

respecting Corrupt Practices in Municipal Affairs."

In the committee.

HON. MR. ABBOTT said—I have no doubt that hon. gentlemen perfectly understand the principle on which this Bill is framed, and the only question now needful is to see that it is in proper shape.

HON. MR. SCOTT—Is the Bill taken from any special legislation in England on this subject?

HON. MR. ABBOTT—I am not aware of any special legislation on the subject, but I have been informed, when inquiring as to how that fact stood, that under the common law of England these offences, or nearly all of them, are indictable, without the necessity for any special enactment. In fact, I understand it to be the opinion of lawyers here that these offences are indictable at common law; but it was thought advisable to endeavor to define them as nearly as possible and place them on the Statute Book, as we have placed on the Statute Book the definition of nearly all other crimes against public order.

HON. MR. SCOTT—Do you know if there is any such legislation in force in New York State?

HON. MR. ABBOTT—I understand that there is an Act of the Province of Quebec which deals with the subject, but in Quebec they have not the power to constitute an offence of this kind a crime and to punish it as a crime; and therefore it was thought best to repeat the enactment here, and make the offence a crime. The language of this Bill is not exactly the same as the Quebec Act, but a good deal of care has been taken to make the language fit the crime, and the punishment also.

HON. MR. BOTSFORD, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

BILLS OF LADING BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (C), "An Act relating to Bills of Lading." He said: The preamble

of this Bill states very clearly what its object is. Questions arise, sometimes, as to how far the consignee of goods mentioned in a bill of lading can enforce the rights of the shipper as respects those goods, and such questions have arisen in other countries, and in our own also. There is another difficulty which sometimes arises since bills of lading have been assimilated to negotiable paper—that is, that bills of lading have been signed, purporting to evidence the receipt of goods on board the ship, but in reality the goods have not been shipped. These bills passing into the hands of a third holder for value should, of course, give him a remedy against somebody. The courts have invariably held that although the master or other agent of the ship, and the agent of a railway company or other carrier, is authorized to sign a bill of lading or a receipt for the goods which he actually receives, he has no such authority in respect of goods which he does not receive; and very-serious difficulties have arisen on that point. It is to remedy, to a certain extent, these difficulties that a statute was passed in England some years ago, and has ever since been the law of that country; and the present law is almost, in so many words, a copy of the English law. It varies only in one expression, which I think is entirely in accordance with the principle of the Bill. The Imperial statute is 18 and 19 Vic., cap. 111. For my part, personally, I would be disposed to go further than this Bill does, and insist that the ship owner or railway company having appointed a person to sign receipts to become negotiable should become responsible for his acts; but that subject has been very largely and very able discussed, and the consensus of opinion seems to be that that would be going too far, and therefore it has not been embodied in this Bill. As it stands, I move that the Bill be read the second time.

HON. MR. KAULBACH—I would ask my hon. friend whether this Bill affects in any way the rights of the vendor or shipper?

HON. MR. ABBOTT—No; there is an express clause that applies to that. The second clause of the Act has been framed expressly to save such rights: