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MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA

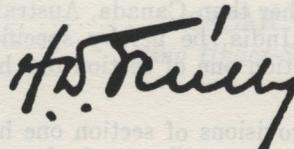
(CUSTOMS DIVISION)

OTTAWA, 14th September, 1938.

To Collectors of Customs and Excise:

Hovering in Canadian Waters—Section 151 Customs Act.

Herewith is reprinted for your information Order in Council (P.C. 1810), dated 26th July, 1938, published in the *Canada Gazette* of the 6th August, 1938, the contents of which will be found to be self-explanatory.



Commissioner of Customs.

PROCLAMATION

L. A. CANNON,
Administrator
[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, Emperor of India.

To ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A proclamation:

F. P. VARCOE, Acting Deputy Minister of Justice, Canada.

WHEREAS subsection one of section one hundred and fifty-one of the Customs Act, as enacted by section four of Chapter thirty of the Statutes of 1936, provides as follows:—

The provisions of this section shall extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian customs waters.

AND WHEREAS Our Minister of National Revenue states that difficulties have arisen in the enforcement of the Customs Act by reason of the presence of smuggling vessels hovering off the Canadian coasts and experience has shown that some of such vessels are British vessels registered outside of Canada.

AND WHEREAS at the request of Our Government in Canada, and in order to facilitate the work of Our Canadian Preventive Service in dealing with these vessels, Our Government in the United Kingdom has agreed, subject to certain conditions and limitations, to the exercise by Our Canadian Customs authorities of the powers contained in the section above in part recited, with respect to vessels registered in parts of the British Commonwealth other than Canada, Australia, New Zealand, the Union of South Africa, Eire and India.

AND WHEREAS Our Minister of National Revenue, with the concurrence of the Secretary of State for External Affairs, advise,—

1. that vessels registered in the United Kingdom or any parts of the British Commonwealth other than Canada, Australia, New Zealand, the Union of South Africa, Eire and India, be hereby specified as a class of vessels within the meaning of subsection one of section one hundred and fifty-one of the Customs Act.

2. that the provisions of section one hundred and fifty-one of the Customs Act shall extend to any such vessels, hovering in Canadian Customs waters;

3. that the application of the provisions of section one hundred and fifty-one of the Customs Act to any such vessels shall be subject to the following conditions and limitations:

(a) the exercise of the right of innocent passage through Canadian waters or Canadian Customs waters, or transit through such waters to a Canadian port by any vessel of such class engaged in legitimate trade shall not constitute hovering;

(b) the powers resulting from the proclamation hereinafter provided for under section one hundred and fifty-one of the Customs Act shall not be exercised in the case of any vessels of such class exceeding five hundred tons net register, unless such vessels have been included in a list agreed upon by the Governments of Canada and of the United Kingdom, or unless such vessels were acting in a manner inconsistent with employment in legitimate trade;

(c) the exercise of the power to bring any such vessels exceeding five hundred net registered tons into port shall be restricted to vessels included in a list as aforesaid, or to cases in which, after examination, it has been found that the vessel has been engaged, directly or indirectly, in liquor smuggling into Canada.

AND WHEREAS it is expedient that the above provisions shall come into operation and have effect upon, from and after the first day of August in the year of Our Lord one thousand nine hundred and thirty-eight.

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 said provisions shall come into operation and have effect upon, from and after the first day of August, in the year of Our Lord one thousand nine hundred and thirty-eight.

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 LAWRENCE ARTHUR DUMOULIN CANNON, Judge of the Supreme Court of Canada and Administrator of the Government of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-sixth day of July, in the year of Our Lord one thousand nine hundred and thirty-eight and in the second year of Our Reign.

By Command,

OSCAR CODERRE,
Acting Under-Secretary of State.

Commissioner of Customs.