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DEPARTMENT OF AGRICULTURE
DAIRY AND COLD STORAGE COMMISSIONER'S BRANCH
OTTAWA - - CANADA

**THE COLD STORAGE ACT, 1907,
AS AMENDED IN 1909,
AND
REGULATIONS**

Bulletin No. 43
Dairy and Cold Storage Series

Published by direction of the Hon. Martin Burrell, Minister of Agriculture,
Ottawa, Ont.

JULY, 1914.

LETTER OF TRANSMITTAL.

OTTAWA, July 29, 1914.

To the Honourable,
The Minister of Agriculture.

Sir, — I have the honour to inform you that Bulletin No. 23 of the Dairy and Cold Storage Series, which contains *The Cold Storage Act* of 1907, and Regulations of March 11, 1910, is now practically out of print. I beg, therefore, to submit for your approval, copy for a new bulletin, consisting of *The Cold Storage Act*, the Amendment of 1909, the Regulations of March 11, 1910, and the new Regulations of June 20, 1914, the whole to be published as Bulletin No. 43, Dairy and Cold Storage Series.

I have the honour to be, sir,

Your obedient servant,

J. A. RUDDICK,
Dairy and Cold Storage Commissioner.

ED
AMENDMENT

THE COLD STORAGE ACT,* 1907, as AMENDMENT in 1906,
and REGULATIONS THEREUNDER.



6-7 EDWARD VII.

CHAP. 6.

An Act to encourage the establishment of Cold Storage Warehouses for the preservation of perishable Food Products.

[Assented to 22nd March, 1907.]

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

1. This Act may be cited as *The Cold Storage Act*. Short title.

2. The Governor in Council may enter into contracts with any persons for the construction, equipment and maintenance in good and efficient working order, of public cold storage ware-houses equipped with mechanical refrigeration, in Canada, and suitable for the preservation of all food products. Contract for cold storage warehouses.

3. The location, plans and specification of every such warehouse, its equipment, and the amount to be expended thereon, shall be subject to the approval of the Governor in Council. Details subject to approval.

4. The Governor in Council may, out of any moneys appropriated by Parliament for the purpose, grant towards the construction and equipment of any such warehouse a subsidy not exceeding in the whole thirty per cent of the amount expended or approved of in such construction and equipment, and payable in instalments as follows: upon the warehouse being completed and cold storage at suitable temperatures being provided therein, all to the satisfaction of the Minister of Agriculture, a sum not exceeding fifteen per cent of the amount so expended; and at the end of the first year thereafter seven per cent of the said amount, at the end of the second year thereafter Subsidy payable.

* This Act, which relates only to the payment of subsidies, should not be confused with *The Cold Storage Warehouse Act 1914*.

four per cent of the said amount, and at the end of each of the two next succeeding years two per cent of the said amount : provided the warehouse is maintained and operated to the satisfaction of the Minister of Agriculture.

Withholding of subsidy if warehouse not satisfactory.

5. The Minister of Agriculture may refuse to pay any part of the said subsidy if, in his opinion, the operation of the warehouse has not been of such a character as to provide for the proper preservation of such products as may be stored therein.

Inspection.

6. The Minister of Agriculture may order, and cause to be maintained, an inspection and supervision of the sanitary conditions, maintenance and operation of such warehouse, and may regulate and control the temperatures to be maintained therein in accordance with the regulations to be made as hereinafter provided.

Rates and tolls.

7. The rates and tolls to be charged for storage in such warehouses shall be subject to the approval of the Governor in Council.

Inspectors.

8. For the effective carrying out of the provisions of this Act the Minister of Agriculture may appoint inspectors, who shall have access to all parts of such warehouses at all times.

Regulations by Governor in Council.

9. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act ; and he may by such regulations impose penalties not exceeding fifty dollars on any person offending against them ; and the regulations so made shall be in force from the date of their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

1897, c. 7 repealed

10. Chapter 7 of the statutes of 1897, intituled *An Act respecting Cold Storage on Steamships from Canada to the United Kingdom and in certain cities in Canada*, is repealed.

8-9 EDWARD VII.

CHAP. 8.

An Act to amend the Cold Storage Act.

[Assented to 29th May, 1909.]

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

1907, c. 6, s. 2 amended. Cold storage warehouses.

1. Section 2 of *The Cold Storage Act*, chapter 6 of the statutes of 1907, is amended by striking out the last three words thereof and substituting therefor the words "any food product."

REGULATIONS.

P. C. 437.

PRIVY COUNCIL, CANADA.

AT THE GOVERNMENT HOUSE AT OTTAWA.

FRIDAY, the 11th day of March, 1910.

PRESENT:

His Excellency in Council.

His Excellency, by and with the advice of the King's Privy Council for Canada, is pleased to Order that the Regulations established by the Order in Council of the 3rd May, 1907, in virtue of the provisions of the Cold Storage Act, shall be and the same are hereby rescinded, and the following Regulations substituted therefor ;

His Excellency is further pleased to Order that this Order in Council shall come into force on and from the date of the publication thereof in the *Canada Gazette*.

(Sgd.) F. K. BENNETS,
Asst, Clerk of the Privy Council.

The Honourable
The Minister of Agriculture.

1. The Minister of Agriculture may make appointments of inspectors and other persons for the enforcement of the Act.

2. No application shall be considered for any cold storage warehouses except those equipped with mechanical refrigeration including the gravity brine system, nor for any place where any such cold storage already exists or where the proposed cold storage would compete directly with other establishment of the same class.

3. Applications for a subsidy under the Act must be made in the following form which shall be known as Schedule A.

SCHEDULE A.

Application for a Cold Storage Subsidy.

To the Honourable
The Minister of Agriculture,
Ottawa.

SIR, — The undersigned hereby makes application, in triplicate, for a subsidy on a public cold storage warehouse to be erected at in the province of....., according to the terms of the Cold Storage Act.

The following particulars refer to the proposed cold storage warehouse, namely :—

Particulars.

Size of building, in cubic feet

Total refrigerated space, in cubic feet.....

Capacity, in cubic feet, of space, if any, intended for the storage of fish, butter, meats or other goods at freezing temperatures.....

7. The first instalment of the subsidy shall not be paid until the applicant shall have presented proper vouchers for the cost of building, equipment, site and other expenditures.

8. The owners of cold storage warehouses to which the subsidy or any part thereof has been paid, may be required to make an annual report to the Minister of Agriculture in such form as may be prescribed.

P. C. 1604.

AT THE GOVERNMENT HOUSE AT OTTAWA,

SATURDAY, the 20th day of June, 1914.

PRESENT :

His Royal Highness the Governor General in Council :

The Governor General in Council is pleased to order and it is hereby ordered as follows :—

The Regulations established by Order in Council, dated 11th March, 1910, under *The Cold Storage Act* are amended by adding thereto the following sections :—

"9. Owners or managers of cold storage warehouses with whom contracts have been entered into for the payment of subsidies under the *Cold Storage Act* :—

(a) Shall give the public the preference in the use of the refrigerated space in such warehouses. It shall be deemed to be a violation of the regulations if the owner of the warehouse refuses to receive goods from the public at the approved rate for storage on the ground of lack of space, when any part of the space is occupied by goods which are the property of the owners of the warehouse ;

(b) Shall not contract or agree to give all the refrigerated space to one or more firms to the exclusion of the general public ;

"10. Owners or managers of cold storage warehouses with whom contracts have been entered into for the payment of subsidies under the *Cold Storage Act* and who receive fish for storage shall accept herring at the usual rate and if delivered in the usual manner, irrespective as to whether said herring are to be used for food or for bait.

"11. Every person who violates any of the aforesaid regulations shall for every such offence incur a penalty not exceeding fifty dollars.

The Governor General in Council is further pleased to order that these Regulations shall come into force from the date of their publication in the *Canada Gazette*.

(Sgd.) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

FORM OF CONTRACT.

When an application for a cold storage subsidy has been approved by the Governor-in-Council, a contract will be entered into with the applicant in the following terms.

Agreement made in duplicate this _____ day of
A. D. one thousand nine hundred and _____

BETWEEN

His Majesty King George the Fifth, represented by the Honourable Martin Burrell, His Majesty's Minister of Agriculture of Canada, hereinafter called the Minister. of the first part ;

AND

Whereas the contractor has agreed to build a public cold storage warehouse at _____ in the Province of _____ and has applied for a subsidy under the Cold Storage Act ;

And whereas the location and plans and specifications of the said warehouse were approved by order of His Excellency the Governor General in Council bearing date the _____ day of _____, A. D.

Witnesseth that in consideration of the covenants and agreements on the part of His Majesty hereinafter contained, the contractor covenants and agrees with His Majesty as follows :—

1. That all covenants and agreements herein contained shall be binding on and extend to the executors and administrators of the contractor and shall extend to and be binding upon the successors of His Majesty, and wherever in this agreement the contractor is referred to such reference shall include his executors and administrators.

2. That the contractor shall build, construct and erect a public cold storage warehouse at _____, in the Province of _____ in and upon a site to be approved by the Minister, the said warehouse to be equipped with mechanical refrigeration and suitable for the preservation of all food products.

3. That the said warehouse shall be built in the manner required by and in all respect in strict conformity with the specifications and with the plans approved by His Excellency the Governor General in Council, under date the _____ day of _____, A. D. _____, and of record in the Department of Agriculture, and such specifications and plans are hereby declared to be a part of this agreement.

4. That the several parts of this agreement shall be taken together to explain each other and if it be found that anything has been omitted or mis-stated which in necessary for the proper performance and completion of the said warehouse either in the said plans or in the said specifications, the explanation and interpretation given by the Minister shall be received and shall be finally binding and conclusive upon the contractor, and the contractor shall execute the same as though it had been properly described.

5. That the decision of the Minister or such person or persons as he shall thereto from time to time designate, on all questions in dispute with regard to work or material or as to the meaning or intention of this agreement and the plans and specifications, shall be final.

6. That during the construction, maintenance and operation of the said warehouse every facility shall be given to the Minister and to such other person or persons as he may from time to time designate to inspect every portion of the said warehouse and the materials to be used in the construction thereof, and access to all parts of such warehouse shall at all times be given to the said Minister and to such person or persons as may be designated by the Minister as aforesaid.

7. That the said contractor shall maintain and operate the said warehouse in accordance with such regulations as may be made from time to time by the Governor in Council, and the rates and terms to be charged for storage in such warehouse shall be subject to the approval of the Governor in Council.

8. That the Minister shall pay the contractor a subsidy not exceeding in the whole thirty per cent of the amount expended and approved of in the construction and equipment of the said warehouse, payable in instalments as follows :—

Upon the warehouse being completed and cold storage at suitable temperatures being provided therein, the whole to the satisfaction of the Minister, whose decision in case of dispute shall be final, a sum not exceeding fifteen per cent of the amount so expended and approved of ; at the end of the first year thereafter, seven per cent of the said amount ; at the end of the second year thereafter, four per cent of the said amount ; and at the end of each of the two next succeeding years, two per cent of the said amount ; provided always that the warehouse is maintained and operated to the satisfaction of the Minister ; that the Minister may refuse to pay any part of the said subsidy if in his opinion the operation of the warehouse has not been of such a character as to provide for the proper preservation of such produce as may be stored therein, and that the whole amount of the subsidy payable hereunder shall not exceed the sum of

9. That the Minister may require the contractor to submit such vouchers and verify the cost construction of the said warehouse in such manner as the Minister may from time to time direct, and that the Minister's decision with respect to the cost of the construction of the said warehouse, for the purpose of fixing the amount of the said subsidy, shall be final and conclusive.

10. The said warehouse shall be built and completed to the satisfaction of the Minister not later than the day of and shall thereafter be maintained and operated continuously to entitle the contractor to any portion or portions of the said subsidy, and time shall be considered as of the essence of this agreement.

11. If the said warehouse should be burnt or otherwise injured or destroyed before all the payments of the said subsidy have been made, then and in such case, if the contractor repairs or rebuilds the said warehouse within such time as may be fixed by the Minister in accordance with the said plans and specifications and operates and maintains the said warehouse as hereinbefore provided and otherwise complies with all the covenants and provisions of this agreement, the whole to the satisfaction of the said Minister, the contractor shall be paid the unpaid portion or portions of the said subsidy upon the same terms and in the same manner as if the said warehouse had not been injured or destroyed.

12. The contractor shall not assign this contract without the consent in writing of the Minister.

13. This contract is, pursuant to the Statute in that behalf, made subject to the express condition that no member of the House of Commons of Canada shall be admitted to any share or part of such contract or to any benefit to arise therefrom.

In witness whereof the Minister hath hereunto affixed and set his hand and the seal of the Department of Agriculture and the contractor has signed these présents on the day and year first above written.

Signed, sealed and delivered }
in the presence of }

