

Control of Select Committee over the Judge.

(if any) of the returned member, and the questions concerning the validity of the recognizance, if it be objected to: and the Select Committee may deal with any such Judge as if he had been appointed Commissioner by them, and in case of his death or incapacity, from sickness or other unavoidable cause, to act at any time, may proceed as if he had been so appointed by them to take evidence as to the facts aforesaid.

Evidence to be transmitted to the Clerk of the Legislative Assembly: its effect.

VII. The evidence taken by any such Judge shall be transmitted by him in the manner prescribed by the said Election Petitions Act, to the Clerk of the Legislative Assembly, to be by him laid before the Select Committee for trying the election in question, when such Committee shall be appointed, with whom it shall avail for the like purpose as if such Judge had been appointed by such Committee Commissioner for taking such evidence.

Proceedings until the evidence is received.

VIII. If at the time the Select Committee shall be appointed, the said evidence and proceedings shall not have been received by the Clerk, the Committee may proceed with any other matters incident to the contest and not inconsistent with this Act, or if there be no such matter, shall adjourn until the said evidence and proceedings shall be received, and shall then be directed to re-assemble in the manner provided by the said Election Petitions Act in like cases.

Act not to apply to petitions alleging bribery and presented solely under sect. 7 of Election Petitions Act.

IX. Nothing in this Act shall prevent the presentation or reception of an Election Petition containing allegations of bribery or corruption, under the special provisions of the seventh section of the said Election Petitions Act, after the time limited for presenting Election Petitions in other cases shall have expired, or shall apply to any such Petition presented by virtue only of the said section, or shall prevent the application of the one hundred and sixtieth section of the said Election Petitions Act, in any case not provided for in this Act.

How this Act shall be construed.

X. This Act shall be construed as part of the Election Petitions Act of 1851, and the said Act shall be construed as if the provisions of this Act were contained therein.

## C A P . X X I V .

An Act for improving the organization and increasing the efficiency of the Civil Service of Canada.

[Assented to 10th June, 1857.]

Preamble.

**W**HEREAS it is expedient to make legislative provision for the better organization and greater efficiency of certain branches of the Public Service: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.

I. No appointment shall be made, except as hereinafter provided, in any of the Offices or Departments in Schedule A hereunto appended. Appoint-ments.

II. No appointment to any Office or Situation in any of the Departments, included in the said Schedule, shall be made except with the approval of the Governor of this Province. Appoint-ments.

III. The persons composing the Staff of each of the Departments, included in said Schedule, shall, immediately after the passing of this Act, be divided into two classes, namely, "Officers and Clerks;" and for the purposes of this Act, the term "Officers" shall be held to mean the persons included in Schedule B, exclusive of landing waiters and railway mail Clerks. Division into Officers and Clerks.

IV. The Clerks shall be divided into four classes, namely : Classes of Clerks.  
First class Clerks, second class Clerks, third class Clerks, and fourth class or probationary Clerks.

V. To the Offices included in Schedule B to this Act, shall be attached the fixed salaries therein mentioned, subject to the provision in the next section. Salaries.

VI. No salary of any Officer, Clerk, Messenger or other person, fixed before the time of the passing of this Act, shall be lowered by its provisions. Present sa-laries saved.

VII. In each of the said Departments, there shall be one Officer who shall be the Deputy of the Head of the Department and who shall have the oversight of the other Officers, Clerks and Messengers or Servants, and the general control of the business of the Department, and whose directions shall be obeyed in like manner as the directions of the Head of the Department would be ; and the authority of such Deputy shall be deemed to be that of the Head of the Department, without prejudice however to the control of the latter in all matters whatever : Provided that this Section shall not apply to the Audit and Customs Branches of the Inspector General's Department. Each Head of a Department to have a Deputy.

VIII. The following Officers shall be by virtue of their office the Deputy Heads of Departments for the purposes of the last preceding section : What Officers shall be such Deputies.

1. Executive Council :  
The Clerk.

2. In the Provincial Secretary's Office :  
Lower Canada Branch--The Assistant Provincial Secretary for Lower Canada ;

Upper

Upper Canada Branch—The Assistant Provincial Secretary for Upper Canada.

3. In the Inspector General's Department :  
The Deputy Inspector General.
4. In the Receiver General's Department :  
The Deputy Receiver General.
5. In the Postmaster General's Department :  
The Deputy Postmaster General.
6. In the Crown Lands Department :  
The Assistant Commissioner of Crown Lands.
7. In the Department of Public Works :  
The Secretary.
8. In the Bureau of Agriculture :  
The Secretary.

IX. Each Officer while so acting as Deputy shall receive in addition to his stated salary a further sum at the rate of fifty pounds per annum.

X. During the illness or absence of the Deputy, the Head of the Department may appoint another officer temporarily to discharge the duties of such Deputy, and notice of such temporary appointment shall be communicated in writing to every officer and clerk in such Department.

XI. Such Officer so appointed and while discharging the duties of the Deputy, shall be entitled to receive the additional salary allowed to such Deputy.

XII. Within thirty days from the time of the passing of this Act, it shall be the duty of the Head of each Department included in Schedule A, to cause to be transmitted to the office of the Executive Council a return of the persons composing the Staff of such Department, dividing the Clerks into classes as hereinbefore provided, having respect to their relative ability and length of service.

#### BOARD OF EXAMINERS.

XIII. There shall be a Board, to be called the Board of Examiners for the civil service.

XIV. Such Board shall consist of the persons who for the time being shall fill the offices following, viz :

1. Clerk of the Executive Council.
2. Assistant Provincial Secretary East.
3. Assistant Provincial Secretary West.
4. Deputy Inspector-General.
5. Commissioner of Customs.
6. Auditor of Public Accounts.
7. Deputy Receiver-General.
8. Deputy Postmaster General.
9. Assistant Commissioner of Crown Lands.
10. Secretary of Public Works Department.
11. Secretary Bureau of Agriculture.
12. Deputy Provincial Registrar.

XV. Five of the Members of the said Board shall be a *quorum* Quorum thereof, and may exercise all the functions of the Board.

XVI. It shall be the duty of each of the members of the said board, (in the order in which his office is named in section XIV,) to act for one month as Chairman of the board, and to preside at all meetings thereof held during such month; but in his absence any member of the board then present may be selected by the others to preside as Chairman.

Each Member to act as Chairman in turn.  
Proviso.

XVII. Minutes of the proceedings of the Board shall be kept by the Chairman; and he shall certify the same.

Minutes.

#### DUTIES OF THE BOARD.

XVIII. To frame and publish regulations to be observed by Candidates for employment in the civil service of Canada, such regulations being first approved by the Governor in Council.

Making regulations.

XIX. To examine all Candidates who may present themselves in accordance with the regulations of the Board and such other regulations or restrictions as may be provided under this Act.

Examining Candidates.

XX. To keep a record of the Candidates for examination—such record to show the name, age, place of birth, and residence of each candidate and the result of his examination, mentioning the particular branch of the Civil service (if any) for which any candidate passing the examination shall, in the opinion of the examiners, have shown any special aptitude.

Register of Candidates.

XXI. To grant certificates of qualification to candidates whose examination as to fitness and whose testimonials as to moral character shall have been found satisfactory.

Certificates of qualification.

XXII.

Copies of Minutes for Executive Council.

XXII. To cause to be transmitted to the Clerk of the Executive Council with all convenient speed, copies of the minutes of the proceedings of Board at each sitting thereof—such copies to be certified by the Chairman.

Conditions of examination.

XXIII. No person shall be admitted to examination except on application in his own hand writing; such application to set forth his age, his place of birth, his place of residence, and to be otherwise in accordance with any orders or regulations framed and published by the Board of Examiners for the Civil Service.

Age of Candidates.

XXIV. No person shall be competent for examination who shall be under sixteen years of age.

Notice of Meetings.

XXV. Notice of the Monthly Meetings for examination of Candidates and of the regulations to be observed by such Candidates, shall be published in such manner as may be determined by the Board.

Times of Meeting.

XXVI. The first meeting of the Board of Examiners for the Civil Service shall take place at noon on the Fourth Monday after the passing of this Act, and thereafter on the Fourth Monday of each month, commencing their proceedings at the hour of ten in the forenoon.

Place of Meeting.

XXVII. All meetings of the Board of Examiners shall be held at the Office of the Provincial Secretary.

Register of Candidates found qualified.

XXVIII. It shall be the duty of the Clerk of the Executive Council to file the minutes of proceedings of the Board of Examiners for the Civil Service, and to keep a Registry of the name and residence of each Candidate to whom a Certificate of qualification has been granted, with the date of such Certificate.

#### APPOINTMENTS TO OFFICE AND SALARIES OF CLERKS.

Filling vacancies among Clerks.

XXIX. Whenever a vacancy through death, resignation, removal or promotion, shall occur in any of the classes of Clerks of the Departments included in Schedule A, it shall be the duty of the Head of the Department in which the vacancy occurs, to select for promotion to such vacancy the most suitable person from such of the Clerks in the said Department as shall fill situations of lower rank or emolument than that attached to such vacant Clerkship; and in the event of such Head of Department being unable under this provision to fill such vacancy, or whenever the increased business of such Department shall require augmentation of the Staff, application in writing shall be made by the Head of such Department to the Executive Council, and the Clerk of the Executive Council shall bring the said application under the notice of the Committee of Council at the next Meeting thereof.

XXX.

XXX. No appointment to any Office or Clerkship in any of the Departments included in Schedule A shall be made except from among those Candidates who having passed their examination shall be registered by the Board of Examiners as proper persons to be employed in the Civil Service of Canada, except under the next section.

Only certified Candidates to be appointed.

XXXI. Nothing in this Act shall prevent the promotion in his own Department, or the appointment to any other Office or Situation in the Public Service, of any Officer, Clerk or other person employed in any of the Departments in Schedule A, at the time of the passing of this Act.

Act not to prevent promotion of any Officer, &c.

XXXII. Persons selected from among those registered by the Board of Examiners as proper persons to be employed in the Civil Service of Canada, and appointed under the provisions of this Act, shall enter the said Service as fourth class or probationary Clerks.

Candidates to enter as fourth class Clerks.

XXXIII. Fourth Class Clerks shall receive from the date of their appointment a salary at the rate of One Hundred and Twenty-five Pounds per annum.

Salary.

XXXIV. Fourth Class Clerks after two years' service, if deemed qualified, may be promoted to the third class.

Promotion.

XXXV. Third Class Clerks shall commence at a salary of One Hundred and Fifty Pounds per annum, with an annual increase of Ten Pounds till the maximum in that class of Two Hundred Pounds per annum be attained.

Third class Clerks. Salary.

XXXVI. Third Class Clerks after six years' service as such, if deemed qualified, may be promoted to the Second Class.

Promotion.

XXXVII. Second Class Clerks shall commence at a salary of Two Hundred and Twenty-five Pounds per annum, with an annual increase of Ten Pounds till the maximum of Two Hundred and Seventy-five Pounds in that class be attained.

Second class Clerks. Salary.

XXXVIII. Second Class Clerks after six years' service as such, if deemed qualified, may be promoted to the rank of First Class Clerks.

Promotion.

XXXIX. First Class Clerks shall commence at a salary of Three Hundred Pounds per annum, with an annual increase of Ten Pounds per annum till the maximum of Three Hundred and Fifty Pounds be attained.

First class Clerks. Salary.

XL. Whenever any one of the Offices included in schedule B, exclusive of landing waiters and Railway mail Clerks, shall be vacant, it shall be the duty of the Head of the Department first to give due consideration to the claims of all the officers

Filling vacancies among Officers.

officers and of the clerks of the First, Second and Third Classes in such Department, with a view to selecting the most suitable person to fill such vacancy; and in the event of the Head of any Department included in Schedule A, being unable to select under the foregoing provisions a person completely fitted to fill any vacancy which may occur in such Department, then it shall be the duty of such Head of Department to report such vacancy to the Governor in Council, in order that such vacancy may, if possible, be filled from amongst the Officers, and First, Second and Third Class Clerks of the other Departments included in Schedule A.

Act not to prevent dismissal, &c.

XLII. Nothing herein contained shall be held to limit the power of the Governor to direct the dismissal, suspension or reduction in rank or class of any Officer, Clerk or other person employed in any of the Departments in Schedule A.

Employment of extra Clerks limited.

XLIII. No extra Clerk shall be employed in any Department included in Schedule A, except under Order in Council, unless for a period not exceeding one month, or to fill a temporary vacancy caused by the illness or necessary absence of an Officer or Clerk.

Certain provisions of the Act not to affect certain offices.

XLIII. Provided always, that such of the foregoing provisions as make it necessary that any vacancy in the Offices in Schedule B be filled from among the Officers and Clerks in the same or any other Department, shall not apply to the Survey Branch of the Crown Lands Department, or to the Engineer or any Assistant Engineer, Architect or Draughtsman in the Public Works Department, or to the Office of Book-keeper; but any vacancy in the said Offices may be filled as heretofore, if the Head of the Department shall not think any Officer or Clerk properly qualified to fill the same.

### SCHEDULE A

*Referred to in Section 1.*

- 1.—Executive Council Office ;
- 2.—Provincial Secretary's Office ;
- 3.—Inspector General's Department, including the Customs and all other Offices connected therewith ;
- 4.—Receiver General's Department ;
- 5.—Postmaster General's Department ; and all Offices connected therewith to which fixed annual Salaries are attached ;
- 6.—Crown Lands Department ;
- 7.—Public Works Department ;
- 8.—Bureau of Agriculture and Statistics.

### SCHEDULE B

*Referred to in Section 5.*

#### EXECUTIVE COUNCIL OFFICE.

Clerk of Executive Council.....	£600
Confidential Clerk.....	£450

PROVINCIAL

PROVINCIAL SECRETARY'S OFFICE.

Assistant Provincial Secretary, Lower Canada branch. £600  
 Assistant Provincial Secretary, Upper Canada branch. £600

*Registrar's Branch.*

Deputy Provincial Registrar..... £400  
 Assistant Registrar..... £300

INSPECTOR GENERAL'S DEPARTMENT.

Deputy Inspector General..... £600  
 Chief Clerk..... £450  
 Book-Keeper..... £400

*Customs Branch.*

Commissioner of Customs..... £600  
 Inspector of Western Ports..... £400  
 Inspector of Eastern Ports..... £400

	Sea Ports—(Quebec and Montreal.)											
	£	£	£	£	£	£	£	£	£	£	£	£
	Ports where Revenue collected exceeds £250,000.	Ports where Revenue collected is under £250,000 and not under £100,000.	Ports where Revenue collected is under £100,000 and not under £35,000.	Ports where Revenue collected is under £35,000 and not under £15,000.	Ports where Revenue collected is under £15,000 and not under £10,000.	Ports where Revenue collected is under £10,000 and not under £5,000.	Ports where Revenue collected is under £5,000 and not under £1,500.	Ports where Revenue collected is under £1,500 and not under £500.	Ports where Revenue collected is under £500 and not under £100.	Ports where Revenue collected is under £100.		
Collector.....	750	750	650	500	400	350	300	250	175	150	125	
Surveyor.....	450	450	350	300	250	225	200					
Chief Clerk.....	400	400	300	250	200	175	175					
Appraiser.....	350	350	250	200	175							
Chief Landing Waiters.....	300	300	200									
Landing Waiters.....	150	125	100	100	90	75	75	75	50	50	50	
	to 250	to 225	to 150	to 150	to 140	to 125	to 125	to 125	to 100	to 100	to 100	

*Audit Branch.*

Auditor of Public Accounts..... £600  
 Book-Keeper..... £400



## RECEIVER GENERAL'S DEPARTMENT.

Deputy Receiver General.....	£600
Book-Keeper.....	£400

## POSTMASTER GENERAL'S DEPARTMENT.

Deputy Postmaster General.....	£600
Accountant.....	£500
Secretary.....	£450
Cashier.....	£400

*Money Order Branch.*

Superintendent.....	£550
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*Postal Divisions.*

Inspector.....	£500
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*City Post Offices.*

	Where Revenue exceeds £6,000 per annum.	Where Revenue exceeds £3,000 and is under £6,000 per annum.
Postmaster.....	£500	£400
Assistant Postmaster.....	£350	£250

*Railway Mail Service.**(Foreign.)*

	On Appointment.	After five years' service in any capacity in Post Office Department.	After ten years' service in any capacity in Post Office Department.
Mail Clerk.....	£225	£250	£300

*Railway Mail Service.**(Home.)*

	On Appointment.		After two years' service in any class of Railway Clerks.		After five years' service in any class of Railway Clerks.		After ten years' service in any Class of Railway Clerks.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
Mail Clerks.....	£	£	£	£	£	£	£	£
{ 1st Class.....	180	220	200	250	220	275	240	300
{ 2nd Class.....	150	180	160	200	180	220	200	250
{ 3rd Class.....	120	150	130	160	140	175	160	200

**CROWN LANDS DEPARTMENT.**

Assistant Commissioner.....	£600
Deputy Surveyor General.....	£600
Accountant.....	£400
Surveyors and Draftsmen, Salaries from.....	£150 to £300

*Land Sales Branch.*

Superintendent.....	£350
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*Woods and Forest Branch.*

Superintendent.....	£350
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**PUBLIC WORKS DEPARTMENT.**

Secretary.....	£600
Chief Engineer.....	£750
Architect.....	£750
Assistant Engineer and Draftsman.....	£450
Book-keeper.....	£400

**BUREAU OF AGRICULTURE AND STATISTICS.**

Secretary.....	£400
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