968.
No. 22.—The Memorial University of Newfoundland Students' Union Act, 1968.
No. 40.—The Technical and Vocational Training (Amendment) Act, 1968.
(To be proclaimed)
No. 49.—The College of Fisheries (Amendment) Act, 1968.—Sections 2 and 3.
(To be proclaimed)
No. 57.—The Local Authority Guarantee (Amendment) Act, 1968.
No. 84.—The Loan (Canada Pension Plan Investment Fund) (Amendment) Act, 1968.
No. 85.—The Loan and Guarantee (Amendment) Act, 1968.
No. 88.—The Department of Manpower and Industrial Relations Act, 1968.
(To be proclaimed)
No. 100.—The Pension (Auditor General) Act, 1968.

1969

- No. 12.—The Pensions (Broadcasting Corporation Employees) Act, 1969.
 No. 49.—The City of St. John's (Loan) Act, 1969.
 No. 56.—The Department of Municipal Affairs (Amendment) Act, 1969.
 (To be proclaimed)
 No. 58.—The Loan and Guarantee (Amendment) Act, 1969.
 No. 65.—The Local Authority Guarantee (Amendment) Act, 1969.

1970

- No. 37.—The Loan and Guarantee (Amendment) Act, 1970.
 No. 43.—The Education (Apportionment) Act, 1970.
 No. 46.—The Chairman of the Board of Commissioners of Public Utilities
 (Pension) (Amendment) Act, 1970.
 No. 52.—The Local Authority Guarantee (Amendment) Act, 1970.
 No. 58.—The City of St. John's (Loan) (Amendment) Act, 1970.
 No. 79.—The Revised Statutes Act, 1970.
 No. 82.—The Waste Material (Disposal) Act, 1970.
 (To be proclaimed)

ACTS OF THE LEGISLATURE OF NEWFOUNDLAND WHICH WERE NOT CONTAINED IN THE
 REVISED STATUTES OF NEWFOUNDLAND, 1952, BUT WHICH WERE NOT REPEALED
 OR OTHERWISE AFFECTED BY THE REVISED STATUTES ACT, 1952, AS AMENDED BY
 THE REVISED STATUTES (AMENDMENT) ACT, 1952, (SECOND SESSION).

8 GEORGE V. 1917.

- CAP. 36.—An Act Respecting Certain Retiring Allowances.
 CAP. 37.—The Loan (Confirmation) Act, 1917.

8-9 GEORGE V. 1918.

- CAP. 29.—An Act Respecting Certain Retiring Allowances.
 CAP. 35.—The Loan Act, 1918.

9-10 GEORGE V. 1919.

- CAP. 2.—The Loan Act, 1919.
 CAP. 39.—An Act Respecting Certain Retiring Allowances.

11 GEORGE V. 1920.

- CAP. 49.—An Act Respecting Certain Retiring Allowances.
CAP. 51.—An Act Respecting the Issue of Certain Debenture Bonds of the Colony.

12 GEORGE V. 1921.

- CAP. 2.—The Consolidated Loan Act, 1921.

12-13 GEORGE V. 1922.

- CAP. 1.—The Loan Act, 1922.

14 GEORGE V. 1923.

- CAP. 2.—The Railway Settlement Act, 1923.
CAP. 6.—An Act Respecting Certain Retiring Allowances.
CAP. 9.—The Loan Act, 1923.

15 GEORGE V. 1924.

- CAP. 17.—An Act Respecting Certain Retiring Allowances.
CAP. 19.—An Act Respecting Certain Expenditures to be made under "The Loan Act, 1923".
CAP. 20.—The Loan Act, 1924.

15 GEORGE V. 1925.

- CAP. 1.—An Act to Amend "The Loan Act, 1924".
CAP. 22.—An Act Relating to The St. John's Dry Dock.
CAP. 30.—An Act Respecting Certain Retiring Allowances.

16-17 GEORGE V. 1926.

- CAP. 25.—The Loan Act, 1926.
CAP. 28.—An Act Respecting Certain Retiring Allowances.

18 GEORGE V. 1927.

- CAP. 17.—An Act Respecting Certain Retiring Allowances.
CAP. 18.—An Act for the Raising of a Sum of Money on the Credit of the Colony for Certain Purposes.

19 GEORGE V. 1928.

- CAP. 16.—An Act Respecting Certain Retiring Allowances.
CAP. 17.—An Act Relating to the Disposition of Balances remaining out of the Loan raised under the Act 18 George V., Cap. 18.
CAP. 18.—An Act for the Raising of a Loan on the Credit of the Colony for Certain Public Purposes.

20 GEORGE V. 1929.

- CAP. 30.—An Act Relating to the Ratifying of Certain Irregular Expenditures.
- CAP. 31.—The Loan Act, 1929.
- CAP. 32.—An Act to Amend the Act 19 George V., Chapter 18, entitled “An Act Relating to the Raising of a Loan on the Credit of the Colony for Certain Public Services”.
- CAP. 34.—An Act Respecting Certain Retiring Allowances.

21 GEORGE V. 1930.

- CAP. 1.—The Loan Act, 1930.
- CAP. 2.—An Act in Relation to the Amendment of the Act 19 George V., Chapter 18.
- CAP. 3.—An Act in Relation to the Amendment of the Act 18 George V., Chapter 18.
- CAP. 4.—An Act in Relation to the Amendment of the Act 19 George V., Chapter 17.
- CAP. 22.—An Act Respecting Certain Retiring Allowances.

22 GEORGE V. 1931.

- CAP. 2.—The Arbitration (Foreign Awards) Act, 1931.
- CAP. 13.—An Act Relating to The Memorial University College, St. John's.
- CAP. 31.—An Act Respecting Certain Retiring Allowances.
- CAP. 33.—The Loan Act, 1931.

22 GEORGE V. 1932.

- CAP. 29.—An Act Respecting Certain Retiring Allowances.
- CAP. 32.—The Loan Act, 1932.
- CAP. 33.—An Act in Relation to the Loan Acts of 1898, 1927, 1928 and 1929.

23-24 GEORGE V. 1933.

- CAP. 8.—An Act to Amend the Act 22 George V., Chapter 13, entitled “An Act Relating to the Memorial University College, St. John's”.
- CAP. 14.—An Act in Relation to the Ratification of a guarantee of certain borrowings by the St. John's Municipal Council.
- CAP. 63.—An Act Respecting Certain Retiring Allowances.
- CAP. 65.—An Act to Confirm Certain Temporary Loans.
- CAP. 66.—An Act to Ratify Certain Temporary Loans raised from the British Government.

CAP. 67.—An Act for the Ratification of a Temporary Loan from the Royal Bank of Canada.

CAP. 68.—An Act in Relation to the Amendment of The Loan Act, 1932 (22 Geo. V. 32).

23-24 GEORGE V. 1933 (SECOND SESSION).

CAP. 1.—The Loan Act, 1933.

1940.

No. 9.—The Loan Act, 1940.

No. 14.—The Savings Certificates Act, 1940.

No. 22.—An Act to Provide for the Issue of Savings Certificates and otherwise to Amend the Savings Certificates Act, 1940.

No. 30.—An Act to Amend The Savings Certificates Act, 1940.

1941.

No. 12.—The American Bases Act, 1941.

No. 30.—The Railway Loan Act, 1941.

1942.

No. 5.—The War Grants Act, 1942.

No. 14.—An Act to Provide for Redemption of Savings Certificates.

No. 19.—The American Bases (Supplementary Leases) Act, 1942.

No. 40.—The Loan Act, 1942.

1943.

No. 42.—The Loan Act, 1943.

1944.

No. 51.—The St. John's Municipal (Loan) Act, 1944.

1945.

No. 1.—The Goose Bay Air Base Act, 1945.

No. 6.—An Act further to Amend the Savings Certificates Act, 1940.

1946.

No. 37.—The Clarenville Land Vesting Act, 1946.

1947.

No. 5.—The British Admiralty Act, 1947.

No. 15.—An Act further to Amend the Savings Certificates Act, 1940.

No. 37.—An Act to Provide for the Payment of a Superannuation Allowance to David McCrindle MacFarlane, Retired Inspector of Shipping.

1948.

- No. 15.—The American Bases (Supplementary Leases) Act, 1948.

1949.

- No. 60.—An Act to Provide for the Payment of a Superannuation Allowance to Matthew Gilbert King, Retired Secretary and Registrar of The Council of Higher Education.
- No. 61.—An Act to Amend the Act 7 Edward VII, Chapter 4, entitled “An Act Respecting the Assessment of Life Insurance Companies”.
- No. 76.—An Act for the Termination of the Exclusive Franchise of the Golden Arrow Coaches, Limited, to Transport Passengers for Reward by Motor Omnibus in the City of St. John’s and for other Purposes.
- No. 87.—The Corporation Income Tax Collection Agreement Act, 1949.
- No. 88.—The Taxation Agreement Act, 1949.
- No. 89.—The Newfoundland Corporation Income Tax Act, 1949.

1950.

- No. 30.—The Taxation Agreement (Amendment) Act, 1950.
- No. 31.—The Newfoundland Corporation Income Tax (Amendment) Act, 1950.
- No. 43.—The Loan and Guarantee Act, 1950.

1951.

- No. 19.—The Newfoundland Corporation Income Tax (Amendment) Act, 1951.
- No. 53.—The Loan and Guarantee Act, 1951.
- No. 63.—The James Forbes (Pension) Act, 1951.
- No. 78.—The Town Council Bond Guarantee Act, 1951.

1951 (SECOND SESSION).

- No. 13.—The Loan and Guarantee (Amendment) Act, 1952.
- No. 14.—The Town Council Bond Guarantee (Amendment) Act, 1952.

1952.

- No. 16.—The Newfoundland Corporation Income Tax (Amendment) Act, 1952.
- No. 53.—The Loan and Guarantee (1950 Act) (Amendment) Act, 1952.
- No. 54.—The Loan and Guarantee (1951 Act) (Amendment) Act, 1952.
- No. 57.—The Town Council Bond Guarantee (Amendment) Act, 1952.
- No. 58.—The Local Authority Guarantee Act, 1952.
- No. 67.—The City of St. John’s (Agreement) Act, 1952.

- No. 72.—The Revised Statutes Act, 1952.
 No. 75.—The Loan and Guarantee (1951 Act) (Amendment) Act, 1952.
 No. 76.—The Freight Claims (Vesting in Crown) Act, 1952.

1952 (SECOND SESSION)

- No. 3.—The Loan Act, 1952.
 No. 4.—The Revised Statutes (Amendment) Act, 1952.

ACTS OF THE LEGISLATURE, THE PROVISIONS OF WHICH WERE NOT INCLUDED OR CONTAINED IN THE "CONSOLIDATED STATUTES (THIRD SERIES)", BUT WHICH WERE NOT REPEALED OR OTHERWISE AFFECTED BY "THE CONSOLIDATION ACT, 1918".

CONSOLIDATED STATUTES (SECOND SERIES) 1892.

- CAP. 34.—Of a Line of Railway towards Hall's Bay and of a branch to Brigus or Clarke's Beach.
 CAP. 35.—Of the Purchase of the "Newfoundland Railway" by the Government.
 CAP. 131.—Of the Prevention of the Sale of Intoxicating Liquors.

56 VICTORIA, 1893.

- CAP. 1.—An Act to amend 54 Vic., Cap. 8, entitled "An Act to amend an Act passed in the 53rd year of the Reign of Her present Majesty, entitled "An Act to amend 52 Victoria Chapter 4, and to make further provision for the construction and equipment of a line of Railway towards Hall's Bay and of a Branch to Brigus or Clarke's Beach, and for other purposes".
 CAP. 2.—An Act to provide for the construction and equipment of a line of Railway to Port aux Basques, and for other purposes.
 CAP. 3.—An Act for the maintenance and operation of the Lines of Railway from Whitbourne to Port aux Basques and of the Branches thereof.
 CAP. 10.—An Act relating to the Sale of Intoxicating Liquors.
 CAP. 24.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

58 VICTORIA, 1895.

- CAP. 7.—An Act to amend the Act 58 Vic. Cap. 2, entitled "An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony".

- CAP. 13.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

60 VICTORIA, 1896.

- CAP. 2.—An Act for the conversion of certain Debentures of the Colony.
CAP. 12.—An Act to amend the Temperance Act of 1889.
CAP. 14.—An Act to authorize the raising of a sum of money for the redemption of certain Debentures of the Colony.
CAP. 16.—An Act to amend the Act 56 Vic. Cap. 3, entitled "An Act for the maintenance and operation of the lines of Railway from Whitbourne to Port aux Basques, and of the branches thereof".

60 VICTORIA, 1897.

- CAP. 4.—An Act to provide for the Survey, Location, Construction, Completion, Equipment, Maintenance and Operation of certain Lines of Railway, and for other purposes.

61 VICTORIA, 1898.

- CAP. 9.—An Act Respecting certain Retiring Allowances.
CAP. 10.—An Act to provide for the appropriation of certain sums of money, and for other purposes.
CAP. 33.—An Act for the encouragement of Agriculture.

62-63 VICTORIA, 1899.

- CAP. 32.—An Act Respecting certain Retiring Allowances.
CAP. 33.—An Act to continue the encouragement of Agriculture.
CAP. 37.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

63 VICTORIA (Second Session), 1900.

- CAP. 4.—An Act to amend 61 Vic. Cap. 6, entitled "An Act to provide for the maintenance and operation of the Newfoundland Railway, and for other purposes".

1 EDWARD VII., 1901.

- CAP. 16.—An Act to amend Chapter 131 of the Consolidated Statutes (Second Series) entitled "Of the Prevention of the Sale of Intoxicating Liquors".
CAP. 20.—An Act Respecting certain Retiring Allowances.

2 EDWARD VII., 1902.

- CAP. 13.—An Act Respecting Duties on Foreign Built Vessels.

- CAP. 24.—An Act Respecting certain Retiring Allowances.
- CAP. 27.—An Act to provide for the reduction of duties on certain Portuguese Products.
- CAP. 28.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

3 EDWARD VII., 1903.

- CAP. 14.—An Act Respecting certain Retiring Allowances.
- CAP. 16.—An Act to authorize the raising of a loan by the sale of Debenture Bonds of the Colony.
- CAP. 17.—An Act to authorize the raising of a sum of money by loan for the public of the Colony.

4 EDWARD VII., 1904.

- CAP. 13.—An Act to provide for the transportation of timber over streams and lakes, and for other purposes in connection with Crown Lands.
- CAP. 18.—An Act for raising a sum of money by Loan upon the credit of the Colony.
- CAP. 19.—An Act for raising by Loan a sum of money by the Sale of Debenture Bonds of the Colony.

5 EDWARD VII., 1905.

- CAP. 1.—An Act Respecting certain Loans upon the Credit of the Colony, and for other purposes.
- CAP. 2.—An Act to provide for the Raising of a sum of money by Loan for the Telegraph Service of the Colony.
- CAP. 3.—An Act to facilitate the investment of Trust and other Funds in the United Kingdom in certain Newfoundland Government Securities.
- CAP. 4.—An Act respecting Foreign Fishing Vessels.
- CAP. 6.—An Act to increase the Revenue by the imposition of a Tax upon Express Companies doing business in the Colony.
- CAP. 7.—An Act to increase the Revenue by imposing Taxes upon business transacted by Telegraph and Telephone Companies within and in transit through the Colony.
- CAP. 9.—An Act for granting to His Majesty certain duties on goods, wares and merchandise imported into this Colony and its Dependencies.
- CAP. 22.—An Act respecting certain Retiring Allowances.

6 EDWARD VII., 1906.

- CAP. 17.—An Act Respecting Licences for the Sale of Intoxicating Liquors.
CAP. 26.—An Act to amend the Revenue Act 1905.
CAP. 32.—An Act respecting certain Retiring Allowances.

7 EDWARD VII., 1907.

- CAP. 1.—An Act to amend 5 Edward VII, Cap. 1, entitled "An Act respecting certain Loans upon the credit of the Colony, and for other purposes".
CAP. 2.—An Act respecting the Imposition of Taxes on Banks doing business in the Colony.
CAP. 4.—An Act respecting the Assessment of Life Insurance Companies.
CAP. 16.—An Act respecting the Sale of Intoxicating Liquors.
CAP. 17.—An Act to amend the Temperance Act.
CAP. 27.—An Act to amend the Revenue Act, 1905.
CAP. 29.—An Act respecting certain Retiring Allowances.

8 EDWARD VII., 1908.

- CAP. 10.—An Act respecting certain Retiring Allowances.
CAP. 11.—An Act to amend the Revenue Act 1905.

9 EDWARD VII., 1909.

- CAP. 3.—An Act for raising by Loan a sum of money for the Public Service of the Colony.
CAP. 4.—An Act respecting certain Retiring Allowances.
CAP. 5.—An Act further to amend the Revenue Act 1905.

10 EDWARD VII., 1910.

- CAP. 5.—An Act to amend 6 Edward VII., Cap. 17, entitled "An Act respecting Licences for the Sale of Intoxicating Liquors".
CAP. 13.—An Act respecting Newfoundland Government Securities.
CAP. 35.—An Act respecting certain Retiring Allowances.
CAP. 37.—An Act further to amend the Revenue Act 1905.
CAP. 38.—An Act for raising a sum of money by Loan for the Public Service of the Colony.
CAP. 39.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.

11 EDWARD VII., 1911.

- CAP. 1.—An Act to amend the Law in relation to the Sale of Intoxicating Liquors.

1 GEORGE V., 1911.

- CAP. 30.—An Act respecting certain Retiring Allowances.
- CAP. 31.—An Act further to amend the Revenue Act 1905.
- CAP. 32.—An Act for raising by the Sale of Debenture Bonds a Loan for the Public Service of the Colony.

2 GEORGE V., 1912.

- CAP. 15.—An Act respecting certain Retiring Allowances.
- CAP. 16.—An Act further to amend the Revenue Act 1905.
- CAP. 17.—An Act to provide for the Raising by the Sale of Debenture Bonds of a sum of money for the Public Service of the Colony.
- CAP. 18.—An Act to provide for the Raising of a sum of money by Loan for the Extension of the Railway System of the Colony.

3 GEORGE V., 1913.

- CAP. 1.—An Act respecting the Sale of Intoxicating Liquors.
- CAP. 23.—An Act respecting the Mail Service of the Colony.
- CAP. 32.—An Act respecting certain Retiring Allowances.
- CAP. 34.—An Act further to amend the Revenue Act 1905.

4 GEORGE V., 1914.

- CAP. 22.—An Act respecting certain Retiring Allowances.
- CAP. 23.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.
- CAP. 24.—An Act for raising by the Sale of Debenture Bonds a loan for the Public Service of the Colony.
- CAP. 25.—An Act further to amend the Revenue Act 1905.

5 GEORGE V., 1914 (SECOND SESSION).

- CAP. 1.—An Act to confer certain powers upon the Governor in Council.
- CAP. 2.—An Act to enable the Governor in Council during the existence of a state of war to take possession of Food Stuffs unreasonably withheld.
- CAP. 4.—An Act respecting a Volunteer Force in this Colony.
- CAP. 8.—An Act for raising a sum of money by Loan for the Maintenance and Equipment of a Volunteer Force.
- CAP. 9.—An Act to authorize the Governor in Council to raise a Temporary Loan in certain cases.
- CAP. 12.—An Act further to amend the Revenue Act 1905.

6 GEORGE V., 1915.

- CAP. 8.—An Act to amend and continue in force for a further period the Act 5 Geo. V, (Session 1) Cap. 4, entitled, "An Act respecting a Volunteer Force in this Colony".
- CAP. 20.—An Act respecting certain Retiring Allowances.
- CAP. 22.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.
- CAP. 23.—An Act for raising a sum of money by Loan for the Public Service of the Colony.
- CAP. 24.—An Act to provide for a Temporary Loan for Public Purposes.
- CAP. 27.—An Act further to amend the Revenue Act 1905.

6 GEORGE V., 1916.

- CAP. 4.—An Act to amend The War Measures Act 1914.
- CAP. 5.—An Act to enable the Governor in Council during the existence of a State of War to take possession of Articles of Commerce unreasonably withheld.
- CAP. 6.—An An Act respecting the Control of Trading in Certain Commodities.
- CAP. 7.—An Act to amend and continue in Force for a further period the Act 5 George V., Session 1, Cap. 4, entitled "An Act Respecting a Volunteer Force in this Colony".
- CAP. 8.—An Act respecting Trading with the Enemy.
- CAP. 30.—An Act respecting certain Retiring Allowances.
- CAP. 31.—An Act to authorize the raising of a sum of money by loan for Naval, Military, Railway and other public purposes.
- CAP. 33.—An Act further to amend the Revenue Act 1905.
- CAP. 34.—An Act for granting to His Majesty certain sums of money for defraying certain expenses of the Public Service for the Financial Years ending respectively the Thirtieth day of June, 1916, and the Thirtieth day of June, 1917, and for other purposes relating to the Public Service.

NOTE

THE FOLLOWING ACTS, OF DATE PRIOR TO 1892, WERE NOT REPEALED BY THE CONSOLIDATED STATUTES, 2ND. SERIES (1892) AND THEREFORE, ALTHOUGH NOT INCLUDED IN SCHEDULE A TO THE CONSOLIDATED STATUTES (THIRD SERIES), WERE THEN IN FORCE.

6 VICTORIA, 1843.

CAP. 19.—An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department.

19 VICTORIA, 1856.

CAP. 22.—An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

CONSOLIDATED STATUTES, 1872.

CAP. 36.—“Of the Consolidation of part of the public debt of the Colony”.

38 VICTORIA, 1875.

CAP. 12.—An Act to raise by loan a sum of money for the erection of a Building for the storage of Inflammable Oils.

39 VICTORIA, 1876.

CAP. 14.—An Act to authorize the raising by Loan of a sum of money for the Public Service of the Colony.

40 VICTORIA, 1877.

CAP. 24.—An Act to authorize the consolidation of part of the Public Debt of the Colony.

42 VICTORIA, 1879.

CAP. 9.—An Act to make provision for certain improvements in the Harbors of Grand Bank and Fortune, and for other purposes.

45 VICTORIA, 1882.

CAP. 20.—An Act to provide for certain Ocean and Harbour Lights in this Colony.

46 VICTORIA, 1883.

CAP. 22.—An Act to authorize the consolidation of part of the Public Debt of the Colony.

50 VICTORIA, 1887.

CAP. 6.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

51 VICTORIA, 1888.

CAP. 3.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

SCHEDULE B.

Local and Private Acts of the Legislature the provisions of which are not contained in The Revised Statutes of Newfoundland, 1970, but which are not repealed or otherwise affected by the provisions of The Revised Statutes Act, 1970.

1953

- No. 4.—The Atlantic Gloves Limited (Confirmation of Agreement) Act, 1953.
- No. 7.—The Superior Rubber Company Limited (Confirmation of Agreement) Act, 1953.
- No. 20.—The Western Memorial Hospital Corporation (Amendment) Act, 1953.
- No. 35.—The Government—Newfoundland Fluorspar Limited (Agreement) Act, 1953.
- No. 36.—The International Forest Products Limited (Confirmation of Agreement) Act, 1953.
- No. 37.—The Government—Canadian Amco Limited (Agreement) Act, 1953.
- No. 41.—The Koch Shoes Limited (Confirmation of Agreement) Act, 1953.
- No. 47.—The Octagon Land (Confirmation of Title) Act, 1953.
- No. 48.—The Hanning Electric Limited (Confirmation of Agreement) Act, 1953.
- No. 63.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Confirmation of Agreement) Act, 1953.
- No. 64.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1953.
- No. 66.—The Twillingate (Telephone Service) Act, 1953.

1954

- No. 11.—The Water and Sewerage Corporation of Greater Corner Brook (Amendment) Act, 1954.
- No. 18.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Confirmation of Supplemental Agreement) Act, 1954.

- No. 32.—The Government—Dominion Steel and Coal Corporation Limited, Dominion Wabana Ore Limited and Nova Scotia Steel and Coal Company, Limited (Confirmation of Agreement) Act, 1954.
- No. 39.—The St. John's Memorial Stadium Act, 1954.
- No. 48.—The Terms of Union Commission Act, 1954.
- No. 50.—The Government—New Jersey Zinc Exploration Company (Canada) Ltd. Act, 1954.
- No. 61.—The Botwood Water Corporation (Amendment) Act, 1954.

1955

- No. 27.—The Frobisher Limited (Confirmation of Agreement) Act, 1955.
- No. 39.—The Water and Sewerage Corporation of Greater Corner Brook (Amendment) Act, 1955.
- No. 42.—The Bowater's (Confirmation of Rights and Powers) Act, 1955.
- No. 43.—The M. James Boylen (Confirmation of Agreement) Act, 1955.
- No. 44.—The Government—The Union Electric Light and Power Company (Confirmation of Franchise Agreement) Act, 1955.
- No. 48.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Confirmation of Supplemental Agreement) Act, 1955.
- No. 57.—The Wabush Lake Railway Act, 1955.

1955 (2ND. SESSION)

- No. 2.—The Wabush Lake Railway (Amendment) Act, 1955.
- No. 3.—The Labrador Railway (Amendment) Act, 1955.
- No. 4.—The Labrador Mining and Exploration Company Limited (Amendment) Act, 1955.
- No. 6.—The Women's Patriotic Trust Fund (Amendment) Act, 1955.

1956

- No. 21.—The Frobisher Limited (Confirmation of Agreement) (Amendment) Act, 1956.
- No. 23.—The St. John's Memorial Stadium (Amendment) Act, 1956.
- No. 30.—The Trustee Board of the Presbyterian Church in Canada Act.
- No. 36.—The Grand Falls and Other Areas Electricity Supply Act, 1956.

1957

- No. 4.—The Carbonear Water Supply Act, 1957.
- No. 24.—The M. James Boylen (Confirmation of Agreement) (Amendment) Act, 1957.

- No. 28.—The Government—British Newfoundland Exploration Limited (Authorization of Agreement) Act, 1957.
- No. 37.—The United Towns Electric Company Limited (Confirmation of Rights and Powers) Act, 1957.
- No. 41.—The Lands Transfer (Crown and Reid Newfoundland Company Limited) Act, 1957.
- No. 50.—The Maritime Hospital Service Association Re-incorporation (Amendment) Act, 1957.
- No. 51.—The Queen's Road Presbyterian Church (Lands) Act, 1957.
- No. 59.—The Water and Sewerage Corporation of Greater Corner Brook (Amendment) Act, 1957.
- No. 62.—The Government—M. James Boylen (Agreement) Act, 1957.
- No. 77.—The Government—E. T. Donaldson and H. W. Knight (Agreement) Act, 1957.
- No. 78.—The Wabush Lake Railway Company Limited Loan (Repeal and Rescission) Act, 1957.
- No. 83.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1957.
- No. 84.—The Nalco-Javelin (Mineral Lands) Act, 1957.

1958

- No. 20.—The Manufacture of Pulp and Paper (Amendment) Act, 1958.
- No. 38.—The Alcohol Education Research Foundation Act, 1958.
- No. 42.—The Government—Crown Zellerbach Corporation (Authorization of Agreement) Act, 1958.
- No. 43.—The Mortier Bay Development Act, 1958.

1959

- No. 15.—The Advocate Mines Limited (Confirmation of Agreement) Act, 1959.
- No. 16.—The M. James Boylen (Confirmation of Agreement) (Amendment) Act, 1959.
- No. 31.—The Government—A.N.D. Company Limited and American Smelting and Refining Company (Authorization of Agreement) Act, 1959.
- No. 32.—The Wabush Lake Railway (Amendment) Act, 1959.
- No. 33.—The Government—Javelin Taxation (Confirmation of Agreement) Act, 1959.
- No. 34.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1959.
- No. 35.—The Julienne Lake (Mineral Lands) Act, 1959.

- No. 36.—The Nalco—Javelin (Mineral Lands) Act, 1959.
- No. 37.—The Wabush—Carol (Agreement) Act, 1959.
- No. 38.—The Carol Lake Company Act, 1959.
- No. 41.—The Frobisher Limited (Confirmation of Agreement) (Amendment) Act, 1959.
- No. 50.—The Labrador Railway (Amendment) Act, 1959.
- No. 54.—The Government—Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement) Act, 1959.
- No. 55.—The M. James Boylen (Authorization of Agreements) Act, 1959.
- No. 58.—The Government—McNamara Construction of Newfoundland Limited and Canadian Machinery and Industry Construction Limited (Authorization of Agreement) Act, 1959.

1960

- No. 3.—The Sturgeon River Mines Limited (Confirmation of Agreement) Act, 1960.
- No. 8.—The Western Memorial Hospital Corporation (Amendment) Act, 1960.
- No. 16.—The Government—Golden Eagle Refining Company of Canada Limited (Agreement) Act, 1960.
- No. 19.—The Anglican Church of Canada (Name) Act, 1960.
- No. 33.—The Grand Falls Hospital Act, 1960.
- No. 39.—The St. Clare's Mercy Hospital (Incorporation) Act, 1960.
- No. 41.—The Nalco—Javelin (Mineral Lands) Act, 1960.
- No. 42.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1960.
- No. 43.—The Government—Javelin Taxation (Confirmation of Agreement) (Amendment) Act, 1960.
- No. 72.—The Government—Newfoundland Pulp & Chemical Co. Limited (Authorization of Agreement) Act, 1960.
- No. 73.—The Technical College Building Act, 1960.
- No. 77.—The Wabush—Carol (Agreement) (Amendment) Act, 1960.
- No. 79.—The Nurses Training School Building Act, 1960.
- No. 80.—The Government—The Flintkote Company—Atlantic Gypsum, Limited (Authorization of Agreements) Act, 1960.

1961

- No. 8.—The United Church of Canada (Amendment) Act, 1961.
- No. 10.—The Government—Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement) (Amendment) Act, 1961.

- No. 11.—The Government — McNamara Construction of Newfoundland Limited and Canadian Machinery and Industry Construction Limited (Authorization of Agreement) (Amendment) Act, 1961.
- No. 15.—The Social Security Assessment (Exemption) Act, 1961.
- No. 24.—The Grand Falls Hospital Act, 1961.
- No. 26.—The St. John's Memorial Stadium (Amendment) Act, 1961.
- No. 27.—The Botwood Water Corporation (Amendment) Act, 1961.
- No. 33.—The Government — The Flintkote Company — Atlantic Gypsum, Limited (Authorization of Agreements) (Amendment) Act, 1961.
- No. 44.—The Gander Hospital Act, 1961.
- No. 45.—The Mortier Bay Development (Amendment) Act, 1961.
- No. 50.—The Labrador Mining and Exploration Company Limited Water Power Licence (Clarification and Revision) Act, 1961.
- No. 51.—The Hamilton Falls Power Corporation Limited (Lease) Act, 1961.

1962

- No. 14.—The Corner Brook Area Electricity Supply (Amendment) Act, 1962.
- No. 16.—The Grace Hospital Extension Act, 1962.
- No. 17.—The Government — British Newfoundland Exploration Limited (Authorization of Agreement) Act, 1962.
- No. 31.—The Government—Newfoundland Textiles—United Cotton Mills (Agreement) Act, 1962.
- No. 41.—The Alexis Watershed (Timber Operations) Act, 1962.
- No. 42.—The Port aux Basques Hotel (Compensation for Land) Act, 1962.
- No. 46.—The Carol Lake Company (Amendment) Act, 1962.
- No. 47.—The Technical College and Vocational Schools Building (Amendment) Act, 1962.
- No. 48.—The Labrador Railway (Amendment) Act, 1962.
- No. 49.—The Vocational Schools (Western) Building Act, 1962.
- No. 51.—The Carol Pellet Company (Iron Ore Processing) Act, 1962.
- No. 53.—The Newfoundland Marine Insurance Company Ltd. of Newfoundland (Amendment) Act, 1962.
- No. 54.—The Labrador Mining and Exploration Company Limited (Amendment) Act, 1962.
- No. 58.—The Grand Falls and Other Areas Electricity Supply (Amendment) Act, 1962.
- No. 61.—The Mortier Bay Development (Amendment) Act, 1962.

- No. 65.—The Grand Falls Hospital (Amendment) Act, 1962.
- No. 70.—The St. John's Street Railway (Amendment) Act, 1962.
- No. 73.—The Government—British Newfoundland Exploration Limited (Agreement) (Amendment) Act, 1962.
- No. 74.—The Animal and Poultry Feed Mill Act, 1962.

1963

- No. 2.—The Hamilton Falls Power Corporation Limited (Lease) (Amendment) Act, 1963.
- No. 5.—The Government—Warren S. Axtell (Ratification of Agreement) Act, 1963.
- No. 9.—The Frobisher Limited Agreement (Amendment) Act, 1963.
- No. 11.—The Government—Robin Hood Flour Mills Limited (Agreement) Act, 1963.
- No. 26.—The Government—British Newfoundland Exploration Limited (Amendment) Act, 1963.
- No. 29.—The Advocate Mines Limited (Agreement) (Amendment) Act, 1963.
- No. 32.—The Government—Sturgeon River Mines Limited (Agreement) (Amendment) Act, 1963.
- No. 33.—The Animal and Poultry Feed Mill (Amendment) Act, 1963.
- No. 34.—The Labrador Mining and Exploration Company Limited (Agreement) (Amendment) Act, 1963.
- No. 36.—The O'Brien Gold Mines, Limited (Confirmation of Agreement) Act, 1963.
- No. 37.—The Newfoundland Fibrely Limited (Agreement) Act, 1963.
- No. 38.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1963.
- No. 40.—The Queen's College Incorporation Act, 1963.
- No. 45.—The Confederation Centenary Celebration Act, 1963.
- No. 46.—The Consolidated Rambler Mines Limited Act, 1963.
- No. 47.—The British Newfoundland Exploration Limited (Petroleum and Natural Gas) Act, 1963.
- No. 52.—The St. John's Home for the Aged and Infirm (Building) Act, 1963.
- No. 53.—The Bell Island Hospital (Building) Act, 1963.
- No. 62.—The Newfoundland Farm Products Corporation Act, 1963.
- No. 64.—The St. John's Harness Horse Club Limited Act, 1963.
- No. 66.—The Mortier Bay Development (Amendment) Act, 1963.
- No. 67.—The Newfoundland Pulp & Chemical Co. Limited Agreement (Amendment) Act, 1963.

- No. 71.—The Corner Brook Hospital and Nurses' Residence (Building and Extension) Act, 1963.
- No. 73.—The Labrador City, Happy Valley and Baie Verte Hospitals (Building) Act, 1963.

1964

- No. 3.—The Consolidated Rambler Mines Limited (Agreement) Act, 1964.
- No. 4.—The Leitch Gold Mines Limited (Agreement) Act, 1964.
- No. 7.—The Grand Falls Hospital (Management) (Amendment) Act, 1964.
- No. 8.—The Grand Falls Hospital (Building) (Amendment) Act, 1964.
- No. 11.—The Grandroy Mines Limited (Agreement) Act, 1964.
- No. 12.—The M. James Boylen (Agreement) Act, 1964.
- No. 15.—The Social Security Assessment (Exemption) Act, 1964.
- No. 19.—The Advocate Mines Limited Agreement (Amendment) Act, 1964.
- No. 20.—The British Columbia Packers Limited (Local Taxation) Act, 1964.
- No. 22.—The Gullbridge Mines Limited Act, 1964.
- No. 26.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1964.
- No. 33.—The Grace Hospital Extension (Amendment) Act, 1964.
- No. 37.—The Government—A.N.D. Company Limited and American Smelting and Refining Company (Authorization of Agreement) Act, 1964.
- No. 43.—The Hamilton Falls Power Corporation Limited (Lease) (Amendment) Act, 1964.
- No. 44.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Supplemental Agreement) Act, 1964.
- No. 50.—The Wabush Lake Railway (Amendment) Act, 1964.
- No. 51.—The Wabush (Tax Exemption) Act, 1964.
- No. 56.—The Fort Pepperrell Hospital (Reconstruction) Act, 1964.
- No. 59.—The Corner Brook Public Building (Construction) Act, 1964.
- No. 60.—The Kilbride Harness Club Limited Act, 1964.
- No. 61.—The Goulds Turf Club Limited Act, 1964.
- No. 62.—The Suburban Turf Club Limited Act, 1964.
- No. 76.—The St. Anthony Hospital (Building) Act, 1964.
- No. 78.—The Nalco (Partition Agreement) Act, 1964.

1965

- No. 2.—The O'Brien Gold Mines, Limited (Amendment) Act, 1965.
- No. 5.—The Roman Catholic Episcopal Corporation of Grand Falls (Amendment) Act, 1965.

- No. 6.—The Mokta (Canada) Ltée (Agreement) Act, 1965.
No. 10.—The Newfoundland Board of Liquor Control (Building) Act, 1965.
No. 14.—The Coughlan College Incorporation Act, 1965.
No. 30.—The Consolidated Rambler Mines Limited (Amendment) Act, 1965.
No. 41.—The Memorial University (Arts and Education and Physics and Chemistry Buildings) Act, 1965.
No. 46.—The Julianne Lake (Mineral Lands) (Amendment) Act, 1965.
No. 52.—The Government—Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement) (Amendment) Act, 1965.
No. 53.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1965.
No. 58.—The Salt Fish Plant (Building) Act, 1965.
No. 59.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1965.

1966

- No. 11.—The Western Labrador Public Building (Construction) Act, 1966.
No. 12.—The Canadian Javelin Limited (Agreement) Act, 1966.
No. 14.—The Arts and Culture Centre (Building) Act, 1966.
No. 15.—The Grand Falls Public Building (Construction) Act, 1966.
No. 16.—The Government—Hansa Explorations Limited (Authorization of Agreement) Act, 1966.
No. 17.—The Marine Science Laboratory (Building) Act, 1966.
No. 25.—The Queen's College Incorporation (Amendment) Act, 1966.
No. 38.—The Government—Pelley-Shaw Newfoundland Limited (Authorization of Quarry Lease) Act, 1966.
No. 45.—The Mortier Bay Development (Repeal and Clarification) Act, 1966.
No. 46.—The Mooring Cove Fish Plant (Building) Act, 1966.
No. 48.—The Marystown Shipyard Construction Limited (Tax Exemption) Act, 1966.
No. 52.—The Mining Grant No. 11 (Conveyance of Minerals) Act, 1966.
No. 53.—The British Newfoundland Corporation Limited—Churchill Falls (Labrador) Corporation Limited Act, 1966.
No. 56.—The Big Nama Creek Mines Limited Act, 1966.
No. 57.—The Newfoundland Steel Company Limited Act, 1966.
No. 59.—The Children's Hospital (Management) Act, 1966.
No. 67.—The C. A. Pippy Park Act, 1966.

- No. 68.—The Social Security Assessment (Exemption) Act, 1966.
No. 69.—The Leitch Gold Mines Limited (Amendment of Agreement) Act, 1966.
No. 82.—The British Newfoundland Exploration Limited (Petroleum and Natural Gas) (Confirmation and Amendment) Act, 1966.

1966-1967

- No. 16.—The Big Nama Creek Mines Limited (Agreement) Act, 1966-67.
No. 17.—The Patino Mining Corporation (Agreement) Act, 1966-67.
No. 20.—The Cominco Ltd. (formerly Consolidated Mining and Smelting Company of Canada Limited) (Agreement) Act, 1966-67.
No. 25.—The Harmon Corporation Act, 1966-67.
No. 28.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1966-67.
No. 32.—The Salvation Army Act, 1966-67.
No. 33.—The British Newfoundland Exploration Limited (Petroleum and Natural Gas) (Amendment) Act, 1966-67.
No. 43.—The Blue Wave—Blue Mist II Disaster Fund Association Act, 1966-67.
No. 44.—The Melville Pulp & Paper Limited (Authorization of Agreement) Act, 1966-67.
No. 48.—The Government—Newfoundland Marine Works Limited (Agreement) Act, 1966-67.
No. 49.—The Electric Reduction Company of Canada, Ltd. (Agreement) Act, 1966-67.
No. 50.—The Government—International Fisheries & Fishmeal, Ltd. (Agreement) Act, 1966-67.
No. 53.—The Government—Hansa Explorations Limited (Authorization of Agreement) (Amendment) Act, 1966-67.
No. 60.—The Canadian Javelin Limited (Amendment of Agreement) Act, 1966-67.
No. 70.—The Fish Plants (Building) (Amendment) Act, 1966-67.
No. 71.—The Flintkote Company Statutory Mining and Shipping Agreement (Amendment) Act, 1966-67.
No. 72.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Supplemental Agreement) Act, 1966-67.
No. 73.—The British Newfoundland Corporation Limited (Lower Churchill River Lease) Act, 1966-67.
No. 82.—The Avalon Core Chemical Plant (Building) Act, 1966-67.

- No. 83.—The Government—Newfoundland Pulp & Chemical Co. Limited (Loan and Confirmation of Supplemental Agreement) Act, 1966-67.
- No. 84.—The Churchill Falls (Labrador) Corporation Limited (Lease) (Amendment) Act, 1966-67.
- No. 86.—The American Smelting and Refining Company Act, 1966-67.
- No. 89.—The Mooring Cove Fish Plant (Building) (Amendment) Act, 1966-67.
- No. 90.—The Harbour Grace Golf Course Act, 1966-67.

1968

- No. 45.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1968.
- No. 53.—The McIntyre Porcupine Mines Limited (Agreement) Act, 1968.
- No. 55.—The Commodore Mining Company Limited (Agreement) Act, 1968.
- No. 70.—The Government — British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Supplemental Agreement) Act, 1968.
- No. 72.—The Melville Pulp & Paper Limited (Authorization of Agreement) (Amendment) Act, 1968.
- No. 74.—The Government—Newfoundland Cement Company Limited and North Star Cement Limited (Authorization of Agreement) (Amendment) Act, 1968.
- No. 77.—The Hooker Chemicals (Nanaimo) Limited (Agreement) Act, 1968.
- No. 78.—The Newfoundland and Labrador Corporation Limited (Agreement) Act, 1968.
- No. 86.—The Government — Newfoundland Refining Company Limited (Agreement) Act, 1968.
- No. 89.—The Sea Mining Corporation Limited Act, 1968.
- No. 90.—The Frobisher Limited (Confirmation of Agreement) (Amendment) Act, 1968.
- No. 91.—The O'Brien Gold Mines, Limited (Confirmation of Agreement) (Amendment) Act, 1968.
- No. 101.—The Churchill Falls (Labrador) Corporation Limited (Lease) (Amendment) Act, 1968.
- No. 102.—The Government—Newfoundland and Labrador Corporation Limited (Amendment) Act, 1968.

1969

- No. 14.—The Government—Hansa Explorations Limited (Authorization of Agreement) (Amendment) Act, 1969.
- No. 31.—The Advocate Mines Limited Agreement (Amendment) Act, 1969.
- No. 40.—The Social Security Assessment (Exemption) Act, 1969.
- No. 44.—The Electric Reduction Company of Canada, Ltd. (Agreement) (Amendment) Act, 1969.
- No. 46.—The Fish Plants (Building) (Amendment) Act, 1969.
- No. 47.—The Government—Robin Hood Flour Mills Limited (Agreement) (Amendment) Act, 1969.
- No. 48.—The British Newfoundland Exploration Limited (Petroleum and Natural Gas) (Amendment) Act, 1969.
- No. 52.—The Labrador Mining and Exploration Company Limited and Iron Ore Company of Canada (Authorization of Agreement) Act, 1969.
- No. 57.—The Seventh-day Adventist Church in Newfoundland and Labrador Act, 1969.
- No. 64.—The Government—Newfoundland Pulp and Chemical Co. Limited (Authorization of Agreement) (Amendment) Act, 1969.
- No. 76.—The Churchill Falls (Labrador) Corporation Limited (Financing) Act, 1969.
- No. 77.—The Churchill Falls (Labrador) Corporation Limited (Lease) (Amendment) Act, 1969.
- No. 81.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Supplemental Agreement) Act, 1969.
- No. 83.—The Government—Newfoundland Steel (1968) Company Limited—Lundrigans Limited (Agreement) Act, 1969.
- No. 85.—The Leitch Gold Mines Limited (Amendment of Agreement) Act, 1969.
- No. 89.—The Government—Atlantic Gypsum, Limited—Lundrigans Limited (Agreement) Act, 1969.
- No. 90.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1969.

1970

- No. 40.—The Moravian Church in Newfoundland and Labrador Act, 1970.
- No. 49.—The Government—British Newfoundland Corporation Limited—N. M. Rothschild & Sons (Supplemental Agreement) Act, 1970.
- No. 51.—The Avalon Telephone Company (Amendment) Act, 1970.
- No. 62.—The Churchill Falls (Labrador) Corporation Limited (Lease) (Amendment) Act, 1970.

- No. 63.—The Flintkote Company Statutory Mining and Shipping Agreement (Amendment) Act, 1970.
- No. 66.—The British Newfoundland Exploration Limited Statute and Agreement (Amendment) Act, 1970.
- No. 69.—The Radex Minerals Limited (Agreement) Act, 1970.
- No. 70.—The British Newfoundland Corporation Limited (Lower Churchill River Lease) (Amendment) Act, 1970.
- No. 90.—The Canadian Javelin Limited (Acquisition of Crown Lands) Act, 1970.
- No. 92.—The Newfoundland Pulp and Chemical Co., Limited (Agreement) (Amendment) Act, 1970.
- No. 93.—The Refinery Agreement (Amendment) Act, 1970.

LOCAL AND PRIVATE ACTS OF THE LEGISLATURE THE PROVISIONS OF WHICH ARE NOT CONTAINED IN THE REVISED STATUTES OF NEWFOUNDLAND, 1952, BUT WHICH WERE NOT REPEALED OR OTHERWISE AFFECTED BY THE PROVISIONS OF THE REVISED STATUTES ACT, 1952, AS AMENDED BY THE REVISED STATUTES (AMENDMENT) ACT, 1952.

8 GEORGE V. 1917.

- CAP. 1.—The Newfoundland Knitting Mills Act, 1917.
- CAP. 2.—The Riverside Woolen Mills Act, 1917.
- CAP. 3.—An Act to Amend the Act 6 George V., 1915, Cap. 4, entitled "An Act for the Confirmation of a Contract with the Newfoundland Products Corporation, Limited".
- CAP. 4.—An Act Respecting the Public Service Electric Co., Limited.
- CAP. 5.—The Bay of Islands Steam Contract Act, 1917.
- CAP. 6.—The West Coast Steam Contract Act, 1917.
- CAP. 7.—An Act to Amend the Acts relating to the Roman Catholic Episcopal Corporation of St. John's.
- CAP. 8.—An Act to Amend the Act 6 George V., (1916), Cap. 2, entitled "An Act to Incorporate the Salvation Army".

8-9 GEORGE V. 1918.

- CAP. 4.—An Act for the more effectual Transfer of certain Properties to the Congregational Home Missionary Society of Newfoundland.
- CAP. 17.—An Act for the Encouragement of Cattle Raising.

9-10 GEORGE V. 1919.

- CAP. 3.—The Coastal Contract Act, 1919.
- CAP. 4.—An Act to provide for Arbitration respecting the Coastal Steam Contract.
- CAP. 6.—The Telephone Service Act, 1919.
- CAP. 7.—An Act respecting the People's Electric Company, Limited.
- CAP. 12.—An Act to amend the Act 8 George V. (1915) Chapter 4, entitled "An Act for the Confirmation of a Contract with the Newfoundland Products Corporation, Limited".
- CAP. 13.—An Act to amend the Act 3 George V. (1913) Chapter 4, entitled "An Act to Incorporate the Conception Bay Electric Company and for other Purposes".

11 GEORGE V. 1920.

- CAP. 3.—An Act to authorize the Montreal Trust Company to do business in the Colony of Newfoundland.
- CAP. 4.—An Act for the Confirmation of a Contract with the Susu Shipping Company, Limited.
- CAP. 5.—The Dominion Co-operative Building Association Act, 1920.
- CAP. 6.—The St. Lawrence Timber Contract Act, 1920.
- CAP. 11.—An Act to provide for the Collection and Distribution of the Estates of certain Esquimaux, deceased.
- CAP. 22.—The Terra Nova Sulphite Company Act, 1920.
- CAP. 45.—The Womens Patriotic Trust Fund Act, 1920.
- CAP. 46.—The Patriotic Fund (Amendment) Act, 1920.

12 GEORGE V. 1921.

- CAP. 3.—An Act to Amend the Women's Patriotic Trust Fund Act, 1920.
- CAP. 7.—An Act to Amend the "Terra Nova Sulphite Act, 1920".
- CAP. 8.—The Petroleum Act, 1921.
- CAP. 9.—The Pulp and Paper Corporation Contract Act, 1921.
- CAP. 16.—An Act to Provide for the Temporary Operation of the Newfoundland Railway.

12-13 GEORGE V. 1922.

- CAP. 7.—An Act to amend the Act 11 George V., Cap. 6, entitled "An Act to confirm a contract between the Government and The St. Lawrence Timber Pulp and Steamship Company, Limited".
- CAP. 8.—The Commercial Cable Company Contract Act, 1922.
- CAP. 9.—The Roman Catholic Episcopal Corporation of St. John's Property Act, 1922.

14 GEORGE V. 1923.

- CAP. 1.—An Act to amend the Act 6 George V. (1915), Chapter 4, entitled “An Act for the Confirmation of a Contract with the Newfoundland Products Corporation, Limited”.
- CAP. 4.—An Act for the Confirmation of an Agreement between the Government and Malcolm Joseph Mooney, Lumberman.
- CAP. 5.—The St. John’s Street Railway Act, 1923.

15 GEORGE V. 1924.

- CAP. 1.—An Act to confirm an Agreement with the Newfoundland Milling Company, Limited .
- CAP. 3.—An Act to amend Chapter 3 of 11 George V., entitled “An Act to authorize the Montreal Trust Company to do business in the Colony of Newfoundland”.
- CAP. 4.—An Act respecting the United Towns Electric Company, Limited.
- CAP. 5.—An Act to amend 3 Geo. V. Cap. 14, entitled “An Act respecting the Construction of a Railway through Labrador”.
- CAP. 6.—An Act to Further and Protect the Activities and Interests of the Boy Scout Association in the Island of Newfoundland and its Dependencies.

15 GEORGE V. 1925.

- CAP. 4.—An Act to Amend 11 George V., Cap. 45, entitled “An Act to Incorporate the Women’s Patriotic Trust Fund and for Other Purposes”.
- CAP. 10.—An Act respecting The Avalon Telephone Company, Limited.
- CAP. 11.—An Act respecting The St. John’s Street Railway.
- CAP. 12.—An Act to amend the Terra Nova Sulphite Company Act, 1920.
- CAP. 13.—An Act relating to the Guarantee of Debentures of The Western Marine Railway, Limited.
- CAP. 27.—An Act to confirm the titles to certain Lands at Corner Brook.

16-17 GEORGE V. 1926.

- CAP. 3.—The United Church of Canada Act.
- CAP. 4.—An Act to Amend Cap. 3, 14 George V., entitled “An Act for the Confirmation of an Agreement Between the Government and Harry J. Crowe, Timber Merchant, and for Other Purposes”.
- CAP. 5.—An Act to Amend an Act Amending Cap. 3, 14 Geo V., entitled “An Act for the Confirmation of an Agreement Between the Government and Harry J. Crowe, Timber Merchant, and for Other Purposes”.

- CAP. 7.—An Act to Confirm an Agreement Between the Government and the Newfoundland Cold Storage Fresh Fish Corporation, Limited.
- CAP. 8.—An Act to Authorize an Agreement Between the Government and the Terra Nova Oil Products Company, Ltd.
- CAP. 9.—An Act for the Confirmation of a Contract with the Commercial Cable Company.
- CAP. 19.—An Act Respecting the operation of Wireless Telegraphs in Newfoundland.

18 GEORGE V. 1927.

- CAP. 2.—An Act Respecting "The Ratification of a Contract for (St. George's-Bay of Islands) Coastal Mail Service".
- CAP. 3.—An Act for the Confirmation of an Agreement Between the Government and Holyrood Pond Fisheries, Ltd.
- CAP. 4.—An Act for the Confirmation of an Agreement Between the Government and International Paper Company of Newfoundland, Limited.
- CAP. 6.—An Act Respecting an Agreement Between the Government of Newfoundland and The Anglo-Newfoundland Development Co., Ltd.
- CAP. 7.—An Act Respecting the Bay of Islands Light and Power Company, Limited.

19 GEORGE V. 1928.

- CAP. 1.—An Act respecting The Wabana Light and Power Company, Limited.
- CAP. 9.—An Act relating to the Encouragement of the Shark Industry.
- CAP. 11.—An Act to provide for the Guaranteeing of a Loan to the Church of England College.

20 GEORGE V. 1929.

- CAP. 3.—An Act Authorizing the Governor-in-Council to Enter into a Contract with the American Telephone and Telegraph Company.
- CAP. 4.—An Act relating to the Establishment of an Electric Power Service on the Burin Peninsula.
- CAP. 22.—An Act relating to the Establishment of a Custom Smelter in Newfoundland.

21 GEORGE V. 1930.

- CAP. 5.—An Act in relation to a Contract Between the Government and The Dominion Iron and Steel Co., Ltd., and the Nova Scotia Steel and Coal Co., Ltd.
- CAP. 6.—An Act in Relation to an Agreement with Great Lakes Newfoundland Atlantic Company, Ltd.
- CAP. 7.—An Act further to Amend the Act 15 George V. (1924) Chapter 2, entitled “An Act for the Confirmation of an Agreement Between the Government and the Gander Valley Power and Paper Company, Limited”.
- CAP. 11.—An Act Relating to the Establishment of a Water and Sewerage System at West Corner Brook.
- CAP. 18.—An Act Respecting the Operation of Wireless Telegraphy.

22 GEORGE V. 1931.

- CAP. 4.—An Act to Amend the Act 20 George V., Chapter 3, entitled “An Act Authorizing the Governor-in-Council to Enter into a Contract with the American Telephone and Telegraph Company”.
- CAP. 5.—An Act relating to a Contract Between His Excellency the Governor-in-Council and the Terra Nova Oils Manufacturing Company, Limited.
- CAP. 6.—An Act to Amend the Act 50 Victoria, Chapter 39, entitled “An Act to Incorporate a Company under the Style and Title of The St. John’s Gas Light Company”.
- CAP. 8.—An Act Relating to The International Grenfell Association.
- CAP. 20.—An Act to Amend the Act 20 George V., Chapter 22, entitled “An Act relating to the Establishment of a Custom Smelter in Newfoundland.”
- CAP. 25.—An Act respecting the Export of Marine Shells from Labrador and the Islands Adjacent Thereto.
- CAP. 28.—An Act in relation to a Contract for Mail and Passenger Service for Conception Bay.

22 GEORGE V. 1932.

- CAP. 2.—An Act for the Confirmation of a Certain Loan in Connection with the Western Marine Railway from the Bank of Montreal.
- CAP. 3.—An Act to Amend the Act 22 George V., Chapter 25, entitled “An Act Respecting the Export of Marine Shell from Labrador and the Islands Adjacent Thereto”.

- CAP. 4.—An Act to Amend the Act 18 George V., Chapter 3 (1927), entitled “An Act for the Confirmation of an Agreement Between the Government and Holyrood Pond Fisheries Limited”.
- CAP. 16.—An Act to Grant Certain Lands at St. Mary’s Harbour, Labrador, to International Grenfell Association.
- CAP. 25.—An Act further to Amend the Act 20 George V., Chapter 3, entitled “An Act Authorizing the Governor in Council to Enter into a Contract with the American Telephone and Telegraph Company”.
- CAP. 26.—An Act Authorizing the Governor in Council to enter into a Contract with Anglo-American Telegraph Company, Limited, and Western Union Telegraph Company.

23-24 GEORGE V. 1933.

- CAP. 2.—An Act to grant certain franchises and privileges to the Clarenville Light and Power Company, Limited.
- CAP. 3.—An Act to Grant Certain Advantages to North West Products Company, Limited.
- CAP. 4.—An Act further to Amend the Act 59 Victoria, Chapter 39, entitled “An Act to Incorporate a Company under the Style and Title of The St. John’s Gas Light Co.”
- CAP. 5.—An Act to Encourage and Assist the Construction and Operation of a Distillery in St. John’s.
- CAP. 6.—An Act to Amend the Act 21 George V., Chapter 6, entitled “An Act in Relation to an Agreement with Great Lakes Newfoundland Atlantic Company, Limited”.
- CAP. 7.—An Act to provide for the Guaranteeing of a Loan to the United Cold Storage Company, Limited.
- CAP. 33.—An Act to Ratify Certain Agreements Relating to Mining Concessions in Labrador.
- CAP. 38.—An Act to modify the condition of the Holding of Certain Licenses to Cut Timber by Anglo-Newfoundland Development Company, Limited.
- CAP. 41.—An Act to Authorize the Issue of a Licence to cut Timber to Nova Scotia Steel and Coal Company, Limited.
- CAP. 42.—An Act to Authorize the Issue to Gander Valley Power and Paper Company, Limited, of a Licence to Cut Timber.
- CAP. 43.—An Act to Authorize the Issue to the Executors of William Ashbourne, deceased, of a Licence to Cut Timber.
- CAP. 44.—An Act Respecting the Acquisition by the Government of Certain Lands.

- CAP. 52.—An Act Further to Amend the Act 22 George V. Chapter 25, entitled “An Act Respecting the Export of Marine Shell from Labrador and the Islands Adjacent Thereto”.

1934.

- No. 32.—An Act to Amend the Act 47 Victoria, Chapter 6, entitled “An Act to Incorporate the Carbonear Water Company”.

1935.

- No. 42.—An Act to Amend the Act 18 George V., Chapter 4 entitled “An Act for the Confirmation of an Agreement between the Government and International Paper Company of Newfoundland, Limited”.

1936.

- No. 12.—The Salt Codfish Association Act, 1936.
No. 40.—An Act to Amend the Act 8 George V., Chapter 2, entitled “An Act respecting the Riverside Woolen Mills, Limited”.

1937.

- No. 13.—The Reindeer Agreement Act, 1937.
No. 15.—An Act to Vest Certain Lands and Other Property in The Railway Employees' Welfare Association, Limited.
No. 16.—An Act to Confirm and Guarantee a Certain Loan by the Newfoundland Savings Bank to The Railway Employees' Welfare Association.
No. 20.—An Act to Authorize the Issue to Mines and Forests (Newfoundland) Limited of a Licence to Cut Timber.

1938.

- No. 4.—An Act for the Confirmation of an Agreement Between the Government and Santa Cruz Oil Corporation.
No. 6.—The Avalon Telephone Company Act, 1938.
No. 32.—The Mortier Bay Free Port Act, 1938.
No. 35.—An Act in relation to the Granting of the Water Power of Waterfall Brook, Little St. Lawrence.
No. 41.—An Act for the Confirmation of an Agreement between the Government and Labrador Mining and Exploration Company, Limited.

No. 43.—The Canadian Marconi International Radio-Telephone Service Act, 1938.

No. 53.—The Bowaters Newfoundland Act, 1938.

1939.

No. 9.—The Avalon Telephone Company (Long Distance) Act, 1939.

No. 29.—The Lake Melville Development Act, 1939.

No. 32.—An Act to Incorporate the Bishop Jones Educational Trust.

No. 33.—An Act for the Confirmation of an Agreement between the Government and North American Fisheries, Limited.

No. 49.—The General Sea Foods Corporation Act, 1939.

No. 50.—The Anglo-Newfoundland Development Company, Limited (Customs Duties) Act, 1939.

1940.

No. 1.—An Act to Indemnify Bowater's Newfoundland Pulp and Paper Mills, Limited, in respect of the Manufacture of Certain Timber cut on Crown Lands.

No. 16.—An Act to Amend the Act 23 and 24 George V. Chapter 41, entitled "An Act to Authorize the issue of a Licence to Cut Timber to Nova Scotia Steel and Coal Company, Limited".

No. 21.—An Act to Authorize the Issue to Anglo-Newfoundland Development Company, Limited, of a lease of Mill Site and Water Power.

No. 23.—An Act to Authorize the Issue to the Sunshine Camp Association of a Grant of Land.

1941.

No. 14.—An Act to Guarantee a Loan by the Newfoundland Savings Bank to the Railway Employees' Welfare Association, Limited.

No. 15.—An Act to Amend the Act No. 41 of 1938 entitled "An Act for the Confirmation of an Agreement between the Government and Labrador Mining and Exploration Company, Limited."

No. 27.—An Act in Relation to a Contract for the Carriage of Passengers, Mail and Freight upon Conception Bay.

No. 33.—An Act to Amend the Salt Codfish Association Act, 1936.

1942.

No. 31.—An Act to Amend the Act 56 Victoria, Chapter 5, entitled "An Act to Incorporate the Harbour Grace Water Company", and Acts in Amendment thereof.

- No. 35.—The Bowaters Conversion Loan Guarantee Act, 1942.
- No. 36.—An Act to Amend the Act No. 27 of 1941 entitled “An Act in Relation to a Contract for the Carriage of Passengers, Mail and Freight upon Conception Bay”.
- No. 45.—An Act to Amend Bowaters Conversion Loan Guarantee Act, 1942.

1943.

- No. 1.—An Act to Authorize the issue to the estate of Charles Fox Bennett of a Certain Grant.
- No. 15.—The Conception Bay Passenger and Mail Contract Act, 1943.
- No. 31.—An Act to Amend the Women’s Patriotic Trust Fund Act, 1920.
- No. 44.—The Provincial Grand Orange Lodge of Newfoundland Act, 1943.
- No. 50.—The Avalon Telephone Company Act, 1943.
- No. 52.—The United Towns Electric Company, Limited, (Taxation) Act, 1943.
- No. 53.—The Avalon Telephone Company, Limited, (Customs Duties) Act, 1943.
- No. 54.—The Wabana Light and Power Company, Limited, (Customs Duties) Act, 1943.
- No. 56.—An Act to Amend the Act 18 George V. Chapter 4, and Bowaters Conversion Loan Guarantee Act, 1942.

1944.

- No. 3.—The Union Electric Light and Power Company Act, 1944.
- No. 4.—The Mortier Bay Free Port Act, 1944.
- No. 26.—An Act to Authorize the Issue to Horwood Lumber Company, Limited, of a Licence to Cut Timber.
- No. 45.—The Conception Bay Passenger and Mail Contract Act, 1944.
- No. 46.—The Walter E. Seibert (Fee Simple Grants) Act, 1944.
- No. 47.—An Act further to Amend the Act No. 41 of 1938 entitled “An Act for the Confirmation of an Agreement between the Government and Labrador Mining and Exploration Company, Limited”.
- No. 48.—An Act to Amend the Riverside Woolen Mills Act, 1917.
- No. 52.—An Act further to Amend the Act 60 Victoria, Chapter 20, entitled “An Act to Incorporate the St. John’s Street Railway and for other Purposes”.
- No. 58.—The West Coast Power Company, Limited, (Electricity) Act, 1944.

1945.

- No. 8.—An Act to Amend the Provincial Grand Orange Lodge of Newfoundland Act, 1943.
- No. 34.—The Conception Bay (Passenger and Mail Contract) Act, 1945.

1946.

- No. 21.—An Act to Amend The Avalon Telephone Company Act, 1943.
- No. 22.—The Conception Bay (Passenger and Mail Contract) Act, 1946.
- No. 38.—An Act further to Amend the Act 60 Victoria, Chapter 20, entitled “An Act to Incorporate the St. John’s Street Railway Company and for other Purposes”.
- No. 39.—An Act to Confirm a Crown Grant to New York, Newfoundland and London Telegraph Company of Certain Mining Property at La Manche, Placentia Bay, and for other Purposes.

1947.

- No. 3.—The Western Memorial Hospital Corporation Act, 1947.
- No. 8.—The Lands Transfer and Licences Extension (Government and Bowater’s) Agreement Act, 1947.
- No. 9.—The A.N.D. Company (Extension) Act, 1947.

1948.

- No. 3.—The Labrador Railway Act, 1948.
- No. 4.—The A.N.D. Company (Extension) Act, 1948.
- No. 8.—The Women’s Patriotic Association Fund (Disposal) Act, 1948.
- No. 31.—The Avalon Telephone Company (Telephone Charges) Act, 1948.
- No. 35.—The Clarenville Light and Power Company, Limited, (Customs Concessions) Extension Act, 1948.
- No. 37.—The Newfoundland Light and Power Company, Limited, (Customs Concessions) Act, 1948.

1949.

- No. 1.—The Wabana Light and Power Company, Limited, (Customs Duties) (Amendment) Act, 1949.
- No. 6.—The Dominion Steel and Coal Corporation, Limited, (Land Titles) Act, 1949.
- No. 7.—The Nova Scotia Steel and Coal Company, Limited, (Land Titles) Act, 1949.
- No. 22.—The Harbour Grace Hospital Fund (Transfer) Act, 1949.

- No. 24.—The Newfoundland Patriotic Association Fund Act, 1949.
- No. 25.—The A.N.D.-Buchans Companies (Exploration and Development) Act, 1949.
- No. 56.—The Maritime Hospital Service Association Re-Incorporation Act, 1949.
- No. 92.—The Bonavista Regional Library Board (Vesting of Land) Act, 1949.
- No. 99.—An Act to Authorize the Disposal of Certain Securities held by The Newfoundland Central Council Branch of the British Red Cross Society.

1950.

- No. 28.—The Avalon Telephone Company (Amendment) Act, 1950.
- No. 46.—The Manufacture of Pulp and Paper (Amendment) Act, 1950.

1951.

- No. 3.—The Labrador Mining and Exploration Company, Limited, (Amendment) Act, 1951.
- No. 18.—The Corner Brook Area Electricity Supply Act, 1951.
- No. 34.—The Manufacture of Pulp and Paper (Amendment) Act, 1951.
- No. 70.—The Newfoundland Federation of Fishermen Act, 1951.
- No. 77.—The Harbour Grace Water Company Act, 1951.
- No. 79.—The Water and Sewerage Corporation of Greater Corner Brook Act, 1951.
- No. 88.—The Newfoundland and Labrador Corporation, Limited, Act, 1951.
- No. 89.—The Parsons Pond Oil Lands Vesting Act, 1951.
- No. 90.—The Falconbridge Nickel Mines, Limited (Agreement) Act, 1951.
- No. 91.—The Frobisher Limited (Agreement) Act, 1951.
- No. 92.—The Government-Siegheim (Agreement) Act, 1951.

1951 (SECOND SESSION).

- No. 2.—The Newfoundland Asbestos Limited (Confirmation of Agreement) Act, 1951.
- No. 3.—The Canadian Machinery & Industry Construction Limited (Confirmation of Agreement) Act, 1951.
- No. 11.—The Newfoundland Tanneries-William Dorn Limited (Confirmation of Agreement) Act, 1951.
- No. 12.—The United Cotton Mills Limited (Confirmation of Agreement) Act, 1951.

1952.

- No. 3.—The Newfoundland and Labrador Corporation Limited (Amendment) Act, 1952.
- No. 13.—The Newfoundland Asbestos Limited (Confirmation of Agreement) (Amendment) Act, 1952.
- No. 25.—The Atlantic Optical Company, Limited (Confirmation of Agreement) Act, 1952.
- No. 26.—The Queen's College (Conferring of Degrees) Act, 1952.
- No. 33.—The Parsons Pond Oil Lands Vesting (Amendment) Act, 1952.
- No. 34.—The Labrador Mining and Exploration Company Limited (Amendment) Act, 1952.
- No. 36.—The Botwood Water Corporation Act, 1952.
- No. 42.—The Maritime Hospital Service Association Re-Incorporation (Amendment) Act, 1952.
- No. 47.—The Carbonear Water Company Act, 1952.
- No. 48.—The Harbour Grace Water Company Act, 1952.
- No. 68.—The Atlantic Hardboard Industries Limited (Confirmation of Agreement) Act, 1952.

LOCAL AND PRIVATE ACTS OF THE LEGISLATURE, THE PROVISIONS OF WHICH WERE NOT CONTAINED IN THE "CONSOLIDATED STATUTES (THIRD SERIES)," BUT WHICH WERE NOT REPEALED OR OTHERWISE AFFECTED BY THE CONSOLIDATION ACT, 1918.

56 VICTORIA, 1893.

- CAP. 11.—An Act to incorporate the Placentia Water Company.

59 VICTORIA, 1895.

- CAP. 39.—An Act to incorporate a Company under the style and title of the St. John's Gas Light Company.

60 VICTORIA, 1896.

- CAP. 20.—An Act to incorporate the St. John's Street Railway Company and for other purposes.

60 VICTORIA, 1897.

- CAP. 11.—An Act to amend the Acts relating to the Harbour Grace Water Company.

61 VICTORIA, 1898.

- CAP. 5.—An Act respecting the rights and privileges of the New York Newfoundland and London Telegraph Company in Newfoundland.
- CAP. 6.—An Act to provide for the Maintenance and Operation of the Newfoundland Railway, and for other purposes.

62-63 VICTORIA, 1899.

- CAP. 21.—An Act to amend the Acts relating to the Harbor Grace Water Company.
- CAP. 30.—An Act to amend the Act 60 Vic. Cap. 20, entitled "An Act to incorporate the St. John's Street Railway Company, and for other purposes."

1 EDWARD VII., 1901.

- CAP. 6.—An Act to amend the Newfoundland Railway Act, 1898, and for other purposes.

2 EDWARD VII., 1902.

- CAP. 7.—An Act to amend 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."
- CAP. 8.—An Act to incorporate the United Towns Electrical Company, and for other purposes.
- CAP. 9.—An Act to incorporate the Board of Trustees of the Century Church and Manse Building Fund for the Presbyterian Church in Canada—Eastern section.

4 EDWARD VII., 1904.

- CAP. 4.—An Act further to amend 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."
- CAP. 5.—An Act respecting the Coastal Steam Mail Service.
- CAP. 12.—An Act respecting certain Mineral Lands.

5 EDWARD VII., 1905.

- CAP. 10.—An Act to encourage the Manufacture of Pulp and Paper in this Colony.
- CAP. 11.—An Act to authorize the Royal Trust Company to do business in the Colony of Newfoundland.

- CAP. 12.—An Act to amend the Act 56 Vic. Cap. 11, entitled “An Act to incorporate the Placentia Water Company.”
- CAP. 16.—An Act to incorporate the Institute of Accountants of Newfoundland.
- CAP. 19.—An Act to amend the Act 59 Vic. Cap. 39, entitled “An Act to incorporate a Company under the style and title of the St. John’s Gas Light Company.”

6 EDWARD VII., 1906.

- CAP. 9.—An Act for the confirmation of an agreement between the Government and the Marconi Wireless Telegraph Company of Canada.
- CAP. 10.—An Act for the confirmation of an agreement between the Government and the Commercial Cable Company of New York.
- CAP. 29.—An Act to amend 5 Ed. VII., Cap. 16, entitled “An Act to incorporate the Institute of Accountants of Newfoundland.”

7 EDWARD VII., 1907.

- CAP. 8.—An Act to amend the Acts in relation to the Harbor Grace Water Company.
- CAP. 9.—An Act further to amend 56 Vic. Cap. 11, entitled “An Act to incorporate the Placentia Water Company.”
- CAP. 10.—An Act further to amend 59 Vic. Cap. 39, entitled “An Act to incorporate a Company under the style and title of the St. John’s Gas Light Company.”
- CAP. 15.—An Act respecting the Establishment of Speedier Communication between Great Britain and the Continent of America.

8 EDWARD VII., 1908.

- CAP. 9.—An Act to incorporate the Twillingate Electrical Company of Newfoundland, and for other purposes.

9 EDWARD VII., 1909.

- CAP. 2.—An Act to incorporate the Newfoundland Board of Trade, and for other purposes.

10 EDWARD VII., 1910.

- CAP. 1.—An Act to amend 9 Edward VII., Cap. 2, entitled “An Act to incorporate the Newfoundland Board of Trade, and for other purposes.”

- CAP. 2.—An Act respecting the Fishermen's and Sailors' Home Joint Stock Company, Limited.
- CAP. 12.—An Act to provide for the extension of the Railway System of the Colony.
- CAP. 23.—An Act to confirm a contract for the development of the coal deposits of the Colony.
- CAP. 24.—An Act to confirm an agreement between the Government and the Newfoundland Oil Fields, Limited.
- CAP. 25.—An Act to confirm an agreement with the Atlantic Pebble Company, Limited.
- CAP. 26.—An Act for the confirmation of an agreement between the Government and the Nova Scotia Steel and Coal Company, Limited.
- CAP. 27.—An Act for the confirmation of an agreement between the Government and the Dominion Iron and Steel Company, Limited.

1 GEORGE V., 1911.

- CAP. 5.—An Act to incorporate the Newfoundland Marine Insurance Company of Newfoundland.
- CAP. 7.—An Act for the confirmation of a contract with the Direct United States Cable Company, Limited.
- CAP. 8.—An Act for the confirmation of a contract with the Western Union Telegraph Company, Limited.
- CAP. 9.—An Act respecting the ratification of certain contracts for Coastal Mail Service.
- CAP. 11.—An Act to Encourage the Manufacture of Explosives.
- CAP. 28.—An Act to encourage and assist the construction and operation of a Marine Railway Dock at Harbor Grace.

2 GEORGE V., 1912.

- CAP. 8.—An Act respecting the establishment of a Pulp and Paper Industry at Deer Lake.

3 GEORGE V., 1913.

- CAP. 4.—An Act to incorporate the Conception Bay Electric Company, and for other purposes.
- CAP. 5.—An Act to incorporate the Northern Electric Light and Power Company, and for other purposes.
- CAP. 6.—An Act to incorporate the Dominion Trust Company.
- CAP. 7.—An Act to incorporate the Eastern Trust Company.

- CAP. 8.—An Act to confirm an agreement with the Orr-Newfoundland Company, Limited.
- CAP. 9.—An Act to confirm an agreement with the Inter-Colonial Development Company, Limited.
- CAP. 10.—An Act to amend 60 Vic. Cap. 18, entitled “An Act to incorporate the Roman Catholic Bishop of St. John’s.”
- CAP. 11.—An Act to amend 60 Vic. Cap. 19, entitled “An Act to incorporate the Roman Catholic Bishop of Harbor Grace.”
- CAP. 12.—An Act to amend 60 Vic. Cap. 20, entitled “An Act to incorporate the Roman Catholic Bishop of St. George’s.”
- CAP. 13.—An Act respecting the extension of the Railway System of the Colony.
- CAP. 14.—An Act respecting the construction of a Railway through Labrador.
- CAP. 15.—An Act for the encouragement of the construction of Tramways at Bell Island.
- CAP. 18.—An Act further to amend 56 Vic. Cap. 11, entitled “An Act to incorporate the Placentia Water Company.”
- CAP. 24.—An Act for the confirmation of an agreement between the Government and the Marconi Wireless Telegraph Company of Canada, Limited.

4 GEORGE V., 1914.

- CAP. 6.—An Act respecting the Newfoundland Railway and Train Ferry Syndicate, Limited.
- CAP. 7.—An Act to amend 3 George V. Cap. 4, entitled “An Act to incorporate the Conception Bay Electric Company, and for other purposes.”
- CAP. 8.—An Act to amend 2 Edward VII. Cap. 8, entitled “An Act to incorporate the United Towns Electrical Company, and for other purposes.”

5 GEORGE V., 1915.

- CAP. 1.—An Act to incorporate the Newfoundland Master Builders Association.
- CAP. 2.—An Act to amend 4 George V., Cap. 6, entitled “An Act respecting the Newfoundland Railway and Train Ferry Syndicate, Limited.”
- CAP. 3.—An Act for the confirmation of a contract with the Newfoundland-American Packing Company Incorporated.

- CAP. 4.—An Act for the confirmation of a contract with the Newfoundland Products Corporation, Limited.
- CAP. 5.—An Act respecting the Grand Bank Water Company.
- CAP. 7.—An Act to incorporate the Patriotic Fund.

6 GEORGE V., 1916.

- CAP. 1.—An Act to incorporate the Union Electric Light and Power Company, and for other purposes.
- CAP. 2.—An Act to incorporate the Salvation Army.
- CAP. 14.—An Act to amend 3 George V., Cap. 14, entitled "An Act respecting the construction of a Railway through Labrador."

NOTE

THE FOLLOWING LOCAL AND PRIVATE ACTS, OF DATE PRIOR TO 1892, WERE NOT REPEALED BY THE CONSOLIDATED STATUTES 2ND. SERIES (1892) AND THEREFORE, ALTHOUGH NOT INCLUDED IN SCHEDULE B TO THE CONSOLIDATED STATUTES (THIRD SERIES), WERE THEN IN FORCE.

St John's Mechanics' Society Incorporation	44 Wm. IV., Cap. 22, 1834.
Congregational Church, Trusts	12 Vic., Cap. 14, 1849.
Congregational Church, Trustees	16 Vic., Cap. 13, 1854.
New York, Nfld. and London Telegraph Co., Incorporation	17 Vic., Cap. 2, 1854.
New York, Nfld. and London Telegraph Co., Amendment	19 Vic., Cap. 12, 1856.
New York, Nfld. and London Telegraph Co., Amendment	20 Vic., Cap. 1, 1857.
Colonial and Continental Church Society, Incorporation	25 Vic., Cap. 11, 1862.
Harbour Grace Water Company, Incor- poration	26 Vic., Cap. 5, 1863.
Colonial and Continental Church Society, Lands	26 Vic., Cap. 16, 1863.
Harbour Grace Water Co., Amendment	27 Vic., Cap. 4, 1864.
New York, Nfld. and London Telegraph Co., Amendment	30 Vic., Cap. 17, 1867.
Harbour Grace Water Co., Amendment	33 Vic., Cap. 6, 1870.
Harbour Grace Water Co., Amendment	34 Vic., Cap. 8, 1871.
Diocesan Synod, Lands, &c.	40 Vic., Cap. 17, 1877.
Presbyterian Incorporation	40 Vic., Cap. 18, 1877.
Newfoundland Railway, Incorporation	44 Vic., Cap. 2, 1881.
Harbour Grace Water Co., Amendment	44 Vic., Cap. 10, 1881.
Dry or Graving Dock	46 Vic., Cap. 5, 1883.
Heart's Content Water Supply	46 Vic., Cap. 21, 1883.
Carbonear Water Supply	47 Vic., Cap. 6, 1884.
Methodist Incorporation and Trust Act, 1884	47 Vic., Cap. 15, 1884.
Transfer of Cape Race Lighthouse to Canada	49 Vic., Cap. 4, 1886.
Harbour Grace Water Co., Amendment	50 Vic., Cap. 17, 1887.

SCHEDULE C.

PART 1.

Acts or parts of Acts of the Legislature which are of a public general nature contained in The Revised Statutes of Newfoundland, 1970, which are to come into force on proclamation and which had not been proclaimed at the time the printing of the Revised Statutes was begun.

- CAP. 26.—The Building Contractors (Licensing) Act.
- CAP. 57.—The Condominium Act.
- CAP. 74.—The Death Duties Act.
- CAP. 112.—The Employment of Children Act.
- CAP. 243.—The Motorized Snow Vehicles and All-Terrain Vehicles Act.
- CAP. 285.—The Parliamentary Commissioner (Ombudsman) Act.
- CAP. 306.—The Private Investigators and Security Guards Act.
- CAP. 318.—The Public Service (Collective Bargaining) Act.
- CAP. 321.—The Public Trustee Act.
- CAP. 332.—The Regulations Act.
- CAP. 346.—The Schools Act — Sections 61 and 62.
- CAP. 389.—The Urban and Rural Planning Act — Section 9(4).

PART 2.

Acts or parts of Acts of the Legislature which are of a public general nature not contained in The Revised Statutes of Newfoundland, 1970, which are to come into force on proclamation and which had not been proclaimed at the time the printing of the Revised Statutes was begun.

1956

- No. 48.—The Bowring Park Area (Control) (Amendment) Act, 1956.

1966

- No. 72.—The Dog Act, 1966.

1968

- No. 40.—The Technical and Vocational Training (Amendment) Act, 1968.
- No. 49.—The College of Fisheries (Amendment) Act, 1968 — Sections 2 and 3.
- No. 88.—The Department of Manpower and Industrial Relations Act, 1968.

1969

- No. 56.—The Department of Municipal Affairs (Amendment) Act, 1969.

1970

- No. 82.—The Waste Material (Disposal) Act, 1970.

APPENDIX.

**STATUTES, LETTERS PATENT
and PROCLAMATIONS
of the
UNITED KINGDOM
and
CANADA
applicable to
NEWFOUNDLAND**

APPENDIX

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LETTERS PATENT

Passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Island of Newfoundland and its Dependencies.

(Dated 28th March, 1876.)

Victoria R. *VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.*

To All to Whom These Presents shall come, Greetings:

Whereas We did, by certain Letters-Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixth day of September, 1869, in the thirty-third year of Our reign, constitute and appoint Our trusty and well-beloved Colonel Stephen John Hill (now Sir Stephen John Hill, Knight Commander of Our Most Distinguished Order of St. Michael and Saint George), Companion of Our Most Honourable Order of the Bath, to be, during Our Pleasure, Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies. And whereas We are desirous of making effectual and permanent provision for the office of Governor and Commander-in-Chief in and over Our said Island of Newfoundland and its Dependencies without making new Letters-Patent on each demise of the said office: Now know ye that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters-Patent, and every clause, article, and thing therein contained: And further know ye, that We, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute, order, and declare and do by these presents constitute, order, and declare, that there shall be a Governor and Commander-in-Chief (hereinafter called Our said Governor) in and over Our Island of Newfoundland, and the islands adjacent, and all the coast of Labrador from the entrance to Hudson's Straits to a line to be drawn due north and south, from Anse Sablon on the said coast to the fifty-second degree of north latitude, and

Preamble.

Cites Governor's commission, 6th September, 1869.

Revocation of Governor's Commission.

Office of Governor constituted.

Boundaries defined.

all the islands adjacent to that part of the said coast of Labrador, as also of all forts and garrisons erected and established, or which shall be erected and established within or on the islands and coast aforesaid (which said islands and coast, together with the island of Newfoundland, are hereinafter referred to as Our said Colony), and that the person who shall fill the said office of Governor shall be, from time to time, appointed by Commission under Our Sign-Manual and Signet. And We do hereby authorize and command Our said Governor to do and execute in due manner all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of these present Letters-Patent, and of such Commission as may be issued to him under Our Sign-Manual and Signet, and according to such instruction as may from time to time be given to him under Our Sign-Manual and Signet, or by Our order in Our Privy Council, or by Us through one of Our principal Secretaries of State, and according to such laws and ordinances as are or shall hereafter be in force in Our said Colony.

Governor's
Powers and
Authorities.

Appointment
of Executive
Council.

II.—And We do hereby declare Our pleasure to be that there shall be an Executive Council for Our said Colony, and that the said Council shall consist of such persons as are now or may at any time be declared by any law enacted by the Legislature of Our said Colony to be members of Our said Council, and of such other persons as Our said Governor shall from time to time, in Our name and on Our behalf, but subject to any law as aforesaid, appoint under the Public Seal to be members of Our said Council.

Legislative
Council Con-
stitution of.

III.—And We do hereby declare Our pleasure to be that there shall be within Our said Colony a Legislative Council which shall consist of such members as at or immediately before the publication of these presents were members of Our said Council, and of such and so many other members as shall hereafter be from time to time nominated and appointed by Us under Our Sign-Manual and Signet, or provisionally appointed by Our said Governor until Our pleasure thereon shall be known: Provided, nevertheless, and We do hereby declare Our pleasure to be, that the total number of the members of the said Legislative Council for the time being resident within Our said Colony shall not at any time, by such provisional

Number.

appointments, be raised to a greater number in the whole than fifteen: Provided also that every member of Our said Council shall hold his place therein during Our pleasure, and shall be removable by any instruction or warrant issued by Us under Our Sign-Manual and Signet, and with the advice of Our Privy Council.

IV.—And We do authorize and empower Our said Governor, with the advice and consent of Our said Executive Council, by writs issued in Our name, to summon and call together the General Assembly of Our said Colony, and also from time to time, in the lawful and accustomed manner, to prorogue the Legislative Council and the House of Assembly of Our said Colony, and from time to time to dissolve the said House of Assembly.

General
Assembly to
be summoned.

Prorogation and
Dissolution of
the Legislature.

V.—And We do further authorize and empower Our said Governor, with the advice and consent of the said Legislative Council and Assembly of Our said Colony, to make laws for the public peace, welfare, and good government of Our said Colony.

Governor,
Legislative
Council and
Assembly to
make laws.

VI.—And We do further authorize and empower Our said Governor to keep and use the Public Seal of Our said Colony for sealing all things whatsoever that shall pass the said Public Seal.

Public Seal.

VII.—And We do further authorize and empower Our said Governor, in Our name and on Our behalf, to make and execute, under the said Seal, grants and dispositions of any lands which may be lawfully granted or disposed of by Us within Our said Colony.

Grants of land.

VIII.—And We do further authorize and empower Our said Governor to constitute and appoint in Our name and on Our behalf all such Judges, Commissioners, Justices of the Peace, and other necessary officers and ministers in Our said Colony as may be lawfully constituted or appointed by Us.

Appointment
of judges and
Justices, &c.

IX.—And We do further authorize and empower Our said Governor, as he shall see occasion, in Our name and on Our behalf, when any crime has been committed within Our said

Grant of pardons.

Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within Our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to Our said Governor may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us. Provided always that Our said Governor shall in no case make it a condition of any pardon or remission of sentence that the offender shall be banished from, or shall absent himself from Our said Colony.

Remission of fines.

Proviso: Banishment from Colony prohibited.

Suspension or removal from office.

X.—And We further authorize and empower Our said Governor, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any such office or place within Our said Colony under or by virtue of any commission or warrant granted, or which may be granted, by Us in Our name or under Our authority.

Succession to the Government.

XI.—And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor out of Our said Colony, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be, and the same are hereby vested in such person as may be appointed by Us under Our Sign-Manual and Signet to be Our Lieutenant-Governor of Our said Colony, or if there shall be no such Lieutenant-Governor in Our said Colony, then in such person or persons as may be appointed by Us under Our Sign-Manual and Signet to administer the Government of the same; and, in case there shall be no person or persons within Our said Colony so appointed by Us, then in the President for the time being of the Legislative Council of Our said Colony.

Officers and others to obey and assist the Governor.

XII.—And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other inhabitants of Our said Colony, to be obedient, aiding and as-

sisting unto Our said Governor, or, in the event of his death, incapacity, or absence, to such person or persons as may from time to time, under the provisions of these Our Letters-Patent, administer the Government of Our said Colony.

XIII.—And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend these Our Letters-Patent as to Us or them shall seem meet.

Power reserved
to Her Majesty
to revoke
alter or
amend the
present Letters
Patent.

XIV.—And We do further direct and enjoin that these Our Letters-Patent shall be read and proclaimed at such place or places as Our said Governor shall think fit within Our said Colony of Newfoundland.

Publication of
Letters Patent.

In witness whereof We have caused these Our Letters to be made patent. Witness Ourselves at Westminster the 28th day of March, in the thirty-ninth year of Our reign.

(By Warrant under the Queen's Sign-Manual.)

C. ROMILLY.

INSTRUCTIONS

Passed under the Royal Sign-Manual and Signet to the Governor and Commander-in-Chief of the Island of Newfoundland and its Dependencies.

(Dated 28th March, 1876)

Instructions to Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, or, in his absence, to Our Lieutenant-Governor or the Officer Administering the Government of Our said Island and its Dependencies for the time being. Dated this 28th day of March 1876, in the thirty-ninth year of Our reign.

VICTORIA R.

I.—Whereas by certain Letters-Patent, bearing even date herewith, We have constituted, ordered and declared that there shall be a Governor and Commander-in-Chief (hereinafter called Our said Governor) in and over Our Island of Newfoundland and its dependencies (hereinafter called Our said Colony). And We have thereby authorized and commanded Our said Governor to do and execute in due manner all things that shall belong to his said command and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of the said Letters-Patent and of the Commission to be issued to him under Our Sign-Manual and Signet, and according to such instructions as may from time to time be given to him, under Our Sign-Manual and Signet, or by Our order in Our Privy Council, or by Us through one of our Principal Secretaries of State, and according to such laws and ordinances as are or shall hereafter be in force in Our said Colony. Now, therefore, We do by these Our Instructions under Our Sign-Manual and Signet, declare Our pleasure to be that Our said Governor for the time being shall, with all due solemnity, cause Our Commission under Our Sign-Manual and Signet, appointing Our said Governor for the time being, to be read and published in the presence of the Chief Justice of Our said Colony for the time being, and of the mem-

Preamble.

Cites Letters Patent 28th March, 1876, constituting the Office of Governor.

Publication of Commission.

Oaths to be taken by Governor.

Imperial Act 31 and 32 Vict., cap. 72.

bers of Our Executive Council thereof; and We do further declare Our pleasure to be that Our said Governor and every other officer appointed to administer the Government of Our said Colony shall take the Oath of Allegiance in the form provided by an Act passed in the session holden in the thirty-first and thirty-second years of Our reign, instituted "An Act to amend the law relating to Promissory Oaths"; and likewise that he or they take the usual oath for the due execution of the office and trust of Our Governor and Commander-in-Chief in and over Our said Colony, and for the due and impartial administration of Justice, which said oaths the Chief Justice for the time being of Our said Colony, or in his absence, or in the event of his being otherwise incapacitated, the senior judge then present, or, failing such Judge, the senior member present of Our said Executive Council shall and he is hereby required to tender and administer unto him or them.

Oaths to be administered by the Governor.

II.—And we do authorize and require Our said Governor, from time to time and at any time hereafter, by himself or by any other person to be authorized by him in that behalf, to administer to all and to every person or persons as he shall think fit, who shall hold any office or place of trust or profit, the said Oath of Allegiance, together with such other oath or oaths as may from time to time be prescribed by any laws or statutes in that behalf made and provided.

Governor to communicate Instructions to Executive Council.

III.—And We do require Our said Governor to communicate forthwith to Our Executive Council for Our said Colony these Our Instructions, and likewise all such others from time to time as he shall find convenient for Our Service to be imparted to them.

Executive Council not to proceed to business unless summoned by authority of Governor.

Quorum.

IV.—And We do hereby direct and enjoin that Our said Executive Council shall not proceed to the despatch of business unless duly summoned by authority of Our said Governor, and three members at the least (exclusive of himself or the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Governor to preside.

V.—And We do further direct and enjoin that Our said Governor do attend and preside at the meetings of Our said

Executive Council, unless when prevented by some necessary or reasonable cause; and that in his absence such member as may be appointed by him in that behalf, or, in the absence of any such member, the senior member of the said Executive Council actually present shall preside at all such meetings, the seniority of the members of the Council being regulated according to the order of their respective appointments as members of Our said Council.

Or appoint a President.

Senior member to preside during absence of Governor or President.

Precedence of members.

VI.—And We do further direct and enjoin that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Executive Council, and that at each meeting of the said Council the minutes of the last meeting be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business. And We do further direct that twice in each year a full transcript of all the minutes of the said Council for the preceding half year be transmitted to Us through one of Our Principal Secretaries of State.

Journals and Minutes of Council to be kept.

Minutes to be sent to the Crown half-yearly.

VII.—And We do further direct and enjoin that in the execution of the powers and authorities committed to Our said Governor by Our said Letters-Patent, he shall in all cases consult with Our said Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting Our Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters: Provided that in all such urgent cases he shall subsequently and at the earliest practicable period, communicate to the said Executive Council the measures which he may so have adopted with the reasons thereof.

Governor to consult Executive Council.

Proviso: Urgent cases.

VIII.—And We do authorize Our said Governor, in his discretion, and if it shall in any case appear right, to act in the exercise of the power committed to him by Our said Letters-Patent in opposition to the advice which may in any such case be given to him by the members of Our said Executive Council: Provided, nevertheless, that in every such case he shall fully report

Governor may act in opposition to the Executive Council.

- Reporting grounds for so doing. to Us by the first convenient opportunity such proceeding with the grounds and reasons thereof.
- Legislative Council. IX.—And whereas We have by Our Letters-Patent provided that the Legislative Council of Our said Colony shall be constituted in the manner therein appointed: Now We do declare Our pleasure to be that five members of the said Legislative Council shall be a quorum for the despatch of the business thereof.
- Quorum.
- President. X.—And We do authorize and empower Our said Governor, from time to time, by an instrument under the public seal of Our said Colony, to appoint one member of the said Legislative Council to preside therein, and to remove him and appoint another in his stead.
- Standing rules and orders. XI.—And We do confirm all Standing Rules and Orders heretofore made by Our authority for ensuring punctuality of attendance of the members of the said Legislative Council, and for the prevention of meetings of the said Council being held without convenient notice to the several members thereof, and for maintaining order and method in the despatch of business, and in the conduct of all debates in the said Council; and We do authorize and empower the said Legislative Council to make such other and further Rules and Orders as may to them appear requisite for the above-mentioned purposes, not being repugnant to these Our Instructions, or to any other Instructions which Our said Governor may receive from Us.
- Minutes of proceedings to be kept. XII.—And We do further direct and enjoin that minutes shall be regularly kept of the proceedings of the said Legislative Council, and that at each meeting of the said Council the minutes of the last preceding meeting be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business. And We do further direct and enjoin that Our said Governor shall transmit fair copies of the Journals and Minutes of the proceedings of the Legislative Bodies of Our said Colony, which he is to require from the clerks or other proper officers in that behalf of the said Legislative Bodies.
- Copies of Minutes to be transmitted.

XIII.—And whereas We have empowered Our said Governor, by Our said Letters-Patent, to summon and call together the General Assembly of Our said Colony; We do further direct and enjoin that the persons thereupon duly elected to be members of the said Assembly shall, before their sitting, take the said Oath of Allegiance, which Oath he shall commission fit persons, under the Seal of Our said Colony, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected.

Oaths to be administered to members of Assembly.

XIV.—And in the enactment of Laws within Our said colony, We do direct and enjoin that Our said Governor observe, as far as may be practicable, the following Rules and Instructions, (that is to say):—

Rules to be observed in the enactment of laws.

XV.—The style of enacting such laws shall be by “The Governor, “Lieutenant-Governor, or Officer Administering the Government (as the case may be), Council and Assembly,” and no other.

Style of laws.

XVI.—In passing of all laws, each different matter is to be provided for by a different law, without intermixing in one and the same law such things as have no proper relation to each other, and no clause is to be inserted in or annexed to any Law which shall be foreign to what the title of such Law imports, and no perpetual clause is to be part of any temporary Law.

Different subjects not to be mixed in the same law;

No clause to be introduced foreign to what the title imports; Temporary laws.

XVII.—Our said Governor is not to assent in Our name to any Bill of any of the classes hereinafter specified, that is to say:—

Description of bills not to be assented to.

1. Any Bill for the divorce of persons joined together in Holy Matrimony.
2. Any Bill whereby any grant of land or money or other donation or gratuity may be made to himself.
3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin.
4. Any Bill imposing differential duties.

5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
6. Any Bill interfering with the discipline or control of Our forces in Our said Colony by land and sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of our subjects not residing in Our said Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.
8. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:—

Proviso: Urgent cases.

Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in Our said Colony of Our pleasure thereupon, or unless Our said Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorized to assent in Our name to such Bill unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us, by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

Laws to be sent to the Crown duly authenticated, and to have marginal abstracts.

XVIII.—And We do further direct and enjoin Our said Governor to transmit to Us, through one of Our Principal Secretaries of State, a transcript in duplicate of every law which has been assented to by him in Our name, together with a marginal abstract thereof, duly authenticated under the Public Seal of Our said Colony, and that such transcript shall be accompanied with such explanatory observations as may be required to exhibit the reasons and occasion for proposing such laws; and that in case any such law shall at any time be disallowed, and so signified by Us, Our Heirs and Successors, under Our or their Sign-Manual and Signet, or by order of Our or their Privy Council unto him, then such Law as shall be so disallowed shall from thenceforth cease, determine, and become utterly void and of none effect, anything to the contrary notwithstanding.

Disallowance of laws.

XIX.—And whereas We have by Our said Letters-Patent authorized and empowered Our said Governor, as he shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any court, or before any Judge, Justice, or Magistrate within Our said Colony, a pardon, either free or subject to lawful conditions: Now We do hereby direct and enjoin Our said Governor to call upon the Judge who presided at the trial of any offender who shall have been condemned to suffer death by the sentence of any court within Our said Colony to make to Our said Governor a written report of the case of such offender, and such report of the said Judge shall by Our said Governor be taken into consideration at the first meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge may be specially summoned to attend; and Our said Governor shall not pardon or reprieve any such offender as aforesaid, unless it shall appear to him expedient so to do, upon receiving the advice of Our Executive Council therein, but in all such cases he is to decide either to extend or withhold a pardon or reprieve, according to his own deliberate judgment, whether the members of Our said Executive Council concur therein or otherwise; entering, nevertheless, on the minutes of the said Council a minute of his reasons at length, in case he should decide any such questions in opposition to the judgment of the majority of the members thereof.

XX.—And We do further direct and enjoin that all Commissions granted to Our said Governor in any person or persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

XXI.—And whereas Our said Governor will receive through one of Our Principal Secretaries of State a book of tables in blank, commonly called the “Blue Book,” to be annually filled up with certain returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said “Blue Book” more particularly specified with reference to the state and condition of Our said Colony: Now We do hereby direct and enjoin that all such returns be accurately pre-

Pardoning
power;
Regulation of.

Judge's report
to be laid before
the Executive
Council.

Governor
to take the
advice of the
Council in
such cases;

May exercise
his own
judgment.

Entering his
reasons in the
Minutes of
Council.

Commissions
during pleas-
ure only.

Blue Book.

pared and punctually transmitted to Us from year to year through one of Our Principal Secretaries of State.

Governor's
absence.

XXII.—And whereas great prejudice may happen to Our service and to the security of Our said Colony by the absence therefrom of Our said Governor, he shall not upon any pretence whatsoever quit Our said Colony without having first obtained leave from Us for so doing under Our Sign-Manual and Signet, or through one of Our Principal Secretaries of State.

V.R.

LETTERS PATENT

Passed under the Great Seal of the United Kingdom, in regard to the absence of the Governor of Newfoundland from the Colony or seat of Government thereof.

(Dated 17th July 1905)

EDWARD THE SEVENTH, by the Grace of GOD of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting:

EDWARD R. I.

WHEREAS by certain Letters Patent passed under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the Twenty-eighth day of March 1876, Her late Majesty Queen Victoria did constitute, order and declare that there should be a Governor and Commander-in-Chief (therein and hereinafter called "Our said Governor") in and over Our Island of Newfoundland with its Dependencies (therein and hereinafter called "Our said Colony"):

And whereas by the Eleventh Clause of the aforesaid Letters Patent certain provision was made with reference to the absence of Our said Governor from Our said Colony:

And whereas We are minded to make further provision in regard to the absence of Our said Governor from Our said Colony, and also to provide for his absence from the seat of Government thereof:

Now know ye that We do hereby declare Our Will and Pleasure, and direct and ordain as follows:—

1. The aforesaid Eleventh Clause of the aforesaid Letters Patent of the Twenty-eighth day of March 1876 is hereby repealed and revoked, but without prejudice to anything lawfully done thereunder. And the aforesaid Letters Patent shall hence-

Substitutes fresh Clause for Clause XI of Letters Patent of 28th March, 1876.

forth be construed and take effect as if, instead of the said Eleventh Clause the following Clause had been inserted therein:—

Succession
to the
Government.

“XI. In the event of the death, incapacity, removal, or absence of Our said Governor out of Our said Colony, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be, and the same are hereby vested in such person as may be appointed by Us, under Our Sign Manual and Signet, to be Our Lieutenant-Governor of Our said Colony, or if there shall be no such Lieutenant-Governor in Our said Colony, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same; and in case there shall be no person or persons within Our said Colony so appointed by Us, then in the President for the time being of the Legislative Council of Our said Colony.

Governor may
appoint a
Deputy during
his temporary
absence from
seat of Govern-
ment, or from
the Colony for
the purposes of
visiting Canada
on public
business.

“Provided that, in the event of Our said Governor having occasion to be temporarily absent for a short period from the seat of Government, or from Our said Colony for the purpose of visiting Our Dominion of Canada on public business, he may in every such case by an Instrument under the Public Seal of Our said Colony, constitute and appoint Our Lieutenant-Governor, or if there be no such Officer or if such Officer be absent or unable to act, then any other person, to be his Deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on his behalf during such absence, but no longer, all such powers and authorities vested in Our said Governor, by these Our Letters Patent, as shall in and by such Instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such instructions as Our said Governor shall from time to time address to him for his guidance. Provided, nevertheless, that by the appointment of a Deputy as aforesaid, the power and authority of Our said Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct. Provided further that if any such Deputy shall have been duly appointed it shall not be necessary during the continuance in office of such Deputy for any person to assume the Government of Our said Colony as Administrator thereof.”

II. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Power reserved
to revoke, alter
or amend.

III. And We do further direct and enjoin that these Our Letters Patent shall be proclaimed at such place or places within Our said Colony as Our said Governor shall think fit.

Proclamation
of Letters
Patent.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Seventeenth day of July, in the Fifth Year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

The British North America Act, 1949

CHAPTER 22

AN ACT TO CONFIRM AND GIVE EFFECT TO TERMS OF UNION AGREED BETWEEN CANADA AND NEWFOUNDLAND.

(23rd March 1949).

WHEREAS by means of a referendum the people of Newfoundland have by a majority signified their wish to enter into confederation with Canada;

And whereas the Agreement containing Terms of Union between Canada and Newfoundland set out in the Schedule to this Act has been duly approved by the Parliament of Canada and by the Government of Newfoundland;

And whereas Canada has requested, and consented to, the enactment of an Act of the Parliament of the United Kingdom to confirm and give effect to the said Agreement, and the Senate and House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose:

Be it therefore 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 Agreement containing Terms of Union between Canada and Newfoundland set out in the Schedule to this Act is hereby confirmed and shall have the force of law notwithstanding anything in the British North America Act, 1867 to 1946.

Confirmation
of Terms
of Union.

2. In accordance with the preceding section the provisions of the Newfoundland Act, 1933, other than section three thereof (which relates to guarantee of certain securities of Newfoundland) shall be repealed as from the coming into force of the said Terms of Union.

Repeal of
24 & 25 Geo. 5
c. 2.

Short title
and citation.

3. This Act may be cited as the British North America Act, 1949, and the British North America Acts, 1867 to 1946, and this Act may be cited together with the British North America Acts, 1867 to 1949.

SCHEDULE

TERMS OF UNION

OF

NEWFOUNDLAND WITH CANADA

MEMORANDUM OF AGREEMENT ENTERED INTO ON THE ELEVENTH DAY OF DECEMBER, 1948, BETWEEN CANADA AND NEWFOUNDLAND.

Whereas a delegation appointed from its members by the National Convention of Newfoundland, a body elected by the people of Newfoundland, consulted in 1947 with the Government of Canada to ascertain what fair and equitable basis might exist for the union of Newfoundland with Canada;

Whereas, following discussions with the delegation, the Government of Canada sent to His Excellency the Governor of Newfoundland for submission to the National Convention a statement of terms which the Government of Canada would be prepared to recommend to the Parliament of Canada as a fair and equitable basis for union, should the people of Newfoundland desire to enter into confederation.

Whereas the proposed terms were debated in the National Convention in Newfoundland and were before the people of Newfoundland when, by a majority at a referendum held on the twenty-second day of July, 1948, they expressed their desire to enter into confederation with Canada;

Whereas the Governments of the United Kingdom, Canada and Newfoundland agreed after the referendum that representatives of Canada and Newfoundland should meet and settle the final terms and arrangements for the union of Newfoundland with Canada;

And whereas authorized representatives of Canada and authorized representatives of Newfoundland have settled the terms hereinafter set forth as the Terms of Union of Newfoundland with Canada;

It is therefore agreed as follows:

TERMS OF UNION

UNION

1. On, from and after the coming into force of these Terms (hereinafter referred to as the date of Union), Newfoundland shall form part of Canada and shall be a province thereof to be called and known as the Province of Newfoundland.

2. The Province of Newfoundland shall comprise the same territory as at the date of Union, that is to say, the Island of Newfoundland and the islands adjacent thereto, the Coast of Labrador as delimited in the report delivered by the Judicial Committee of His Majesty's Privy Council on the first day of March, 1927, and approved by His Majesty in His Privy Council on the twenty-second day of March, 1927, and the islands adjacent to the said Coast of Labrador.

APPLICATION OF THE BRITISH NORTH AMERICA ACTS.

3. The British North America Acts, 1867 to 1946, shall apply to the Province of Newfoundland in the same way and to the like extent as they apply to the provinces heretofore comprised in Canada, as if the Province of Newfoundland has been one of the provinces originally united, except insofar as varied by these Terms and except such provisions as are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more and not all the provinces originally united.

REPRESENTATION IN PARLIAMENT

4. The Province of Newfoundland shall be entitled to be represented in the Senate by six members, and in the House of

Commons by seven members out of a total membership of two hundred and sixty-two.

5. Representation in the Senate and in the House of Commons shall from time to time be altered or adjusted in accordance with the British North America Acts, 1867 to 1946.

6.—(1) Until the Parliament of Canada otherwise provides, the Province of Newfoundland shall for the purposes of the election of members to serve in the House of Commons, be divided into the electoral divisions named and delimited in the Schedule to these Terms, and each such division shall be entitled to return one member.

(2) For the first election of members to serve in the House of Commons, if held otherwise than as part of a general election, the Governor General in Council may cause writs to be issued and may fix the day upon which the polls shall be held, and, subject to the foregoing, the laws of Canada relating to by-elections shall apply to an election held pursuant to any writ issued under this Term.

(3) The Chief Electoral Officer shall have authority to adapt the provisions of The Dominion Elections Act, 1938, to conditions existing in the Province of Newfoundland so as to conduct effectually the first election of members to serve in the House of Commons.

PROVINCIAL CONSTITUTION

7. The Constitution of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, is revived at the date of Union and shall, subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

EXECUTIVE

8.—(1) For the Province of Newfoundland there shall be an officer styled the Lieutenant-Governor, appointed by the Gov-

ernor General in Council by instrument under the Great Seal of Canada.

(2) Pending the first appointment of a Lieutenant-Governor for the Province of Newfoundland and the assumption of his duties as such, the Chief Justice, or if the office of Chief Justice is vacant, the senior judge, of the Supreme Court of Newfoundland, shall execute the office and functions of Lieutenant-Governor under his oath of office as such Chief Justice or senior judge.

9. The Constitution of the Executive Authority of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall, subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Executive Authority of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

10. The Lieutenant-Governor in Council shall as soon as may be after the date of Union adopt and provide a Great Seal of the Province of Newfoundland and may from time to time change such seal.

11. All powers, authorities, and functions that under any statute were at or immediately prior to the date of Union vested in or exercisable by the Governor of Newfoundland individually, or in Council, or in Commission,

- (a) as far as they are capable of being exercised after the date of Union in relation to the Government of Canada, shall be vested in and shall or may be exercised by the Governor General, with the advice, or with the advice and consent, or in conjunction with, the King's Privy Council for Canada or any member or members thereof, or by the Governor General individually, as the case requires, subject nevertheless to be abolished or altered by the Parliament of Canada under the authority of the British North America Acts, 1867 to 1946; and
- (b) as far as they are capable of being exercised after the date of Union in relation to the Government of the

Province of Newfoundland, shall be vested in and shall or may be exercised by the Lieutenant-Governor of the Province of Newfoundland, with the advice, or with the advice and consent, or in conjunction with, the Executive Council of the Province of Newfoundland or any member or members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless to be abolished or altered by the Legislature of the Province of Newfoundland under the authority of the British North America Acts, 1867 to 1946.

12. Until the Parliament of Canada otherwise provides, the powers, authorities, and functions vested in or imposed on any member of the Commission of Government of Newfoundland, as such member or as a Commissioner charged with the administration of a Department of the Government of Newfoundland, at or immediately prior to the date of Union in relation to matters other than those coming within the classes of subjects by the British North America Acts, 1867 to 1946, assigned exclusively to the Legislature of a province, shall in the Province of Newfoundland be vested in or imposed on such person or persons as the Governor General in Council may appoint or designate.

13. Until the Legislature of the Province of Newfoundland otherwise provides, the powers, authorities, and functions vested in or imposed on any member of the Commission of Government of Newfoundland, as such member or as a Commissioner charged with the administration of a Department of the Government of Newfoundland, at or immediately prior to the date of Union in relation to matters coming within the classes of subjects by the British North America Acts, 1867 to 1946, assigned exclusively to the Legislature of a province, shall in the Province of Newfoundland be vested in or imposed on such person or persons as the Lieutenant-Governor in Council may appoint or designate.

LEGISLATURE.

14.—(1) Subject to paragraph two of this Term, the Constitution of the Legislature of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall,

subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Legislature of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

(2) The Constitution of the Legislature of Newfoundland insofar as it relates to the Legislative Council shall not continue, but the Legislature of the Province of Newfoundland may at any time re-establish the Legislative Council or establish a new Legislative Council.

15.—(1) Until the Legislature of the Province of Newfoundland otherwise provides, the powers, authorities, and functions vested in or imposed on a Minister or other public officer or functionary under any statute of Newfoundland relating to the Constitution of the Legislature of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall, subject to these Terms and the British North America Acts, 1867 to 1946, be vested in or imposed on such person or persons as the Lieutenant-Governor in Council may appoint or designate.

(2) Until the Legislature of the Province of Newfoundland otherwise provides,

- (a) the list of electors prepared pursuant to The List of Electors Act, 1947, shall be deemed to be the list of electors for the purposes of The Election Act, 1913, subject to the provisions of The Election Act, 1913, respecting supplementary lists of electors;
- (b) the franchise shall be extended to female British subjects who have attained the full age of twenty-one years and are otherwise qualified as electors;
- (c) the Coast of Labrador together with the islands adjacent thereto shall constitute an additional electoral district to be known as Labrador and to be represented by one member, and residents of the said district who are otherwise qualified as electors shall be entitled to vote; and

- (d) the Lieutenant-Governor in Council may by proclamation defer any election in the electoral district of Labrador for such period as may be specified in the proclamation.

16. The Legislature of the Province of Newfoundland shall be called together not later than four months after the date of Union.

EDUCATION.

17. In lieu of section ninety-three of the British North America Act, 1867, the following Term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland provided for education,

- (a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and
- (b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

CONTINUATION OF LAWS

GENERAL

18.—(1) Subject to these Terms, all laws in force in Newfoundland at or immediately prior to the date of Union shall

continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished, or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946, and all orders, rules, and regulations made under any such laws shall likewise continue, subject to be revoked or amended by the body or person that made such orders, rules, or regulations or the body or person that has power to make such orders, rules, or regulations after the date of Union, according to their respective authority under the British North America Acts, 1867 to 1946.

(2) Statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of the Governor General in Council issued from time to time, and any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and
- (c) could be repealed by the Parliament of Canada under paragraph one of this Term.

(3) Notwithstanding anything in these Terms, the Parliament of Canada may with the consent of the Legislature of the Province of Newfoundland repeal any law in force in Newfoundland at the date of Union.

(4) Except as otherwise provided by these Terms, all courts of civil and criminal jurisdiction and all legal commissions, powers, authorities, and functions, and all officers and functionaries, judicial, administrative, and ministerial, existing in Newfoundland at or immediately prior to the date of Union, shall continue in the Province of Newfoundland as if the Union had not been made, until altered, abolished, revoked, termin-

ated, or dismissed by the appropriate authority under the British North America Acts, 1867 to 1946.

SUPPLY

19. Any statute of Newfoundland enacted prior to the dates of Union for granting to His Majesty sums of money for defraying expenses of, and for other purposes relating to, the public service of Newfoundland, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty, shall have effect after the date of Union according to its terms, until otherwise provided by the Legislature of the Province of Newfoundland.

PATENTS.

20.—(1) Subject to this Term, Canada will provide that letters patent for inventions issued under the laws of Newfoundland prior to the date of Union shall be deemed to have been issued under the laws of Canada, as of the date and for the term thereof.

(2) Canada will provide further that in the event of conflict between letters patent for an invention issued under the laws of Newfoundland prior to the date of Union and letters patent for an invention issued under the laws of Canada prior to the date of Union

- (a) the letters patent issued under the laws of Newfoundland shall have the same force and effect in the Province of Newfoundland as if the Union had not been made, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if the Union had not been made; and
- (b) the letters patent issued under the laws of Canada shall have the same force and effect in any part of Canada other than the Province of Newfoundland as if the Union had not been made and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in any part of Canada other

than the Province of Newfoundland as if the Union had not been made.

(3) The laws of Newfoundland existing at the date of Union shall continue to apply in respect of applications for the grant of letters patent for inventions under the laws of Newfoundland pending at the date of Union, and any letters patent for inventions issued upon such applications shall, for the purposes of this Term, be deemed to have been issued under the laws of Newfoundland prior to the date of Union; and letters patent for inventions issued under the laws of Canada upon applications pending at the date of Union shall, for the purposes of this Term, be deemed to have been issued under the laws of Canada prior to the date of Union.

(4) Nothing in this Term shall be construed to prevent the Parliament of Canada from providing that no claims for infringement of a patent issued in Canada prior to the date of Union shall be entertained by any court against any person for anything done in Newfoundland prior to the date of Union in respect of the invention protected by such patent, and that no claims for infringement of a patent issued in Newfoundland prior to the date of Union shall be entertained by any court against any person for anything done in Canada prior to the date of Union in respect of the invention protected by such patent.

TRADE MARKS.

21.—(1) Canada will provide that the registration of a trade mark under the laws of Newfoundland prior to the date of Union shall have the same force and effect in the Province of Newfoundland as if the Union had not been made, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if the Union had not been made.

(2) The laws of Newfoundland existing at the date of Union shall continue to apply in respect of applications for the registration of trade marks under the laws of Newfoundland pending at the date of Union and any trade marks registered upon such applications shall, for the purposes of this Term, be deemed

to have been registered under the laws of Newfoundland prior to the date of Union.

FISHERIES.

22.—(1) In this Term, the expression “Fisheries Laws” means the Act No. 11 of 1936, entitled “An Act for the creation of the Newfoundland Fisheries Board”, the Act No. 14 of 1936, entitled “An Act to Prevent the Export of Fish Without Licence”, the Act No. 32 of 1936, entitled “An Act to Amend the Newfoundland Fisheries Board Act (No. 11 of 1936)”, the Act No. 37 of 1938, entitled “An Act further to Amend the Newfoundland Fisheries Board Act, 1936”, the Act No. 10 of 1942, entitled “An Act Respecting Permits for the Exportation of Salt Fish”, the Act No. 39 of 1943, entitled “An Act Further to Amend the Newfoundland Fisheries Board Act, 1936”, the Act No. 16 of 1944, entitled “An Act Further to Amend the Newfoundland Fisheries Board Acts, 1936-38”, and the Act No. 42 of 1944, entitled “An Act Further to Amend the Newfoundland Fisheries Board Act, 1936”, insofar as they relate to the export marketing of salted fish from Newfoundland to other countries or to any provinces of Canada.

(2) Subject to this Term, all Fisheries Laws and all orders, rules, and regulations made thereunder shall continue in force in the Province of Newfoundland as if the Union had not been made, for a period of five years from the date of Union and thereafter until the Parliament of Canada otherwise provides, and shall continue to be administered by the Newfoundland Fisheries Board; and the costs involved in the maintenance of the Board and the administration of the Fisheries Laws shall be borne by the Government of Canada.

(3) The powers, authorities, and functions vested in or imposed on the Governor in Commission or the Commissioner for Natural Resources under any of the Fisheries Laws shall after the date of Union respectively be vested in or imposed on the Governor General in Council and the Minister of Fisheries of Canada or such other Minister as the Governor General in Council may designate.

(4) Any of the Fisheries Laws may be repealed or altered at any time within the period of five years from the date of Union by the Parliament of Canada with the consent of the Lieutenant-Governor in Council of the Province of Newfoundland and all orders, rules, and regulations made under the authority of any Fisheries Laws may be revoked or altered by the body or person that made them or, in relation to matters to which paragraph three of this Term applies, by the body or person that under the said paragraph three has power to make such orders, rules, or regulations under the Fisheries Laws after the date of Union.

(5) The Chairman of the Newfoundland Fisheries Board or such other member of the Newfoundland Fisheries Board as the Governor general in Council may designate shall perform in the Province of Newfoundland the duties of Chief Supervisor and Chief Inspector of the Department of Fisheries of the Government of Canada, and employees of the Newfoundland Fisheries Board shall become employees in that Department in positions comparable to those of the employees in that Department in other parts of Canada.

(6) Terms eleven, twelve, thirteen and eighteen are subject to this Term.

FINANCIAL TERMS

DEBT.

23. Canada will assume and provide for the servicing and retirement of the stock issued or to be issued on the security of Newfoundland pursuant to The Loan Act, 1933, of Newfoundland and will take over the Sinking Fund established under that Act.

FINANCIAL SURPLUS.

24.—(1) In this Term the expression "financial surplus" means the balances standing to the credit of the Newfoundland Exchequer at the date of Union (less such sums as may be required to discharge accounts payable at the date of Union in respect of appropriations for the public services) and any public

moneys or public revenue (including loans and advances referred to in Term twenty-five) in respect of any matter, thing, or period prior to the date of Union recovered by the Government of the Province of Newfoundland subsequent to the date of Union.

(2) Newfoundland will retain its financial surplus subject to the following conditions:

- (a) one-third of the surplus shall be set aside during the first eight years from the date of Union, on deposit with the Government of Canada, to be withdrawn by the Government of the Province of Newfoundland only for expenditures on current account to facilitate the maintenance and improvement of Newfoundland public services, and any portion of this one-third of the surplus remaining unspent at the end of the eight-year period shall become available to the Province of Newfoundland without the foregoing restriction;
- (b) the remaining two-thirds of the surplus shall be available to the Government of the Province of Newfoundland for the development of resources and for the establishment or extension of public services within the Province of Newfoundland; and
- (c) no part of the surplus shall be used to subsidize the production or sale of products of the Province of Newfoundland in unfair competition with similar products of other provinces of Canada, but nothing in this paragraph shall preclude the Province of Newfoundland from assisting industry by developmental loans on reasonable conditions or by ordinary provincial administrative services.

(3) The Government of the Province of Newfoundland will have the right within one year from the date of Union to deposit with the Government of Canada all or any part of its financial surplus held in dollars and on the thirty-first day of March and the thirtieth day of September in each year to receive with respect thereto interest at the rate of two and five-eighths per centum per annum during a maximum period of ten years from

the date of Union on the minimum balance outstanding at any time during the six-month period preceding payment of interest.

LOANS.

25.—(1) The Province of Newfoundland will retain its interest in, and any securities arising from or attaching to, any loans or advances of public funds made by the Government of Newfoundland prior to the date of Union.

(2) Unless otherwise agreed by the Government of Canada, paragraph one of this Term shall not apply to any loans or advances relating to any works, property, or services taken over by Canada pursuant to Term thirty-one or Term thirty-three.

SUBSIDIES.

26. Canada will pay to the Province of Newfoundland the following subsidies:

- (a) an annual subsidy of \$180,000 and an annual subsidy equal to 80 cents per head of the population of the Province of Newfoundland (being taken at 325,000 until the first decennial census after the date of Union), subject to be increased to conform to the scale of grants, authorized by the British North America Act, 1907, for the local purposes of the Province and the support of its Government and Legislature, but in no year shall sums payable under this paragraph be less than those payable in the first year after the date of Union; and
- (b) an additional annual subsidy of \$1,100,000 payable for the like purposes as the various fixed annual allowances and subsidies provided by statutes of the Parliament of Canada from time to time for the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island or any of them and in recognition of the special problems of the Province of Newfoundland by reason of geography and its sparse and scattered population.

TAX AGREEMENT.

27.—(1) The Government of Canada will forthwith after the date of Union make an offer to the Government of the Province of Newfoundland to enter into a tax agreement for the rental to the Government of Canada of the income, corporation income, and corporation tax fields, and the succession duties tax field.

(2) The offer to be made under this Term will be similar to the offers to enter into tax agreements made to other provinces, necessary changes being made to adapt the offer to circumstances arising out of the Union, except that the offer will provide that the agreement may be entered into either for a number of fiscal years expiring at the end of the fiscal year in 1952, as in the case of other provinces, or for a number of fiscal years expiring at the end of the fiscal year in 1957, at the option of the Government of the Province of Newfoundland, but if the Government of the Province of Newfoundland accepts the latter option the agreement will provide that the subsequent entry into a tax agreement by the Government of Canada with any other province will not entitle the Government of the Province of Newfoundland to any alteration in the terms of its agreement.

(3) The offer of the Government of Canada to be made under this Term may be accepted by the Government of the Province of Newfoundland within nine months after the date of the offer but if it is not so accepted will thereupon expire.

(4) The Government of the Province of Newfoundland shall not by any agreement entered into pursuant to this Term be required to impose on any person or corporation taxation repugnant to the provisions of any contract entered into with such person or corporation before the date of the agreement and subsisting at the date of the agreement.

(5) If the Province of Newfoundland enters into a tax agreement pursuant to this Term the subsidies payable under Term twenty-six will, as in the case of similar subsidies to other provinces, be included in the computation of tax agreement payments.

TRANSITIONAL GRANTS.

28.—(1) In order to facilitate the adjustment of Newfoundland to the status of a province of Canada and the development by the Province of Newfoundland of revenue-producing services, Canada will pay to the Province of Newfoundland each year during the first twelve years after the date of Union a transitional grant as follows, payment in each year to be made in equal quarterly instalments commencing on the first day of April, namely,

	\$
First year	6,500,000
Second year	6,500,000
Third year	6,500,000
Fourth year	5,650,000
Fifth year	4,800,000
Sixth year	3,950,000
Seventh year	3,100,000
Eighth year	2,250,000
Ninth year	1,400,000
Tenth year	1,050,000
Eleventh year	700,000
Twelfth year	350,000

(2) The Government of the Province of Newfoundland will have the right to leave on deposit with the Government of Canada any portion of the transitional grant for the first eight years with the right to withdraw all or any portion thereof in any subsequent year and on the thirty-first day of March and the thirtieth day of September in each year to receive in respect of any amounts so left on deposit interest at the rate of two and five-eighths per centum per annum up to a minimum period of ten years from the date of Union on the minimum balance outstanding at any time during the six-month period preceding payment of interest.

REVIEW OF FINANCIAL POSITION.

29. In view of the difficulty of predicting with sufficient accuracy the financial consequences to Newfoundland of becoming a province of Canada, the Government of Canada will

appoint a Royal Commission within eight years from the date of Union to review the financial position of the Province of Newfoundland and to recommend the form and scale of additional financial assistance, if any, that may be required by the Government of the Province of Newfoundland to enable it to continue public services at the levels and standards reached subsequent to the date of Union, without resorting to taxation more burdensome, having regard to capacity to pay, than that obtaining generally in the region comprising the Maritime Provinces of Nova Scotia, New Brunswick, and Prince Edward Island.

MISCELLANEOUS PROVISIONS

SALARIES OF LIEUTENANT-GOVERNOR AND JUDGES.

30. The salary of the Lieutenant-Governor and the salaries, allowances, and pensions of the judges of such superior, district, and county courts as are now or may hereafter be constituted in the Province of Newfoundland shall be fixed and provided by the Parliament of Canada.

PUBLIC SERVICES, WORKS AND PROPERTY.

31. At the date of Union, or as soon thereafter as practicable, Canada will take over the following services and will as from the date of Union relieve the Province of Newfoundland of the public costs incurred in respect of each service taken over, namely.

- (a) the Newfoundland Railway, including steamship and other marine services;
- (b) the Newfoundland Hotel if requested by the Government of the Province of Newfoundland within six months from the date of Union;
- (c) postal and publicly-owned telecommunication services;
- (d) civil aviation, including Gander Airport;
- (e) customs and excise;

- (f) defence;
- (g) protection and encouragement of fisheries and operation of bait services;
- (h) geological, topographical, geodetic, and hydrographic surveys;
- (i) lighthouses, fog alarms, buoys, beacons, and other public works and services in aid of navigation and shipping;
- (j) marine hospitals, quarantine, and the care of shipwrecked crews;
- (k) the public radio broadcasting system; and
- (l) other public services similar in kind to those provided at the date of Union for the people of Canada generally.

32.—(1) Canada will maintain in accordance with the traffic offering a freight and passenger steamship service between North Sydney and Port aux Basques, which, on completion of a motor highway between Corner Brook and Port aux Basques, will include suitable provision for the carriage of motor vehicles.

(2) For the purpose of railway rate regulation the Island of Newfoundland will be included in the Maritime region of Canada and through-traffic moving between North Sydney and Port aux Basques will, as far as appropriate, be made applicable to the Island of Newfoundland.

33. The following public works and property of Newfoundland shall become the property of Canada when the services concerned is taken over by Canada, subject to any trusts existing in respect thereof, and to any interest other than that of Newfoundland in the same, namely,

- (a) the Newfoundland Railway, including rights of way, wharves, dry docks, and other real property, rolling stock, equipment, ships, and other personal property;

- (b) the Newfoundland Airport at Gander, including buildings and equipment, together with any other property used for the operation of the Airport;
- (c) the Newfoundland Hotel and equipment;
- (d) public harbours, wharves, break-waters, and aids to navigation;
- (e) bait depots and the motor vessel Malakoff;
- (f) military and naval property, stores, and equipment;
- (g) public dredges and vessels except those used for services that remain the responsibility of Newfoundland and except the nine motor vessels known as the Clar-enville boats;
- (h) the public telecommunication system, including rights of way, land lines, cables, telephones, radio stations, and other real and personal property;
- (i) real and personal property of the Broadcasting Corporation of Newfoundland; and
- (j) subject to the provisions of Term thirty-four, customs houses, and post-offices and generally all public works and property, real and personal, used primarily for services taken over by Canada.

34. Where at the date of Union any public buildings of Newfoundland included in paragraph (j) of Term thirty-three are used partly for services taken over by Canada and partly for services of the Province of Newfoundland the following provisions shall apply:

- (a) where more than half the floor space of a building is used for services taken over by Canada the building shall become the property of Canada and where more than half the floor space of a building is used for services of the Province of Newfoundland the building shall remain the property of the Province of Newfoundland;

- (b) Canada shall be entitled to rent from the Province of Newfoundland on terms to be mutually agreed such space in the buildings owned by the Province of Newfoundland as is used for the services taken over by Canada and the Province of Newfoundland shall be entitled to rent from Canada on terms to be mutually agreed such space in the buildings owned by Canada as is used for the services of the Province of Newfoundland;
- (c) the division of buildings for the purposes of this Term shall be made by agreement between the Government of Canada and the Government of the Province of Newfoundland as soon as practicable after the date of Union; and
- (d) if the division in accordance with the foregoing provisions results in either Canada or the Province of Newfoundland having a total ownership that is substantially out of proportion to the floor space used for its services an adjustment of the division will be made by mutual agreement between the two Governments.

35. Newfoundland public works and property not transferred to Canada by or under these Terms will remain the property of the Province of Newfoundland.

36. Without prejudice to the legislative authority of the Parliament of Canada under the British North America Acts, 1867 to 1946, any works, property, or services taken over by Canada pursuant to these Terms shall thereupon be subject to the legislative authority of the Parliament of Canada.

NATURAL RESOURCES.

37. All lands, mines, minerals, and royalties belonging to Newfoundland at the date of Union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the Province of Newfoundland, subject to any trusts existing in respect thereof, and of any interest other than that of the Province in the same.

VETERANS.

38. Canada will make available to Newfoundland veterans the following benefits, on the same basis as they are from time to time available to Canadian veterans, as if the Newfoundland veterans had served in His Majesty's Canadian forces, namely,

- (a) The War Veterans Allowance Act, 1946, free hospitalization and treatment, and civil service preference will be extended to Newfoundland veterans who served in the First World War or the Second World War or both;
- (b) Canada will assume as from the date of Union the Newfoundland pension liability in respect of the First World War, and in respect of the Second World War Canada will assume as from the date of Union the cost of supplementing disability and dependents' pensions paid by the Government of the United Kingdom or an Allied country to Newfoundland veterans up to the level of the Canadian rates of pensions, and, in addition, Canada will pay pensions arising from disabilities that are pensionable under Canadian law but not pensionable either under the laws of the United Kingdom or under the laws of an Allied country;
- (c) The Veterans' Land Act, 1942, Part IV of the Unemployment Insurance Act, 1940, The Veterans' Business and Professional Loans Act, and The Veterans Insurance Act will be extended to Newfoundland veterans who served in the Second World War;
- (d) a re-establishment credit will be made available to Newfoundland veterans who served in the Second World War equal to the re-establishment credit that might have been made available to them under The War Service Grants Act, 1944, if their service in the Second World War had been service in the Canadian forces, less the amount of any pecuniary benefits of the same nature granted or paid by the Government of any country other than Canada;

- (e) Canada will assume, as from the date of Union, the cost of vocational and educational training of Newfoundland veterans of the Second World War on the same basis as if they had served in His Majesty's Canadian forces; and
- (f) sections six, seven, and eight of The Veterans Rehabilitation Act will be extended to Newfoundland veterans of the Second World War who have not received similar benefits from the Government of any country other than Canada.

PUBLIC SERVANTS.

39.—(1) Employees of the Government of Newfoundland in the services taken over by Canada pursuant to these Terms will be offered employment in these services or in similar Canadian services under the terms and conditions from time to time governing employment in those services, but without reduction in salary or loss of pension rights acquired by reason of service in Newfoundland.

(2) Canada will provide the pensions for such employees so that the employees will not be prejudiced, and the Government of the Province of Newfoundland will reimburse Canada for the pensions for, or at its option make to Canada contributions in respect of, the service of these employees with the Government of Newfoundland prior to the date of Union, but these payments or contributions will be such that the burden on the Government of the Province of Newfoundland in respect of pension rights acquired by reason of service in Newfoundland will not be increased by reason of the transfer.

(3) Pensions of employees of the Government of Newfoundland who were retired on pension before the service concerned is taken over by Canada will remain the responsibility of the Province of Newfoundland.

WELFARE AND OTHER PUBLIC SERVICES.

40. Subject to these Terms, Canada will extend to the Province of Newfoundland, on the same basis and subject to the same terms and conditions as in the case of other provinces of Can-

ada, the welfare and other public services provided from time to time by Canada for the people of Canada generally, which, in addition to the veterans' benefits, unemployment insurance benefits, and merchant seamen benefits set out in Terms thirty-eight, forty-one, and forty-two respectively, include family allowances under The Family Allowance Act, 1944, unemployment insurance under The Unemployment Insurance Act, 1940, sick mariners' benefits for merchant seamen and fishermen under the Canada Shipping Act, 1934, assistance for housing under The National Housing Act, 1944, and, subject to the Province of Newfoundland entering into the necessary agreements or making the necessary contributions, financial assistance under The National Physical Fitness Act for carrying out plans of physical fitness, health grants, and contributions under the Old Age Pensions Act for old age pensions and pensions for the blind.

UNEMPLOYMENT INSURANCE.

41.—(1) Subject to this Term, Canada will provide that residents of the Province of Newfoundland in insurable employment who lose their employment within six months prior to the date of Union and are still unemployed at that date, or who lose their employment within a two-year period after that date, will be entitled for a period of six months from the date of Union or six months from the date of unemployment, whichever is the later, to assistance on the same scale and under the same conditions as unemployment insurance benefits.

(2) The rates of payment will be based on the individual's wage record for the three months preceding his loss of employment, and to qualify for assistance a person must have been employed in insurable employment for at least thirty per centum of the working days within the period of three months preceding his loss of employment or thirty per centum of the working days within the period since the date of Union, whichever period is the longer.

MERCHANT SEAMEN.

42.—(1) Canada will make available to Newfoundland merchant seamen who served in the Second World War on British ships or on ships of Allied countries employed in service essen-

tial to the prosecution of the war, the following benefits, on the same basis as they are from time to time available to Canadian merchant seamen, as if they had served on Canadian ships, namely,

- (a) disability and dependents' pensions will be paid, if disability occurred as a result of enemy action or counter-action, including extraordinary marine hazards occasioned by the war, and a Newfoundland merchant seaman in receipt of a pension from the Government of the United Kingdom or an Allied country will be entitled, during residence in Canada, to have his pension raised to the Canadian level; and
- (b) free hospitalization and treatment, vocational training, The Veterans' Land Act, 1942, and The Veterans' Insurance Act will be extended to disability pensioners.

(2) Vocational Training, Part IV of The Unemployment Insurance Act, 1940, and The Veterans Insurance Act will be extended to Newfoundland merchant seamen who were eligible for a Special Bonus or a War Service Bonus, on the same basis as if they were Canadian merchant seamen.

(3) The Unemployment Insurance Act, 1940, and The Merchant Seamen Compensation Act will be applied to Newfoundland merchant seamen as they are applied to other Canadian merchant seamen.

CITIZENSHIP.

43. Suitable provision will be made for the extension of the Canadian citizenship laws to the Province of Newfoundland.

DEFENCE ESTABLISHMENTS.

44. Canada will provide for the maintenance in the Province of Newfoundland of appropriate reserve units of the Canadian defence forces, which will include the Newfoundland Regiment.

ECONOMIC SURVEY

45.—(1) Should the Government of the Province of Newfoundland institute an economic survey of the Province of Newfoundland with a view to determining what resources may profitably be developed and what new industries may be established or existing industries expanded, the Government of Canada will make available the services of its technical employees and agencies to assist in the work.

(2) As soon as may be practicable after the date of Union, the Government of Canada will make a special effort to collect and make available statistical and scientific data about the natural resources and economy of the Province of Newfoundland, in order to bring such information up to the standard attained for the other provinces of Canada.

OLEOMARGARINE.

46.—(1) Oleomargarine or margarine may be manufactured or sold in the Province of Newfoundland after the date of the Union and the Parliament of Canada shall not prohibit or restrict such manufacture or sale except at the request of the Legislature of the Province of Newfoundland, but nothing in this Term shall effect the power of the Parliament of Canada to require compliance with standards of quality applicable throughout Canada.

(2) Unless the Parliament of Canada otherwise provides or unless the sale and manufacture in, and the interprovincial movement between, all provinces of Canada other than Newfoundland of oleomargarine and margarine, is lawful under the laws of Canada, oleomargarine or margarine shall not be sent, shipped, brought, or carried from the Province of Newfoundland into any other province of Canada.

INCOME TAXES.

47. In order to assist in the transition to payment of income tax on a current basis Canada will provide in respect of persons (including corporations) resident in Newfoundland at the date of Union, who were not resident in Canada in 1949 prior to the

date of Union, and in respect of income that under the laws of Canada in force immediately prior to the date of Union was not liable to taxation, as follows:

- (a) that prior to the first day of July, 1949, no payment will be required or deduction made from such income on account of income tax;
- (b) that for income tax purposes no person shall be required to report such income for any period prior to the date of Union;
- (c) that no person shall be liable to Canada for income tax in respect of such income for any period prior to the date of Union; and
- (d) that for individuals an amount of income tax for the 1949 taxation year on income for the period after the date of Union shall be forgiven so that the tax on all earned income and on investment income of not more than \$2,250 will be reduced to one-half the tax that would have been payable for the whole year if the income for the period prior to the date of Union were at the same rate as that subsequent to such date.

STATUTE OF WESTMINSTER.

48. From and after the date of Union the Statute of Westminster, 1931, shall apply to the Province of Newfoundland as it applies to the other Provinces of Canada.

SAVING.

49. Nothing in these Terms shall be construed as relieving any person from any obligation with respect to the employment of Newfoundland labour incurred or assumed in return for any concession or privilege granted or conferred by the Government of Newfoundland prior to the date of Union.

COMING INTO FORCE.

50. These Terms are agreed to subject to their being approved by the Parliament of Canada and the Government of

Newfoundland; shall take effect notwithstanding the Newfoundland Act, 1933, or any instrument issued pursuant thereto; and shall come into force immediately before the expiration of the thirty-first day of March, 1949, if His Majesty has theretofore given His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

Signed in duplicate at Ottawa this eleventh day of December, 1948.

On behalf of Canada:

“LOUIS S. ST. LAURENT”
“BROOKE CLAXTON”

On behalf of Newfoundland:

“ALBERT J. WALSH”
“F. GORDON BRADLEY”
“PHILIP GRUCHY”
“JOHN B. McEVOY”
“JOSEPH R. SMALLWOOD”
“G. A. WINTER”

SCHEDULE

In this Schedule the expression “District” means District as named and delimited in the Act 22 George V, Chapter 7, entitled “An Act to amend Chapter 2 of the Consolidated Statutes of Newfoundland (Third Series) entitled ‘Of the House of Assembly’”.

Grand Falls-White Bay shall consist of the Districts of White Bay, Green Bay, and Grand Falls, and all the territory within a radius of five miles of the Railway Station at Gander, together with the Coast of Labrador and the islands adjacent thereto.

Bonavista-Twillingate shall consist of the Districts of Twillingate, Fogo, Bonavista North, and Bonavista South, but

shall not include any part of the territory within a radius of five miles from the Railway Station at Gander.

Trinity-Conception shall consist of the Districts of Trinity North, Trinity South, Carbonear-Bay de Verde, Harbour Grace, and Port de Grave.

St. John's East shall consist of the District of Harbour Main-Bell Island and that part of the Province bounded as follows, that is to say: By a line commencing at a point where the centre line of Beck's Cove Hill intersects the North shore of the Harbour of St. John's, thence following the centre line of Beck's Cove Hill to the centre of Duckworth Street, thence westerly along the centre line of Duckworth Street to the centre of Theatre Hill, thence following the centre line of Theatre Hill to the centre of Carter's Hill, thence following the centre line of Carter's Hill and Carter's Street to the centre of Freshwater Road, thence following the centre line of Freshwater Road to its intersection with the centre of Kenmount Road, and thence along the centre line of Kenmount Road to its intersection with the North Eastern boundary line of the District of Harbour Main-Bell Island, thence along the said North Eastern boundary of the District of Harbour Main-Bell Island to the shore of Conception Bay and thence following the coastline around Cape St. Francis and on to the Narrows of St. John's Harbour and continuing along by the North shore of St. John's Harbour to a point on the North shore of the said Harbour intersected by the centre line of Beck's Cove Hill, the point of commencement.

St. John's West shall consist of the Districts of Placentia-St. Mary's and Ferryland, and that part of the Province bounded as follows, that is to say: By a line commencing at the Motion Head of Petty Harbour and running in a straight line to the Northern Goulds Bridge (locally known as Doyle's Bridge) thence following the centre line of Doyle's Road to Short's Road, thence in a straight line to a point one mile west of Quigley's, thence in a straight line to the point where the North Eastern boundary of the District of Harbour Main-Bell Island intersects Kenmount Road, thence along the centre line of Kenmount Road and Fresh-

water Road to Carter's Street, thence down the centre line of Carter's Street and Carter's Hill to Theatre Hill and thence along the centre line of said Theatre Hill to the centre line of Duckworth Street and thence easterly along the centre line of Duckworth Street to the top of Beck's Cove Hill, thence from the centre line of said Beck's Cove Hill to the shore of St. John's Harbour and thence following the shore of St. John's Harbour and, passing through the Narrows by the North of Fort Amherst and thence following the coastline Southerly to the Motion Head of Petty Harbour, the point of commencement.

Burin-Burgeo shall consist of the Districts of Placentia West, Burin, Fortune Bay-Hermitage, and Burgeo and LaPoile and all the unorganized territory bounded on the North and West by the District of Grand Falls, on the South by the Districts of Burgeo and LaPoile and Fortune Bay-Hermitage, on the East by the Districts of Trinity North, Bonavista South and Bonavista North.

Humber-St. George's shall consist of the Districts of St. George's-Port au Port, Humber, and St. Barbe, and all the unorganized territory bounded on the North by the District of Humber, on the East by the District of Grand Falls, on the South by the District of Burgeo and LaPoile, and on the West by the District of St. George's-Port au Port.

COMMISSION TO LIEUTENANT GOVERNOR

C A N A D A

ALEXANDER OF TUNIS (L.S.)
CANADA

GEORGE THE SIXTH, *by the*
Grace of God, of Great Britain,
Ireland and the British Domin-
ions beyond the Seas KING,
Defender of the Faith.

Stuart S. Garson
Attorney General
Canada.

To

SIR LEONARD CECIL OUTERBRIDGE,

of the City of St. John's, in the Province of Newfoundland,
Knight Bachelor, Commander of Our Most Excellent Order of
the British Empire, upon whom he has conferred the Disting-
uished Service Order.

GREETING:

Know you that We, reposing special trust and confidence in
the prudence, courage, loyalty, integrity and ability of you the
said Leonard Cecil Outerbridge have by and with the advice of
Our Privy Council for Canada, thought fit to constitute and
appoint, and We do hereby constitute and appoint you the said
Leonard Cecil Outerbridge to be the

LIEUTENANT GOVERNOR IN AND OVER THE
PROVINCE OF NEWFOUNDLAND,

one of the Provinces of Canada, during the will and pleasure of
Our Governor General of Canada.

And We do hereby authorize and empower and command you
the said Leonard Cecil Outerbridge in due manner to do and
execute all things that belong to your said command, and the
trust We have reposed in you, according to the several powers,
provisions and directions granted or appointed you by virtue
of the Act of the Parliament of the United Kingdom of Great
Britain and Ireland, passed in the Thirtieth year of Her late

COMMISSION TO LIEUTENANT-GOVERNOR

Majesty's Reign, called and known as "The British North America Act, 1867," and of all other statutes in that behalf and of this Our present Commission, according to such instructions as are herewith given to you and hereunto annexed or which may from time to time be given to you, in respect of the said Province of Newfoundland under the sign manual of Our Governor General of Canada, or by Order of Our Privy Council for Canada and according to such Laws as are or may be in force within the said Province of Newfoundland.

And We do hereby further appoint that as soon as you shall have taken the prescribed oaths and entered upon the duties of your office, this our present Commission shall supersede Our Commission under the Great Seal of Canada, bearing date the first day of April, one thousand nine hundred and forty-nine, appointing the Honourable Sir Albert Joseph Walsh to be the Lieutenant Governor of the said Province of Newfoundland.

In testimony whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshall in Our Army, Governor General and Commander-in-Chief of Canada.

At Our Government House, in Our City of Ottawa this fifth day of September in the year of Our Lord One thousand nine hundred and forty-nine and in the thirteenth year of Our Reign.

BY COMMAND

F. GORDON BRADLEY
Secretary of State of Canada.

INSTRUCTIONS TO LIEUTENANT GOVERNOR

C A N A D A

ALEXANDER OF TUNIS

(L.S.)

CANADA

Instructions to the Lieutenant Governor or other Chief Executive Officer or Administrator for the time being, carrying on the Government of the Province of Newfoundland.

WHEREAS it is enacted in and by "The British North America Act, 1867," that for each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada; and whereas, by and with the advice of the King's Privy Council for Canada, I have, by Commission under the Great Seal of Canada, constituted and appointed

SIR LEONARD CECIL OUTERBRIDGE

to be Lieutenant Governor in and over the said Province of Newfoundland, one of the Provinces of Canada, and thereby authorized and empowered and commanded him in due manner, to do and execute all things belonging to his said command and trust according to the several powers, provisions and directions granted or appointed to him by virtue of the said Act, and of all other Statutes in that behalf, and of the said Commission, according to such instructions as were with the said Commission given unto him, or which might, from time to time, be given to him in respect to the said Province of Newfoundland under my Sign Manual or by order of the King's Privy Council for Canada, and according to such laws as are or may be in force within the said Province of Newfoundland.

I. Now, therefore, I do by these my Instructions under my Sign Manual, by and with the advice of the King's Privy Council for Canada, declare my pleasure to be that the Lieutenant Governor of the Province of Newfoundland, for

the time being, shall, with all due solemnity, cause the said Commission under the Great Seal of Canada, appointing him Lieutenant Governor, to be read and published in the presence of the Chief Justice for the time being or other Judge of the Supreme Court (or, as the case may be) of the said Province and of the members of the Executive Council in the said Province.

II. And I do further declare my pleasure to be that the Lieutenant Governor and every other officer appointed to administer the Government of the said Province, shall take the oath of allegiance in the form provided by the said Act, and likewise that he or they shall take the usual oaths for the due execution of the office of Lieutenant Governor, which oath the said Chief Justice for the time being of the said Province (or Court, as the case may be), or in his absence, or in the event of his being otherwise incapacitated, any Judge of the Supreme Court (or other Court, as the case may be) of the said Province, or in the case of emergency any one duly commissioned by me, shall and is hereby required to tender or administer unto him or them.

III. And I do authorize and require the Lieutenant Governor, from time to time, to administer to all and every person or persons, to whom he is by the said Act directed to administer the same, the said oath of allegiance and generally to administer such other oath or oaths as he lawfully may, and as may from time to time be prescribed by any Laws or Statutes in that behalf provided.

IV. The Lieutenant Governor is to take care that all Laws assented to by him in my name, or reserved for signification of my pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margin, and be accompanied in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such Laws.

*V. The Lieutenant Governor shall, within ten days after the prorogation of the Legislature or after adjournment of the Legislature for a period of more than ten days or for an indefinite period, send an authentic copy of each Act to which

he has assented during the session of the Legislature or during the session of the Legislature prior to the commencement of the adjournment, as the case may be, to the Secretary of State for Canada.

VI. The Lieutenant Governor, on receipt of a copy of an Order in Council disallowing an Act with my certificate of the date on which the Act was received by me, shall forthwith make proclamation in the said Province of such certificate, and of the disallowance of the said Act.

VII. The Lieutenant Governor shall not quit the Province without having first obtained leave from me for so doing, under my Sign Manual, or through the Secretary of State of Canada.

*Substituted for the original paragraph V by Order in Council P.C. 3431 of 19th July, 1950. The original paragraph V reads as follows: "Whenever the Lieutenant Governor assents to a Bill, he shall, within ten days thereafter, send an authentic copy of the Act to the Secretary of State of Canada."

C A N A D A

<p style="text-align: center;">ALEXANDER OF TUNIS (L.S.) CANADA</p>	<p style="text-align: center;"><i>GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the British Domin- ions beyond the Seas KING, Defender of the Faith.</i></p>
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TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern, GREETING:

STUART S. GARSON }
Attorney-General }
Canada. }

WHEREAS by virtue of paragraph (1) of Term 18 of the Terms of Union of Newfoundland with Canada all laws in force in Newfoundland at or immediately prior to the date of Union continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946.

AND WHEREAS paragraph (2) of Term 18 provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of Our Governor in Council issued from time to time.

AND WHEREAS paragraph (2) of Term 18 provides further that any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and
- (c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland on the first day of April, in the year of Our Lord one thousand nine hundred and forty-nine, the statutes of the Parliament of Canada set out in the First Schedule hereto.

AND WHEREAS the statutes of Newfoundland set out in the Second Schedule hereto, being of general application and relating to the same subject matter as one or more of the statutes set out in the First Schedule, are inconsistent with one or more of the statutes set out in the First Schedule and it is therefore considered necessary and desirable to repeal the statutes of Newfoundland set out in the Second Schedule.

Now Know YE that we by and with advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that—

- (1) the statutes of the Parliament of Canada set out in the First Schedule hereto shall come into force in the Province of Newfoundland on the first day of April, in the year of Our Lord one thousand nine hundred and forty-nine; and
- (2) the statutes of Newfoundland set out in the Second Schedule hereto, and all regulations, orders and proclamations made or issued thereunder, shall be repealed on the first day of April in the year of Our Lord one thousand nine hundred and forty-nine.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order

of Saint Michael and Saint George; Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this First day of April in the year of Our Lord One thousand nine hundred and forty-nine and in the Thirteenth year of Our Reign.

By Command,

COLIN GIBSON,

Secretary of State of Canada.

THE FIRST SCHEDULE

Statutes of the Parliament of Canada to come into force in the Province of Newfoundland on the First Day of April, 1949.

Interpretation Act	Destructive Insect and Pest Act
Publication of Statutes Act	Public Documents Act
Aeronautics Act	Dominion Day Act
Department of Agriculture Act	Dominion Controverted Elections Act
The Pest Control Products Act	Corrupt Practices Inquiries Act
Government Annuities Act	Disfranchising Act
Public Archives Act	Electricity and Fluid Exportation Act
Armistice Day Act	Escheats Act
Board of Audit Act	Experimental Farms Stations Act
Animal Contagious Diseases Act	Export Act
Savings Bank Act	Expropriation Act
Bills of Exchange Act	Departmental of External Affairs Act
Bills of Lading Act	Canadian Farm Loan Act
Boards of Trade Act	Ferries Act
Bridges Act	Fertilizers Act
Civil Service Act	Department of Finance and Treasury Board Act
Civil Service Superannuation Act	Deep Sea Fisheries Act
Cold Storage Act	Meat and Canned Foods Act, except in so far as it relates to fish, shellfish and products thereof
Combines Investigation Act	Maritime Freight Rates Act
Loan Companies Act	Fugitive Offenders Act
Trust Companies Act	Geology and Mines Act
Contingencies Act	Governor General's Act
Copyright Act	Public Works Health Act
Exchequer Court Act	Immigration Act
Supreme Court Act	Immigration Aid Societies Act
Extradition Act	Inquiries Act
Identification of Criminals Act	Interest Act
Currency Act	
Customs Act	
Customs Tariff	
Dairy Industry Act	
Demise of the Crown Act	

Department of Justice Act	Public Officers Act
Solicitor General's Act	Public Service Re-arrange- ment and Transfers of Duties Act
Alien Labour Act	Public Works Act
Labour Department Act	Government Works Tolls Act
Public Lands Grants Act	Quarantine Act
Ordnance and Admiralty Lands Act	Railway Act
Leprosy Act	Department of Railways and Canals Act
Live Stock Shipping Act	Canadian National Railways Act
White Phosphorus Matches Act	Government Railways Act
Canada Medical Act	Passenger Tickets Act
Migratory Birds Convention Militia Act	Research Council Act
Militia Pensions Act	Excise Tax Act
Money-Lenders Act	Salaries Act
Department of National Defence Act	Savings Deposits Returns Act
Department of National Revenue Act	Satisfied Securities Act
Navigable Waters' Protection Act	Soldier Settlement Act
Oaths of Allegiance Act	Department of State Act
House of Commons Act	Dry Docks Subsidies Act
Library of Parliament Act	Telegraphs Act
Senate and House of Com- mons Act	Ticket of Leave Act
Speaker of the House of Com- mons Act	Tobacco Restraint Act
Speaker of the Senate Act	Department of Trade and Commerce Act
Proprietary or Patent Medi- cine Act	Trade Mark and Design Act
Pawnbrokers Act	Trade Unions Act
Pension Fund Societies Act	Government Vessels Discip- line Act
Old Age Pensions Act	Victoria Day Act
Pensions Act	Wages Liability Act
Petition of Right Act	War Measures Act
Royal Canadian Mounted Police Act	Inland Water Freight Rates Act
Post Office Act	Dominion Water Power Act
Public Printing and Station- ery Act	Winding-up Act
	United States Wreckers Act
	Federal District Commission Act

The Royal Military College Act
The Canteen Funds (Canada) Act
The Importation of Intoxicating Liquors Act
The Opium and Narcotic Drug Act, 1929
An Act to place Canadian Coal used in the manufacture of iron or steel on a basis of equality with imported coal
The Department of Fisheries Act
The National Parks Act
An Act to provide for the regulation of Vehicular Traffic on Dominion property
The Consolidated Revenue and Audit Act, 1931
The Tariff Board Act
An Act respecting debts due to the Crown
The Gold Export Act
The Unfair Competition Act, 1932
The Department of Insurance Act
The Canadian and British Insurance Companies Act, 1932
The Foreign Insurance Companies Act, 1932
The Live Stock Pedigree Act, 1932
The Visiting Forces (British Commonwealth) Act, 1933
The Hay and Straw Inspection Act, 1933
Extra-territorial Act, 1933
The Translation Bureau Act
The Companies Act, 1934
Bank of Canada Act
Canada Shipping Act, 1934, except section 21 and Part VI
The Excise Act, 1934
The Patent Act, 1935
The Fair Wages and Hours of Labour Act, 1935
The Canadian Fisherman's Loan Act
The Canadian Wheat Board Act, 1935
The Fruit, Vegetables and Honey Act
The National Employment Commission Act, 1936
The Canadian Broadcasting Act, 1936
The Department of Mines and Resources Act
The Department of Transport Act, 1936
The National Harbours Board Act, 1936
The Veterans' Assistance Commission Act, 1936
The Water Carriage of Goods Act, 1936
The Home Improvement Loans Guarantee Act, 1937
An Act respecting alteration in the law touching the Succession to the Throne
The Department of Transport Stores Act
The Feeding Stuffs Act, 1937
The Fisheries Research Board Act
The Foreign Enlistment Act, 1937

- The Seeds Act, 1937
 The Trans-Canada Airlines Act
 The High Commissioner in the United Kingdom Act, 1938
 The Inspection and Sale Act, 1938
 The Municipal Improvements Assistance Act, 1938
 The Dominion Elections Act, 1938
 The Radio Act, 1938
 The Transport Act, 1938
 The Carriage by Air Act, 1939
 The Cheese and Cheese Factory Improvement Act
 The National Film Act, 1939
 The Seals Act, 1939
 The Small Loans Act, 1939
 The Agricultural Products Co-operative Marketing Act, 1939
 The Grain Futures Act
 The Wheat Co-operative Marketing Act, 1939
 The Youth Training Act, 1939
 The Defence Purchases, Profits Control, and Financing Act, 1939
 The Gold Clauses Act, 1939
 The Live Stock and Live Stock Products Act, 1939
 The Official Secrets Act
 The Salt Fish Board Act
 The Department of Munitions and Supply Act
 The Royal Canadian Air Force Act
 The Compensation (Defence) Act, 1940
 The Unemployment Insurance Act, 1940
 The Dominion Succession Duty Act
 The Veterans' Land Act, 1942
 The Vocational Training Co-Ordination Act, 1942
 The National Physical Fitness Act
 The Department of Reconstruction Act, 1944
 The Department of Veterans Affairs Act
 The Surplus Crown Assets Act
 The Department of National Health and Welfare Act
 The Naval Service Act, 1944
 The Agricultural Prices Support Act, 1944
 The Bank Act
 The Export Credits Insurance Act
 The Family Allowance Act, 1944
 The Farm Improvement Loans Act, 1944
 The Fisheries Price Support Act, 1944
 The Industrial Development Bank Act
 The National Housing Act, 1944
 The Veterans Insurance Act
 The War Service Grants Act, 1944
 The Food and Agriculture Organization of the United Nations Act, 1945
 The Canada Prize Act, 1945
 The Central Mortgage and Housing Corporation Act
 The Department of Reconstruction and Supply Act, 1945

The Maple Products Industry Act, 1945
The Veterans Rehabilitation Act
The Explosives Act, 1946
The Canadian Citizenship Act
The Government Companies Operation Act
The Precious Metals Marking Act, 1946
The Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act
The Allied Veterans Benefits Act
The Atomic Energy Control Act, 1946
The Canadian Commercial Corporation Act
The Civilian War Pensions and Allowances Act
The Fire Fighters War Service Benefits Act
The Foreign Exchange Control Act
The Judges Act, 1946
The Merchant Seamen Compensation Act
The Special Operators War Service Benefits Act
The Supervisors War Service Benefits Act
The Veterans' Business and Professional Loans Act
An Act respecting War Crimes
The War Veterans' Allowance Act, 1946
The Mail Contract Supplemental Payments Act
The Agricultural Products Act
The Export and Import Permits Act
The Government Employees Compensation Act, 1947
The Trading with the Enemy (Transitional Powers) Act
The United Nations Act, 1947
The Canadian Maritime Commission Act
The Diplomatic Service (Special) Superannuation Act
The Dominion Coal Board Act, 1947
The Privileges and Immunities (United Nations) Act
The Royal Style and Titles Act (Canada) 1947
The Emergency Exchange Conservation Act
The Emergency Gold Mining Assistance Act
The Statistics Act
An Act respecting the Revised Statutes of Canada

THE SECOND SCHEDULE

Statutes of Newfoundland to be repealed on the first day of April, 1949

STATUTES

<i>Statutes</i>	<i>Citation</i>
An Act Relating to Air Navigation	The Act No. 22 of 1947
Of the Investigation of Combines and Monopolies	Chap. 201 Consolidated Statutes of Newfoundland (Third Series)
Of Copyrights	Chap. 153 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Copyright	8 Geo. V. Cap. 20
Of the Extradition of Fugitive Criminals	Chap. 100 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting the Identification of Criminals	8-9 Geo. V. Cap. 12
An Act Respecting the Currency	8 Geo. V. Cap. 35
An Act to Make Provision for Controlling the Export of Gold and for Regulating the Currency	22 Geo. V. Cap. 1
An Act to Amend "The Currency Acts, 1917-1932"	The Act No. 31 of 1934
An Act Further to Amend the Act 22 Geo. V. (Second Session) Cap 1, Entitled "An Act to Make Provision for Controlling the Export of Gold and for Regulating the Currency"	The Act No. 53 of 1934
An Act Respecting the Currency	The Act No. 11 of 1939
An Act to Amend the Currency Acts, 1917-1935	The Act No. 41 of 1944
An Act to Amend and Consolidate the Law Relating to the Customs and Excise, except section 122 thereof, as enacted by the Act No. 6 of 1942	The Act No. 9 of 1938
An Act to Amend the Customs and Excise Act, 1938	The Act No. 12 of 1945

An Act for Granting to His Majesty Certain Duties of Customs and Excise	The Act No. 20 of 1946
An Act to Amend the Revenue Act, 1946	The Act No. 28 of 1946
An Act Further to Amend the Revenue Act, 1946	The Act No. 42 of 1946
An Act Further to Amend the Revenue Act, 1946	The Act No. 39 of 1947
An Act Further to Amend the Revenue Act, 1946	The Act No. 7 of 1948
An Act Further to Amend the Revenue Act, 1946	The Act No. 34 of 1948
Of Preventing the Introduction and Spread of Insects Destructive to Crops	Chap. 144 Consolidated Statutes of Newfoundland (Third Series)
An Act to Prevent the Introduction or Spreading of Insects, Pests and Diseases Destructive to Vegetation	9-10 Geo. V. Cap. 28
An Act Relating to the Prevention of the Introduction into or Spreading in Newfoundland of Insects, Pests, or Diseases Destructive to Vegetation	The Act No. 33 of 1947
An Act Relating to the Sale of Artificial Fertilizers	24 and 24 Geo. V. Cap. 39
An Act to Amend the Act 23 and 24 Geo. V. Chapter 39, Entitled "An Act Relating to the Sale of Artificial Fertilizers"	The Act No. 16 of 1941
Of the Recovery and Rate of Interest	Chap. 189 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend and Consolidate the Law Relating to War Pensions	The Act No. 15 of 1935
An Act to Repeal the Act 23 & 24 Geo. V, Chapter 64 Entitled "An Act Respecting an Amendment to the War Pensions Act, 1922"	The Act No. 15 of 1942
Of Trade Marks and the Registration Thereof	Chap. 154 Consolidated Statutes of Newfoundland (Third Series)

An Act to Amend Chapter 154 of the Consolidated Statutes (Third Series) Entitled "Of Trade Marks and the Registration Thereof"	The Act No. 27 of 1943
An Act Further to Amend Chapter 154 of the Consolidated Statutes (Third Series) Entitled "Of Trade Marks and the Registration Thereof"	The Act No. 39 of 1948
An Act Relating to Dangerous Drugs	The Act No. 23 of 1936
An Act to make Provision with Respect to Forces of His Majesty from Other Parts of the British Commonwealth or from a Colony when Visiting Newfoundland; And with respect to the Exercise of Command and Discipline when Forces of His Majesty from Different Parts of the Commonwealth are Serving Together; And with respect to the Attachment of Members of One Such Force to Another Such Force; And with respect to Deserters from Such Forces	The Act No. 29 of 1940
An Act Respecting Patents	18 Geo. V. Cap. 9
An Act to Amend the Act 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 47 of 1935
An Act Further to Amend the Act 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 5 of 1944
An Act Further to Amend the Act 18 Geo. V. Cap. 9, Entitled "An Act Respecting Patents"	The Act No. 32 of 1946
An Act to Amend the Law with respect to the Carriage of Goods by Sea	22 Geo. V. Cap. 18
An Act Respecting the Importation and Sale of Seeds	The Act No. 42 of 1942

An Act to Give Effect to a Convention for the Unification of Certain Rules Relating to International Carriage by Air	The Act No. 22 of 1938
An Act to Amend the Carriage by Air Act, 1938	The Act No. 52 of 1938
An Act to Prohibit the Disclosure of Official Secrets	The Act No. 5 of 1934
Of Bills of Exchange, Cheques and Promissory Notes	Chap. 185 Consolidated Statutes of Newfoundland (Third Series)
Of Bills of Lading	Chap. 186 Consolidated Statutes of Newfoundland (Third Series)
An Act Relating to the Newfoundland Railway	The Act No. 22 of 1934
An Act Respecting the Records of Pure Bred Animals	15 Geo. V. Cap. 28
An Act to Amend the Act 15 Geo V. Cap. 28 (The Livestock Pedigree Act)	23 and 24 Geo. V. Cap. 40
Of Paper Currency	Chap. 197 Consolidated Statutes of Newfoundland (Third Series)
An Act to make Provision as to Immunities Privileges and Capacities of International Organizations	The Act No. 27 of 1948
An Act to Enable Effect to be Given to Certain Provisions of the Charter of the United Nations	The Act No. 28 of 1948
Of Aliens and Immigration	Chap. 77 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Immigration	Chap. 29, 17 Geo. V.
Of the Immigration of Chinese Persons	Chap. 79 Consolidated Statutes of Newfoundland (Third Series)
Of Deportation	Chap 73 Consolidated Statutes of Newfoundland (Third Series)

An Act to Amend Chapter 73 of the Consolidated Statutes (Third Series) Entitled "Of Deportation"	15 Geo. V, Cap. 10
An Act to Amend the Law in Relation to Deportation from Newfoundland	The Act No. 10 of 1944
An Act Further to Amend Chapter 73 of the Consolidated Statutes (Third Series) Entitled "Of Deportation"	The Act No. 49 of 1944
An Act Relating to the Department of External Affairs	22 Geo. V, Cap. 14
An Act Respecting Radiotelegraphy	21 Geo. V, Cap. 19
An Act to Amend the Radiotelegraph Act, 1930	22 Geo. V, Cap. 24
An Act Further to Amend the Radiotelegraph Act, 1930	The Act No. 34 of 1938
An Act Further to Amend the Radiotelegraph Act, 1930	The Act No. 46 of 1943
Of money lenders	Chap. 199 Consolidated Statutes of Newfoundland (Third Series)
Of the Naturalization of Aliens	Chap. 78 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 78 of the Consolidated Statutes (Third Series) Entitled "Of the Naturalization of Aliens"	20 Geo. V, Cap. 14
An Act Respecting Broadcasting	The Act No. 2 of 1939
An Act to Confer Certain Emergency Powers on the Customs	The Act No. 39 of 1939
An Act Relating to the Salaries of the Judges of the Supreme Court of Newfoundland	The Act No. 23 of 1938
An Act to Provide for the Grant of Superannuation Allowances to Judges of the Supreme Court	The Act No. 13 of 1944

Of the Postal and Telegraph Services	Chap. 35 Consolidated Statutes of Newfoundland (Third Series)
Of Control of the Telegraphs Services in Emergencies	Chap. 37 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting the Department of Posts and Telegraphs	11 Geo. V. Cap. 36
An Act Further to Amend Chapter Thirty-five of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	11 Geo. V. Cap. 37
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services" and the Amending Act 11 Geo. V, Cap. 37, 1920)	17 Geo. V. Cap. 20
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	22 Geo. V. Cap. 26
An Act Relating to the Mode of Collection of the Tax on Telegraph Messages	22 Geo. V. Cap. 27
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	23 & 24 Geo. V. Cap. 56
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 13 of 1934
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 17 of 1934
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 47 of 1934

An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 17 of 1941
An Act Further to Amend Chapter 35 of the Consolidated Statutes (Third Series) Entitled "Of the Postal and Telegraph Services"	The Act No. 38 of 1947
Of the Manufacture, Storage, Importation and Sale of Explosives	Chap. 54 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Trading with the Enemy	The Act No. 38 of 1939
An Act for Making Further Provision for Preventing Trading with the Enemy	The Act No. 40 of 1939
An Act for the Defence of Newfoundland	The Act No. 37 of 1939
An Act Respecting the Newfoundland Militia Force	The Act No. 45 of 1939
An Act to Amend the Militia Act, 1939	The Act No. 9 of 1941
An Act to Amend the Militia Act, 1939	The Act No. 18 of 1942
An Act Respecting Change of Name of the Newfoundland Militia	The Act No. 6 of 1943
An Act to Amend the Militia Act, 1939	The Act No. 23 of 1943
An Act Respecting the Newfoundland Auxiliary Militia	The Act No. 11 of 1940
An Act Respecting Change of Name of Newfoundland Auxiliary Militia	The Act No. 7 of 1943
An Act to Extend the Operation of the Militia Act, 1939, and the Auxiliary Militia Act, 1940	The Act No. 40 of 1940
An Act Further to Extend the Operation of the Militia Act, 1939, and the Auxiliary Militia Act, 1940, for the Duration of the Present Emergency	The Act No. 26 of 1941

"Of Light Dues"	Chap. 25 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	15 Geo. V. Cap. 21
An Act Further to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	17 Geo. V. Cap. 31
An Act Further to Amend Chapter 25 of the Consolidated Statutes (Third Series) Entitled "Of Light Dues"	The Act No. 27 of 1935
An Act Respecting Merchant Shipping (Load Lines)	The Act No. 34 of 1935
An Act to Make Further Provision as to the Submergency of Load Lines	The Act No. 7 of 1941
Of Merchant Shipping	Chap. 168 Consolidated Statutes of Newfoundland (Third Series)
"Of Certificates of Masters and Mates"	Chap. 169 Consolidated Statutes of Newfoundland (Third Series)
An Act Respecting Certificates of Masters and Mates	12 Geo. V. Cap. 1
An Act to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	19 Geo. V. Cap. 7
An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 21 of 1939
An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 3 of 1943

An Act Further to Amend Chapter 169 of the Consolidated Statutes (Third Series) Entitled "Of Certificates of Masters and Mates"	The Act No. 38 of 1943
Of the Qualification of Engineers	Chap. 217 Consolidated Statutes of Newfoundland (Third Series)
An Act to Provide for Certain Ocean and Harbour Lights in This Colony	45 Vic. Cap. 20
Of Wreck and Salvage	Chap. 173 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Chapter 122 of the Consolidated Statutes (Second Series) Entitled "Of Wreck and Salvage"	8 Geo. V. Cap. 31
An Act Further to Amend Cap. 173 of the Consolidated Statutes (Third Series) Entitled "Of Wreck and Salvage"	The Act No. 16 of 1939
Of Marine Courts of Enquiry	Chap. 170 Consolidated Statutes of Newfoundland (Third Series)
An Act to Amend Cap. 170 of the Consolidated Statutes (Third Series) Entitled "Of Marine Courts of Enquiry"	12 Geo. V. Cap. 17
An Act Respecting a Preferential Tariff on Products of Spain	14 Geo. V. Cap. 12
"Of Banks and Banking"	Chap. 209 Consolidated Statutes of Newfoundland (Third Series)
Of Warehouse Receipts and Other Securities in the Possession of Banks	Chap. 210 Consolidated Statutes of Newfoundland (Third Series)
An Act Further to Amend Chapter 209 of the Consolidated Statutes Entitled "Of Banks and Banking"	The Act No. 8 of 1942
An Act to Amend Chapter 209 of the Consolidated Statutes (Third Series) Entitled "Of Banks and Banking"	15 Geo. V. Cap. 3

C A N A D A

GEORGE THE SIXTH, *by the*
 ALEXANDER OF TUNIS *Grace of God, of Great Britain,*
 (L.S.) *Ireland and the British Domin-*
 CANADA *ions beyond the Seas KING,*
Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

F. P. VARCOE,
Deputy Minister of
Justice, Canada.

WHEREAS by virtue of para-
 graph (1) of Term 18 of the
 Terms of Union of Newfound-
 land with Canada all laws in
 force in Newfoundland at or

immediately prior to the date of Union continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946.

AND WHEREAS paragraph (2) of Term 18 provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of Parliament of Canada or by proclamation of Our Governor in Council issued from time to time.

AND WHEREAS paragraph (2) of Term 18 provides further that any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and

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(c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland forthwith the statutes of the Parliament of Canada set out in the First Schedule hereto.

AND WHEREAS the statutes or portions of statutes of Newfoundland set out in the Second Schedule hereto are of general application, relate to the same subject matter as and are inconsistent with one or more of the statutes brought into force in Newfoundland by the proclamation issued on the first day of April, 1949, and it is therefore considered necessary and desirable to repeal the statutes or portions of statutes of Newfoundland set out in the Second Schedule.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that—

- (1) the statutes of the Parliament of Canada set out in the First Schedule hereto shall come into force in the Province of Newfoundland on the date of publication of this Proclamation in the Canada Gazette; and
- (2) the statutes or portions of statutes of Newfoundland set out in the Second Schedule hereto shall be repealed on the said date, together with all regulations, orders and proclamations made or issued under any of the statutes or portions of statutes so repealed.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight

Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Ninth day of May in the year of Our Lord One thousand nine hundred and forty-nine and in the Thirteenth year of Our Reign.

By Command,

C. STEIN,
Under Secretary of State.

FIRST SCHEDULE

Statutes of the Parliament of Canada to come into force in the Province of Newfoundland:

Civil Service Insurance Act
The Admiralty Act, 1934
The Income Tax Act

SECOND SCHEDULE

Statutes or portions of statutes of Newfoundland to be repealed:

Of Stamp Duties—Chapter 28 Consolidated Statutes of Newfoundland (Third Series).

An Act to Amend the Act 5 Geo V., (1914), Cap. 10 entitled “An Act Respecting Stamp Duties”—The Act 8-9 Geo. V., Cap. 32.

An Act to Amend the Act 5 Geo. V., Cap. 10, entitled “An Act Respecting Stamp Duties”—The Act 12-13 Geo. V., Cap. 21.

An Act to Amend Cap. 28 Consolidated Statutes (Third Series) entitled “Of Stamp Duties”—The Act 20 Geo. V., Cap. 33.

An Act in relation to the Amendment of Cap. 28 of the Consolidated Statutes (Third Series) entitled “Of Stamp Duties”—The Act 22 Geo. V., Cap. 35.

An Act further to Amend Cap. 28 of the Consolidated Statutes (Third Series) entitled “Of Stamp Duties”—The Act No. 55 of 1934.

An Act to Amend the Revenue (Amendment) Act (No. 2) 1948—The Act No. 9 of 1949.

An Act Further to Amend the Revenue Act, 1946—The Act No. 15 of 1949.

An Act to Amend Chapter 35 of the Consolidated Statutes (Third Series), entitled “Of the Postal and Telegraph Services”—The Act 21 Geo. V., Cap. 20.

An Act to Amend Chapter 35 of the Consolidated Statutes (Third Series) entitled “Of the Postal and Telegraph Services”—The Act 22 Geo. V., Cap. 23.

An Act Further to Amend the Act 11 George V. Chapter 37 entitled an Act Further to Amend Chapter Thirty-Five of the Consolidated Statutes of Newfoundland (Third Series) entitled “Of the Postal and Telegraph Services”—The Act No. 19 of 1945.

An Act Relating to the Inspection of Ships—The Act No. 33 of 1935.

The following portions of The Judicature Act, Chapter 83 of the Consolidated Statutes (Third Series), namely,

- (a) Section 4 in so far as that section declares the Supreme Court of Newfoundland to be a Court of Admiralty, in pursuance of the Imperial Act 53 and 54 Victoria, entitled “An Act to amend the law respecting the exercise of Admiralty in Her Majesty’s Dominions and elsewhere out of the United Kingdom,” with the powers and jurisdiction conferred by the said Act,
- (b) Section 7,
- (c) Order XLV of the Schedule, and
- (d) Appendix M.

C A N A D A

ALEXANDER OF TUNIS *GEORGE THE SIXTH, by the*
 (L.S.) *Grace of God, of Great Britain,*
 CANADA *Ireland and the British Domin-*
ions beyond the Seas KING,
Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the
same may in anywise concern,

GREETING:

A PROCLAMATION

F. P. VARCOE,
Deputy Minister of Justice,
Canada.

WHEREAS paragraph (2) of
 Term 18 of the Terms of Union
 of Newfoundland with Canada
 provides that statutes of the
 Parliament of Canada in force
 at the date of Union, or any part thereof, shall come into force
 in the Province of Newfoundland on a day or days to be fixed
 by Act of the Parliament of Canada or by proclamation of the
 Governor in Council issued from time to time;

AND WHEREAS it is considered necessary and desirable to
bring into force in Newfoundland on the nineteenth day of
September, in the year of Our Lord one thousand nine hundred
and forty-nine, the Conciliation and Labour Act and The In-
dustrial Relations and Disputes Investigation Act.

NOW KNOW YE that We, by and with the advice of our
Privy Council for Canada, do by this Our Proclamation declare
and direct that the Conciliation and Labour Act and The In-
dustrial Relations and Disputes Investigation Act shall come
into force in the Province of Newfoundland on the nineteenth
day of September, in the year of Our Lord one thousand nine
hundred and forty-nine.

OF ALL WHICH Our Loving Subjects and all others whom
these Presents may concern are hereby required to take notice
and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal of Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Thirteenth day of September in the year of Our Lord One thousand nine hundred and forty-nine and in the Thirteenth year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

C A N A D A

ALEXANDER OF TUNIS *GEORGE THE SIXTH, by the*
 (L.S.) *Grace of God, of Great Britain,*
 CANADA *Ireland and the British Domin-*
ion beyond the Seas KING, De-
fender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the
same may in anywise concern,

GREETING:

A PROCLAMATION

F. P. VARCOE, }
Deputy Attorney General, }
Canada. }

WHEREAS in and by subsection (1) of section twelve of The Game Export Act, chapter 17 of the Statutes of Canada 1940-41, it is provided that Our Governor in Council may when requested by any province so to do, declare by proclamation that upon and after a day therein named the said Act shall be in force in the province in such proclamation designated; and that the said Act shall upon and after the day named in such proclamation have force and effect within the province or provinces designated therein.

AND WHEREAS the Province of Newfoundland has requested that the said Act shall be proclaimed with respect thereto.

AND WHEREAS Our Governor in Council has been pleased to order that a proclamation do issue declaring the said Act in force in the said province upon, from and after the first day of January, in the year of Our Lord one thousand nine hundred and fifty.

NOW KNOW YE that by and with the advice of Our Privy Council for Canada We do hereby proclaim and direct that The Game Export Act, chapter 17 of the Statutes of Canada 1940-41, shall come into force and have effect in the Province upon, from

PROCLAMATION OF CANADA

and after the first day of January, in the year of Our Lord one thousand nine hundred and fifty.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twenty-second day of November in the year of Our Lord One Thousand nine hundred and forty-nine and in the Thirteenth year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

C A N A D A

ALEXANDER OF TUNIS *Grace of God, of Great Britain,*
 (L.S.) *Ireland and the British Domin-*
 CANADA *ions beyond the Seas KING,*
Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

E. P. VARCOE, }
Deputy Attorney General, }
Canada. }

WHEREAS by virtue of paragraph (1) of Term 18 of the Terms of Union of Newfoundland with Canada all laws in force in Newfoundland at or immediately prior to the date of Union continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament of the Legislature under the British North America Acts, 1867 to 1946.

AND WHEREAS paragraph (2) of Term 18 provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of Our Governor in Council issued from time to time.

AND WHEREAS paragraph (2) of Term 18 provides further that any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and

- (c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland on the first day of May, in the year of Our Lord one thousand nine hundred and fifty, the Customs and Fisheries Protection Act, chapter 43 of the Revised Statutes of Canada, 1927.

AND WHEREAS it is considered necessary and desirable to repeal, upon, from and after the first day of May, in the year of Our Lord one thousand nine hundred and fifty, chapter 156 of the Consolidated Statutes (Third Series) of Newfoundland, entitled "Of the Export and Sale of Bait Fishes", and the Act No. 37 of the Statutes of Newfoundland for 1936, entitled "An Act Further to Amend Chapter 156 of the Consolidated Statutes (Third Series) entitled 'Of the Export and Sale of Bait Fishes' ", being statutes of general application and relating to the same subject matter as the said Customs and Fisheries Protection Act.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that

- (1) the Customs and Fisheries Protection Act chapter 43 of the Revised Statutes of Canada, 1927, shall come into force in the Province of Newfoundland on the first day of May, in the year of Our Lord one thousand nine hundred and fifty, and
- (2) chapter 156 of the Consolidated Statutes (Third series) of Newfoundland, entitled "Of the Export and Sale of Bait Fishes", and the Act No. 37 of the Statutes of Newfoundland for 1936, entitled "An Act Further to Amend Chapter 156 of the Consolidated Statutes (Third Series) entitled 'of the Export and Sale of Bait Fishes' ", together with all regulations, orders and proclamations made or issued thereunder, shall be repealed on the first day of May, in the year of Our Lord one thousand nine hundred and fifty.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this First day of May in the year of Our Lord one thousand nine hundred and fifty and in the Thirteenth year of Our Reign.

By Command,

W. P. J. O'MEARA,
Acting Under Secretary of State.

C A N A D A

14 GEORGE VI, CHAPTER 12

An Act to bring The Criminal Code and The Canada Evidence Act into force in Newfoundland.

(Assented to 1st June, 1950).

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

1. The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, and the *Canada Evidence Act*, chapter fifty-nine of the Revised Statutes of Canada, 1927, shall come into force in Newfoundland on the day this Act comes into force.

2. Subject to the provisions of this Act, the Newfoundland enactments set out in the Schedule, to the extent indicated in the third column of the Schedule, and all laws that are in force in Newfoundland at the time of the coming into force of this Act and are inconsistent with or repugnant to the *Criminal Code*, are repealed and abolished.

3.—(1) Every offence against any enactment or law repealed or abolished by this Act that was wholly or partly committed before the coming into force of this Act, may be dealt with, inquired into, tried and determined, and any penalty, forfeiture or punishment in respect of that offence may be imposed, as if the enactment or law had not been repealed or abolished.

(2) The repeal or abolition by this Act of any enactment or law does not revive any Act, enactment, regulation or thing not in force or existing at the time of the coming into force of this Act.

(3) The repeal or abolition by this Act or any enactment or law does not affect

- (a) any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment or law so repealed or abolished, or

- (b) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if the enactment or law had not been repealed or abolished.

4. For the purposes of section six hundred and sixty-two of the *Criminal Code*, a warrant for the arrest of any person issued

- (a) prior to the coming into force of this Act; or
- (b) after the coming into force of this Act in relation to any offence wholly or partly committed prior to the coming into force of this Act,

under any enactment or law repealed or abolished by this Act shall be deemed to be a warrant within the meaning of that section.

5. Nothing in this Act affects the operation of *The American Bases Act*, 1941, No. 12 of the Acts of Newfoundland, 1941.

6. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

(Proclaimed in force)

SCHEDULE

NEWFOUNDLAND ENACTMENTS REPEALED

Session and Chapter or Year and Number	Title or Short Title	Extent of Repeal
Consolidated Statutes (Third Series) Chapter 38.	Of the Protection of Electric Telegraphs and Telephones.	The whole.
Consolidated Statutes (Third Series) Chapter 51.	Of Nuisances and Municipal Regula- tions.	Sections 6, 7, 9, 10, 11 and 20.
1942, No. 9.....	An Act to Amend Chapter 51 of the Consolidated Statutes (Third Series) entitled "Of Nuisances and Municipal Regulations".	The whole.
Consolidated Statutes (Third Series) Chapter 61.	Of the St. John's Fire Department.	Sections 7 and 8.
Consolidated Statutes (Third Series) Chapter 66.	Of the Carbonear Fire Brigade.	Section 9.
Consolidated Statutes (Third Series) Chapter 67.	Of the Prevention of the Bringing of Spirituous Liquors on Board His Maj- esty's Ships.	The whole.
Consolidated Statutes (Third Series) Chapter 95.	Of the application of the Criminal Law of England and of Pardons.	The whole.
Consolidated Statutes (Third Series) Chapter 96.	Of the Jurisdiction, Power and Proced- ure of Stipendiary Magistrates and Justices of the Peace as to Certain Offences.	Sections 1, 2, 3, 4, 5, 6, 7 and 8.

Session and Chapter or Year and Number	Title or Short Title	Extent of Repeal
1942, No. 7.....	An Act to Amend Chapter 96 of the Consolidated Statutes (Third Series) entitled "Of the Jurisdiction, Power and Procedure of Stipendiary Magistrates and Justices of the Peace as to Certain Offences".	The whole.
Consolidated Statutes (Third Series) Chapter 101.	Of Enlistment in the service of Foreign States.	The whole.
Consolidated Statutes (Third Series) Chapter 103.	Of Perjury	The whole.
Consolidated Statutes (Third Series) Chapter 105.	Of Lotteries	The whole.
12 George V, Chap- ter 19.....	An Act to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries".	The whole.
22 George V, Chap- ter 10 (Second Ses- sion)	An Act Further to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries".	The whole.
23 and 24 George V, Chapter 26.	An Act Further to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries".	The whole.
1947, No. 4.....	An Act Further to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries".	The whole.
1949, No. 62.....	An Act Further to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries".	The whole.

Session and Chapter or Year and Number	Title or Short Title	Extent of Repeal
Consolidated Statutes (Third Series) Chapter 107.	Of the White Slave Traffic.	The whole.
Consolidated Statutes (Third Series) Chapter 207.	Of Injuries to Railway Trains.	The whole.
21 George V, Chap- ter 14	The Summary Jurisdiction Act, 1930.	The whole.
22 George V, Chap- ter 16	An Act to Amend the Act 21, George V, Chapter 14 (Summary Jurisdiction Act, 1930).	The whole.
23 and 24 George V, Chapter 22	An Act to Amend the Summary Juris- diction Act, 1930.	The whole.
1942, No. 13	An Act Further to Amend the Summary Jurisdiction Act, 1930.	The whole.
1946, No. 10.....	An Act Further to Amend the Summary Jurisdiction Act, 1930.	The whole.
1941, No. 3.....	The Highway Traffic Act, 1941.	Sections 35(1), 36, 37 and 39.
1945, No. 14.....	An Act to Amend The Highway Traffic Act, 1941.	Section 3.
1948, No. 6.....	An Act Further to Amend The Highway Traffic Act, 1941.	Section 2.
1949, No. 73.....	An Act Further to Amend The Highway Traffic Act, 1941.	Section 2.

C A N A D A

<p style="text-align: center;">J. W. ESTEY, <i>Deputy Governor General</i> (L.S.) CANADA</p>	<p style="text-align: center;"><i>GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith.</i></p>
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TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

<p style="text-align: center;">E. P. VARCOE, <i>Deputy Attorney General,</i> <i>Canada.</i></p>	<p style="font-size: 2em;">}</p>	<p>WHEREAS by virtue of paragraph (1) of Term 18 of the Terms of Union of Newfoundland with Canada all laws in force in Newfoundland at or</p>
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immediately prior to the date of Union continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946.

AND WHEREAS paragraph (2) of Term 18 provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of Our Governor in Council issued from time to time.

AND WHEREAS paragraph (2) of Term 18 provides further that any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and

(c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland on the fifteenth day of July, in the year of Our Lord one thousand nine hundred and fifty, the Food and Drugs Act, Chapter 76 of the Revised Statutes of Canada, 1927.

AND WHEREAS the following statutes of Newfoundland, namely,

The Food and Drugs Act, 1943	1943, No. 13
An Act to amend The Food and Drugs Act, 1943	1944, No. 38
The Food and Drugs (Amendment) Act, 1947	1947, No. 24
The Food and Drugs (Amendment) Act, 1948	1948, No. 2
The Food and Drugs (Amendment) Act, 1949	1949, No. 18

being of general application and relating to the same subject matter as the said Food and Drugs Act of Canada, are inconsistent therewith or repugnant thereto and it is therefore considered necessary and desirable to repeal the said statutes of Newfoundland insofar as they are inconsistent with or repugnant to the said Food and Drugs Act of Canada.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that—

- (1) the Food and Drugs Act, Chapter 76 of the Revised Statutes of Canada, 1927, shall come into force in the Province of Newfoundland on the fifteenth day of July, in the year of Our Lord one thousand nine hundred and fifty; and
- (2) the following statutes of Newfoundland, namely,

The Food and Drugs Act, 1943	1943, No. 13
An Act to amend The Food and Drugs Act, 1943	1944, No. 38

The Foods and Drugs (Amendment) Act, 1947	1947, No. 24
The Food and Drugs (Amendment) Act, 1948	1948, No. 2
The Food and Drugs (Amendment) Act, 1949	1949, No. 18

insofar as they are inconsistent with or repugnant to the said Food and Drugs Act of Canada, shall be repealed on the fifteenth day of July, in the year of Our Lord one thousand nine hundred and fifty.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor the Honourable JAMES WILFRED ESTEY, a Puisne Judge of the Supreme Court of Canada and Deputy of Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor-General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE in Our City of Ottawa, this Fifth day of July in the year of Our Lord One thousand nine hundred and fifty and in the Fourteenth year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

C A N A D A

C. H. LOCKE, *GEORGE THE SIXTH, by the*
Deputy Governor General *Grace of God, of Great Britain,*
 (L.S.) *Ireland and the British Domin-*
 CANADA *ions beyond the Seas* KING,
 Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the
 same may in anywise concern,

GREETING:

A PROCLAMATION

W. R. JACKETT, }
Acting Deputy Attorney }
General, Canada. }
 WHEREAS in and by section
 six of an Act of the Parliament
 of Canada, assented to on the
 first day of June, in the year of
 Our Lord One thousand nine
 hundred and fifty, and entitled "An Act to bring the Criminal
 Code and the Canada Evidence Act into force in Newfound-
 land", being Chapter 12 of the Statutes of Canada, 1950, it is
 provided that the said Act shall come into force on a day to be
 fixed by proclamation of Our Governor in Council.

AND WHEREAS it is expedient that the said Act should
 come into force and have effect upon, from and after the
 first day of August, in the year of Our Lord one thousand nine
 hundred and fifty.

NOW KNOW YE that We by and with the advice of Our
 Privy Council of Canada do by this Our Proclamation declare
 and direct that the said Act shall come into force and have
 effect upon, from and after the first day of August, in the year
 of Our Lord One thousand nine hundred and fifty.

OF ALL WHICH Our Loving Subjects and all others whom
 these Presents may concern are hereby required to take notice
 and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused Our Letters
 to be made Patent and the Great Seal of Canada to be

PROCLAMATION OF CANADA

hereunto Affixed. WITNESS: Our Right Trusty and well-beloved Counsellor the Honourable CHARLES HOLLAND LOCKE, a Puisne Judge of the Supreme Court of Canada, Deputy of Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twelfth day of July in the year of Our Lord One thousand nine hundred and fifty and in the Fourteenth year of Our Reign.

By Command,

W. P. J. OMEARA,

Acting Under Secretary of State.

C A N A D A

GEORGE THE SIXTH, *by the*
 ALEXANDER OF TUNIS *Grace of God, of Great Britain,*
 (L.S.) *Ireland and the British Domin-*
 CANADA *ions beyond the Seas KING,*
Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

E. P. VARCOE,
Deputy Attorney General,
Canada.

WHEREAS by virtue of para-
 graph (1) of Term 18 of the
 Terms of Union of Newfound-
 land and Canada all laws in
 force in Newfoundland at or
 immediately prior to the date of Union continue therein as if
 the Union had not been made, subject nevertheless to be repeal-
 ed, abolished or altered by the Parliament of Canada or by
 the Legislature of the Province of Newfoundland according to
 the authority of the Parliament or of the Legislature under the
 British North America Acts, 1867 to 1946.

AND WHEREAS paragraph (2) of Term 18 provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of Our Governor in Council issued from time to time.

AND WHEREAS paragraph (2) of Term 18 provides further that any proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject matter as the statute or part thereof so proclaimed; and

(c) could be repealed by the Parliament of Canada under paragraph (1) of Term 18.

AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland on the first day of February, in the year of Our Lord one thousand nine hundred and fifty-one, the Weights and Measures Act, Chapter 212 of the Revised Statutes of Canada, 1927, and The Electricity Inspection Act, 1928, Chapter 22 of the Statutes of Canada, 1928.

AND WHEREAS the following statutes or portions of statutes of Newfoundland, namely,

Sections 1 to 26, inclusive, section 28 and sections 30 to 37, inclusive, of the Weights and Measures Act, Chapter 188 of the Consolidated Statutes (Third Series); The Weights and Measures Act, 1919—The Act 9-10 Geo. V., Cap. 17;

Sections 1 to 4, inclusive of An Act Further to Amend Chapter 188 of The Consolidated Statutes (Third Series) Entitled "Of Weights and Measures and The Inspection of Lumber"—The Act No. 21 of 1936;

Section 27 and subsections (1) and (2) of section 44 of The Weights and Measures Act, Chapter 188 of The Consolidated Statutes (Third Series) as enacted by sections 1 and 2 of An Act Further to Amend Chapter 188 of The Consolidated Statutes (Third Series) entitled "Of Weights and Measures and The Inspection of Lumber"—The Act No. 43 of 1942,

being of general application and relating to the same subject matter as the said Weights and Measures Act of Canada, are inconsistent therewith or repugnant thereto and it is therefore considered necessary and desirable to repeal the said statutes or portions of statutes of Newfoundland.

NOW KNOW YE that We by and with the advice of Our Privy Council of Canada do by this Our Proclamation declare and direct that

(1) the Weights and Measures Act, Chapter 212 of the Revised Statutes of Canada, 1927, and The Electricity

Inspection Act, 1928, Chapter 22 of the Statutes of Canada, 1928, shall come into force in the Province of Newfoundland on the first day of February, in the year of Our Lord one thousand nine hundred and fifty-one; and

- (2) the following statutes or portions of statutes of Newfoundland, namely,

Sections 1 to 26, inclusive, section 28, and sections 30 to 37, inclusive, of the Weights and Measures Act, Chapter 188 of the Consolidated Statutes (Third Series); The Weights and Measures Act, 1919—The Act 9-10 Geo. V., Cap. 17;

Sections 1 to 4, inclusive, of An Act Further to Amend Chapter 188 of The Consolidated Statutes (Third Series) Entitled "Of Weights and Measures and the Inspection of Lumber"—The Act No. 21 of 1936;

Section 27 and subsections (1) and (2) of section 44 of The Weights and Measures Act, Chapter 188 of The Consolidated Statutes (Third Series) as enacted by sections 1 and 2 of An Act Further to Amend Chapter 188 of the Consolidated Statutes (Third Series) Entitled "Of Weights and Measures and The Inspection of Lumber"—The Act No. 43 of 1942.

shall be repealed on the first day of February, in the year of Our Lord one thousand nine hundred and fifty-one.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert

PROCLAMATION OF CANADA

Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twenty-fourth day of January in the year of Our Lord one thousand nine hundred and fifty-one and in the Fifteenth year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

C A N A D A

ALEXANDER OF TUNIS (L.S.) CANADA

GEORGE THE SIXTH, by the
Grace of God, of Great Britain,
Ireland and the British Dominions
beyond the Seas KING, Defender
of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

PAUL FONTAINE,
for Deputy Attorney General,
Canada.

WHEREAS paragraph (2) of
Term 18 of the Terms of Union
of Newfoundland with Canada
provides that statutes of the
Parliament of Canada in force
at the date of Union, or any part thereof, shall come into force
in the Province of Newfoundland on a day or days to be fixed
by Act of the Parliament of Canada or by proclamation of the
Governor in Council issued from time to time.

AND WHEREAS it is considered necessary and desirable to
bring into force in Newfoundland on the first day of July, in the
year of Our Lord one thousand nine hundred and fifty-one,
The Companies' Creditors Arrangement Act, 1933, chapter 36
of the statutes of 1932.

NOW KNOW YE that We, by and with the advice of Our
Privy Council for Canada, do by this Our Proclamation declare
and direct that The Companies' Creditors Arrangement Act,
1933, chapter 36 of the statutes of 1932-33, shall come into force
in the Province of Newfoundland on the first day of July, in
the year of Our Lord one thousand nine hundred and fifty-one.

OF ALL WHICH Our Loving Subjects and all others whom
these Presents may concern are hereby required to take notice
and to govern themselves accordingly.

PROCLAMATION OF CANADA

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this sixteenth day of May in the year of Our Lord One thousand nine hundred and fifty-one and in the Fiftieth year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

C A N A D A

<p>T. RINFRET, <i>Deputy Governor General</i> (L.S.) <i>Canada.</i></p>	<p>GEORGE THE SIXTH, <i>by the</i> <i>Grace of God, of Great Britain,</i> <i>Ireland and the British Domin-</i> <i>ions beyond the Seas</i> KING, <i>De-</i> <i>fender of the Faith.</i></p>
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TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

<p>F. P. VARCOE, <i>Deputy Attorney General,</i> <i>Canada.</i></p>	<p>WHEREAS Paragraph (2) of Term 18 of the Terms of Union of Newfoundland with Canada provides that statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of the Governor in Council issued from time to time.</p>
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AND WHEREAS it is considered necessary and desirable to bring into force in Newfoundland on the first day of November, in the year of Our Lord One thousand nine hundred and fifty-one, the Government Harbours and Piers Act, being Chapter 89 of the Revised Statutes of Canada, 1927.

NOW KNOW YE that We, by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the Government Harbours and Piers Act shall come into force in the Province of Newfoundland on the first day of November, in the year of Our Lord One thousand nine hundred and fifty-one.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: Our Right Trusty and Well-beloved Counsellor the Right Honourable THIBAudeau RINFRET, a Member of Our Most Honourable Privy Council, Chief Justice of Canada and Deputy of Our Right Trusty and Well-beloved Cousin, Harold Rupert Leofric George, Viscount Alexander of Tunis, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Exalted Order of the Star of India, Companion of Our Most Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Field Marshal in Our Army, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Third day of October in the year of Our Lord One thousand nine hundred and fifty-one and in the Fifteenth Year of Our Reign.

By Command,

W. P. J. O'MEARA,

Acting Under Secretary of State.

in the Schedule hereto, shall come into force in the Province of Newfoundland on the first day of July in the year of Our Lord one thousand nine hundred and fifty-two.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor, Vincent Massey, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twenty-eight day of May in the year of Our Lord One thousand nine hundred and fifty-two and in the First Year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

SCHEDULE

Meat and Canned Foods Act (in so far as it relates to fish)—
R.S.C., 1927, c. 77.

Gas Inspection Act—R.S.C., 1927, c. 82.

Canadian Grain Act—R.S.C., 1927, c. 86.

Lord's Day Act—R.S.C., 1927, c. 123.

Marriage and Divorce Act—R.S.C., 1927, c. 127.

Prisons and Reformatories Act—R.S.C., 1927 c. 163.

Canada Temperance Act—R.S.C., 1927, c. 196.

The Juvenile Delinquents Act, 1929—1929, c. 46.

The Divorce Jurisdiction Act, 1930—1930, c. 15.

The Fisheries Act, 1932 (except section 56)—1932, c. 42.

The Shop Cards Registration Act, 1938—1938, c. 41.

The Penitentiary Act, 1939—1939, c. 6.

C A N A D A

<p>P. KERWIN, Deputy Governor General (L.S.) Canada.</p>	<p><i>ELIZABETH THE SECOND, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas QUEEN, Defender of the Faith.</i></p>
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TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

<p>F. P. VARCOE, Deputy Governor General, Canada.</p>	<p>WHEREAS by a proclamation issued pursuant to the Terms of Union of Newfoundland with Canada and bearing date the twenty-eighth day of May, one thousand nine hundred and fifty-two, certain Statutes of the Parliament of Canada not previously brought into force in Newfoundland were proclaimed to come into force in the Province of Newfoundland on the first day of July, one thousand nine hundred and fifty-two, with the exception of those set out in the Schedule to that proclamation.</p>
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AND WHEREAS the Fish Inspection Act, chapter seventy-two of the Revised Statutes of Canada, 1927, which it is not intended should be brought into force in Newfoundland, was not included in the said Schedule for the reason that the said Act was by section twenty of the Fish Inspection Act, 1949, chapter twenty-three of the Statutes of 1949, (Second Session) expressed to be repealed.

AND WHEREAS section twenty-one of The Fish Inspection Act, 1949, provides that that Act shall come into force on a day to be fixed by proclamation, but that Act has not yet come into force.

AND WHEREAS it is therefore desirable to amend the Schedule to the above mentioned proclamation by including

therein a reference to The Fish Inspection Act, chapter seventy-two of the Revised Statutes of Canada, 1927, and also by revising the reference therein to the Meat and Canned Foods Act.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the Schedule to the proclamation bearing date the twenty-eighth day of May, one thousand nine hundred and fifty-two, be amended as follows:

1. By adding thereto the following: Fish Inspection Act, R.S.C., 1927, c. 72.
2. By striking out the words "in so far as it relates to fish" after the reference to the Meat and Canned Foods Act, and by substituting therefor the words "in so far as it relates to fish, shellfish and products thereof."

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor the Honourable PATRICK KERWIN, a Puisne Judge of the Supreme Court of Canada and Deputy of Our Right Trusty and Well-beloved Counsellor, Vincent Massey, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this Twenty-eighth day of June in the year of Our Lord One thousand nine hundred and fifty-two and in the First year of Our Reign.

By Command,

C. STEIN,

Under Secretary of State.

E. RALPH DAVIS, QUEEN'S PRINTER.

C A N A D A

7-8 ELIZABETH II., CHAPTER 49

An Act to repeal certain Fisheries Laws in force in the Province of Newfoundland respecting the Exportation of Salt Fish.

[Assented to 18th, July, 1959.]

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

1. *The Exportation of Salt Fish (Permits) Act, 1942*, No. 10 of the Statutes of Newfoundland, 1942, *The Exportation of Salt Fish (Permits) Act*, chapter 211 of the Revised Statutes of Newfoundland, 1952, and all orders, rules and regulations made thereunder are repealed. Acts repealed.

 2. This Act shall come into force on the 1st day of August, 1959. Coming into force.
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C A N A D A

8-9 ELIZABETH II., CHAPTER 15

An Act to repeal certain Fisheries Laws of Newfoundland.

[Assented to 27th May, 1960.]

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

1. The Fisheries Laws of Newfoundland as defined in paragraph (1) of Term 22 of the Terms of Union of Newfoundland with Canada and all orders, rules and regulations made thereunder, in force at the commencement of this Act, are repealed.

Fisheries Laws
repealed.

C A N A D A

12 ELIZABETH II., CHAPTER 38

*An Act to repeal The Newfoundland Savings
Bank Act, 1939.*

[Assented to 21st December, 1963.]

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

1. *The Newfoundland Savings Bank Act, 1939*, No. 53 of the Statutes of Newfoundland, 1939, and *The Newfoundland Savings Bank Act*, Chapter 252 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of The
Newfoundland
Savings Bank
Act.

2. The surplus assets of the Newfoundland Savings Bank remaining after the disposal of its banking business to the Bank of Montreal pursuant to an Agreement dated the 30th day of March, 1962, between Her Majesty in right of Newfoundland, the Newfoundland Savings Bank and the Bank of Montreal, are hereby vested in Her Majesty in right of Newfoundland.

Disposal of
surplus assets.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming into
force.

C A N A D A

13 ELIZABETH II., CHAPTER 33

An Act to repeal certain Acts of the Province of Newfoundland respecting Harbours and Pilotage.

[Assented to 20th November, 1964.]

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

1. *An Act respecting Outport Pilots and Pilotage*, Chapter 179 of the Consolidated Statutes of Newfoundland, 1916, and *The Outport Pilots and Pilotage Act*, Chapter 215 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the
Outport Pilots
and Pilotage
Acts.

2. *An Act respecting the Management and Control of Harbours*, No. 34 of the Statutes of Newfoundland, 1934, and *The Management and Control of Harbours Act*, Chapter 216 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the
Management
and Control of
Harbours Acts.

3. *An Act respecting Pilotage and to provide for regulations for the Port and Harbour of St. John's*, No. 1 of the Statutes of Newfoundland, 1946, and *The Port and Harbour of St. John's Act*, Chapter 217 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the
Port and
Harbour of
St. John's Acts.

4. *An Act respecting the Management and Control of the Harbour of Port-aux-Basques*, Chapter 182 of the Consolidated Statutes of Newfoundland, 1916, and *The Port and Harbour of Port-aux-Basques Act*, Chapter 218 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed.

Repeal of the
Port and
Harbour of
Port-aux-
Basques Acts.

Coming into
force.

5. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

(Proclaimed in force December 31, 1964)

C A N A D A

13 ELIZABETH II., CHAPTER 33

An Act to repeal certain Acts of the Province of Newfoundland respecting Harbours and Pilotage.

[Assented to 20th November, 1964.]

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

1. *An Act respecting Outport Pilots and Pilotage*, Chapter 179 of the Consolidated Statutes of Newfoundland, 1916, and *The Outport Pilots and Pilotage Act*, Chapter 215 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed. Repeal of the Outport Pilots and Pilotage Acts.
2. *An Act respecting the Management and Control of Harbours*, No. 34 of the Statutes of Newfoundland, 1934, and *The Management and Control of Harbours Act*, Chapter 216 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed. Repeal of the Management and Control of Harbours Acts.
3. *An Act respecting Pilotage and to provide for regulations for the Port and Harbour of St. John's*, No. 1 of the Statutes of Newfoundland, 1946, and *The Port and Harbour of St. John's Act*, Chapter 217 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed. Repeal of the Port and Harbour of St. John's Acts.
4. *An Act respecting the Management and Control of the Harbour of Port-aux-Basques*, Chapter 182 of the Consolidated Statutes of Newfoundland, 1916, and *The Port and Harbour of Port-aux-Basques Act*, Chapter 218 of the Revised Statutes of Newfoundland, 1952, and all amendments thereto and all orders, rules and regulations made thereunder are repealed. Repeal of the Port and Harbour of Port-aux-Basques Acts.

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STATUTE OF CANADA

Coming into
force.

5. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

(Proclaimed in force December 31, 1964)
