









1998

























## BILL.

An Act to amend the Act respecting the treatment and relief of sick and distressed Mariners.

HER MAJESTY by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. No vessel engaged in the coasting trade of Canada, and arriving in any port in any of the provinces of Quebec, Nova Scotia, and New Brunswick from any other port in the same Province, or arriving in any port in the Province of Quebec from any port in the Province of Ontario, shall be subject to the payment of the duty of two cents per ton imposed by the Act passed in the thirty first year of Her Majesty's Reign, and intituled: "*An Act respecting the treatment and relief of sick and distressed mariners*": any thing in the said Act to the contrary notwithstanding: Provided always, that no vessel arriving at any port in Canada from any place out of Canada, and afterwards continuing her voyage to another port in the same Province, or in any other Province in Canada, shall be exempt from the payment of the said duty at the last mentioned port, unless she has paid it at the first mentioned or some other port on the same voyage; but, except in the case of a vessel arriving at a port in Quebec from a port in Ontario, unless the duty has been so paid at some other port on the same voyage, no vessel arriving at any port in any one of the Provinces, from any port not within the same Province, shall be exempt from the payment of such duty, whether her voyage be, or be not, one requiring entry or clearance at the Custom House, and if she do not require entry the duty shall be paid immediately on her arrival.

Exemptions from tonnage duty under 31 Vict., c. 64.

Proviso.

2. Provided always, that the fifth and seventh sections of the Act hereinbefore cited shall not apply to sick mariners belonging to vessels exempted from paying the duties imposed by the said Act, and no mariners belonging to any such vessel shall be gratuitously received and treated in any Hospital designated and appointed for the reception of sick mariners under the said Act, nor shall any provision be made by any collector or other chief officer of customs, for their medical or surgical care or treatment in any other hospital or house out of any money collected under the said Act, unless by the special authority of the Minister of Marine and Fisheries.

Sections 5 and 7 of 31 Vict., c. 64, not to apply to sick mariners of vessels exempted as aforesaid.



**A**

**BILL.**

**An Act to amend the Act respecting the treatment and relief of sick and distressed Mariners.**

Received and read, First time, Wednesday, 16th February, 1870.

Second reading, Friday, 18th February, 1870.

Hon. Mr. MITCHELL.

**OTTAWA:**

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1870.

2. Provided always that the fifth and seventh sections of the Act heretofore cited shall not apply to sick mariners belonging to vessels exempted from paying the duties imposed by the said Act and no mariners belonging to any such vessel shall be gratuitously received and treated in any hospital designated and appointed for the reception of sick mariners under the said Act nor shall any provision be made by any collector or other chief officer of customs for their medical or surgical care or treatment in any other hospital or house out of any money collected under the said Act unless by the special authority of the Minister of Marine and Fisheries.

THE HONORABLE MEMBERS OF PARLIAMENT AND THE HONORABLE MEMBERS OF THE HOUSE OF COMMONS OF CANADA are hereby notified that the following Bill has been introduced into the House of Commons of Canada and will be presented to the Queen's Majesty by and with the advice and consent of the Senate and House of Commons of Canada on the following day, to-wit:—

On the 16th day of February, 1870, at Ottawa, in the Province of Ontario, the following Bill was read a first time, and the same was ordered to lie on the table for a week.



**BILL.**

An Act to amend the Act respecting the treatment and relief of sick and distressed Mariners.



B

**BILL.**

An Act respecting the Coasting Trade of Canada.

WHEREAS, by an Act of Parliament of the United Kingdom, passed in the thirty-second year of Her Majesty's reign, and intituled "*An Act for amending the law relating to the Coasting Trade and Merchant Shipping in British Possessions,*"

Preamble  
Imp. Stat., 32  
Vict., c. 11,  
cited.

5 it is, among other things, in effect, enacted, that, after the commencement of the said Act, the legislature of a British Possession, by any Act or Ordinance, from time to time, may regulate the Coasting Trade of that British Possession, subject, in every case, to certain conditions mentioned in the said Act, and embodied and enacted  
10 in this Act, and that Section one hundred and sixty-three of the Act of the Parliament of the United Kingdom, known as, "The Customs Consolidation Act, 1853," which is in the following words: "No goods or passengers shall be carried, from one port of any  
15 "British Possession in Asia, Africa, or America, to another port of "the same Possession, except in British ships," shall be repealed as from the date in the case of each British Possession, at which either an Act or an Ordinance with respect to the Coasting Trade, made within two years after the commencement of the Act, first above  
20 cited, in such British Possession, comes into operation, or if there is no such Act or Ordinance, at which the said two years expire; and that the said first cited Act shall be proclaimed in every British Possession, by the Governor thereof, as soon as may be, after he receives notice of the said Act, and shall come into operation in that British Province, on the day of such proclamation,  
25 which day is in the said Act referred to as the commencement thereof: And, whereas, the said Act was so proclaimed, by the Governor of Canada, on the twenty-third day of October, now last past: And, whereas, it is expedient to exercise in the manner hereinafter provided, the power vested, as aforesaid, in the Parlia-  
30 ment of Canada; Therefore, Her Majesty, by, and with the advice, and consent, of the Senate and House of Commons of Canada, enacts as follows:

1. Upon, from, and after the day to be appointed for that purpose, in any proclamation of the Governor, signifying Her Majesty's  
35 pleasure, that this Act shall come into operation in Canada, no goods or passengers shall be carried by water, from one port of Canada to another, coastwise, except in British ships, or from one port of Canada to another, on any of the Inland Lakes, Rivers, or Navigable Waters of Canada, or adjacent thereto, except in  
40 British ships, or in ships, or vessels, registered under any Act of the late Province of Canada, or of the Dominion of Canada, in that behalf: and if any goods or passengers are so carried, as aforesaid contrary to this Act, the master of the ship or vessel, so carrying the same, shall forfeit the sum of *four hundred dollars*, and any  
45 goods so carried shall be forfeited, as smuggled, and such ship or vessel may be detained by the collector of the customs, at any port, or place, to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given, to his satisfaction, and until such goods (if any) are delivered up to him,  
50 to be dealt with as goods forfeited under the provisions of the Act,

No goods or passengers to be carried coastwise, &c. in Canada except in British ships, &c., after a day to be appointed.



passed in the thirty-first year of Her Majesty's reign, and intituled, "An Act respecting the Customs"; and the said penalty and forfeiture may also be recovered and enforced, in the manner provided by the Act last mentioned, with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act, shall have the same meaning, as the like words and expressions in the said Act.

Governor may declare Act not to apply to ships of certain countries.

**2.** The Governor in Council may, from time to time, declare that the foregoing provisions of this Act, shall not, while such Order in Council is in force, apply to the ships or vessels of any Foreign country, in which British ships and vessels are admitted to the coasting trade of such country, and to carry goods and passengers, from one port or place, in such country to another, and may, from time to time revoke, or alter such Order in Council.

Conditions to which this Act is subject

**3.** 1stly. This Act shall not come into operation, until the day to be appointed for that purpose, in the proclamation, hereinbefore mentioned, signifying Her Majesty's pleasure that it shall come into operation in Canada;

2ndly. All British ships (including the ships of any British Possession) shall have the same privileges, and be treated in exactly the same manner, under this Act, as Canadian ships;

3rdly. And where, by treaty, made before the passing of the Act of Parliament of the United Kingdom, first cited in the preamble of this Act, Her Majesty has agreed to grant to any ships of any Foreign state, any rights or privileges, in respect of the coasting trade of Canada, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or may hereafter agree to grant the same; anything in this Act to the contrary, notwithstanding.



THE UNIVERSITY OF CHICAGO

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AN ACT TO AMEND THE CHICAGO TRUST ACT

ENACTED AT THE REGULAR SESSION OF THE LEGISLATURE OF THE STATE OF ILLINOIS, JANUARY 1887

CHICAGO

1887

PRINTED BY THE UNIVERSITY OF CHICAGO PRESS



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3rd Session, 1st Parliament, 33 Victoria 1870.

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**B**

BILL.

An Act respecting the Coasting Trade of  
Canada.

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Received and read, First time, Thursday, 17th  
February, 1870.

Second reading, Monday, 21st July, 1870.

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Hon. Mr. MITCHELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street,  
1870.



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## BILL.

### An Act to amend the Act respecting Fishing by Foreign Vessels.

**W**HEREAS it is expedient, for the more effectual protection Preamble.  
of the in-shore fisheries of Canada against intrusion by  
foreigners, to amend the Act intituled "*An Act respecting Fishing  
by Foreign Vessels,*" passed in the Thirty-first year of Her Majesty's  
5 Reign; therefore,

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

1. The Third Section of the above cited Act shall be, and is Section 3 of 31  
Vict., c. 61  
repealed, and  
new section  
substituted.  
hereby repealed, and the following section is enacted in its stead:
- 10 "3. Any one of such officers, or persons, as are above-mentioned,  
"may bring any ship, vessel, or boat, being within any harbor in  
"Canada, or hovering (in British waters) within three marine miles  
"of any of the coasts, bays, creeks, or harbors in Canada, into port,  
"and search her cargo, and may also examine the Master upon oath  
15 "touching the cargo and voyage; and if the Master, or person in  
"command, shall not truly answer the questions put to him in such  
"examination, he shall forfeit four hundred dollars; and if such  
"ship, vessel, or boat be foreign, or not navigated according to the  
"laws of the United Kingdom, or of Canada, and have been found  
20 "fishing, or preparing to fish, or to have been fishing (in British  
"waters) within three marine miles of any of the coasts, bays,  
"creeks, or harbors of Canada, not included within the above-  
"mentioned limits, without a license, or after the expiration of the  
"period named in the last license granted to such ship, vessel, or  
25 "boat, under the first section of this Act, such ship, vessel, or boat,  
"and the tackle, rigging, apparel, furniture, stores, and cargo  
"thereof shall be forfeited."

2. This Act shall be construed as one with the said Act "*re-* The two Acts  
one.  
*specting Fishing by Foreign Vessels.*"



C

BILL.

An Act to amend the Act respecting Fishing  
by Foreign Vessels.

Received and read, First time, Thursday, 17th  
February, 1870.

Second reading, Tuesday, 22nd February, 1870.

HON. MR. MITCHELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Eldon Street,  
1870.



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as amended

## BILL.

### An Act respecting Bills of Exchange and Promissory Notes.

WHEREAS it is expedient to assimilate the law of the several Provinces of the Dominion as is hereinafter contained; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every Bill of Exchange drawn, and every Promissory Note made payable to the order of any person, or to the order of the maker or drawer thereof, or to the bearer thereof, shall be deemed and taken to be negotiable, and shall be transferable by endorsement 10 either in full or in blank, or, if payable to bearer, by delivery; and the holder under a blank endorsement shall have the same remedy by action as if the endorsement were in full. Bills and notes to order, or bearer to be negotiable.

2. Every bill and note shall be held, *prima facie*, to import that it has been given for valuable consideration, whether the words 15 "for value received" are used therein or not. Valuable consideration presumed.

3. No acceptance of any Bill shall be sufficient to bind or charge any person, unless such acceptance is in writing on the bill, or, if there be more than one part to such bill, then on one of 20 the said parts. Acceptance must be made in writing on bill.

4. Every bill and note shall be held to be payable generally, unless it is expressed in the body thereof that it is payable at a bank or other stated place; and every acceptance of a bill shall be deemed and taken to be a general acceptance, unless the same is expressed to be payable at a bank or other stated place, 25 or unless in the case of an acceptance generally some bank or other stated place be expressed in the body of the bill; and the promise in such note, and the acceptance on such bill, so made payable at a bank or other stated place as aforesaid, shall be and be taken to be a qualified promise of such note, or acceptance of such bill, and it shall be payable at such stated place only; 30 and the parties to such bill or note, other than the acceptor or maker, shall only be liable to pay such bill or note if payment shall have been duly demanded at such bank or other stated place. Bills and notes to be held payable generally, unless the contrary is expressed.

5. No Bill shall be presented for acceptance on any non- 35 juridical day. No presentment on non-judicial days.

6. Three days of grace and no more, after the day when the bill or note is made due and payable, or after the day when such bill is presented to the drawee thereof if drawn at sight, shall be allowed for the payment thereof, and shall be reckoned to expire in 40 the afternoon of the third of the said days of grace, unless the said third day falls on a non-judicial day at the place where the bill or note is payable, in which case the next juridical day thereafter shall be the last of the days of grace. Days of grace.



## DAYS OF GRACE.

None on note payable on demand.

2. But nothing herein contained shall entitle the maker of any note payable on demand to any days of grace, or prevent the holder of any such note from demanding payment for the same at any time, and protesting for non-payment whenever payment is refused.

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## NON-JURIDICAL DAYS.

Non juridical days in Ontario, Nova Scotia, and New Brunswick.

In Quebec.

7. In the Provinces of Ontario, Nova Scotia, and New Brunswick, the following days shall, for the purposes of this Act, be deemed to be non-juridical days, videlicet: Sunday, the first day of January, (or the second day of January, if the first should fall on a Sunday), Ash Wednesday, Good Friday, Easter Monday, the Birthday of the Reigning Sovereign, or the day set apart for celebrating the same, any day set apart by Proclamation as a holiday or as a day of Fasting or Thanks-giving, and Christmas day, (or the following day if Christmas should fall on a Sunday); and in the Province of Quebec, all the said days, and in addition thereto, the Epiphany or twelfth day, Annunciation day, Ascension day, Corpus Christi day, St. Peter and St. Paul's day, All Saints day, and Conception day. All other days shall be deemed and taken to be juridical days.

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## OF PAYMENT.

Bills or notes payable at a stated place, to be presented there only.

8. Every bill and note, payable at a bank, or other stated place, shall at maturity be presented for payment at such bank or place only; but the maker or acceptor of such note or bill shall not be discharged from liability by the non-presentation thereof, under this section, at the place where the same is payable; and if such maker or acceptor has made provision there for the payment thereof, his liability thereon shall be subject to his right to pay the amount thereof into Court upon suit, on or before the return of the writ, without interest or cost.

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What presentment of bill or note payable generally to be sufficient

9. Every bill and note payable generally, shall at maturity be presented to the acceptor or maker, either personally, or at his then residence, or office, or usual place of business; or if presentment for payment of any such bill or note payable generally cannot be made to the acceptor or maker as aforesaid, by reason of his absence, and his not having any known residence, or office, or place of business, at or in the place where his acceptance or note is made or bears date, or by reason of his death, then such presentment for payment shall be sufficient if made at the residence, or office, or usual place of business of such acceptor or maker, or at his last known residence, or office, or usual place of business, in the place where the acceptance or note bears date; but the maker or acceptor of such bill or note shall not be discharged from liability by the non-presentation thereof, under this section.

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Presentment of bill or note payable generally, in case of the insolvency of acceptor or maker.

10. If a bill accepted payable generally, or a note payable generally, becomes due after the execution by the acceptor or maker of a deed of voluntary assignment of his estate and effects as an insolvent, or after the issuing of a writ of attachment in compulsory liquidation against the estate and effects of the acceptor or maker, the presentment for payment of such bill or note may be made either to the insolvent personally, or at his

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residence, or office, or usual place of business, or, as the case may be, and according as the bill or note becomes due before or after the appointment of an assignee, to the interim assignee, guardian, or assignee personally, or at his residence, or office, or usual place of business; and any such last mentioned presentment shall be as valid and effectual as if the presentment had been made to the insolvent personally, or at his residence, or office, or usual place of business, provided the acceptance of the bill or the making of the note was effected before the making of such deed by such acceptor or maker, or the issuing of such writ of attachment against the estate and effects of such acceptor or maker.

11. Every bill, draft, and note drawn or payable in Canada shall be subject to interest from the date of the maturity thereof, or if interest be therein expressed as payable from a particular period, or at a particular and lawful rate, then from such period to the time of payment, and at such rate; and in case of protest, the expense of protesting, and giving notice of protest, and the postages thereby incurred, shall be allowed and paid to the holder, over and above such interest.

Bill. &c., to bear interest from maturity

#### NOTING AND PROTESTING OF BILLS AND NOTES.

12.—Whenever any bill is refused acceptance by the drawee thereof, the same may be forthwith protested for non-acceptance; and after due notice of such protest has been given to the parties liable on such bill, the holder thereof may insist on immediate payment from the said parties, and may sue for and recover the amount of such bill, with costs, as if the same had matured and been protested for non-payment; and when due notice of non-acceptance has been given to the said parties, it shall not be necessary afterwards to present the said bill for payment, or if such presentment be made, to give notice of the dishonor.

Amount of bill, with costs and interest, may be recovered after protest for non-acceptance, and due notice thereof.

13. The holder of any Bill, instead of protesting upon the refusal to accept, may cause it to be noted for non-acceptance by a Notary; such noting to be made underneath, upon the said Bill; and should such Bill be afterwards protested for non-payment, a protest for non-acceptance need not be extended; but the noting, with the date thereof, and the name of the Notary by whom the same was made, must be stated in the protest for non-payment.

On refusal to accept, bill may be noted for non-acceptance.

14. Except in the cases hereinafter specially provided for, the duty of noting and protesting bills and notes shall be performed by a Public Notary for the Province in which the noting or protest is made; and every protest shall be made by the notary on the back of a copy of the bill or note and its endorsements; and the notary shall preserve of record in his office a true copy of every such protest made by him.

Protesting to be performed by notaries.

15. No clerk, teller, or agent of any bank shall act as a notary in the noting or protesting of any bill or note, payable at the bank or at any of the agencies of the bank in which he is employed.

Clerks &c. of banks not to protest bills or notes payable there.

16. Upon every bill noted or protested for non-acceptance, and upon every bill and note protested for non-payment, the protesting notary shall write, print, or stamp the words "noted for non-acceptance," or "protested for non-acceptance" (as the case may be),

What to be written &c. on protested bills and notes.



or "protested for non-payment," (as the case may be) with the date of the noting or protest, and his fees and charges, and shall subscribe thereto his initials, and the usual initial letters designating his office.

Protests to be made after non-acceptance, or after 3 p.m.

17. The noting or protest of any bill, inland or foreign, or of any note, for dishonor, either by non-acceptance or non-payment, may be made on the day of such dishonor, at any time after non-acceptance, or, in case of non-payment, at any time after the hour of three o'clock in the afternoon; and if such bill or note is payable at a bank, it may be presented at such bank, and the demand of payment preliminary to the protest thereof may be made either within or after the usual afternoon banking hours of such bank.

Demand of payment at a bank, when may be made.

Presentment and protest to be in the afternoon of the third day of grace. Want &c. of protest or notice not to discharge acceptor or maker.

18. No presentment and protest for non-payment of any bill or note shall be sufficient to charge the parties liable thereon, other than the acceptor or maker, unless such presentment and protest are made in the afternoon of the last day of grace, nor unless also due notice of the protest be given to the said parties as hereinafter provided; but the liability of the acceptor or maker towards the holder shall continue in full force and effect, although the liability of the other parties may be discharged from the want or insufficiency of protest or of notice of protest; and the want of protest and notice shall be excused, when they are, or either of them is rendered impossible by inevitable accident, or irresistible force, nor shall the drawer of any bill avail himself of the want of protest or notice, unless he shall prove that provision was duly made by him for the payment of such bill.

19. Every bill or note drawn or made in any part of Canada, and made payable in or drawn on any person resident in Canada, shall be deemed an inland bill or note; and nothing in this Act contained shall be construed to render unnecessary the noting or protesting of any foreign bill.

#### NOTICE OF THE PROTEST.

Notice of protest on day of protest, or next juridical day.

20. A notice of such protest shall be sent to each of the parties to the bill or note, and such notice shall be deemed to have been duly served, for all purposes, upon the party to whom the same is addressed, by being deposited in the post office nearest to the place of making presentment of such bill or note, at any time during the day whereon such protest has been made, or the next following juridical day.

Notice to assignee of insolvent sufficient if bill drawn or endorsed, or note endorsed before insolvency.

21. Like notice given to the assignee, or to the interim assignee, or guardian, as the case may require, of the estate and effects of any insolvent party liable on any bill or note shall be as valid and effectual as if such notice had been given to the insolvent through the post office as aforesaid; provided, in such cases, that the bill was drawn or endorsed, or the note endorsed by the insolvent before the execution by him of the deed of assignment of his estate and effects, or before the issuing of the writ of attachment against his estate and effects.

Justices of the peace may protest and give notices of protest in certain cases.

22. In places where the holder of a bill or note is prevented from employing a Notary, by reason of there being none resident and practicing therein, or by reason of the refusal, absence or disability from sickness or otherwise of the Notary or Notaries so resident



and practicing, any Justice of the Peace may make such noting and protest and give notice of the same ; and all such acts done by any such Justice shall have the same force and virtue as if the same had been done by a Notary ; but such Justice shall set forth in the body or preamble of such protest the reasons why the same could not be done by a Notary ; and a certificate and duplicate of such protest, containing such reasons, under the hand of such Justice, shall be deemed sufficient proof in any Court of the truth thereof.

10 **23.** Any person who represents himself to be a Notary or Justice of the Peace, and who acts as such in and about the protesting of a bill or note, or in or about the noting of a Bill, not being such Notary or Justice, shall be deemed guilty of a misdemeanor, and shall be liable to be punished by fine and by 15 imprisonment for a period of not more than six months.

Penalty for others than notaries and justices pretending to be such, and protesting &c. as such.

**24.** The several fees and charges hereinafter mentioned, on the noting and protesting of bills and notes, together with the postages prepaid upon notices deposited at any post office as herein provided for, shall and may be claimed from the holder 20 of the bill or note by the Notary or Justice of the Peace performing such duties, and shall be recovered from such parties thereto as are liable for the payment of the same.

Fees and charges on protests and notices recoverable.

**25.** All protests and notarial copies of protests of bills and notes, shall be received in all Courts as *prima facie* evidence of 25 the allegations and facts therein contained.

Protests to be received as *prima facie* evidence.

BILLS DRAWN ABROAD.

**26.** A bill drawn abroad upon any person in Canada, or payable or accepted at any place therein shall, as to all parties resident therein and liable on such bill, be subject to the provisions of this Act with respect to the days of grace for 30 payment of the same, and to the protesting of such bill for non-acceptance or non-payment, and the notification and service of such protest.

Bills drawn abroad upon persons in Canada to be subject to certain provisions of this Act.

BILLS DRAWN UPON PERSONS ABROAD.

**27.** Every bill drawn, sold, or negotiated within Canada, which is returned under protest for non-payment, shall be subject to 35 one per cent. damages, if drawn upon any person in the United States of America, and to two and one-half per cent. damages, if drawn upon any person out of Canada and not within the United States of America, with interest on the principal from the date of maturity, besides expenses of protesting and all incidental charges.

Damages on foreign bills returned under protest for non-payment.

DISCOUNT, COMMISSION, USURY.

40 **28.** In discounting any bill or note, the party discounting may retain, receive, or charge the amount of the interest upon the principal sum therein specified as discount at the time the bill or note is discounted.

Interest may be deducted as discount.

**29.** No bill or note, shall, though given for an usurious or other illegal consideration, or upon an usurious or otherwise illegal contract, be void in the hands of an endorsee, or 45 in the case of a note transferable by delivery in the hands of a

Usury unknown to holder at time of acquiring for value, not to render bill or note void in his hands.



person who acquired the same as bearer, for valuable consideration, unless such endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such bill or note had been originally given for an usurious or other illegal consideration, or upon an usurious or otherwise 5  
illegal contract.

## FORMS AND FEES.

Form of protest.

30. Every protest and notice may be according to the forms following, or to the like effect:  
 " On this            day of            , in the year of our Lord One  
 " thousand eight hundred and            , at the request of            10  
 "            , holder of the bill of exchange hereunto annexed, I,  
 "            , a Notary Public for the Province of  
 " duly appointed, did exhibit the said bill unto            , at  
 "            , being the place where the same is payable, and  
 " speaking            did demand payment of the said bill; to 15  
 " which demand *he* answered            ; Wherefore, I, the  
 " said Notary, at the request aforesaid, have protested, and do  
 " hereby solemnly protest, for want of payment of the said bill.  
 " And afterwards, on the day and year mentioned in the margin,  
 " I, the said Notary Public, did serve due notice, according to law, 20  
 " of the said presentment, non-payment and protest of the said  
 " bill, upon the several parties thereto, by depositing, in Her  
 " Majesty's Post Office at            , being the nearest Post  
 " Office to the place of the said presentment, letters containing  
 " such notices, one of which letters was addressed to each of the 25  
 " said parties, severally; the superscription and address of which  
 " letters are respectively copied below, as follows, that is to say:

*(Here insert the directions of the letters.)*

" In testimony whereof, I have hereunto set my Hand and  
 " affixed my Seal of Office, the day and year first above written.

*(Signature)*            L. S.            30

## FORM OF NOTICE TO PARTIES.

" To Mr.            *(date)*

" SIR.

Form of notice of protest.

" Take notice that a Bill of Exchange, dated on the            day of  
 "            , for the sum of \$ (or £ )            , drawn by            , on  
 " and accepted by            , payable *(three months)* after the date 35  
 " thereof, at the Bank of            , in *(Toronto)* and endorsed by  
 " A. B. C. D. E. F. &c., was, this day, presented by me for payment  
 " at the said Bank, and that payment thereof was refused, and  
 " that            , the holder of the said Bill, looks to you for  
 " payment thereof. Also, take notice that the same Bill was, this 40  
 " day, protested by me for non-payment,

" Your obedient servant,

" A. H.,

" Notary Public."

*The above forms may be changed to suit Protests for non-acceptance or non-payment of 45  
 Bills, or non-payment of Notes.*



**31.** The fees to be taken by Notaries Public and Justices of the Peace for the services mentioned in this Act, shall be such as follows, and no more, *Videlicet*:

	\$	cts.	Fee to be taken by notaries and justices of the peace.
5 For Noting for non-acceptance of any Bill.....		30	
For the Protest of any Bill or Note .....		50	
For every Notice .....		25	
(Exclusive of travelling expenses.)			

**32.** Chapter fifty-seven of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Promissory Notes and Bills of Exchange," Chapter sixty-four of the Consolidated Statutes for Lower Canada, intituled "An Act respecting Bills of Exchange and Promissory Notes;" Chapter forty-two of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Bills of Exchange and Promissory Notes;" Sections 1 and 2 of Chapter eighty-two of the Revised Statutes of Nova Scotia, third series, intituled "Of Bills of Exchange and Promissory Notes;" Chapter one hundred and sixteen of the Revised Statutes of New Brunswick, intituled "Of Bills, Notes and Choses in Action;" Chapter twenty-two of the Acts of the Legislature of New Brunswick, passed in the twenty-second year of Her Majesty's reign, intituled "An Act in amendment of chapter 116, Title XXX., of the Revised Statutes 'Of Bills, Notes and Choses in Action;" and so much of the Civil Code of Lower Canada, or of any other Act or Law, as may be inconsistent with this Act, shall be, and are hereby repealed, except only as regards suits pending when this Act comes into force, and Bills or Notes matured and payable before that time, and except also that all Acts or parts of Acts or provisions of law, repealed by those hereby repealed, shall remain repealed.

Con. Stat.  
Can. c. 57,  
Con. Stat. L.  
C. c. 64, Con.  
Stat. U.C. c.  
42, R.S. N.S.  
c. 82, R. S.  
N. B. c. 116,  
Act of N. B.  
Vict. 22, c.  
22, Parts  
of Civil Code  
of L. C. &c.,  
&c., &c. re-  
pealed.

**33.** This Act shall not come into force until the first day of September next after the passing thereof.



3rd Session, 1st Parliament, 33 Victoria, 1870.

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**D**

BILL.

An Act respecting Bills of Exchange and  
Promissory Notes.

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*(As amended by the Senate in Committee of the  
Whole House).*

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Hon. Mr. CAMPBELL.

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OTTAWA.

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.



*Handwritten initials*

**BILL.**

**An Act respecting Bills of Exchange and Promissory Notes.**

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

1. Every Bill of Exchange drawn, and every Promissory Note made payable to the order of any person, or to the order of the maker or drawer thereof, or to the bearer thereof, shall be deemed and taken to be negotiable, and shall be transferable by endorsement either in full or in blank, or, if payable to bearer, by delivery ; and the holder under a blank endorsement shall have the same remedy by action as if the endorsement were in full.

Bills and notes to order, or bearer to be negotiable.

2. Every bill and note shall be held, *prima facie*, to import that it has been given for valuable consideration, whether the words "or value received" are used therein or not.

Valuable consideration presumed.

3. No acceptance of any Bill of Exchange shall be sufficient to bind or charge any person, unless such acceptance is in writing on the bill, or if there be more than one part to such bill, then on one of the said parts.

Acceptance must be made in writing on bill.

4. Every bill and note shall be held to be payable generally, unless it is expressed in the body thereof that it is payable at a bank or other stated place ; and every acceptance of a bill shall be deemed and taken to be a general acceptance, unless the same is expressed to be payable at a bank or other stated place, or unless in the case of an acceptance generally some bank or other stated place be expressed in the body of the bill ; and the promise on such note, and the acceptance on such bill, so made payable at a bank or other stated place as aforesaid, shall be and be taken to be a qualified promise of such note, or acceptance of such bill, and it shall be payable at such stated place only ; and the parties to such bill or note, other than the acceptor or maker, shall only be liable to pay such bill or note if payment be duly demanded at such bank or other stated place.

Bills and notes to be held payable generally, unless the contrary is expressed.

5. No Bill of Exchange shall be presented for acceptance on any non-juridical day.

No presentment on non-juridical days.

6. Three days of grace and no more, after the day when the bill or note is made due and payable, or after the day when such bill is presented to the drawee thereof if drawn at sight, shall be allowed for the payment thereof, and shall be reckoned to expire in the afternoon of the third of the said days of grace, unless the said third day falls on a non-juridical day at the place where the bill or note is payable, in which case the next juridical day thereafter shall be the last of the days of grace.

Days of grace.



## DAYS OF GRACE.

None on note payable on demand. 2. But nothing herein contained shall entitle the maker of any note payable on demand to any days of grace, or prevent the holder of any such note from demanding payment for the same at any time, and protesting for non-payment whenever payment is refused.

## NON-JURIDICAL DAYS.

Non juridical days in Ontario, Nova Scotia, and New Brunswick. 7. In the Provinces of Ontario, Nova Scotia, and New Brunswick, the following days shall, for the purposes of this Act, be deemed to be non-juridical days, videlicet: Sunday, Christmas day, Good Friday, Easter Monday, Ash Wednesday, any day set apart by Royal Proclamation for Fasting or Thanksgiving, the Birthday of the Reigning Sovereign, or the day set apart for celebrating the same, and the first day of January; and in the Province of Quebec, all the said days, and in addition thereto, the Epiphany or twelfth day, Annunciation day, Ascension day, Corpus Christi day, St. Peter and St. Paul's day, All Saints day, and Conception day. All other days shall be deemed and taken to be juridical days.

## OF PAYMENT.

Bills or notes payable at a stated place, to be presented there only. 8. Every bill and note, payable at a bank, or other stated place, shall at maturity be presented for payment at such bank or place only.

What presentment of bill or note payable generally to be sufficient 9. Every bill and note payable generally, shall at maturity be presented to the acceptor or maker, either personally, or at his then residence, or office, or usual place of business; or if presentment for payment of any such bill or note payable generally cannot be made to the acceptor or maker as aforesaid, by reason of his absence, and his not having any known residence, or office, or place of business, at or in the place where his acceptance or note bears date, or by reason of his death, then such presentment for payment shall be sufficient if made at the residence, or office, or usual place of business of such acceptor or maker, or at his last known residence, or office, or usual place of business, in the place where the acceptance or note bears date.

Presentment of bill or note payable generally, in case of the insolvency of acceptor or maker- 10. If a bill accepted payable generally, or a note payable generally, becomes due after the execution by the acceptor or maker of a deed of voluntary assignment of his estate and effects as an insolvent, or after the issuing of a writ of attachment in compulsory liquidation against the estate and effects of the acceptor or maker, the presentment for payment of such bill or note may be made either to the insolvent personally, or at his residence, or office, or usual place of business, or, as the case may be, and according as the bill or note becomes due before or after the appointment of an assignee, to the interim assignee, guardian, or assignee personally, or at his residence, or office, or usual place of business; and any such last mentioned presentment shall be as valid and effectual as if the presentment had been made to the insolvent personally, or at his residence, or office, or usual place of business, provided the acceptance of the bill or the making of the note was effected before the making of such



deed by such acceptor or maker, or the issuing of such writ of attachment against the estate and effects of such acceptor or maker.

11. Every bill, draft, and promissory note drawn or payable in  
 5 Canada shall be subject to interest from the date of the maturity thereof, or if interest be therein expressed as payable from a particular period, or at a particular and lawful rate, then from such period to the time of payment, and at such rate; and in case of protest, the expense of protesting, and giving notice of protest, and  
 10 the postages thereby incurred, shall be allowed and paid to the holder, over and above such interest.

Bill. &c., to bear interest from maturity

#### NOTING AND PROTESTING OF BILLS AND NOTES.

- 12.—Whenever any bill is refused acceptance by the drawee thereof, the same may be forthwith protested for non-acceptance; and after due notice of such protest has been given to the parties  
 15 liable on such bill, the holder thereof may insist on immediate payment from the said parties, and may sue for and recover the amount of such bill with costs and interest as if the same had matured and been protested for non-payment; and when due notice of non-acceptance has been given to the said parties, it shall  
 20 not be necessary afterwards to present the said bill for payment, or if such presentment be made, to give notice of the dishonor.

Amount of bill, with costs and interest, may be recovered after protest for non-acceptance, and due notice thereof.

13. The holder of any Bill instead of protesting upon the refusal to accept, may at his option, cause it to be noted for non-acceptance by a Notary; such noting to be made underneath,  
 25 upon the said Bill; and should such Bill be afterwards protested for non-payment, a protest for non-acceptance need not be extended, but the noting with the date thereof, and the name of the notary by whom the same was made, must be stated in the protest for non-payment.

14. Except in the cases hereinafter specially provided for, the duty of noting and protesting bills and notes shall be performed by a Public Notary for the place in which the noting or protest is made; and every protest shall be made in duplicate by the notary underneath or on the back of a copy of the bill or note and  
 35 its endorsements.

Protesting to be performed by notaries.

15. No clerk, teller, or agent of any bank shall act as a notary in the noting or protesting of any bill or note, payable at the bank or at any of the agencies of the bank in which he is employed.

Clerks &c. of banks not to protest bills or notes payable there.

16. Upon every bill noted or protested for non-acceptance, and  
 40 upon every bill and note protested for non-payment, the protesting notary shall write, print, or stamp the words "noted for non-acceptance," or "protested for non-acceptance," as the case may be, or "protested for non-payment," (as the case may be) with the date of the noting or protest, and his fees and charges, and shall  
 45 subscribe thereto his initials, and the usual initial letters designating his office.

What to be written &c. on protested bills and notes.

17. The noting or protest of any bill of exchange, inland or foreign, or of any promissory note, for dishonor, either by non-acceptance or non-payment, may be made on the day of such  
 50 dishonor, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon.

Protests to be made after non-acceptance, or after 3 p.m.



**Demand of payment at a bank, when may be made.** And if such bill or note is payable at a bank, it may be presented at such bank, and the demand of payment preliminary to the protest thereof may be made either within or after the usual afternoon banking hours of such bank.

**Presentment and protest to be in the afternoon of the third day of grace. Want &c. of protest or notice not to discharge acceptor or maker.** **18.** No presentment and protest for non-payment of any bill or note shall be sufficient to charge the parties liable thereon, other than the acceptor or maker, unless such presentment and protest are made in the afternoon of the last day of grace, nor unless also due notice of the protest be given to the said parties as hereinafter provided; but the liability of the acceptor or maker towards the holder, shall continue in full force and effect, although the liability of the other parties may be discharged from the want or insufficiency of protest or of notice of protest; and the want of protest and notice shall be excused, when they are, or either of them is rendered impossible by inevitable accident, or irresistible force. 5 10 15

#### NOTICE OF THE PROTEST.

**Notice of protest on day of protest, or next juridical day.** **19.** A notice of such protest shall be sent to each of the parties to the bill or note, and such notice shall be deemed to have been duly served, for all purposes, upon the party to whom the same is addressed, by being deposited in the post office nearest to the place of making presentment of such bill or note, at any time during the day whereon such protest has been made, or the next following juridical day. 20

**Notice to assignee of insolvent sufficient if bill drawn or endorsed, or note endorsed before insolvency.** **20.** Like notice given to the assignee, or to the interim assignee, or guardian, as the case may require, of the estate and effects of any insolvent party liable on any bill or note shall be as valid and effectual as if such notice had been given to the insolvent through the post office as aforesaid; provided, in such cases, that the bill was drawn or endorsed, or the note endorsed by the insolvent before the execution by him of the deed of assignment of his estate and effects, or before the issuing of the writ of attachment against his estate and effects. 25 30

**Justices of the peace may protest and give notices of protest in certain cases.** **21.** In places where the holder of a bill or note is prevented from employing a Notary, by reason of there being none resident and practising therein, or by reason of the absence or disability from sickness or otherwise of the Notary or Notaries so resident and practicing, any Justice of the Peace may make such noting and protest and give notice of the same; and all such acts done by any such Justice shall have the same force and virtue as if the same had been done by a Notary; but such Justice shall set forth in the body or preamble of such protest the reasons why the same could not be done by a notary; and a certificate and duplicate of such protest, containing such reasons, under the hand of such Justice, shall be deemed sufficient proof in any Court of the truth thereof. 35 40

**Penalty for others than notaries and justices pretending to be such, and protesting &c. as such.** **22.** Any person who represents himself to be a Notary or Justice of the Peace, and who acts as such in and about the protesting of a bill or note, or in or about the noting of a Bill, not being such Notary or Justice, shall be deemed guilty of a misdemeanor, and shall be liable to be punished by fine and by imprisonment for a period of not more than six months. 45



23. The several fees and charges hereinafter mentioned on the noting and protesting, of bills and notes, together with the postages prepaid upon notices deposited at any post office as herein provided for, shall and may be claimed from the holder of the bill or note by the notary or justice of the peace performing such duties, and shall be recovered from such parties thereto as are liable for the payment of the same.

Fees and charges on protests and notices recoverable.

24. All of protests bills of exchange and promissory notes shall be received in all Courts as *prima facie* evidence of the allegations and facts therein contained.

Protests to be received as *prima facie* evidence.

#### BILLS DRAWN ABROAD.

25. A bill drawn abroad upon any person in Canada, or payable or accepted at any place within Canada, shall, as to all parties resident therein and liable on such bill, be subject to the provisions of this Act with respect to the days of grace for payment of the same, and to the protesting of such bill for non-acceptance or non-payment, and the notification and service of such protest.

Bills drawn abroad upon persons in Canada to be subject to certain provisions of this Act.

#### BILLS DRAWN UPON PERSONS ABROAD.

26. Every Bill of Exchange drawn, sold, or negotiated within Canada, which is returned under protest for non-payment, shall be subject to per cent. damages, if drawn upon any person in the United States of America, and to per cent. damages, if drawn upon any person in Europe, or in the West Indies, or in any part of America, not within the territory of the United States.

#### DISCOUNT, COMMISSION, USURY.

27. In discounting any bill or note, the party discounting may retain, receive, or charge the amount of the interest upon the principal sum therein specified as discount at the time the bill or note is discounted.

Interest may be deducted as discount.

28. No bill of exchange or promissory note, drawn or made, shall, though given for an usurious consideration, or upon an usurious contract, be void in the hands of an endorsee, or in the case of a note transferable by delivery in the hands of a person who acquired the same as bearer for valuable consideration, unless such endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such bill or note had been originally given for an usurious consideration, or upon an usurious contract.

Usury unknown to holder at time of acquiring for value, not to render bill or note void in his hands.

#### LIMITATION OF ACTIONS ON BILLS AND NOTES.

29. Every bill of exchange (whether foreign or inland), payable in Canada, and every promissory note, payable in the same, shall be held to be absolutely paid and discharged, if no suit or action has been brought thereon within *six* years next after the day on which such bill or note became due and payable.

Action on bill or note to be brought within *six* years after its maturity.

#### FORMS AND FEES.

30. Every protest and notice may be according to the forms following, or to the like effect:

Form of protest.



" On this            day of            , in the year of our Lord One  
 " thousand eight hundred and            , at the request of  
 "            , holder of the bill of exchange hereunto annexed, I,  
 "            , a Notary Public for the Province of  
 " duly appointed, did exhibit the said bill unto            , at 5  
 "            , being the place where the same is payable, and  
 " speaking to *him*, did demand payment of the said bill; to  
 " which demand *he* answered            ; Wherefore, I, the  
 " said Notary, at the request aforesaid, have protested, and do  
 " hereby solemnly protest, as well against all the parties to the 10  
 " said bill, as against all other persons whom it may concern, for  
 " all interest, damages, costs, charges, expenses, and other losses  
 " suffered, or to be suffered, for want of payment of the said bill.  
 " And afterwards, on the day and year mentioned in the margin,  
 " I, the said Notary Public, did serve due notice, according to law, 15  
 " of the said presentment, non-payment and protest of the said  
 " bill, upon the several parties thereto, by depositing, in Her  
 " Majesty's Post Office at            , being the nearest Post  
 " Office to the place of the said presentment, letters containing  
 " such notices, one of which letters was addressed to each of the 20  
 " said parties, severally; the superscription and address of which  
 " letters are respectively copied below, as follows, that is to say:

(Here insert the directions of the letters.)

" In testimony whereof, I have hereunto set my Hand and  
 " affixed my Seal of Office, the day and year first above written.

(Signature) L. S.

FORM OF NOTICE TO PARTIES.

Form of  
notice of prot  
test.

" To Mr.            (date)  
 " SIR.

" Take notice that a Bill of Exchange, dated on the            day of 25  
 "            , for the sum of \$ (or £ )            , drawn by            , on  
 " and accepted by            , payable (*three months*) after the date  
 " thereof, at the Bank of            , in (*Toronto*) and endorsed by  
 " A. B. C. D. E. F. &c., was, this day, presented by me for payment  
 " at the said Bank, and that payment thereof was refused. and 30  
 " that            , the holder of the said Bill, looks to you for  
 " payment thereof. Also, take notice that the same Bill was, this  
 " day, protested by me for non-payment,

" Your obedient servant,

" A. H.,

" Notary Public."

*The above forms may be changed to suit Protests for non-acceptance or non-payment of Bills, or non-payment of Notes.*

Fee to be  
taken by no-  
taries and  
justices of the  
peace.

**31** The fees to be taken by Notaries Public and Justices of  
 the Peace for the services mentioned in this Act, shall be such  
 as follows, and no more, *Videlicet*:



\$ cts.

For Noting for non- acceptance of any Bill.....  
 For the Protest of any Bill or Note .....  
 For every Notice .....

**32.** Chapter fifty-seven of the Consolidated Statutes of the  
**5** late Province of Canada, intituled "An Act respecting Promissory  
 Notes and Bills of Exchange," Chapter sixty-four of the Consoli-  
 dated Statutes for Lower Canada, intituled "An Act respecting  
 Bills of Exchange and Promissory Notes;" Chapter forty-two of  
 the Consolidated Statutes for Upper Canada, intituled "An Act  
**10** respecting Bills of Exchange and Promissory Notes;" Chapter  
 eighty-two of the Revised Statutes of Nova Scotia, third series,  
 intituled "Of Bills of Exchange and Promissory Notes;" Sections 1  
 and 2 of Chapter one hundred and sixteen of the Revised Statutes  
 of New Brunswick, intituled "Of Bills, Notes and Choses in  
**15** Action;" Chapter twenty-two of the Acts of the Legislature of New  
 Brunswick, passed in the twenty-second year of Her Majesty's  
 reign, intituled "An Act in amendment of chapter 116, Title  
 XXX., of the Revised Statutes 'Of Bills, Notes and Choses in  
 Action;" and so much of the Civil Code of Lower Canada, or of  
**25** any other Act or Law, as may be inconsistent with this Act,  
 shall be, and are hereby repealed, except only as regards suits  
 pending when this Act comes into force, and Bills or Notes matured  
 and payable before that time, and except also that all Acts or parts  
 of Acts or provisions of law, repealed by those hereby repealed,  
**30** shall remain repealed.

Con. Stat.  
 Can. c. 57,  
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 42, R.S. N.S.  
 c. 82, R. S.  
 N. B. c. 116,  
 Act of N. B.  
 Vict. 22, c.  
 22, Parts  
 of Civil Code  
 of L. C. &c.,  
 &c., &c. re-  
 pealed.



3rd Session, 1st Parliament, 33 Victoria, 1870.

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**D**

BILL.

An Act respecting Bills of Exchange and  
Promissory Notes.

Received and read, First time, Tuesday, 22nd  
February, 1870.

Second reading, Monday, 28th February, 1870.

Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street.  
1870.



as amended

**BILL.**

An Act respecting Certificates to Masters and Mates of Ships.

(NOTE.—The clauses printed between brackets, thus, [ ] are proposed to be struck out at the third reading.)

**W**HEREAS it is expedient to provide for the examination of, Preamble.  
and grant of certificates of competency and service to persons intending to act as Masters and Mates, on board Ships registered in Canada. Therefore, Her Majesty, by, and with the  
5 advice and consent of the Senate, and House of Commons of Canada, enacts as follows:

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES. OF SEA-GOING SHIPS.

1. Examinations shall be instituted in the several Provinces of Examinations to be instituted for masters and mates.  
Quebec, Nova Scotia and New Brunswick for persons, having been domiciled in Canada for at least three years, who intend to become masters or mates of sea-going ships, registered in Canada, or who wish to procure certificates of competency for sea-going ships, hereinafter mentioned; and persons serving in ships registered in Canada shall be deemed to be domiciled in Canada while so serving; and, subject as herein mentioned,  
15 the Minister of Marine and Fisheries shall provide for the examinations at such places as he may see fit; and the Governor in Council may appoint examiners to conduct the same, and may regulate the same, [and may determine the amount of the remuneration of such examiners.]  
20 The examiners first appointed under this section may be such persons as may produce proof, to the satisfaction of the Governor in Council, of their fitness and competency to act as such; but after three persons have been so appointed examiners, no person shall be appointed an examiner unless nor until he has himself  
25 passed a satisfactory examination, before two or more examiners, as to his fitness and competency to act as an examiner, and has received from them a certificate to that effect.

2. The Governor in Council may from time to time lay down Rules for such examinations.  
30 rules as to the conduct of such examinations, and as to the qualifications of the applicants; and such rules shall be adhered to by all examiners.

3. [All applicants for examination shall pay, previous to examination, to such person as the Minister of Marine and Fisheries appoints for that purpose, the following mentioned fees, that is to  
35 say, for a certificate as master *ten dollars*; for a certificate as mate *five dollars*; and in the event of any applicant failing to procure his certificate of qualification, on his first examination, he will be entitled to a second examination without payment of any additional fee; but if he fail to procure his certificate of qualifica-

Fees to be paid by applicants for examination.



tion, on such second examination, he shall pay the same fee previous to any subsequent examination, as is hereby required to be paid previous to a first examination for the certificate he seeks to procure.]

Certificates of competency to be granted to those who pass.

4. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries, may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency for sea-going ships) to the effect that he is competent to act as master, or as first mate, or only mate of a sea-going ship, registered in Canada, as the case may be; provided that in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.

Certificates of service to be granted to:

5. Certificates of service for sea-going ships, differing in form from certificates of competency, may be granted as follows (that is to say).

Persons who served as masters before 1870, and certain naval officers.

(1) Every person who before the first day of January one thousand eight hundred and seventy, served as master in a sea-going ship, in any Province in Canada or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence at such examination of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for sea-going ships [on payment of a fee of *eight dollars*.]

Persons who served as mates before 1870.

(2.) Every person who before the first day of January one thousand eight hundred and seventy, served as mate in a sea-going ship in any Province in Canada, and who has produced satisfactory evidence, in manner aforesaid, of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for sea-going ships [on payment of a fee of *four dollars*].

Particulars to be contained in certificates.

And each of such certificates of service for sea-going ships, shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued; and thereupon the Minister of Marine and Fisheries, may issue such certificate of service to the various persons so respectively entitled thereto.

After 1st July 1872, no ship registered in Canada to cross the sea without certificate of master and mate.

6. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, no ship registered in Canada over one hundred and fifty tons register tonnage shall go to sea from any port or place in Canada on a voyage to any port or place out of Canada, not being a port or place in either of the Colonies of Newfoundland or Prince Edward Island, or in the United States of America, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries, or valid certificates of competency, or service for foreign-going ships, appropriate to their several stations in such



ship, or of a higher grade, from the Board of Trade in the United Kingdom, or valid certificates of competency appropriate to their several stations in such ships, or of a higher grade, granted in any British Possession and declared by order of Her Majesty in Council published in the "London Gazette" under the provisions of the Merchant Shipping (Colonial) Act 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as certificates of competency for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and every person who having been engaged to serve as master or first mate, or only mate of any sea-going ship, registered in Canada, over one hundred and fifty tons register tonnage, goes to sea as aforesaid, after that date, as such master or mate, without being at the time entitled to and possessed of such a certificate either of competency or of service for seagoing ships, as hereinbefore required, or who employs any person as master, first mate, or only mate of any such sea-going ship as aforesaid, without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding *one hundred dollars*.

7. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, the master of every sea-going ship, registered in Canada, over one hundred and fifty tons register, shall produce to every Officer of the Customs in Canada, to whom he applies for a clearance of such ship, on any such voyage by sea as aforesaid, the certificates of competency, or service, for sea-going ships, which the said master and his first mate, or only mate, are hereby required to possess; and no Officer of the Customs at any port in Canada, shall clear any such ship, on any such voyage as aforesaid, after that date, without such certificates being first produced to him; and if any master, mate, or other officer of any such ship attempts to sail, or take such ship to sea, from any port in Canada, on any such voyage as aforesaid, after that date, until this requirement of this Act has been fully complied with, such master, mate, or other officer shall for every such offence incur a penalty of not exceeding *one hundred dollars*.

After July 1 1872, certificates to be produced to clearing officer of Customs, and no ship to be cleared without such production.

Penalty for attempting to go to sea in contravention of this Act.

8. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries, that he has without fault on his part, lost or been deprived of any certificate already granted to him, the Minister of Marine and Fisheries, may, [upon payment of one half the fee charged for the original certificate] cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

In case of loss of certificate, a copy to be granted.

9. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Penalties for false representations; for forging, or altering, or fraudulently using or lending any certificate.



Suspension  
and cancel-  
lation of cer-  
tificates.

10. The Board of Trade in the United Kingdom, or the Minister of Marine and Fisheries may suspend or cancel the certificate (whether of competency or service) of any master or mate who has received a certificate from such Minister in the following case, (that is to say,) if upon any investigation duly authorized by the Governor in Council, under section five of the Act of the Parliament of Canada, 32 and 33 Victoria, chapter 38, "*respecting inquiries and investigations into Shipwrecks and other matters,*" such master or mate is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Board of Trade, or of the said Minister, that such certificate was granted on false or erroneous information.

15

Suspended or  
cancelled cer-  
tificate to be  
delivered up.

11. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries or as he directs, unless he has already delivered it to the court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall for each offence incur a penalty not exceeding *two hundred dollars*; and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

25

Certificates to  
be in dupli-  
cate.

12. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority any such certificate is received by the Department there shall thereupon be made a corresponding entry in the record of certificates; and a copy, or duplicate, of any such certificate, purporting to be certified by the Minister of Marine and Fisheries, or his Deputy, shall be *prima facie* evidence, as aforesaid, of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *prima facie* evidence of the truth of the matter stated in such entry.

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Fees to be  
paid over.

[13. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada.]

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#### PREPARATION OF CANDIDATES FOR EXAMINATION.

Governor in  
Council may  
make provi-  
sion for the  
preparation of  
candidates for  
examination.

14. The Governor may from time to time, by Order in Council make provision for affording facilities for imparting to sea-faring men, desirous of becoming applicants for examination for certificates of competency, under this Act, such information as to the theory of navigation, as may fit them for such examination; [and may defray the expenses incurred under any such Order in Council, out of any money that may be voted by the Parliament of Canada for that purpose.]

50



15. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy-one, appointed for that purpose in any Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

Act not to come into force until after approval by H. M. in Council, and Proclamation thereof by Governor.

16. And whereas, by section five hundred and forty seven of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's Reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping" known as "The Merchant Shipping Act, 1854," it is enacted, that the legislative authority of any British possession shall have power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; therefore, upon, from and after the commencement of this Act, so much of the provisions of the said Act, and of any Act of the said Parliament amending the same, and forming and to be construed as part thereof, relating to ships registered in Canada, as is inconsistent with this Act shall be repealed; and sections one, two, three, four, five, six, seven and eight of part the first "*Of Shipping and Seamen*," of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) shall also be repealed upon, from and after the same date; but this repeal shall not affect the past operation of any of the said provisions or sections, or the validity of anything already done, or of any certificate already granted, or any right, title, obligation or liability already accrued thereunder.

Section 547 of 17 & 18 Vict., c. 1854 cited, and inconsistent provisions of said Act repealed.

Sections 1 to 8, cap. 75 of R. S. N. S. repealed.



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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**B**

BILL

An Act respecting Certificates to  
Masters and Mates.

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*(As amended by the Senate in Committee of the  
Whole House).*

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HON. MR. MITCHELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.



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## BILL.

### An Act respecting Certificates to Masters and Mates of Ships.

(NOTE.—*The clauses printed between brackets, thus, [ ] are proposed to be struck out at the third reading.*)

**W**HEREAS it is expedient to provide for the examination of, Preamble.  
and grant of certificates of competency and service to  
persons intending to act as Masters and Mates, on board Ships  
registered in Canada. Therefore, Her Majesty, by, and with the  
5 advice and consent of the Senate, and House of Commons of  
Canada, enacts as follows :

1. In this Act, the term "sea" includes the Bay of Fundy, the Interpreta-  
Bay of Chaleurs, and the Gulf of Saint Lawrence; and for the tion.  
purposes of this Act, the river Saint Lawrence shall be held to  
10 enter the Gulf of Saint Lawrence at an imaginary line, drawn  
from the eastern anchorage ground, off Barnaby Island, near  
the south shore, to the eastern anchorage ground, under Cape  
Columbia, on the north shore of the said river.

#### EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES. OF SEA-GOING SHIPS.

2. Examinations shall be instituted for persons who intend to Examinations  
15 become masters or mates of sea-going ships, registered in Canada, to be insti-  
or who wish to procure certificates of competency for sea-going tuted for  
ships, hereinafter mentioned; and subject as herein mentioned, masters and  
the Minister of Marine and Fisheries shall provide for the exami- mates.  
20 nations at such places as he may see fit; and the Governor in  
Council may appoint examiners to conduct the same, and may  
regulate the same, [and may determine the amount of the  
remunerations of such examiners.]

3. The Governor in Council may from time to time lay down Rules for  
25 rules as to the conduct of such examinations and as to the qualifi- such exami-  
cations of the applicants; and such rules shall be adhered to by all nations.  
examiners.

4. [All applicants for examination shall pay previous to exami- Fees to be  
30 nation to such person as the Minister of Marine and Fisheries paid by ap-  
appoints for that purpose, the following mentioned fees, that is to plicants for  
say, for a certificate as master—*ten dollars*; for a certificate as examination.  
mate *five dollars*; and in the event of any applicant failing to  
procure his certificate of qualification, on his first examination, he  
will be entitled to a second examination without payment of any  
additional fee; but if he fail to procure his certificate of qualifica-  
35 tion, on such second examination, he shall pay the same fee  
previous to any subsequent examination, as is hereby required to  
be paid previous to a first examination for the certificate he seeks  
to procure.]



Certificates of competency to be granted to those who pass.

5. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries, may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency for sea-going ships) to the effect that he is competent to act as master, or as first mate, or only mate of a sea-going ship, registered in Canada, as the case may be; provided that in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.

Certificates of service to be granted to :

6. Certificates of service for sea-going ships, differing in form from certificates of competency, may be granted as follows (that is to say).

Persons who served as masters before 1870, and certain naval officers.

(1.) Every person who before the first day of January one thousand eight hundred and seventy, served as master in a sea-going ship, in any Province in Canada or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for sea-going ships [on payment of a fee of *eight dollars*.]

Persons who served as mates before 1870.

(2.) Every person who before the first day of January one thousand eight hundred and seventy, served as mate in a sea-going ship in any Province in Canada, and who has produced satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for sea-going ships [on payment of a fee of *four dollars*].

Particulars to be contained in certificates.

And each of such certificates of service for sea-going ships, shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued; and the Minister of Marine and Fisheries, may issue such certificate of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

After 1st July 1872, no ship registered in Canada to proceed to sea without certificate of master and mate.

7. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, no ship registered in Canada over one hundred and fifty tons register tonnage shall go to sea from any port or place in Canada, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries, or valid certificates of competency, or service for foreign-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Board of Trade in the United Kingdom; and every person who having been engaged to serve as master or first mate, or only mate of any sea-going ship, registered in Canada, over one hundred and fifty tons register tonnage, goes to sea as aforesaid, after that date, as such master



or mate, without being at the time entitled to to and possessed of such a certificate either of competency, or of service for sea-going ships, as hereinbefore required, or who employs any person as master, first mate, or only mate of any such sea-going ship as 5 aforesaid, without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding *one hundred dollars*.

8. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two. the Master 10 of every sea-going ship, registered in Canada, over one hundred and fifty tons register, shall produce to every Officer of the Customs in Canada, to whom he applies for a clearance of such ship on any voyage by sea, the certificates of competency, or service, for sea-going ships, which the said Master and his first 15 mate, or only mate, are hereby required to possess; and no Officer of the Customs at any port in Canada, shall clear any such ship, after that date, without such certificates being first produced to him; and if any Master, mate, or other officer of any such ship attempts to sail, or take such ship to sea, from any port 20 in Canada, after that date, until this requirement of this Act has been fully complied with, such Master, mate, or other officer shall for every such offence incur a penalty of not exceeding *one hundred dollars*.

After July 1, 1872, certificates to be produced to clearing officer of Customs, and no ship to be cleared without such production.

Penalty for attempting to go to sea in contravention of this Act.

9. When any master or mate proves to the satisfaction of 25 the Minister of Marine and Fisheries, that he has without fault on his part, lost or been deprived of any certificate already granted to him, the Minister of Marine and Fisheries, may, [upon payment of one half the fee charged for the original certificate] cause a copy or duplicate of the original cer- 30 tificate to be made out and certified as aforesaid, and to be delivered to him.

In case of loss of certificate, a copy to be granted.

10. Every person who makes or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency 35 or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled or 40 suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Penalties for false representations; for forging, or altering, or fraudulently using or lending any certificate.

11. The Minister of Marine and Fisheries may suspend or cancel 45 the certificate (whether of competency or service) of any master or mate who has received a certificate from him in the following case, (that is to say,) if upon any investigation duly authorized by the Minister of Marine and Fisheries, such master or mate is reported to be incompetent, or to have been guilty of any gross act 50 of misconduct, drunkenness or tyranny, or it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default.

Suspension and cancellation of certificates.

12. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries 55 or as he directs, and in default shall for each offence incur a

Suspended or cancelled certificate to be delivered up.



penalty not exceeding *two hundred dollars* and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Certificates to be in duplicate.

13. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the Department of Marine and Fisheries; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority, any such certificate is received by the Department there shall thereupon be made a corresponding entry in the record of certificates; and a copy purporting to be certified by the Minister of Marine and Fisheries; or his Deputy, of any such certificate shall be *prima facie* evidence of such certificate, and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *prima facie* evidence of the truth of the matter stated in such entry.

#### PREPARATION OF CANDIDATES FOR EXAMINATION.

Governor in Council may make provision for the preparation of candidates for examination.

14. [The Governor may from time to time, by Order in Council make provision for affording facilities for imparting to sea-faring men, desirous of becoming applicants for examination for certificates of competency, under this Act, such information as to the theory of navigation, as may fit them for such examination; and may defray the expenses incurred under any such Order in Council, out of any money that may be voted by the Parliament of Canada for that purpose.]

Act not to come into force until after approval by H. M. in Council, and Proclamation thereof by Governor.

15. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy , appointed for that purpose in any Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

Section 547 of 17 & 18 Vict., c. 1854 cited, and inconsistent provisions of said Act repealed.

16. And whereas, by section five hundred and forty seven of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's Reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping" known as "The Merchant Shipping Act, 1854," it is enacted, that the legislative authority of any British possession shall have power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; therefore, upon, from and after the commencement of this Act, so much of the provisions of the said Act, and of any Act of the said Parliament amending the same, and forming and to be construed as part thereof, relating to ships registered in Canada, as is inconsistent with this Act shall be repealed; and sections one, two, three, four, five, six, seven and eight of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) shall also be repealed upon, from and after the same date; but this repeal shall not affect the past operation of any of the said provisions or sections, or the validity of anything already done, or of any certificate already granted, or any right, title, obligation or liability already accrued thereunder.

Sections 1 to 8, cap. 75 of R. S. N. S. repealed.



1850

Journal of the House of Commons

1850

Journal of the House of Commons

1850

1850

Journal of the House of Commons



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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BILL.

An Act respecting Certificates to  
Masters and Mates.

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Received and read, First time, Tuesday,  
1st March, 1870.

Second reading, Tuesday, 8th March, 1870.

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HON. MR. MITCHELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street,  
1870.



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## BILL.

### An Act respecting Official Assignees appointed under the Insolvent Act of 1864.

**W**HEREAS doubts exist as to the legality of certain appointments of Assignees made by Boards of Trade under the fourth section of "*The Insolvent Act of 1864*" for the late Province of Canada, in Districts and Counties not contiguous to the Districts or Counties where such Boards of Trade existed, and it is expedient to remove such doubts, and confirm such appointments. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada declares and enacts as follows:

- 10   **1.** The naming and appointment of any official assignee by a Board of Trade for any District or County not contiguous to, or adjacent to the District or County where such Board of Trade so making such nomination existed in the late Province of Canada, shall not, by reason of such County or District where such officer has been named, not being contiguous to, or adjacent to the District or County where the Board of Trade making such appointment existed, if otherwise made in conformity with said Act, be held to have been made contrary to the true intent and meaning of said Act; and such appointments, and all proceedings consequent thereon, made, had and done in conformity with *The Insolvent Act of 1864*, and its amendments, are hereby declared and enacted to have been legally made, had, and done.
- Certain appointments of Assignees not to be held to have been made contrary to 27, 28 Vict., cap. 17.



G

BILL.

An Act respecting Official Assignees appointed under *The Insolvent Act of 1864*.

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Received and read, First time, Monday, 7th March, 1870.

Second reading, Thursday, 10th March, 1870.

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Hon. Mr. SANBORN.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street.  
1870.



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## BILL.

An Act to amend the Act respecting the Office of Queen's Printer.

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

1. The Queen's Printer shall be an Officer of the Department of the Secretary of State of Canada, and shall have and perform such duties as now are, or may be hereafter assigned to him by law, or by order of the Governor in Council, or by the Secretary of State, under the supervision and direction of the Secretary of State.

The Queen's Printer to be an Officer of the Department of the Secretary of State of Canada.

10 2. This Act shall be construed as one Act with the Act thirty-second and thirty-third Victoria, chapter seven.

This Act to be construed as one Act with 32 and 33 Vic. c. 7.



**H**

**BILL.**

An Act to amend the Act respecting the  
Office of Queen's Printer.

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Received and read, First time, Tuesday, 8th  
March, 1870.

Second reading, Monday, 14th March, 1870.

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Hon. Mr. ATKINS.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,  
1870.



An Act to amend the Act relating to Light-Houses, Buoys  
and Beacons.

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

Preamble.

1. For and notwithstanding anything to the contrary contained  
5 in the Act passed in the thirty-first year of Her Majesty's Reign,  
Chapter fifty-nine, intituled "*An Act relating to Light-Houses,*  
"*Buoys and Beacons,*" or any other Act, the Minister of Marine and  
Fisheries may direct the construction of all Light-Houses, light-  
ships, floating and other lights, lanterns, and other signals, buoys,  
10 beacons, anchors, and land-marks, and of all buildings and  
other works belonging thereto and in connection therewith, here-  
after to be constructed at the expense of Canada for the greater  
security and facility of navigation, the construction of which  
is by Order of the Governor in Council, placed under the  
15 direction of the said Minister, as well as the maintenance and  
repair of the same when constructed and the maintenance and  
repair of all similar buildings and other works placed under his  
direct control and management by the said Act or by this Act;  
but nothing in this Act shall give authority to the said Minister  
20 to cause expenditure not previously sanctioned by Parliament.

The Minister  
of Marine and  
Fisheries to  
direct con-  
struction of  
Lighthouses,  
etc.

2. The words "Lights, Buoys and Beacons" in the said Act  
shall be construed to mean and include all Light Ships, floating  
and other lights, lanterns, and other signals, anchors, and land-  
marks erected, placed or laid down, as therein mentioned, for the  
25 greater security and facility of navigation.

Interpreta-  
tion.

3. The ninth section of the said Act is hereby repealed; and all  
Light-houses, light-ships, floating and other lights, lanterns, and  
other signals, buoys, beacons, anchors, and land-marks in the said  
section, or elsewhere in the said Act mentioned, together with all  
30 buildings and other works belonging thereto, and in connection  
therewith, are hereby declared to be under the direct control and  
management of the said Minister, anything in any Act or law to  
the contrary notwithstanding.

Sec. 9, of 31  
Vict., c. 59,  
repealed.

4. Whoever shall wilfully take away, destroy, deface, or  
40 remove any light-house, light-ship, floating or other light,  
lantern or other signal, buoy or beacon, anchor or landmark,  
constructed, erected, laid down, placed or replaced under this  
Act, shall be guilty of a misdemeanor, for which he may be  
tried, either on an indictment in the usual way, before any  
45 Court having cognizance of cases of misdemeanor in the county  
or district in which the offence is committed, or summarily before  
any Stipendiary Magistrate, or Police Magistrate, or Judge of the  
Sessions of the Peace, or two Justices within the limits of whose  
jurisdiction the offence is committed.

Taking away  
light, buoy  
or beacon a  
misdemeanor.



- Annual Report to the Governor to be laid before Parliament. 5. The Minister shall make and submit to the Governor, an annual Report on all the works under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each Session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as may be requisite. 5
- Tenders to be invited for works, etc. 6. It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest. 10
- Security to be taken from contractors. 7. The Minister in all cases where any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion; and also in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor in Council, previous to passing by such lowest tender. 15
- Provision, when the lowest tender is not taken.
- Power to take possession of, and to acquire lands. 8. The Minister may at all times acquire and take possession, for and in the name of Her Majesty, of any land or real estate, the appropriation of which is in his judgment necessary for the use, construction and maintenance of any Public Work or building, under his control and management, or for the enlargement or improvement of any such Public Work or building, or for obtaining better access thereto; and he may for such purpose contract and agree with all persons, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children) absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such land, or real estate; and all such contracts and agreements, and all conveyances or other instruments made in pursuance of any such contract or agreement shall be valid to all intents and purposes whatsoever. 20 25 30 35
- Parties enabled to contract.
- For certain purposes, the Minister of Marine and Fisheries to have the powers conferred on the Minister of Public Works by 31 v. c. 12. 9. For all purposes preliminary to and consequent upon such acquiring and taking possession of land or real estate as aforesaid, as well as for the giving of contracts, and all other purposes of this Act, the said minister and the surveyors, engineers, contractors, agents, servants and workmen, employed by or under him shall have the same powers, and be subject to the same conditions, limitations and restrictions as are conferred and imposed upon the Minister of Public Works, and like persons employed by or under him by the Act "*respecting the Public Works of Canada*," passed in the thirty-first year of Her Majesty's Reign, chapter twelve. 40 45







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3rd Session, 1st Parliament, 33 Victoria, 1870.

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**I**

BILL.

An Act to amend the Act relating to  
Light-Houses, Buoys, and Beacons.

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*(As amended by the Senate in Committee of the  
Whole House).*

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Hon. W. MITCHELL.

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OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.



## BILL.

### An Act to amend the Act relating to Light-Houses, Buoys and Beacons.

**I**N amendment of the Act passed in the thirty-first year of Her Majesty's Reign, Chapter fifty-nine, intituled "*An Act relating to Light-Houses, Buoys and Beacons;*"

Preamble.

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

1. For and notwithstanding anything to the contrary contained in the said or any other Act, the Minister of Marine and Fisheries may direct the construction of all Light-Houses, light-ships, floating and other lights, lanterns, and other signals, buoys, beacons, anchors, and land-marks, and of all buildings and other works belonging thereto and in connection therewith, hereafter to be constructed at the expense of Canada for the greater security and facility of navigation, the construction of which is not by Order of the Governor in Council, placed under the direction of some other Minister, as well as the maintenance and repair of the same when constructed and the maintenance and repair of all similar buildings and other works placed under his direct control and management by the said Act or by this Act; but nothing in this Act shall give authority to the said Minister to cause expenditure not previously sanctioned by Parliament, except for such repairs and alterations as the necessities of the public service may demand.

The Minister of Marine and Fisheries to direct construction of Lighthouses, etc.

2. The words "Lights, Buoys and Beacons" in the said Act shall be construed to mean and include all Light Ships, floating and other lights, lanterns, and other signals, anchors, and land-marks erected, placed or laid down, as therein mentioned, for the greater security and facility of navigation.

Interpretation.

3. The ninth section of the said Act is hereby repealed; and all Light-houses, light-ships, floating and other lights, lanterns, and other signals, buoys, beacons, anchors, and land-marks in the said section, or elsewhere in the said Act mentioned, together with all buildings and other works belonging thereto, and in connection therewith, are hereby declared to be under the direct control and management of the said Minister, anything in any Act or law to the contrary notwithstanding.

Sec. 9, of 31 Vict., c. 59, repealed.

4. The Minister shall make and submit to the Governor, an annual Report on all the works under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each Session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as may be requisite.

Annual Report to the Governor to be laid before Parliament.

5. It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in

Tenders to be invited for works, etc.



cases of pressing emergency, where delay would be injurious to the public interest, or where, from the nature of the work, it could be more expeditiously and economically executed by the officers and servants of the Department.

Security to be taken from contractors. 6. The Minister in all cases where any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion ; and also in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor in Council, previous to passing by such lowest tender. 5 10

Provision, when the lowest tender is not taken.

Power to take possession of, and to acquire lands. 7. The Minister may at all times acquire and take possession, for and in the name of Her Majesty, of any land or real estate, the appropriation of which is in his judgment necessary for the use, construction and maintenance of any Public Work or building, under his control and management, or for the enlargement or improvement of any such Public Work or building, or for obtaining better access thereto ; and he may for such purpose contract and agree with all persons, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children) absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such land, or real estate ; and all such contracts and agreements, and all conveyances or other instruments made in pursuance of any such contract or agreement shall be valid to all intents and purposes whatsoever. 15 20 25

Parties enabled to contract.

For certain purposes, the Minister of Marine and Fisheries to have the powers conferred on the Minister of Public Works by 31 v. c. 12. 8. For all purposes preliminary to and consequent upon such acquiring and taking possession of land or real estate as aforesaid, the said minister and the surveyors, engineers, contractors, agents, servants and workmen, employed by or under him shall have the same powers, and be subject to the same conditions, limitations and restrictions as are conferred and imposed upon the Minister of Public Works, and like persons employed by or under him by the Act "*respecting the Public Works of Canada*," passed in the thirty-first year of Her Majesty's Reign, chapter twelve. 30 35



THE  
OFFICE OF THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.

OFFICE

W. W. WILSON

RECEIVED

DEPARTMENT OF THE ARMY

OFFICE OF THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.

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OFFICE OF THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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**I**

**BILL.**

An Act to amend the Act relating to  
Light-Houses, Buoys, and Beacons.

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Received and read, First time, Tuesday, 8th  
March, 1870.

Second reading, Friday, 11th March, 1870.

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HON. W. MITCHELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,  
1870.



J

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of certain  
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**BILL.**

**An Act for the relief of John Robert Martin.**

**W**HEREAS, John Robert Martin, of the town of Cayuga, in <sup>Preamble.</sup>  
the county of Haldimand, and Province of Ontario,  
barrister-at-law, hath by his petition humbly set forth, that on  
the twenty-seventh day of September, one thousand eight hundred  
5 and fifty-five, he was lawfully married to Sophia Stinson, at the  
city of Hamilton, in the county of Wentworth, and Province of  
Ontario; that the said Sophia Stinson, although the lawful wife  
of the said John Robert Martin, did commit adultery with one  
William Lount, at various times, and in various places, and  
10 especially at the places, and about the times hereinafter men-  
tioned, that is to say, at the town of Barrie, and in several  
places adjacent thereto, on numerous occasions, during the months  
of September, October, November, and December, in the year of  
our Lord, one thousand eight hundred and sixty-seven, at the  
15 city of Toronto, at the Albion and American Hotels, and in  
several other places in the said city, and adjacent thereto, in the  
said months of October and December, and in the months of  
January, February, March, April, May, and June, in the year  
one thousand eight hundred and sixty-eight, and at the city of  
20 Hamilton, in the said months of January, February, and March;  
and, that the said John Robert Martin, has, since the discovery of  
the said adultery so committed as aforesaid, refused to cohabit  
with his said wife, and has, since, lived apart from her; and,  
that the said John Robert Martin, is desirous of having the said  
25 marriage dissolved, annulled, and put an end to, so that he may  
be free from the same, and enabled to contract matrimony with  
any other person or persons, with whom it would have been  
lawful for him to contract matrimony if they, the said John  
Robert Martin and Sophia Stinson had not intermarried;  
30 And, whereas, the said Sophia Martin, since the discovery of  
the said adultery, departed from Canada, and has since been,  
and now is, resident at Lewiston, in the United States of America;  
And, whereas, the said John Robert Martin has since procured  
a judgment against the said William Lount, for the adultery above  
35 mentioned; and, whereas, it is expedient that the prayer of the  
said petition should be granted;

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

40 **1.** The said marriage between the said John Robert Martin <sup>Marriage</sup>  
and Sophia Stinson, his wife, is hereby dissolved, and shall be, <sup>dissolved.</sup>  
henceforth, null and void to all intents and purposes whatsoever.

**2.** It shall, and may, be lawful for the said John Robert <sup>J. R. Martin</sup>  
Martin, at any time hereafter, to contract matrimony, and to <sup>may marry</sup>  
45 marry with any other woman with whom he might lawfully <sup>again.</sup>  
marry, in case the said marriage had not been solemnized.

AWATTO  
J. R. Martin  
J. R. Martin



Issue of such marriage to be legitimate.

3. In case of the said John Robert Martin again contracting matrimony with any person or persons, with whom it would have been lawful for him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the said marriage between the said John Robert Martin and Sophia Stinson had not taken place.

3rd Session, 1st Parliament, 33 Victoria, 1870.

**J**

**BILL.**

An Act for the relief of John Robert Martin.

Received and read, First time, Thursday, 10th March, 1870.

Second reading, Monday, 28th March, 1870.

HON. MR. CAMPBELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street, 1870.



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## BILL.

An Act to amend the Act respecting the extradition of  
certain offenders to the United States of America.

**I**N amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled *An Act respecting the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders*, Her Majesty  
5 by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. So much of the first section of the said Act as is in the words following, that is to say: "or any Police Magistrate, or Stipendiary  
"Magistrate in Canada, or any Judge of the Sessions of the Peace  
10 "in the Province of Quebec, or any Inspector and Superintendent  
"of Police empowered to act as a Justice of the Peace in the  
"Province of Quebec,"—shall be and is hereby repealed, except  
only as respects any proceedings commenced by or before any  
of the functionaries therein mentioned, before the coming into  
15 force of this Act, which may be continued and completed as if  
this Act had not been passed: but nothing herein contained shall  
be construed to prevent any person holding any of the said offices  
from being appointed under the said section to be a Commissioner  
for the purposes of the said Act.



**K**

**BILL.**

An Act to amend the Act respecting the extradition of certain offenders to the United States of America.

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Received and read, First time, Monday, 21st March, 1870.

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Second reading, Wednesday, 23rd March, 1870.

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Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.  
1870.



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## BILL.

An Act to amend "An Act respecting Cruelty to Animals."

HER MAJESTY, by and with the advice and consent Preamble.  
of the Senate and House of Commons of Canada,  
enacts as follows :

1. The following words shall be added to, and be taken Addition to  
5 and read as, and form, part of, the first Section of the Act sec. 1 of 32 &  
made and passed in the Session held in the thirty-second 33 Vict. c. 27.  
and thirty-third years of Her Majesty's Reign, chapter twenty-  
seven, intituled "*An Act Respecting Cruelty to Animals*,"  
that is to say :—

10 "And any person who, in any manner, encourages, aids, or Penalty for  
assists at the fighting or baiting of any bull, bear, badger, encouraging  
dog, cock, or other kind of animal, whether of domestic or wild bull baiting,  
nature, shall, upon being convicted before any one Justice of cock fighting,  
the Peace for the District, County, or place in which the &c., &c.  
15 offence was committed, for every such offence forfeit and pay  
such a sum of money not exceeding forty dollars, nor less  
than two dollars, with costs, as to such Justice seems meet.



3rd Session, 1st Parliament, 33 Victoria, 1870.

**I**

**BILL.**

An Act to amend an Act respecting  
Cruelty to Animals.

Received and read, First time, Monday, 21st  
March, 1870.

Second reading, Thursday, 24th March, 1870.

HON. MR. CAMPBELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,  
1870.



M

5. The Geological Survey of Canada shall be attached to the Department of the Secretary of State for the Provinces and shall be held to have been so from the date of the Order in Council above mentioned, by which it was attached to the said Department.

6. The Under Secretary of State for the Provinces shall be the Deputy Head of the said Department as hereby constituted, and shall be held to have been so from the date of the Order in Council above mentioned, by which it was attached to the said Department.

**BILL.**

An Act to provide for the organization of the Department of the Secretary of State for the Provinces.

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

1. There shall be a Department of the Civil Service of Canada to be called: "The Department of the Secretary of State for the Provinces," over which the Secretary of State for the Provinces for the time being, appointed by the Governor by Commission under the Great Seal, shall preside; and the said Secretary of State for the Provinces shall have the management and direction of the Department, and shall hold office during pleasure.

2. The Governor may also, subject to the provisions of the Canada Civil Service Act, 1868, appoint an Under Secretary of State for the Provinces, and a Deputy Superintendent General of Indian affairs, and such other Officers and Clerks as may be necessary for the proper conduct of the business of the said Department, all of whom shall hold office during pleasure.

3. It shall be the duty of the Secretary of State for the Provinces to have charge of the State Correspondence with the Governments of the several Provinces included, or which may be hereafter included, within the Dominion of Canada, and perform such other duties as may from time to time be assigned to him by the Governor in Council.

4. The Secretary of State for the Provinces shall be the Superintendent General of Indian Affairs, and shall have and shall be held to have had from the twenty-first day of December now last, when he became such Superintendent General of Indian Affairs in the place and stead of the Secretary of State of Canada, by virtue of an Order of the Governor in Council, bearing date on that day, and made under the provisions of the Fortieth Section of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter forty-two, the control and management of the lands and property of the Indians in Canada, and all the rights, powers, and duties theretofore vested by the Act aforesaid, and by the Act 32 and 33 Victoria, Chapter 6, or otherwise by law, in the Secretary of State of Canada, as such Superintendent General of Indian Affairs; and the custody of the records and papers relating to the said Indian affairs shall belong to the Secretary of State for the Provinces.

Geological Survey attached to his Department.

Under Secretary of State for the Provinces.

Governor in Council may transfer to any other Department.

Department constituted.

Annual report to Parliament.

Tenure of Office.

Under Secretary and Officers.

General duties of Secretary.

To be the Superintendent General of Indian affairs.

Hon. Mr. CUMBERB.

OTTAWA:

Printed by F. B. FAY, at the Press of the Government Printer.

1870



Geological  
Survey at-  
tached to his  
Department.

5. The Geological Survey of Canada shall be attached to the Department of the Secretary of State for the Provinces, and shall be held to have been so from the date of the Order in Council above mentioned, by which it was attached to the said Department.

5

Under Secre-  
tary to be  
Deputy Head.

6. The Under Secretary of State for the Provinces shall be the Deputy Head of the said Department as hereby constituted, and shall be held to have been so from the date of the Order in Council above mentioned.

Governor in  
Council may  
transfer duties  
to any other  
Department.

7. The Governor in Council may at any time assign any 10 of the duties and powers hereby vested in the Secretary of State for the Provinces, to any other Member of the Queen's Privy Council for Canada, and his Department, and from the period appointed for that purpose by any Order in Council such powers and duties shall be transferred to 15 and vested in such other Member of the Queen's Privy Council for Canada and his Department.

Annual report  
to Parliament

8. The Secretary of State for the Provinces shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions, and affairs 20 of the Department during the year then next preceding.

3rd Session, 1st Parliament, 33 Victoria, 1870.

**M**

BILL.

An Act to provide for the organization of  
the Department of the Secretary of  
State for the Provinces.

Received and Read 1st time, Thursday 24th  
March, 1870.

Second Reading, Monday 28th March, 1870.

HON. MR. CAMPBELL.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.



## BILL.

An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.

**W**HEREAS the clothing and property of Soldiers in Her Majesty's Army are protected by the restraint of the sale thereof, and it is expedient to make the like provision with respect to the clothing and property of Seamen in Her Majesty's Navy; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as the Queen's Seaman's Clothing Act, 1870. Short title.

2. In this Act—

10 The term "Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral;

Interpretation of terms.

15 The term "Seaman" means every person not being a Commissioned, Warrant, or Subordinate Officer, who is in or belongs to Her Majesty's Navy, and is borne on the books of any one of Her Majesty's Ships in commission, and every person, not being an Officer as aforesaid, who, being borne on the books of any hired vessel in Her Majesty's service, is by virtue of any Act of the Parliament of the United Kingdom for the time being in force for the discipline of the Navy, subject to the provisions of such Act.

20 The term "Seaman's property," means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries for Sailors on board ship, which belong to any Seaman.

25 3. If any person detains, buys, exchanges, takes on pawn, or receives from any Seaman, or any person acting for a Seaman, any Seaman's property, or solicits or entices any Seaman, or is employed by any Seaman, to sell, exchange, or pawn, any Seaman's property, he shall, unless he proves that he acted in ignorance of the same being Seaman's property, or of the person with whom he dealt being or acting for a 30 Seaman, or that the same was sold by order of the Admiralty or Commander in Chief, be liable, on summary conviction, to a penalty not exceeding *one hundred dollars*, and if convicted of a second offence, to the same penalty, or, in the discretion of the Justice or Justices, to be imprisoned for a term not exceeding six months, with or without 35 hard labor.

Penalty on purchaser of Seaman's Clothing.

4. If any Seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a Justice of the Peace, (which taking and summoning are hereby authorized) and the Justice sees reasonable grounds for believing the property so found to have been 40 stolen, or to have been detained, bought, exchanged, pawned, or otherwise received contrary to the provisions of this Act, then if such person does not satisfy the Justice that he came by the Seaman's property so found, lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a Justice or Justices, to a penalty 45 not exceeding *twenty-five dollars*; and for the purposes of this section Seamen's property shall be deemed to be in the possession or keeping of any person if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging,

Penalty on dealer, &c., found in possession of Seaman's property and not accounting for it.



apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

Certain parts of 32 and 33 Victoria, cap. 21, incorporated with this Act.

5. The following sections of the Act of the Parliament of Canada passed in the Session thereof held in the thirty-second and thirty-third 5 years of Her Majesty's reign, chapter twenty-one "*respecting Larceny and other similar offences*" are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, and as if the term "this Act" in those sections, included the present Act; namely, section one hundred and eight (relating to the punishment of 10 abettors) and sections one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, and one hundred and twenty (relating to the apprehension of offenders, and other proceedings.)

Offences may be prosecuted under 32 and 33 Victoria, c. 31, and its provisions shall be applicable to such prosecutions.

6. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the Parliament of 15 Canada passed in the Session thereof held in the thirty-second and thirty third years of Her Majesty's reign, chapter 31, "*respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" so far as no other provision is hereby made for any matter or thing which may be required to be done in the course of such 20 prosecution; and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Act not to prevent indictment, &c., under any other Act.

7. Nothing in this Act shall prevent any person from being indicted, or being liable, under any other Act, or otherwise, to any other or higher 25 penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

3rd Session, 1st Parliament, 33 Victoria, 1870.

N

BILL.

An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy

Received and read a First time Tuesday, 29th

March, 1870.

Second reading, Thursday, 31st March, 1870.

HON. MR. CAMPBELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Becho's Block.

1870.



## BILL.

An Act to continue and make perpetual certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland, in the City and County of Saint John.

WHEREAS an Act of the Legislature of the Province of New Brunswick, made and passed in the eleventh year of Her Majesty's Reign, and intituled: "An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John," and declared to be in force until the first day of May, which would be in the year of Our Lord one thousand eight hundred and fifty one, has been, by sundry subsequent Acts of the Legislature of the said Province, continued in force until the first day of May, now next, when, if not again continued, it would expire :

10 And whereas under and by virtue of "The British North America Act, 1867," certain of the provisions of the said recited Act of New Brunswick and of sundry subsequent Acts in addition thereto, and in amendment thereof, have ceased to be the subject of legislation within the said Province, but are among the classes of subjects reserved for the exclusive Legislative authority of the Parliament of Canada :

And whereas, it is highly desirable to continue and make perpetual, such provisions of the said recited Act, and of the other Acts in addition thereto, and in amendment thereof :

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

1. The sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-fourth, thirty-fifth, thirty-sixth, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-third, fifty-second, and fifty-fourth sections of the said recited Act of the Legislature of the Province of New Brunswick, being the Act Eleventh Victoria, Chapter Twelve ;  
Also, the second and third sections of Fourteenth Victoria, Chapter Seven ;  
Also, the second section of Twenty-third Victoria, Chapter Seven ;  
Also, the Twenty-fourth Victoria, Chapter Twenty-seven ;  
Also, the sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections of the Twenty-eighth Victoria, Chapter Three ;  
Also, the first, fifth, and sixth sections of the Thirtieth Victoria, Chapter Thirty-six—and all other parts of any of the Acts aforesaid, and all Acts or parts of Acts of the Legislature of the said Province, in addition to, or in amendment of, the said first-recited Act, so far as their provisions are the subject of Legislation for the Parliament of Canada, and not inconsistent with any Act of that Parliament, together with all provisions for the use of any forms, and Tables of Fees or Costs authorized or required thereby, are hereby declared to be in force within the said Province, for the purposes and in the Parish of Portland, therein mentioned or intended, and are continued and made perpetual.

Acts of New Brunswick—  
11 V. c. 12,  
s. 6, 7, 8, 9,  
10, 11, 12, 13,  
14, 15, 16, 17,  
18, 19, 20, 23,  
25, 26, 27, 28,  
29, 30, 31, 34,  
35, 36, 38, 39,  
40, 41, 43, 52,  
and 54 ; 14 V.  
c. 7, s. 2 and 3 ;  
23 V. c. 7, s. 2 ;  
24 V. c. 27 ;  
28 V. c. 3, s.  
6, 7, 8, 9, 10,  
11 and 12 ;  
30 V. c. 36,  
s. 1, 5, and 6  
—continued  
and made  
perpetual.

2. All fines, penalties, forfeitures or costs ordered, imposed, and received by the Police Magistrate, or sitting Magistrate alone, or with any other Justice of the Peace, at the Police Office in the said Parish of Portland,

Fines, &c.,  
received to be  
paid over to  
the Treasurer  
of the Port-  
land Police.



shall be paid over to the Treasurer of the Portland Police, for the purposes and to be applied according to the provisions of the said first-recited Act, anything in the Act authorizing the imposition or payment of any such fine, penalty, forfeiture or costs, to the contrary notwithstanding.

5

Act not to prevent proceedings under 32 and 33 V. c. 31, 32, and 33.

3. Nothing in this Act contained, shall be taken or construed to prevent the said Police Magistrate, or sitting Magistrate in the said Parish of Portland, from proceeding where applicable and he may deem it expedient, under any one of the following Acts passed in the 32nd-33rd years of Her present Majesty's Reign, namely: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary Convictions and Orders,*" "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" and "*An Act respecting the trial and punishment of Juvenile Offenders.*"

Appeal from convictions.

4. The same appeal shall lie against all convictions under this Act, 15 and the Acts therein mentioned and subject to the same terms and conditions, as are provided and required by the 32-33 Victoria, chapter Thirty-one.

Certain convictions to be exempt from provisions of 32 and 33 V. c. 31, s. 76, 77, and 78.

5. The provisions of the 76th, 77th, and 78th sections of the said Act, 32-33 Victoria, Chapter 31, shall not be deemed or taken to apply to 20 convictions for minor offences, made under the provisions of any Law relating to Police, of merely local operation, by any Police Magistrate, or Sitting Magistrate, of the said Province of New Brunswick.

3rd Session, 1st Parliament, 33 Vict., 1870.



BILL.

An Act to continue and make perpetual certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland in the City and County of Saint John.

Received and read a First time, Tuesday, 29th March, 1870.

Second reading, Friday, 1st April, 1870.

HON. MR. CAMPBELL.

OTTAWA:



## BILL.

An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to be detained in the Halifax Industrial School

WHEREAS, in and by an Act passed in the twenty-eighth year of Preamble.

Her Majesty's Reign, Chapter fifty-one of the Acts of the Legislature of the Province of Nova Scotia, intituled "*An Act to Incorporate the Halifax Industrial School*," after therein reciting that a number of persons had associated themselves together for the purpose of assisting and educating poor and friendless boys, and had purchased a house and premises as a home for such boys, such persons were, for the purpose of holding such real estate, and managing their affairs generally with greater ease, thereby constituted a body politic and corporate;

10 And whereas, for the further promotion of the benevolent design of such Society, it is desirable to authorize and empower the Police Court in the City of Halifax to sentence certain juvenile offenders to be detained in the said Industrial School;

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

1. Whenever any boy, being a Protestant and a minor, apparently under the age of sixteen years, shall be convicted before the Police Court in the City of Halifax, or before the Stipendiary Magistrate for the City of Halifax, of any offence for which, by law, he would be liable to imprisonment, the Police Court or Stipendiary Magistrate may sentence such boy to be detained in the said Industrial School for any period not exceeding five years, nor less than two years, as to the said Police Court or Stipendiary Magistrate shall appear proper.

Protestant boys under sixteen years of age may on conviction be sentenced to detention in the Halifax Industrial School.

2. But no such sentence shall be pronounced unless, nor until, provision has been made by the City of Halifax, out of its funds, for the support of boys so sentenced, at the rate of not less than *forty dollars* per annum for each boy.

Provision must first be made by the City for the support of such boys.

3. The Home and premises of the said Industrial School shall, at all times, be open to inspection by the Mayor and Aldermen of the City of Halifax, and the Stipendiary Magistrate for the City of Halifax, or any of them.

Home and premises of the School to be open to inspection.

4. The Committee of the said Industrial School shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in Arithmetic as far as the rule of three, and also to teach each such boy such one of the trades or occupations which may, from time to time, be taught in the said School, as the Committee judge most adapted to his capabilities.

Committee of School to educate the boys and teach them trades.

5. In case any boy so sentenced and detained as aforesaid escapes from the said Industrial School, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before the said Police Court or Stipendiary Magistrate, and on proof of his identity, the said Police Court or Stipendiary Magistrate shall, if it is the first time he has so escaped, remand him to the said School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the said Police Court or Stipendiary Magistrate may appear proper, and if it is the second time he has so escaped, commit him to the City Prison, there to remain until the expiration of the period for which he was remanded to the said Industrial School after his first escape.

Boy escaping to be remanded to the School, with an addition to his period of detention—escaping again, to be committed to City Prison for remainder of extended period.





BILL

An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to be detained in the Halifax Industrial School.

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Received and read, First time, Thursday, 31st March, 1870.

Second reading, Monday, 4th April, 1870.

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Hon. Mr. CAMPBELL.

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OTTAWA:



## BILL.

An Act to amend "The Penitentiary Act of 1868."

HER Majesty, by, and with the advice and consent of the Senate and Preamble.  
House of Commons of Canada, enacts as follows :

1. The words "and to employ an Architect for the Penitentiary," in Section 34 of the eighth line of the 34th Section of "*The Penitentiary Act of 1868*," are 31 Vict., c. 74  
5 hereby repealed, and the following words shall be taken and read in lieu amended.  
thereof in the said 34th Section, that is to say :—"And to employ an  
"Architect for the Penitentiaries."

2. The 35th Section of the said Act is hereby repealed, and the Section 35 of  
following Section substituted therefore, and to be taken and read as the 35th 31 Vict., c. 74  
10 Section of the said Act. amended.

"It shall be lawful for the Directors to appoint for any Penitentiary a  
Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief-keeper  
(who in the absence or incapacity of the Deputy Warden, shall exercise all  
the functions of the said Deputy Warden), a Matron, a Deputy Matron, and  
15 such or so many Trade Inspectors as may from time to time be required,  
to hold their offices during pleasure; but the Warden shall have power to  
suspend summarily, for misconduct, any of the officers named in this section  
until the next meeting of the Directors, when he shall submit to them a  
report of the circumstances of the case, to be dealt with as to them may  
20 seem meet."

3. The 36th Section of the said Act is hereby repealed, and the following Section 36 of  
Section substituted therefor, and to be taken and read as the 36th Section 31 Vict., c. 74  
of the said Act : amended.

"It shall be lawful for the Warden to appoint for any Penitentiary an Assis-  
25 tant Deputy Matron, and a Clerk, and such and so many Keepers and Guards  
or other servants as, by order of the Directors, may be authorised, for the  
proper protection and care of the institution, and to suspend any of them  
for neglect of duty for such time as he shall see fit, or dismiss them without  
further charge than that of inefficiency in his opinion, but such suspension  
30 or dismissal shall be reported to the Directors at their next meeting."

4. The 48th Section of the said Act is hereby repealed, and the following Section 48 of  
Section substituted therefor, and to be taken and read as the 48th Section 31 Vict., c. 74  
of the said Act : amended.

"Every Warden, every Accountant, every Store-keeper, and every Steward,  
35 and every other person or persons employed in the Penitentiaries, as may  
thereunto be required by the Governor in Council, shall severally execute  
Bonds to Her Majesty, with sufficient sureties, in such sum or sums of money  
respectively as may be from time to time determined by the Governor in  
Council, which Bonds shall be conditioned for the faithful performance of  
40 the duties of their respective offices, according to law, and shall be filed in  
the Office of the Secretary of State of Canada."

5. For and notwithstanding anything to the contrary contained in an Act  
made and passed by the Parliament of Canada, in the Session held in the 32nd  
and 33rd years of Her Majesty's reign, chaptered 29, and intituled "*An Act*  
45 *respecting Procedure in Criminal Cases and other cases relating to Criminal*  
*Law*," or in any other Act of the Parliament of Canada, no person sentenced  
in New Brunswick or Nova Scotia to imprisonment with hard labour for less  
than two years, shall be received or imprisoned in the Penitentiary from and  
after the 1st day of May, which will be in the year one thousand eight  
50 hundred and seventy-two.

After 1st  
May, 1872, no  
person in  
Nova Scotia  
or New  
Brunswick  
sentenced to  
imprisonment  
for less than  
two years, to  
be received in  
the Peniten-  
tiary.



**B**

BILL.

An Act to amend the Penitentiary Act of 1868.

Received and read, First time, Tuesday, 5th  
April, 1870.

Second reading, Thursday, 7th April, 1870.

HON. MR. CAMPBELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.  
1870.



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## BILL.

An Act to amend an Act for the better preservation of the peace in the vicinity of Public Works.

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

1. For and notwithstanding anything to the contrary contained in an Act Sections of 32  
of the Parliament of Canada, made and passed in the Session thereof, and 33 Vict.,  
5 held in the thirty-second and thirty-third years of Her Majesty's reign, c. 24, may be  
intituled: "*An Act for the better preservation of the Peace in the vicinity* by Proclama-  
*of Public Works,*" the Governor in Council may, as often as occasion requires, tion separate-  
declare by Proclamation that upon and after a day, therein named, the said ly.  
Act or any section or sections thereof shall be in force in any place or  
10 places in Canada, therein designated, within the limits or in the vicinity  
thereof, any Railway, Canal, or other Public Work is in progress of con-  
struction, or such places as are in the vicinity of any Railway, Canal, or  
other Public Work, as aforesaid, within which he deems it necessary that  
the said Act, or any section or sections thereof, should be in force.
- 15 And the said Act or any such section or sections thereof shall upon and  
after a day to be named in any such Proclamation take effect within the  
places designated in such Proclamation; and the Governor in Council may  
in like manner from time to time declare the said Act or any section or  
sections thereof to be no longer in force in any of such place or places, and  
20 may again from time to time declare the said Act or any section or sections  
thereof to be in force therein; but no such Proclamation shall have effect  
within the limits of any City.
2. Wherever the expression "this Act" occurs in the Act hereinbefore Meaning of  
mentioned it shall be understood to mean such section or sections thereof as shall "this Act" in  
25 be in force by virtue of any such Proclamation as aforesaid, in the place or 32 and 33  
places with reference to which the said Act is to be construed and applied, Vict., c. 24.  
except only in the last section of the said Act, in which it shall be understood  
to mean the whole Act.





BILL.

An Act to amend an Act for the better preservation  
of the Peace in the vicinity of Public Works.

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Received and read, First time, Tuesday, 5th  
April, 1870.

Second reading; Thursday, 7th April, 1870.

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Hon. Mr. CAMPBELL.

OTTAWA.

Printed by I. E. TAYLOR, 29, 31 & 33, Rideau Street  
1870.



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## BILL.

An Act to amend "An Act respecting the security to be given  
by Officers of Canada."

**H**ER Majesty, by and with the advice and consent of the Senate and Preamble.  
House of Commons of Canada enacts as follows :—

1. The first part of the third section of an Act made and passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, 5 chaptered thirty-seven, and intituled : "An Act respecting the security to be given by Officers of Canada," is hereby repealed, and the following section is enacted in lieu thereof, and shall be taken and read as the first part of the third section of the said Act: —

First part of  
section 3 of  
31 Vict. c. 37  
amended

10 "Every surety in any such Bond shall make the affidavit in the form A  
and every such Bond or security shall be proved as to the due execution and  
delivery of the same by an affidavit of the attesting witness, made before a  
Justice of the Peace, and every such Bond or security, with the several  
15 affidavits thereunto annexed, shall be recorded at full length in the Department  
of the Secretary of State of Canada in the manner hereinafter mentioned,  
and the original Bond or security, and the affidavits thereunto annexed, shall  
forthwith, after such registration, be deposited in the Department of the  
Minister of Finance."



T

BILL.

An Act to amend an Act respecting the security  
to be given by Officers of Canada.

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Received and read first time, Tuesday 5th  
April, 1870.

Second reading, Thursday, 7th April, 1870.

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HON. MR. CAMPBELL.

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OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street  
1870.



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## BILL.

### An Act to amend the Act respecting Perjury.

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Senate and House of Commons of Canada, enacts as follows:

1. The Third Section of the Act passed in the Session held in Section 3 of  
the thirty-second and thirty-third years of Her Majesty's Reign, 32 & 33 Vict.  
5 chapter twenty-three, intituled An Act respecting Perjury is c. 23, amended  
hereby so amended as to read as follows:—

“ 3. Any person who wilfully and corruptly makes any false  
affidavit, affirmation, or declaration, out of the Province in which  
it is to be used, but within the Dominion of Canada, before any  
10 functionary authorized to take the same for the purpose of being  
used in any Province of Canada, shall be deemed guilty of Perjury,  
in like manner as if such false affidavit, affirmation, or declaration  
had been made in the province in which it is used, or intended to  
be used, before a competent authority; and such person may be  
15 dealt with, indicted, and tried, and if convicted, may be sentenced,  
and the offence may be laid and charged to have been committed  
in that district county or place in which he has been apprehended,  
or is in custody,” and the said Act shall be construed and have  
effect as if the said section had, at the time of the passing of the  
20 Act, been worded as hereby amended.



U

BILL.

An Act to amend the Act respecting Perjury.

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Received and read First time, Tuesday,  
5th April, 1870.

Second reading, Thursday, 7th April, 1870.

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Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street,  
1870.



## BILL.

An Act to make provision for discipline on board of  
Canadian Government Vessels.

WHEREAS it is expedient to make provision for the establish-<sup>Preamble.</sup>  
ment and maintenance of discipline on board of vessels  
belonging to the Government of Canada;

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

1. This Act may be cited as “The Canadian Government Ves- Short title.  
sels Discipline Act.”

2. The Master of every vessel belonging to the Government of <sup>Duty of</sup>  
Canada shall cause every person engaged for service in such <sup>Master on</sup>  
10 vessel, after having had this Act read to him, and before <sup>engaging</sup>  
he enters upon the discharge of any duty on board of such vessel <sup>men.</sup>  
to sign his name in the proper column of a book to be kept by  
the master for that purpose.

3. The said book shall contain a statement of the name of <sup>Conditions of</sup>  
15 the vessel, the name of the master, and the year for which it is <sup>engagement</sup>  
the ship's book of such vessel and also statements to the following <sup>of men.</sup>  
effects, that is to say, that this Act has been read to each of the  
persons who have signed their names in the proper column  
before he signed his name thereto; and that he has thereby  
20 consented to submit himself to the provisions of this Act,  
and to conduct himself in an orderly, faithful, honest and  
sober manner, and to be at all times diligent in the discharge of his  
duty, and to be obedient to the lawful commands of the master  
of the said vessel for the time being and of others his superior  
25 officers, whether on board, in boats or on shore, in everything  
relating to the said vessel and the stores thereof and to this Act,  
and that any embezzlement, or wilful or negligent destruction or  
loss of or injury to any part of the stores of the said vessel  
shall be made good out of the wages of the person guilty of the  
30 same, and that if such person has entered himself as qualified for  
a duty which he proves incompetent to perform he may be dis-  
charged or his wages may be reduced at the discretion of the  
master; and the book shall also contain columns, properly  
headed, as follows viz:

35 1. A column for the names of the persons engaged, including  
officers.

2. A column for the dates when engaged.

3. A column for the capacity in which each person is to serve,  
with the relative rank of the officers, to be indicated by numbers.

40 4. A column for the period during which each person is to  
serve.

5. A column for the rate of wages at which each person is to  
be paid.

6. A column for the names of the witnesses to each signature.

45 7. A column for the dates of signatures.



Agreement to  
be read over,  
&c.

4. The contents of the said book shall be read by the Master, or other officer of such vessel, to each man about to ship on board thereof, and every person so signing any such book shall thenceforth be subject to this Act for and during the period of his engagement as therein mentioned.

5

## DISCIPLINE.

Offences and  
their punish-  
ment.

5. Whenever any person subject to this Act commits any of the following offences he shall be liable to be punished summarily on conviction before any Commissioner of Police appointed under the Act passed in the thirty-first year of Her Majesty's reign chapter seventy-three, "*respecting Police of Canada*," or before 10 any Justice of the Peace, as follows; (that is to say)

Desertion.

1. For desertion he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments 15 which he has then earned.

Neglecting or  
refusing to  
join, or to  
proceed to  
sea.  
Absence  
within 24  
hours before  
sailing.  
Absence  
without  
leave.

2. For neglecting or refusing, without reasonable cause, to join his vessel, or to proceed on any voyage or cruise in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, or for absence at any time 20 without leave and without sufficient reason from his vessel or from his duty not amounting to desertion, he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks with or without hard labour, and also at the discretion of the Commissioner, or Justice, to forfeit out of his wages, a sum not exceeding 25 the amount of \_\_\_\_\_ days' pay;

Quitting  
without  
leave before  
ship is se-  
cured.

3. For quitting the vessel without leave after her arrival in port at the close of the season of navigation, and before she is placed in security, he shall be liable to forfeit out of his wages a 30 sum not exceeding \_\_\_\_\_ pay.

Act of wilful  
disobedience.

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labour, and also, at the discretion of the Commissioner, or Justice, to forfeit out of his wages a sum not 35 exceeding two days' pay;

Continued  
disobedience.

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labor, and also, at the discretion of the Commissioner, or Justice, to forfeit for every twenty-four hours continuance of such dis- 40 obedience or neglect, a sum not exceeding \_\_\_\_\_ days' pay.

Assault on  
officers.

6. For assaulting any master or officer of any Canadian Govern- ment vessel he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labor.

Combining  
to disobey.

7. For combining with any other or others of the crew to disobey 45 lawful commands, or to neglect duty, or to impede the navigation of the vessel, or the progress of the voyage, or the continuance of the cruise, he shall be liable to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labor;

Wilful  
damage or  
embezzle-  
ment.

8. For wilfully damaging the vessel, or embezzling or wilfully 50 damaging any of her stores, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Commissioner, or Justice, to imprisonment for any period not exceeding \_\_\_\_\_ weeks, with or without hard labor.

55



6. Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the log book, and shall be signed by the master and also by one of the officers or one of the crew, and the offender, if still in the vessel, shall before the next subsequent arrival of the vessel at any port, or if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, and that the same has been so read over as aforesaid; and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid, and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced, and proved, and in default of such production and proof the Commissioner, or Justice, hearing the case may, at his discretion, refuse to receive evidence of the offence.

Entry of offence to be made in the Log-book, and to be read over, or a copy given to the offender, and his reply, if any, to be also entered.

7. Whenever, either at the commencement, or during the progress of any voyage or cruise, any person subject to this Act neglects or refuses to join, or deserts from, or refuses to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any officer of such vessel may, in any place in Canada, with or without the assistance of the Police Constables, appointed under the Act, 31 Vict., chapter 73, who are hereby directed to give the same, if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some Commissioner of Police appointed under the said Act, or before some Justice of the Peace, to be dealt with according to law; and may, for the purpose of conveying him before such Commissioner, or Justice, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Commissioner, or Justice, at or near the place, at once convey him on board; and if any such apprehension appears to the Commissioner, or Justice, before whom the case is brought to have been made on improper or on insufficient grounds, the master, or officer, who makes the same or causes the same to be made, shall incur a penalty not exceeding dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Master or officer may apprehend deserters without warrant.

8. Whenever a person subject to this Act, is brought before any Commissioner of Police, or Justice of the Peace, on the ground of his having neglected or refused to join or proceed on any voyage or cruise, in any vessel belonging to the Government of Canada, in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Commissioner, or Justice, may, if the master, or any officer thereof so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage or cruise, or deliver him to the master or any officer of the vessel, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master, by reason of the offence to be paid by the offender, and, if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Deserters may be sent on board in lieu of being imprisoned.



Person imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

9. If any person subject to this Act is imprisoned on the ground of his having neglected or refused to join or to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his vessel, any Justice may at the request of the master or of any officer thereof, cause such person to be conveyed on board his said vessel for the purpose of proceeding on the voyage or cruise, or to be delivered to the master or any officer of the same, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Facilities for proving desertion so far as concerns forfeiture of wages.

10. Whenever a question arises, [whether the wages of any person subject to this Act, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such person was duly engaged in, or that he belonged to the vessel from which he is alleged to have deserted, and that he quitted such vessel before the completion of the period of his engagement, and that an entry of the desertion has been duly made in the log book; and thereupon the desertion shall, as far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the person can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Commissioner of Police, or Justice of the Peace, hearing the case, that he had sufficient reasons for leaving his vessel.

"Master" to mean officer in command for the time being.

11. In all the preceding sections of this Act, except the second section, the word "master" shall include any person for the time being lawfully in command or in charge of any such vessel as aforesaid as the officer thereof highest in rank then on board; and the ship's book of every such vessel shall be conclusive evidence of the relative rank of every officer therein named; and the fact that any such officer was at any particular time in command or in charge of the vessel shall not, nor shall the signature of any such officer, as being so in command or in charge, be called in question except by the Crown.

Interpretation.

12. Every vessel employed by the Government of Canada either temporarily or permanently shall be deemed while so employed to belong to the Government for the purposes and within the true intent and meaning of this Act.

What Justices to have jurisdiction.

13. Any Justice of the Peace for the County or District in which is situated the port where the vessel, on board of which the offence has been committed, shall touch next after the time of its commission, shall have jurisdiction over an offence committed against the provisions of this Act, and any sentence of imprisonment under this Act may be carried out in the Common Gaol of such County or District.

3rd Session, 1st Parliament, 33 Victoria

V

BILL.

An Act to make provision for discipline board of Canadian Government Vess

Received and read, First time, Tuesday, April, 1869.

Second reading, Wednesday, 20th April, 1

Hon. Mr. MITCHELL

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau St. 1870.



W

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## BILL.

An Act to amend the law respecting certain Returns to be made  
by Justices of the Peace.

WHEREAS, in some of the Provinces of Canada, the terms or sittings of the General Sessions of the Peace or other Courts, to which, under Section seventy-six of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter thirty-one, Justices of the Peace are required to make returns of convictions had before them, may not be held as often as once in every three months; and it is desirable that such returns should not be made less frequently; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacted as follows:

- 10 1. The Returns required by the said seventy-sixth Section of the Act  
hereinbefore cited shall be made by every Justice of the Peace quarterly, on  
or before the second Tuesday in each of the months of March, June,  
September, and December, in each year, to the Clerk of the Peace or other  
proper officer for receiving the same under the said Act; and every such  
15 Return shall include all convictions and other matters mentioned in the said  
Section seventy-six, and not included in some previous Return, and shall, by  
the Clerk of the Peace, or other proper officer, receiving it, be fixed up and  
published, and a copy thereof shall be transmitted to the Minister of Finance  
20 in the manner required by the eightieth and eighty-first sections of the said  
Act, within two weeks after such Clerk of the Peace, or other proper officer,  
receives the same; and the provisions of the Seventy-eighth section of the  
said Act, and the penalties thereby imposed, and all the other provisions of  
the said Act shall hereinafter apply to the Returns hereby required, and to  
25 any offence or neglect committed with respect to the making thereof, as if  
the periods hereby appointed for making the said Returns had been men-  
tioned in the said Act instead of the periods thereby appointed for the same.



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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**W**

**BILL.**

An Act to amend the law respecting certain  
Returns to be made by Justices of the  
Peace.

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Received and read, First time, Wednesday, 27th  
April, 1870.

Second reading, Thursday, 28th April, 1870.

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Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.



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## BILL.

An Act to remedy the inconvenience which would arise from the expiration of the Acts and parts of Acts herein mentioned before the passing of the Act of this Session to continue the same.

WHEREAS the Bill introduced into this present Session of Parliament intituled: "An Act to continue and make permanent certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland, in the City and County of Saint John," had not passed before the expiration of the Acts and parts of Acts intended to be thereby continued; and whereas great inconvenience would arise therefrom; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 10   **1.** For and notwithstanding anything to the contrary in any Act or Law contained, the Act of this present Session of Parliament, intituled: "An Act to continue and make permanent certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland, in the City and County of Saint John,"
- 15 shall be deemed and taken to have effect from the date of the expiration, in the said Session, of the Acts and parts of Acts intended to be thereby continued, as fully and effectually, to all intents and purposes, as if the said continuing Act had actually passed before the expiration of the said Acts and parts of Acts.
- 20   **2.** Notwithstanding anything to the contrary contained in the Interpretation Act, the words "the first day of May now next," in the eighth line of the preamble of the said Act of this Session, shall be construed to mean the first day of May in this year of Our Lord one thousand eight hundred and seventy.
- 25   **3.** Nothing contained in this Act shall extend, or be construed to extend, to affect any person with any punishment, penalty or forfeiture whatsoever by reason of anything done or omitted to be done by such person contrary to the provisions of the Acts and parts of Acts so continued, between the expiration of the same and the date at which the
- 30 said Act continuing the same received the Royal assent.



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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# X

## BILL.

**An Act to revive and make permanent certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland in the City and County of Saint John.**

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Received and read, First time, Monday, 2nd May, 1870.

Second reading, Tuesday, 3rd May, 1870.

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Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,  
1870.























