

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA
CUSTOMS DIVISION

15. MAI 1939

Ottawa, 10th May, 1939.

To Collectors of Customs and Excise,

TRANSPORT ACT

Licensing of Ships over 500 tons operating on Great Lakes and part of St. Lawrence River.

Section 11 (1) of The Transport Act, 1938, assented to 1st July, last, provides as follows:

"No goods or passengers shall be transported by water, from one port or place in Canada to another port or place in Canada, either directly or by way of a foreign port or for any part of the transport, by means of any ship other than a ship licensed under this Part."

"Ship" is defined as including every description of vessel exceeding 500 tons gross tonnage.

The operations of this Act apply only in respect of the Great Lakes, which is defined in sub-section 1 (f), of Section 2 of the Act, as:

"Great Lakes" means Lakes Ontario, Erie, Huron, (including Georgian Bay), and Superior, and their connecting waters, and shall include the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans."

An exception to the licensing requirement is provided in respect of "goods in bulk", which is defined in sub-section 1 (e) of Section 2, as follows:

"Goods in bulk" means the following goods laden or freighted in ships, and except as herein otherwise provided, not bundled or enclosed in bags, bales, boxes, cases, casks, crates or any other container; grain and grain products, including flour and mill feeds in bulk or in sacks, ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), including ore concentrates in sacks, sand, stone and gravel, coal and coke, liquids, pulpwood, woodpulp, poles and logs, including pulpwood and woodpulp in bales, waste paper loaded as full ship's cargo, iron and steel scrap and pig iron."

(over)

Section 11 (3) provides:

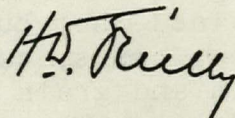
"The Collector of Customs at any port or place in Canada may, if he believes that any ship to which this Part applies is transporting, or after the coming into force of this Part has transported, passengers and/or goods without a license, in contravention of this Part, may detain the ship pending the disposition of any complaint or charge and the payment of any fine imposed in respect of such offence."

The Board of Transport Commissioners, under the authority granted them by the Act referred to, are preparing to issue licenses to ships to transport passengers and/or goods as provided above, which will be valid only during the current navigation period within a year from date of issuance.

You are, accordingly, instructed not to grant clearance to any ship coming within the meaning of the Act, unless you are satisfied that she is licensed as required. It may be added in explanation that the Board propose to issue a license certificate in duplicate to each vessel, one of which will be displayed on the boat and the other will form part of the ship's papers for production to Collectors as evidence of the vessel's compliance with the terms of the Act.

Any ship not able to establish its right to clearance should be detained, and advice of such detention sent by wire immediately to the Board of Transport Commissioners, Ottawa, for instructions.

You will be advised from time to time (a) of additional waters to which the Act may become applicable, and, (b) of any commodities ruled by the Department as being commodities not coming within the category of "goods in bulk" defined in sub-section 1 (e) of Section 2 of the Transport Act.



COMMISSIONER OF CUSTOMS.