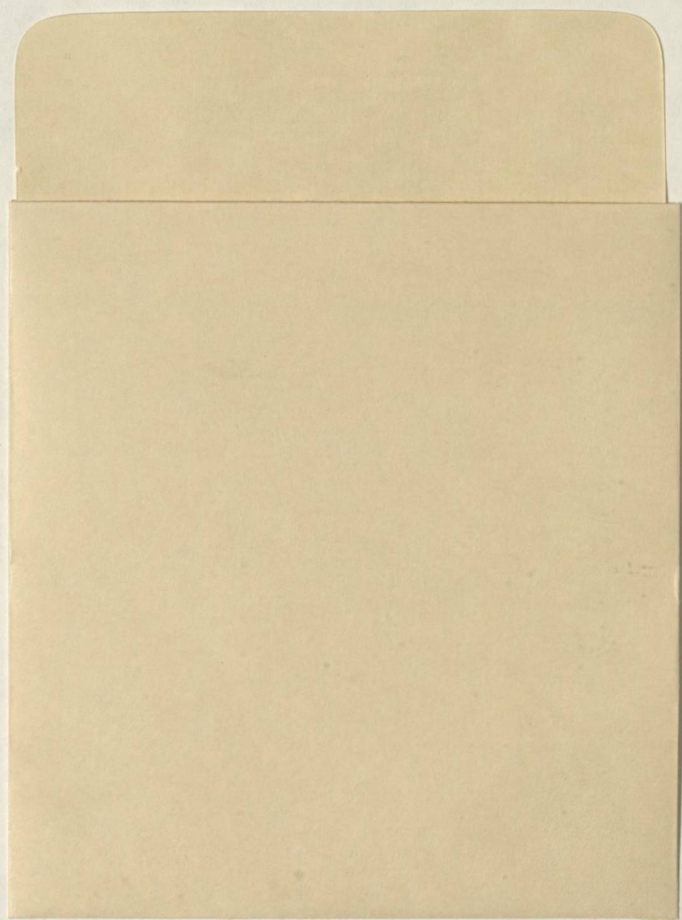


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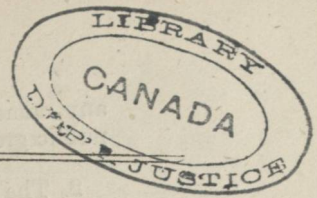
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Bill A-



BILL.

An Act respecting Joint Stock Companies incorporated by Letters Patent.

Note.—The clause between brackets thus [] is proposed to be struck out at the third reading.

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

- 1. This Act may be cited as the "Canada Joint Stock Companies Letters Patent Act, 1869."
- 5 **2.** The following expressions, in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :
 - 10 **1.** The expression "the letters patent" means the letters patent incorporating a Company for any purpose contemplated by this Act;
 - Interpreta- tion of the words:—
 - "The letters patent;"
 - 15 **2.** The expression "the supplementary letters patent" means any letters-patent granted for the increasing or reducing of the capital stock of such Company;
 - "The supple- mentary letters patent;"
 - 15 **3.** The expression "the Company" means the Company so incor- porated by letters patent;
 - "The com- pany;"
 - 20 **4.** The expression "the undertaking" means the whole of the works and business of every kind, which the Company is authorized to carry on;
 - "The under- taking;"
 - 20 **5.** The expression "real estate" or "land" includes all immoveable real property of every kind;
 - "Real estate," "land;"
 - 25 **6.** The expression "shareholder" means every subscriber to or holder of stock in the Company, and extends to and includes the personal representatives of the shareholder.
 - "Share- holder;"
 - 25 **3.** The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the exclusive Legislative authority of the Parliament of Canada extends, except the construction and working of Railways, or the business of Banking or Insurance.
 - Companies formed for certain pur- poses may be incorporated by letters- patent.
 - 30 **4.** The applicants for such letters patent must give at least one month's previous notice in the Canada Gazette, of their intention to apply for the same, stating therein :
 - Notice to be given in the Canada Gazette.
 - 35 **1.** The proposed corporate name of the Company, which shall not be that of any other known company incorporated or unincorporated, or
 - What notice shall contain.

any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable ;

2. The object for which its incorporation is sought ;

3. The place or places within the Dominion of Canada, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business ;

4. The amount of its capital stock ;

5. The number of shares and amount of each share ;

6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number, who are to be the first directors of the Company, and the major part of whom must be resident in Canada, and subjects of Her Majesty by birth or naturalization.

Petition for letters patent.

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Governor General, through the Secretary of State of Canada, for the issue of such letters patent ;

What it shall contain.

2. Such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the Company ;

A certain amount of stock must be taken.

3. The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Company ;

And a certain amount paid up thereon.

4. The aggregate so paid in thereon must be at least ten per cent thereof, or five per cent of the total capital ; unless such total exceed five hundred thousand dollars, in which case the aggregate paid in upon the excess over five hundred thousand dollars must be at least two per cent thereof ;

Disposal of such amount.

5. Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in Canada, unless the object of the Company is one requiring that it should own real estate, in which case, not more than one half of such aggregate may be taken as being paid in if *bona fide* invested in real estate suitable to such object held by trustees for the Company, and being fully of the required value over and above all incumbrances thereon ;

6. The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

45

Preliminary conditions.

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor General in Council to report thereon the sufficiency of their notice and petition, the truth and sufficiency of the facts therein set forth—and further that the applicants, and more especially the provisional directors named, are persons of sufficient reputed means to warrant the application ;

2. And to that end, the Secretary of State, or such other officer, may

take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation.

7. The letters patent shall recite all the material averments of the notice and petition, as so established.

Facts to be recited in letters patent.

5 8. Notice of the granting of the letters patent, shall be forthwith given by the Secretary of State, in the Canada Gazette, in the form of the schedule A appended to this Act; and thereupon, from the date of the letters patent, the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein.

Notice of issuing letters patent.

10 9. Every Company so incorporated may acquire, hold, alienate and convey, any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for it under any trust created with a view to its incorporation, and with all the powers privileges and immunities requisite to the carrying on of its undertaking, as though incorporated by a special Act of Parliament, or making it by that name a body politic and corporate, and embodying all the provisions of this Act and of the letters patent.

General corporate powers of such companies.

20 10. The Directors of the Company, if they see fit at any time, after the whole capital stock of the Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company.

Increase of capital.

25 2. Such by-law shall declare the number and value of the shares of the new stock; and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

By-laws for that purpose.

30 11. The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable;

Reduction of capital.

35 2. Such by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof, or the rule or rules by which the same shall be made.

By-law for that purpose.

40 12. But no by-law for increasing or decreasing the capital stock of the Company, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two thirds in value of the shareholders at a general meeting of the Company duly called for considering the same—and afterwards confirmed by supplementary letters patent.

Such by-law to be approved by shareholders and confirmed by supplementary letters patent.

45 13. At any time, not more than six months after such sanction of such by-law, the Directors may petition the Governor, through the Secretary of State, for the issue of supplementary letters patent to confirm the same;

Petition for supplementary letters patent.

55 2. With such petition they must produce such by-law, and establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor in Council, to report thereon,—the due passage and sanction of such by-law, and the *bonâ fide* character of the increase or decrease of capital thereby provided for;

By-law, &c., to be produced with petition.

Powers of officer charged to report on petition.

3. And to that end the Secretary of State or such officer may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation.

Granting of supplementary letters patent;—notice;—effect of such letters patent.

14. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Secretary of State in the Canada Gazette, in the form of the schedule B appended to this Act; and thereupon, from the date of the supplementary letters patent, the capital stock of the Company shall be and remain increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the Company originally subscribed.

Powers of the company to be subject to this Act.

15. All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act.

Board of Directors.

16. The affairs of every such Company shall be managed by a Board of not less than three, nor more than nine Directors.

Provisional Directors.

17. The persons named as such, in the Letters Patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead.

Qualifications of Directors.

18. No person shall be elected or appointed as a Director thereafter, unless he is a Shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the major part of the after Directors of the Company shall, further, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization.

After Directors.

19. The after Directors of the Company shall be elected by the Shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Letters Patent, or (in default thereof) the By-laws of the Company may prescribe.

Mode of Election.

20. In default only of other express provisions in such behalf, by the Letters Patent or By-laws of the Company,—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election;

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company;

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy;

4. Elections of Directors shall be by ballot;

5. Vacancies occurring in the Board of Directors may be filled for

the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company ;

6. The Directors shall, from time to time, elect from among themselves a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof.

21. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected.

Failure to elect Directors.

22. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into ; and may, from time to time, make By-laws not contrary to law, nor to the Letters Patent of the Company, nor to this Act, to regulate the allotment of Stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the Annual Meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company ; and may, from time to time, repeal, amend or re-enact the same ; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; Provided always that one-fourth part in value of the Shareholders of the Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Powers and duties of Directors.
Confirmation of By-laws.

23. A copy of any By-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *prima facie* evidence of such By-law in all Courts of Law or Equity in Canada.

Evidence of By-laws.

24. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Letters Patent or By-laws of the Company, are or shall be prescribed.

Stock personal estate.

25. If the Letters Patent make no other definite provision, the stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by By-law or otherwise may ordain.

Allotment of stock.

26. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments.

Calling in instalments.

ments, as the Letters Patent, or this Act, or the By-laws of the Company may require or allow ; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Calls to a certain amount annually.

27. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company ; and for every year thereafter, at least a further five per centum shall in like manner be called in and made payable, until the whole shall have been so called in. 5 10

Enforcement of payment of calls.

28. The Company may enforce payment of all calls and interest thereon, by action in any competent Court ; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act ; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a Shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect. 15 20

Forfeiture of shares.

29. If, after such demand or notice as by the Letters Patent or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Letters Patent or By-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made ; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain. 25 30

Restriction as to transfer.

30. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 35

Shareholders in arrear.

31. No shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

Stock book to be kept.

32. The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded— 40

1. A copy of the Letters Patent incorporating the Company, and of any supplementary Letters Patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof.

2. The names, alphabetically arranged, of all persons who are or have been shareholders ; 45

3. The address and calling of every such person, while such shareholder ;

4. The number of shares of stock, held by each shareholder ;

5. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder ; 50

6. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

7. The names, addresses and calling, of all persons who are or have been Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

33. The Directors may refuse to allow the entry into any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any Director present when such entry is allowed do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Liabilities of Directors as regards transfers in certain cases.

34. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until the entry thereof has been duly made in such book or books.

Transfer valid only after entry.

35. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative may make extracts therefrom.

Stock book to be open for inspection.

36. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Books to be *prima facie* evidence.

37. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly, and shall also be liable in damages for all loss or injury which any person interested may have sustained thereby.

Penalty for false entries.

38. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights.

Neglect to keep books open.

39. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not to be liable in respect of trusts, &c.

Contracts, &c.
when to be
binding
on company.

40. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor; provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance.

Proviso.

Application
of funds limited.

41. No Company shall use any of its funds in the purchase of stock in any other Corporation.

Liability
of shareholders.

42. Each Shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, shall be the amount recoverable with costs, against such Shareholder.

Limited to
amount of
stock.

43. The Shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Trustees, &c.,
not personally
liable.

44. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder; but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator, or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

But entitled
to vote.

45. Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder.

In case
Directors
declare a
dividend
when Company
is
insolvent, &c.

46. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present

when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

47. No Loan shall be made by the Company to any Shareholder ; and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan, with legal interest,—for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

No loans by Company to shareholders.

48. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such contract or undertaking.

Limited liability how to be expressed in contracts.

49. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the Company whilst they are such Directors respectively ; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part ; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

Liability of Directors for wages.

50. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof ; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper ; and such publication shall be held to be due service upon the Company.

Service of process.

51. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof ; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Actions between Company and shareholders.

52. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters-patent,—or of letters-patent and supplementary letters-patent, as the case may be,—under this Act ; and the notice in the Canada Gazette, of the issue thereof, shall be *prima facie* proof of all things thereby declared ; and on production of the letters patent, or supplementary letters-patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be presumed ;

Mode of incorporation, &c., how to be set forth in legal proceedings.

and, save only in any proceeding, by *scire facias* or otherwise, for direct impeachment thereof, the letters patent or supplementary letters-patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

Forfeiture of charter for non-user.

53. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time,—or if the Company do not go into actual operation within three years after it is granted ; and no declaration of such forfeiture by any Act of Parliament shall be deemed an infringement of such charter.

Future legislation.

54. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient.

Fees on letters patent.

[55. The Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications for letters-patent and supplementary letters-patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

2. Such fees may be made to vary in amount, under any rule or rules,—as to nature of Company, amount of capital, and otherwise,—that may be deemed expedient;

3. No step shall be taken in any Department towards the issue of any letters-patent or supplementary letters-patent under this Act, until after the amount of all fees therefor shall have been duly paid.]

Acts repealed.

56. The Act chapter sixty-three of the consolidated statutes of Canada, intituled : “ An Act respecting joint stock Companies for manufacturing, mining, mechanical, chemical or other purposes, or for the erection of public hotels or baths and bath-houses, or the opening and using of salt or mineral springs, or for carrying on fishing,”—the Act chapter thirty-one of the statutes of the late Province of Canada passed in the twenty-third year of Her Majesty’s reign, and intituled : “ An Act respecting the judicial incorporation of joint-stock Companies for certain purposes,”—and the Act chapter twenty-three of the statutes of the said late Province passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty’s reign, and intituled : “ An Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies,”—and all Acts extending or amending the same, or any of them, and sections one to seven both inclusive and sections ten, eleven, twelve, and thirteen, of chapter sixty-seven of the consolidated statutes of Canada, intituled ; “ An Act respecting Telegraph Companies,”—are hereby repealed in so far as regards the formation or incorporation hereafter, in virtue of any of the provisions thereof, of any company whatever, the incorporation of which is subject to the control of the Parliament of Canada.

Existing Companies.

2. But every such Company heretofore incorporated by virtue of any of such Acts, shall so remain, and no provision of such Acts shall, as touching any such Company, be in any wise affected by this Act;

Pending applications for charters.

3. And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Parliament of Canada,—pending at the time of the passing of this Act under the said Act passed in the twenty-third year of Her Majesty’s reign or under the said Act chapter twenty-three of the Acts passed in the session held

in the twenty-seventh and twenty-eighth years of Her Majesty's reign,—may be proceeded with, and incorporation by judicial decree or letters-patent (as the case may be) may be obtained in virtue thereof, as though this Act had not been passed.

5 **57.** The Company shall be subject to the provisions of any Act of this or any future Session, for the winding up of Joint Stock Companies. Winding up Acts to apply.

SCHEDULE A.

Public notice is hereby given, that under the Canada Joint-Stock Companies Letters Patent Act, 1869, letters-patent have been issued under the great seal of the Dominion of Canada bearing date the _____ day of _____ incorporating [here state names, address and calling, of each corporator named in the letters patent], for the purpose of [here state the undertaking of the company, as set forth in the letters-patent], by the name of [here state name of the company, as in the letters-patent] with a total capital stock of _____ dollars, divided into _____ shares of _____ dollars each.

Dated at the office of the Secretary of State of Canada, this _____ day of _____

A. B.
Secretary.

SCHEDULE B.

Public notice is hereby given, that under the Canada Joint-stock Companies Letters Patent Act 1869, supplementary letters-patent have been this day issued under the great seal of the Dominion of Canada, bearing date the _____ day of _____ whereby the total capital stock of [here state the name of the Company] is increased [or decreased, as the case may be] from _____ dollars to _____ dollars.

Dated at the office of the Secretary of State of Canada, this _____ day of _____

A. B.

2nd Session, 1st Parliament, 32 Victoria, 1869.

A

BILL.

An Act respecting Joint Stock Companies
incorporated by Letters Patent.

Received and read, First time, Monday, 26th
April, 1869.

Second reading, Thursday, 29th April, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting Patents of Invention.

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

PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as
a branch thereof, an Office to be named The Patent Office ; and
5 the Minister of Agriculture for the time being shall be the Com-
missioner of Patents of Invention ; and it shall be the duty of
the said Commissioner to receive all applications, fees, papers,
documents and models for patents, and to perform such acts and
things respecting the granting and issuing of patents for new and
10 useful discoveries, inventions, and improvements as are herein
provided for ; and he shall have the charge and custody of the
books, records, papers, models, machines, and other things belong-
ing to the said Office.
2. The Commissioner shall cause a seal to be made for the
15 purposes of this Act, and may cause to be sealed therewith letters
patent and other instruments and copies proceeding from the
Patent Office ; and all Courts, Judges, and other persons whomso-
ever shall take notice of such seal, and receive impressions thereof
in evidence, in like manner as impressions of the Great Seal are
20 received in evidence, and shall also take notice of and receive in
evidence, without further proof and without production of the
originals, all copies or extracts certified under the seal of the said
Office to be copies of or extracts from documents deposited in such
office.
- 25 3. The Commissioner may, from time to time, subject to the
approval of the Governor in Council, make such rules and regula-
tions, and prescribe such forms, as may appear to him necessary
and expedient for the purposes of this Act ; such regulations and
forms approved as aforesaid and circulated in print for the use of the
30 public shall be deemed a true interpretation of the meaning of the
law ; and all documents, executed after the same and accepted by
the Commissioner, shall be held valid so far as relating to proceed-
ings in the Patent Office.
4. The Deputy of the Minister of Agriculture shall be the
35 Deputy Commissioner of Patents of Invention ; and the Governor
may, from time to time, appoint such clerks and officers under him
as may be necessary for the purpose of this Act, and such clerks
and officers shall hold office during pleasure.
5. The Commissioner shall cause a report to be prepared
40 annually and laid before Parliament of the proceedings under
this Act, and shall from time to time and at least once in a year,
Annual report and list
of Patents.

publish in the *Canada Gazette* a list of Patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as may be deemed of interest, or essential parts thereof, to be printed from time to time for distribution or sale.

5

WHO MAY OBTAIN PATENTS.

Residents of Canada may obtain Patents for their own discoveries and inventions.

6. Any person having been a resident of Canada for at least one year next before his application, and having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used by others before his invention thereof, and not being at the time of his application for a patent in public use or on sale anywhere with his consent or allowance as the discoverer or inventor thereof may, on a petition to that effect presented to the Commissioner and on compliance with the other requirements of this Act, obtain a Patent granting to such person an exclusive property therein; and the said Patent shall be under the seal of the Patent Office and the signature of the Commissioner, or the signature of another member of the Privy Council in the absence of the Commissioner, and shall be good and avail to the grantee, his heirs, assigns or other legal representatives, for the period mentioned in such Patent; but no patent shall issue for an invention having an illicit object in view nor for any mere scientific principle or abstract theorem.

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Of foreign patent to same inventor.

7. An original and true inventor shall not be deprived of the right to a Patent for his invention by reason of his having, previously to his application, taken out a Patent therefor in any other country, and the same having been published at any time within six months next preceding the filing of his specification and drawing as required by this Act.

25

Representative of Inventor may obtain patent

8. The Patent may be granted to any person to whom the inventor entitled under the sixth section to obtain a Patent has assigned or bequeathed the right of obtaining the same, and the exclusive property in the invention in Canada, or in default of such assignment or bequest, to the executor or administrator of the deceased inventor, or other legal representative.

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Of patent for improvement on patented invention

9. Any person, having been a resident of Canada for at least one year next before his application; and who has invented any improvement on any Patented invention, may obtain a Patent for such improvement, but shall not thereby obtain the right of vending or using the original invention, nor shall the Patent for the original invention confer the right of vending or using the patented improvement.

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Of joint applicants for patent.

10. In cases of joint applications, the Patent shall be granted in the names of all the applicants; and in such cases, any assignment from one of the said applicants or patentees to the other shall be registered in the manner of other assignments.

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CONDITIONS AND FORMALITIES.

Declaration to be made by applicant for patent

11. Every applicant for a Patent, before he can obtain the same, shall make oath or affirmation that he verily believes that he is, or that the person whose assignee or representative he is, is or was the true inventor, or discoverer of the invention for which the Patent is solicited, and that he, or the person whose assignee or representative he is, was a resident of Canada for one year next before the application, or in case of death of the Inventor, for one year next before such death. Such oath or affirmation may be

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made before any Justice of the Peace in Canada ; but if the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister Plenipotentiary, *chargé d'affaires*, consul or consular agent, holding commission under the government of the United Kingdom, or any Judge of the Country in which the applicant happens at the time to be.

12. The Petitioner for a Patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada, and mention the same in his Petition for a Patent. Petitioner to elect domicile in Canada.

10 13. The applicant shall, in his petition for a Patent, insert the title or name of his invention, its object and a short description of the same, and shall distinctly allege all the facts which are necessary under this Act to entitle him to a Patent therefor, and shall with the petition send in a written specification, in duplicate, of his invention, describing the same in such full, clear and exact terms, as to distinguish it from all contrivances or processes for similar purposes. Contents, &c. of application for patent.

14. The specification shall correctly and fully describe the mode or modes of operating contemplated by the applicant,—and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege;—it shall bear the name of the place where it is made, the date, and be signed by the applicant and two witnesses;—in the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same; in the case of a machine or in any other case where the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the invention; and each drawing shall bear the name of the inventor and shall have written references corresponding with the specification, and a certificate of the applicant that it is the drawing referred to in the specification; but the Commissioner may require any greater number of drawings than those above mentioned, or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if any drawings, shall be annexed to the Patent, of which it forms an essential part and the other duplicate shall remain deposited in the Patent Office. Specification and drawing.

15. The applicant shall also deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention on a convenient scale, exhibiting its several parts in due proportion, whenever the invention admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter; provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition. Working model

CONTENTS, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

16. Every patent granted under this Act shall recite briefly the substance of the petition on which it is granted, and shall contain the title or name of the invention and a short description of the same, referring for a fuller detail to the specification,—and shall Contents of patents.

grant to the Patentee, his assigns and legal representatives, or in trust as the case may be, for the period therein mentioned from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention or discovery,—and shall contain a condition that it is nevertheless subject to adjudication before any Court of competent jurisdiction 5

Duration of patents.

17. Patents of invention issued by the Patent Office shall be valid for a period of five years; but at or before the expiration of the said five years the holder thereof may obtain an extension of the patent for another period of five years, and after those second five years may again obtain a further extension for another period of five years; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted, and shall be made in duplicate, one duplicate to remain of record and be duly registered, and the other to be attached, with a reference, to the Patent, under the seal of the Patent Office, and signature of the Commissioner, or any other Privy Councillor in case of absence of the Commissioner. 10 15

In case of error the Commissioners may cause a new patent to be issued.

18. Whenever any patent shall be deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the further fee hereinafter provided, cause a new patent in accordance with an amended description and specification to be made by such patentee, to be issued to him for the same invention, for any part or the whole of the then unexpired residue of the five years period for which the original patent was or might have been, as hereinbefore directed, granted;—In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee, or legal representative: The new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent. 20 25 30 35

Patentee may make disclaimer.

19. Similarly, whenever by any mistake, accident or inadvertence and without any wilful intent to defraud or mislead the public, a patentee has made his specification too broad, claiming more than that of which he or the party through whom he claims was the first inventor, or has in the specification claimed that he or the party through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and had no legal right thereto;—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he shall not claim to hold by virtue of the patent or the assignment thereof;—such disclaimer shall be in writing, and in duplicate, and attested in the manner hereinbefore prescribed for a patent, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the Patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as may relate to the question of unreasonable neglect or delay in making it. In case of the death of the original Patentee or of his having assigned the Patent, a like right shall vest in his assigns or legal representatives respectively, any of whom may make 40 45 50 55 60

disclaimer. The Patent shall thereafter be deemed good and valid for so much of the invention as is truly the disclaimant's own, and not disclaimed, provided it be a material and substantial part of the invention, and definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain a suit for such part accordingly,

ASSIGNMENT AND INFRINGEMENT OF PATENTS.

20. The Government of Canada may always use any patented invention, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

Government may use any patented invention

21. Every Patent for an invention whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented within and throughout the Dominion of Canada, or within and throughout any one or more of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any of such Provinces or of the Dominion, shall be registered in the Office of the Commissioner; and every assignment affecting a Patent for invention shall be deemed null and void against any subsequent assignee unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

Patents to be assignable. Assignments to be registered.

22. Every person who, without the consent in writing of the Patentee, makes, constructs or puts in practice any invention for which a Patent has been obtained under this Act, or procures such invention from any person not authorized to make or use it by the Patentee, and uses it, shall be liable to the Patentee in an action of damages for so doing;—and the judgment shall be enforced, and the damages, and costs as may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

Penalty for infringement of patent

23. An action for the infringement of a Patent may be brought before any Court having jurisdiction to the amount of damages asked for and having its sittings within the Province in which the infringement is said to have taken place, and being at the same time, of the Courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine as to costs. In any action for the infringement of a Patent, the Court if sitting, or any Judge thereof in Chambers if the Court be not sitting may, on the application of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience to such order, or for inspection or account, and respecting the same and the proceedings in the action, as the Court or Judge may see fit;—but from such order an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made.

Action for infringement of patent.

24. Whenever the plaintiff fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention justly and truly specified and

Court may discriminate in certain cases.

claimed as new, the Court may discriminate, and the judgment may be rendered accordingly.

Defence in such cases.

25. The defendant in any such action may specially plead as matter of defence any fact or default which by this Act or by law would render the Patent void; and the Court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

NULLITY, IMPEACHMENT AND VOIDANCE OF PATENTS.

Patent to be void in certain cases or only valid for part.

26. A Patent shall be void, if any material allegation in the petition or declaration of the applicant be untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, such omission or addition being wilfully made for the purpose, of misleading; but if it shall appear to the Court that such omission or addition is simply an involuntary error, and it is proved that the Patentee is entitled to the remainder of his Patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the Patent shall be held valid for such part of the invention described, and two office copies of such judgment shall be furnished to the Patent Office by the Patentee, one to be registered and to remain of record in the office, and the other to be attached to the Patent and made a part of it by a reference.

Patents to be conditioned on manufacture in Canada of thing patented.

27. Every Patent granted under this Act shall be subject and expressed to be subject to the condition that such Patent and all the rights and privileges thereby granted shall cease and determine and the Patent shall be null and void, at the end of three years from the date thereof, unless the Patentee shall, within that period, have commenced and carried on in Canada the construction or manufacture of the invention patented, in such manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it, in Canada, and that such patent shall be void if after the expiration of eighteen months from the granting thereof, the patentee or his assignee or assignees for the whole or a part of his interest in the Patent, imports or causes to be imported into Canada, the invention for which the Patent is granted.

Proceedings for impeachment of patent.

28. Any person desiring to impeach any Patent issued under this Act, may obtain a sealed and certified copy of the Patent and of the petition, declaration, drawings and specification thereunto relating, and may have the same filed in the Office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the Patentee as aforesaid; which Courts shall adjudicate on the matter and decide as to costs. The Patent and documents aforesaid shall then be held as of record in such Court, so that a Writ of *Scire Facias* under the Seal of the Court grounded upon such record may issue for the repeal of the Patent, for legal cause as aforesaid, if upon proceedings had upon the Writ in accordance with the meaning of this Act the Patent be adjudged to be void.

Certificate of judgment voiding patent to be entered.

29. A certificate of the judgment voiding any Patent, shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the

Patent in the Office of the Commissioner, and the Patent shall thereupon be and be held to have been void and of no effect, unless and until the judgment be reversed on appeal as hereinafter provided.

5 **30.** The judgment declaring any Patent void shall be subject Judgment to appeal to any Court of Appeal having appellate jurisdiction in be subject to appeal. other cases over the Court by which the same was rendered.

PATENTS ISSUED UNDER FORMER LAWS.

10 **31.** All patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick, Existing Provincial patents to remain in force. and all Patents issued for the Provinces of Ontario and Quebec under the Act of the late Province of Canada, to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject 15 to the provisions of this Act in so far as applicable to them.

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the discoverer or inventor of the subject matter of the patent and a British subject, or a resident in any Province of Canada for upwards of a 20 year, if the subject matter of the patent has not been known or used nor on sale with the consent of the patentee, in any of the other Provinces of the Dominion, to issue upon payment of the proper fees in that behalf a patent under this Act extending such Provincial patent over the whole of the Dominion, for the remainder 25 of the term mentioned in such patent.

32. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention, to 30 form part of the records of the Patent Office for the purposes of this Act. Records of Provincial patent offices to be handed over to Commissioner.

TARIFF OF FEES.

33. The following fees shall be payable, to the Commissioner, Tariff of fees. before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say :

35	On petition for a Patent for 5 years.....	\$20 00
	On petition for extension from 5 to 10 years.....	20 00
	On petition for extension from 10 to 15 years.....	20 00
	On lodging a Caveat.....	5 00
	On asking to register a Judgment <i>pro tanto</i>	4 00
40	On asking to register an Assignment.....	2 00
	On asking to attach a Disclaimer to a Patent.....	4 00
	On asking for a copy of Patent with specification....	4 00
	On petition to re-issue a Patent after surrender, and on petition to extend a former patent to the Dominion, the fee shall be at the rate of.....	4 00
45	for every unexpired year of duration of such Patent.	
	On office copies of Documents, not above mentioned, the following charges shall be exacted :	
50	For every single or first folio of certified copy.....	\$0 50
	For every subsequent hundred words, (fractions from and under fifty being not counted, and over fifty being counted for one hundred).....	0 25

Copies of drawings.

34. For every copy of drawings, the party applying shall pay such sum as the Commissioner considers a fair remuneration for time and labour expended thereon by any officer of the Department or person employed to perform such service.

Fees to be in full for all services.

35. The said fees shall be in full of all services performed under this Act in any such case by the Commissioner or any person employed in the Patent Office. 5

Fees to be paid over to Receiver General.

36. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada, except such sums as may be paid for copies of drawings when made by persons not receiving salaries in the Patent Office. 10

Of return of fees.

37. No fee shall be made the subject of exemption in favor of any person; and no fee, once paid, shall be returned to the person who paid it, except : 15

1. When the invention is not susceptible of being patented ;

2. When the petition for a Patent is withdrawn ;

And in every such case the Commissioner may return one half of the fee paid ;

And in the case of withdrawal, a fresh application shall be necessary to revive the claim, as if no proceeding had taken place in the matter. 20

MISCELLANEOUS PROVISIONS.

Intending applicant for patent may filed caveat.

38. An intending applicant for a Patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention so far, with or without plans, at his own will ; and the Commissioner, on reception of the fee hereinbefore prescribed, shall cause the said Document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a Patent for his invention ; and such document shall be called a *caveat*. 30

Commissioner may object to grant a patent in certain cases.

39. The Commissioner may object to grant a Patent in the following cases :

1. When he is of opinion that the alleged invention is not patentable in law ; 35

2. When it appears that the invention is already in the possession of the public with the consent or allowance of the inventor ;

3. When it appears that the invention has been described in a book or other printed publication before the date of the application ; 40

4. When it appears that the invention has already been patented except, however, when the case is one within the seventh section of this Act ; or one in which the Commissioner has doubts as to whether the patentee or the applicant is the first inventor.

Commissioner to notify applicant and state ground of objection.

40. Whenever the Commissioner objects to grant a Patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. 45

41. Every applicant who has failed to obtain a Patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council.
42. In cases of interfering applications for any Patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Commissioner, or by his Deputy or the person appointed to perform the duty of that office;—And the decision or award of such Arbitrators, or any two of them, delivered to the Commissioner in writing, and subscribed by them, or any two of them, shall be final as far as respects the granting of the Patent.
2. If either of the applicants refuses or fails to choose an Arbitrator, when required so to do by the Commissioner, the Patent shall issue to the opposite party;—And when there are more than two interfering applicants, and the parties applying do not all unite in appointing three Arbitrators, the Commissioner or his Deputy, or person appointed to perform the duty of that office, may appoint the three Arbitrators for the purposes aforesaid.
43. All specifications, drawings, models disclaimers, judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be adopted in that behalf.
44. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.
45. In case any Letters Patent shall be destroyed or lost, others of the like tenor, date and effect may be issued in lieu thereof, on the party paying the fees hereinbefore prescribed for office copies of documents.
46. No Letters Patent shall extend to prevent the use of any invention in any foreign ship or vessel, where such invention is not so used for the manufacture of any goods to be vended within or exported from Canada.
47. Every person who before the issuing of a Patent has purchased, constructed or acquired any invention for which a Patent has been obtained under this Act, shall have the right of using and vending to others to be used in Canada, the specific art, machine, manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the Patent therefor, without being liable to the Patentee or his representatives for so doing; but the Patent shall not be held invalid as regards other persons by reason of such purchase, construction or acquisition or use of the invention by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or used for a longer period than two years before the application for a patent therefor.
48. Every Patentee under this Act, shall stamp, or engrave on each patented article sold or offered for sale by him, the year of the date of the Patent applying to such article, thus; "Patented 1869,"

Applicant may appeal to Governor in Council.

Arbitration in case of more than one applicant.

The same.

Documents to be open to inspection.

Clerical errors not to invalidate.

Lost or destroyed patent may be replaced.

Use of patented inventions in foreign ships.

Patent not to affect previous purchaser of invention.

Patented articles to be stamped.

—or as the case may be ; and any such patentee selling or offering for sale any such Patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months.

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Certain offenders to be guilty of a misdemeanor.

49. Whosoever writes, paints, prints moulds, casts, carves, engraves, stamps or otherwise marks upon any thing made or sold by him, and for the sole making or selling of which he is not the Patentee, the name or any imitation of the name of any Patentee for the sole making or selling of such thing, without the consent of such Patentee—or without the consent of the Patentee writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the Patentee, the words, "Patent," "Letters Patent," "Queen's Patent," "Patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the Patentee,—shall be deemed to have committed a misdemeanor, and shall on conviction be punished therefor by fine or by imprisonment or both, in the discretion of the Court before which the conviction shall be had ; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months.

Making a false entry or copy to be a misdemeanor.

50. Any person wilfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanor and shall be punished by fine and imprisonment accordingly.

Acts repealed.

51. Chapter thirty-four of the Consolidated Statutes of the Province of Canada, respecting Patents for Inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia, (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick,—and any Act amending any of the said Chapters, or any other Act, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act.

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Short title.

52. When citing this Act it shall be sufficient to call it "The Patent Act of 1869."

Commencement

53. This Act shall commence and take effect on the first day of July, 1869.

—or in the case may be, and any such patentee selling or offering for sale any such patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars and in default of the payment of such fine to imprisonment not to exceed two months.

49. Whoever writes, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon any thing made or sold by him, and for the sole making or selling of which he is not the Patentee the name or any imitation of the name of any Patentee for the sole making or selling of such thing, without the consent of such Patentee—or without the consent of the Patentee writes, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon any thing made or sold by him, with the intent of counterfeiting or imitating the name, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the Patentee—shall be deemed to have committed a misdemeanor, and shall on conviction be punished thereto by fine or by imprisonment or both in the discretion of the Court before which the conviction shall be had; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months.

50. Any person willfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purpose of this Act, or who shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanor and shall be punished by fine and imprisonment accordingly.

51. Chapter thirty-four of the Consolidated Statutes of the Province of Ontario, respecting Patents for Inventions—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia (third session)—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick—and any Act extending to any of the said provinces or territories which may be in force at the date of the coming into force of this Act, shall be deemed to have been repealed, and the provisions of this Act shall be deemed to have been enacted in substitution thereof, and shall have effect accordingly.

52. When citing this Act it shall be sufficient to call it "The Patent Act of 1889".

53. This Act shall commence and take effect on the first day of July, 1889.

Ontario
Statutes
1889

Chapter
1889

Section
1889

Section
1889

Section
1889

2nd Session, 1st Parliament, 32 Victoria, 1869.

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BILL.

An Act respecting Patents of Invention.

Received and read, First time, Monday, 26th
April, 1869.

Second reading, Tuesday, 27th April, 1869.

Hon. Mr. CHAPPAIS.

OTTAWA:

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BILL.

The Canada Joint Stock Companies Clauses Act.

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

1. This Act may be cited as the "Canada Joint Stock Companies ^{Full title.}
Clauses Act, 1869."

5 2. The following words and expressions, both in this and the Special ^{Interpreta-}
Act, shall have the meanings hereby assigned to them, unless there is ^{tion.}
something in the subject or context repugnant to such construction,
that is to say :

10 1. The expression "the Special Act," used in this Act, shall be con- ^{Special Act.}
strued to mean any Act incorporating a Company to which this Act
applies, and with which this Act is incorporated, as hereinafter pro-
vided,—and also all Acts amending such Act ;

2. The expression "the Company" shall mean the Company incor ^{Company.:}
porated by the Special Act ;

15 3. The expression "the undertaking" shall mean the whole of the ^{Undertaking.}
works and business of whatever kind, which the Company is authorized
to undertake and carry on ;

4. The expression "Real Estate" or "Land" shall include all Real ^{Real estate,}
Estate, messuages, lands, tenements and hereditaments, of any tenure ^{Land.}

20 5. The word "Shareholder" shall mean every subscriber to or ^{Shareholder.}
holder of Stock in the Company, and shall extend to and include the
personal representatives of the Shareholder.

25 3. The provisions of this Act shall apply to every Joint Stock ^{Application}
Company hereafter to be incorporated by any Special Act of the ^{of this Act.}
Parliament of Canada, for any of the purposes or objects to which the
legislative authority of the Parliament of Canada extends, except
companies for the construction and working of Railways, or the
business for Banking or Insurance, and shall, so far as they are applic-
able to the undertaking, and are not expressly varied or excepted by
30 the Special Act, be incorporated with it, and form part thereof, and
shall be construed therewith as forming one Act.

4. For the purpose of excepting from incorporation with the Special ^{How clauses}
Act, any of the provisions of this Act, it shall be sufficient in the ^{of this Act}
Special Act to enact that the sections or sub-sections of this Act ^{may be ex-}
35 proposed to be excepted, (referring to them by the numbers they may ^{cepted.}
bear,) shall not be incorporated with such Act, and the Special Act
shall thereupon be construed accordingly.

5. Every Company incorporated under any Special Act, shall be a ^{General cor-}
body corporate under the name declared in the Special Act, and may ^{porate}
^{powers.}

- acquire, hold, alienate and convey, any real estate necessary or requisite for the carrying on of the undertaking of such Company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act, and which are incident to such corporation, or expressed or included in the Interpretation Act. 5
- Powers to be subject to this Act.** 6. All powers given by the Special Act to the Company shall be exercised, subject to the provisions and restrictions contained in this Act, except such only as are by the special Act expressly excepted from incorporation with it. 10
- Directors.** 7. The affairs of the Company shall be managed by a Board of not less than three, nor more than nine Directors.
- Provisional Directors.** 8. The persons named as such, in the Special Act, shall be the Directors of the Company, until replaced by others duly named in their stead. 15
- Qualification of Directors.** 9. No person shall be elected or named as a Director thereafter, unless he is a Shareholder, owning Stock absolutely in his own right, and not in arrear in respect of any call thereon; and the major part of the after Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. 20
- Election of Directors.** 10. The after Directors of the Company shall be elected by the Shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Special Act, or (in default thereof) the By-laws of the Company may prescribe. 25
11. In default only of other express provisions in such behalf, by the Special Act or By-laws of the Company,—
- Provisions respecting elections.** 1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election; 30
- Notice of General Meetings.** 2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the place in which the office or chief place of business of the Company is situated; 35
- Votes.** 3. At all general meetings of the Company, every Shareholder shall be entitled to as many votes as he owns Shares in the Company, and may vote by proxy;
4. Elections of Directors shall be by ballot;
- Vacancies.** 5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company; 40
- President.** 6. The Directors shall, from time to time, elect from among themselves a President of the Company; and shall also name, and may remove at pleasure, all other officers thereof. 45
- Failure to complete election.** 12. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general

meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected.

13. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make, or
 5 cause to be made, for the Company, any description of contract which the Company may by law enter into ; and may, from time to time, make By-laws not contrary to law, nor to the Special Act, nor to this Act, to regulate the allotment of Stock, the making of calls thereon,
 10 the payment thereof, the issue and registration of certificates of Stock, the forfeiture of Stock for non-payment, the disposal of forfeited Stock and of the proceeds thereof, the transfer of Stock, the declaration and payment of dividends, the number of the Directors, their term of service,
 15 the amount of their Stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the Annual Meetings of the Company shall be held, the calling of
 20 meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company ; and may, from time to time, repeal, amend or re-enact the same ; but every such By-law, and every repeal, amendment or re-enactment thereof,
 25 unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; Provided always, that one-fourth part in value of the Shareholders of the Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and
 30 notice as they may issue to that effect.
14. A copy of any By-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *prima facie* evidence of such By-law in all Courts of Law or Equity
 35 in Canada.
15. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Special Act or By-laws
 40 of the Company, shall be prescribed.
16. If the Special Act makes no other definite provision, the Stock thereof shall be allotted, when and as the Directors, by By-law or
 45 otherwise, may ordain.
17. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the Special Act or as this Act may require or allow ; and
 50 interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.
18. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made
 55 payable within one year from the incorporation of the Company ; and for every year thereafter, at least a further ten per centum shall in like manner be called in and made payable, until the whole shall have been called in.

Power of
Directors.

Confirmation
of by-laws.

Evidence of
by-laws.

Stock per-
sonal estate.

Allotment of
stock.

Instalment
thereon.

Calls of Ten
per cent.
annually.

Payment of calls, enforcement of.

19. The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any Officer of the Company, to the effect that the defendant is a Shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

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Forfeiture of shares.

20. If, after such demand or notice as by the Special Act or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Special Act or By-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain.

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Restriction as to transfer.

21. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

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Shareholders in arrears.

22. No Shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

Stock-book to be kept.

23. The Company shall cause a book or books to be kept by the Secretary, or by some other Officer especially charged with that duty, wherein shall be kept recorded—

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1. The names, alphabetically arranged, of all persons who are or have been Shareholders;

2. The address and calling of every such person, while such Shareholder;

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3. The number of shares of stock, held by each Shareholder;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each Shareholder;

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

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6. The names, addresses and calling, of all persons who are or have been Directors of the Company; with the several dates at which each became or ceased to be such Director.

Liability of Directors as regards transfers in certain cases.

24. The Directors may refuse or allow the entry into any such book, of any transfer of Stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of Stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring Shareholder, but for such entry, would have been;

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but if any Director present when such entry is allowed do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors, his protest against the same, and do within 5 eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company, is situated such Director may thereby, and not otherwise, exonerate himself from such liability.

25. No transfer of Stock unless made by sale under execution, shall 10 be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors, until the entry thereof has been duly made in such book or books. Transfers valid only after entry.

26. Such books shall, during reasonable business hours of every 15 day, except Sundays and holidays, be kept open for the inspection of Shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such Shareholder, creditor or representa- 20 tive may make extracts therefrom. Stock-book to be open for inspection.

27. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any Shareholder. Books to be prima facie evidence.

28. Every Director, officer or servant of the Company, who 25 knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly. Penalty for false entries

29. Every Company neglecting to keep such book or books open 30 for inspection as aforesaid, shall forfeit its corporate rights. Neglect to keep books open.

30. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the Shareholder in whose name the same 35 may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt. Company not liable in respect of trusts, &c.

31. Every contract, agreement, engagement or bargain made, and 40 every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company 45 shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special 50 vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor; provided always, that nothing in this Act shall be construed to authorize the Company to issue Contracts, &c., when binding on Company. Proviso.

any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance.

- 32.** No Company shall use any of its funds in the purchase of stock in any other Corporation, unless in so far as such purchase may be specially authorized by the Special Act, and also by the Act creating such other Corporation. 5
- 33.** Each Shareholder, until the whole amount of his Stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against such Shareholders. 10
- 34.** The Shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof. 15
- 35.** No person holding Stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder, but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly. 20
- 36.** Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder. 25
- 37.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company is situated such Director may thereby, and not otherwise, exonerate himself from such liability. 30
- 38.** No Loan shall be made by the Company to any Shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and

severally liable to the Company for the amount of such loan, and also to third parties, to the extent of such loan, with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof.

5 **39.** The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such Contractors 10 undertaking. How contracts must be made.

40. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the Company whilst they are such Directors respectively; but no Director shall 15 be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Directors is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company, has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors. 20

41. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if 25 the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon 30 the Company. Service of process.

42. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein. Actions between Company and Shareholders.

35 **43.** The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient. Future legislation,

44. The Company shall be subject to the provisions of any general Act of this or any future Session, for the winding up of Joint Stock Companies. Winding up Acts to apply.

45. No loan shall be made by the Company to any Shareholder and if such be made, all Directors and other officers of the Company making the same or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof.

46. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such Contractors undertaking.

2nd Session, 1st Parliament, 32 Victoria, 1869.

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BILL.

The Canada Joint Stock Companies Clauses
Act.

Received and read First time, Monday, 26th
April, 1869.
Second reading, Thursday, 29th April, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

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

FOR the preservation of the peace, and for the protection of the lives, persons and property of Her Majesty's subjects, in the neighbourhood of public works on which large bodies of labourers are congregated and employed: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Preamble.

1. The Governor in Council may, as often as occasion requires, declare by Proclamation that upon and after a day therein named, this Act shall be in force in any place or places in Canada therein designated within the limits or in the vicinity whereof any Railway, Canal or other public work is in progress of construction, or such places as are in the vicinity of any such Canal or Railway or other work as aforesaid, within which he deems it necessary that this Act should be in force,—and this Act shall, upon and after the day to be named in any such Proclamation, take effect within the places designated in such Proclamation :

Proclamation may be issued, declaring this Act to apply to any place or places in Canada.

2. The Governor in Council may, in like manner, from time to time, declare this Act to be no longer in force in any of such place or places ; and may again from time declare the same to be in force therein.

May be revoked and again renewed.

3. But no such Proclamation shall have effect within the limits of any City.

2. Upon and after the day to be fixed for such purpose in such Proclamation, no person employed upon or about any such Canal, Railway or other work as aforesaid, within the place or places in which this Act is then in force, shall keep or have in his possession or under his care or control, within any such, place, any gun or other firearm, or air-gun or any part thereof, or any sword, sword blade, bayonet, pike, pikehead, spear, spearhead, dirk, dagger, or other instrument intended for cutting or stabbing, or any steel or metal knuckles, or other deadly or dangerous weapon, under a penalty of not less than *two dollars*, nor more than *four dollars* for every such weapon found in his possession.

Effect of Proclamation.

3. On or before the day appointed as aforesaid in such Proclamation, every person employed on or about the Canal, Railway or other work to which the same relates, shall bring and deliver up to some Commissioner or Officer to be appointed for the purposes of this Act, every such weapon in his possession, and shall obtain from such Commissioner or Officer a receipt for the same.

Delivery of arms.

4. When this Act ceases to be in force within the place where any weapon has been delivered and detained in pursuance thereof, or when the owner or person lawfully entitled to any such weapon satisfies the Commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the Commissioner may

Return of the same.

deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt so given for it.

Seizure of
arms.

5. Every such weapon found in the possession of any person employed as aforesaid, after the day named in any Proclamation as that on or before which such weapon ought to be delivered up, and within the limits designated in the Proclamation bringing this Act into force, may be seized by any Justice, Commissioner, Constable or other Peace Officer, and shall be forfeited to the use of Her Majesty. 5

Concealing
arms.

6. If any person, for the purpose of defeating this Act, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed, within any place where this Act is at the time in force, any such weapon as aforesaid belonging to or in the custody of any person employed on or about any such Railway, Canal or other work, such person shall forfeit a sum of not less than *forty dollars* nor more than *one hundred dollars*; one half to belong to the informer, and the other half to Her Majesty. 10 15

Search for
arms.

7. Any Commissioners appointed under this Act, or any Justice of the Peace having authority within the place where this Act is at the time in force, upon the oath of a credible witness that he believes that any such weapon as aforesaid is in the possession of any person or in any house or place contrary to the provisions of this Act, may issue his warrant to any Constable or Peace Officer to search for and seize the same, and he, or any person in his aid, may search for and seize the same in the possession of any person, or in any such house or place : 20

Entry for
search.

2. In case admission to any such house or place be refused after demand, such Constable or Peace Officer, and any person in his aid, may enter the same by force by day or by night, and seize any such weapon and deliver it to such Commissioner; and unless the party in whose possession or in whose house or premises the same has been found, do, within four days next after the seizure, prove to the satisfaction of such Commissioner or Justice that the weapon so seized was not in his possession or in his house or place contrary to the meaning of this Act, such weapon shall be forfeited to the use of Her Majesty. 25 30

Carrying
arms.

8. Any Commissioner or Justice, Constable or Peace Officer, or any person acting under a warrant, in aid of any Constable or Peace Officer,—may arrest and detain any person employed on any such Railway, Canal, or other work, found carrying any such weapon as aforesaid, within any place where this Act is at the time in force, at such time and in such manner as in the judgment of such Commissioner, Justice, Constable or Peace Officer, or person acting under a warrant, affords just cause of suspicion that they are carried for purposes dangerous to the public peace.—And the act of so carrying any such weapon by any person so employed shall be a misdemeanor, and the Justice or Commissioner arresting such person, or before whom he is brought under such a warrant, may commit him for trial for a misdemeanor, unless he gives sufficient bail for his appearance at the next term or sitting of the Court before which the offence can be tried, to answer to any indictment to be then preferred against him. 35 40 45

Monthly
return.

9. Every Commissioner under this Act shall make a monthly return to the proper authority of all weapons delivered to him, and by him detained under this Act. 50

Sale of for-
feited arms.

10. All weapons declared forfeited under this Act, shall be sold under the direction of the Commissioner by whom or by whose

authority the same were seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such Commissioner and paid over by him to the Receiver General for the public uses of the Dominion.

5 **11.** Any Commissioner of Police appointed under the Act passed in the thirty-first year of Her Majesty's Reign, and intituled *An Act respecting Police of Canada*, may act as a Commissioner under this Act, in any place in which it was then in force, if directed to do so by order of the Governor General, and any Police Constable appointed under
10 the said Act, may act as a Constable or Peace Officer in such place if so directed by any such Commissioner.

Commissioners of Police and Police force under 31 Vic. cap 73 may act under this Act.

12. Upon and after the day to be fixed in such Proclamation, and during such period as the Proclamation may remain in force, no person shall at any place within the limits specified in such Proclamation barter,
15 sell, exchange or dispose of directly or indirectly to any other person, any alcoholic, spirituous, vinous, fermented or other Intoxicating Liquor, or any mixed Liquor a part of which is spirituous, or vinous, fermented or otherwise intoxicating,—nor shall expose, keep or have in his possession for sale, barter or exchange, any intoxicating Liquor :

Sale of liquors prohibited.

20 **2.** But this section shall not extend to any person selling Intoxicating Liquors by wholesale, and not retailing the same, if such person be a licensed Distiller or Brewer.

Restriction.

13. Any person who, in contravention of the next preceding section, by himself, his clerk, servant or agent, exposes or keeps for sale or
25 barter, or sells, disposes of, gives or exchanges for any other matter or thing, to any other person, any Intoxicating Liquor, shall be liable to a fine of *twenty dollars* on the first conviction, *forty dollars* on the second, and on the third and every subsequent conviction, to such last mentioned fine and imprisonment for a period not more than six
30 months.

Penalty.

14. If any clerk, servant or agent, or other person in the employ-
ment or on the premises of another, sells, disposes of, or exchanges for any other matter or thing, or assists in selling, disposing of, or exchanging for any other matter or thing, any Intoxicating Liquor, in contraven-
35 tion of this Act, for the person in whose service or on whose premises he is, he shall be held equally guilty with the principal, and shall suffer the like penalty.

Case of Agent.

15. If any three credible persons make oath or affirmation before any Commissioner, or Justice of the Peace, that they have
40 reason to believe and do believe that any Intoxicating Liquor intended for sale or barter in contravention of this Act, is kept or deposited in any steamboat or other vessel, or in any carriage or vehicle, or in any store, shop, warehouse, or other building or premises at any place within which such Intoxicating liquor is by Proclamation
45 under this Act prohibited to be sold or bartered or kept for sale or barter, or on any river, lake or water adjoining such place,—the Commissioner or Justice, shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed to search the steamboat, vessel, premises or place described in such War-
50 rant, and if any Intoxicating Liquor be found therein, he shall seize the same, and the barrels, casks or other packages in which it is contained, and convey them to some proper place of security, and there keep them until final action is had thereon ;—But no dwelling house in which, or in part of which a shop or bar is not kept, shall be searched,
55 unless one at least of the said complainants testifies on oath to some act of sale of Intoxicating Liquor therein or therefrom, in contravention of

Search for and seizure of liquor.

this Act within one month of the time of making the said complaint :

Forfeiture of
Liquor.

2. The owner or keeper of the Liquor seized as aforesaid, if he is known to the Officer seizing the same, shall be summoned forthwith before the Commissioner or Justice by whose warrant the Liquor was seized, and if he fails to appear, and it appears to the satisfaction of such Commissioner or Justice, that the said Liquor was kept or intended for sale or barter, in contravention of this Act, it shall be declared forfeited with any package in which it is contained, and shall be destroyed by authority of the written Order to that effect of the said Commissioner or Justice, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom the said liquor has been destroyed, in attesting that fact upon the back of the order by authority of which it was done; And the owner or keeper of such liquor shall pay a fine of *forty dollars and costs*, or be committed to prison for three months in default thereof.

In case owner
be unknown.

16. If the owner, keeper or possessor of liquor seized under the next preceding section is unknown to the officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure has been advertised, with the number and description of the package as near as may be, for two weeks, by posting up a written or printed notice and description thereof in at least three public places of the place where it was seized :

Delivery back
in certain
cases.

2. And if it is proved within such two weeks to the satisfaction of the Commissioner or Justice by whose authority such Liquor was seized, that it was not intended for sale or barter in contravention of this Act, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor upon the back of the Warrant, which shall be returned to the said Commissioner or Justice who issued the same; but if after such advertisement as aforesaid, it appears to such Commissioner, or Justice, that such liquor was intended for sale or barter, in contravention of this Act, then such liquor, with any package in which it is contained, shall be condemned, forfeited, and destroyed.

Money for
Liquor may be
recovered
back.

17. Any payment or compensation for liquor sold or bartered in contravention of this Act, whether in money or securities for money, labor or property of any kind, shall be held to have been criminally received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the receiver by the party making, paying or furnishing the same;—and all sales, transfers, conveyances, liens and securities of every kind which either in whole or in part have been given for or on account of Intoxicating Liquor sold or bartered in contravention of this Act, shall be null against all persons, and no right shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for or on account of Intoxicating Liquor sold or bartered in contravention of this Act.

Procedure.

18. Any Commissioner or Justice of the Peace may hear and determine in a summary manner any case arising within his jurisdiction under this Act; and every person making complaint against any other person for contravening this Act, or any part or portion thereof, before such Commissioner or Justice, may be admitted as a witness; and if the Commissioner or Justice before whom the examination or trial is had, so orders, as he may if he thinks there was probable cause for the prosecution, the defendant shall not recover costs though the prosecution fails.

19. All the provisions of any Law respecting the duties of Justices of the Peace in relation to summary convictions and orders, and to appeals from such convictions, and for the protection of Justices of the Peace when acting as such, or to facilitate proceedings by or before them, in matters relating to summary convictions and orders, shall in so far as they are not inconsistent with this Act, apply to every Commissioner or Justice mentioned in this Act or empowered to try offenders against this Act, and any such Commissioner shall be deemed a Justice of the Peace within the meaning of any such Law, whether he be or be not a Justice of the Peace for other purposes.

Procedure.

20. Any action brought against any Commissioner or Justice, Constable, Peace Officer, or other person, for any thing done in pursuance of this Act, must be commenced within six months next after the fact;—and the venue shall be laid or the action instituted in the District or County or place where the fact was committed; and the Defendant may plead the general issue and give this Act and the special matter in evidence; And if such action is brought after the time limited, or the venue is laid or the action brought in any other District, County or place than as above prescribed, the judgment or verdict shall be given for the Defendant; and in such case, or if the judgment or verdict is given for the Defendant on the merits, or if the Plaintiff becomes nonsuit or discontinues after appearance is entered, or has judgment rendered against him on demurrer, the Defendant shall be entitled to recover double costs.

Limitation of actions.

21. No action or other proceeding, Warrant, Judgment, Order or other instrument or Writing, authorized by this Act, or necessary to carry out its provisions, shall be held void, or be allowed to fail for defect of form.

Defect of form not to make proceedings void.

22. In this Act the word "Commissioner" means a Commissioner under this Act; the word "weapon" includes every kind of weapon mentioned or included in the second section of this Act, and all ammunition which can be used with or for any such weapon, and any instrument or thing intended to be used as a weapon. The expression "intoxicating liquor" means and includes every kind of liquor mentioned or included in the twelfth section of this Act; and the expression "District, County or place," includes any division of any Province, for the purposes of the administration of justice in the matter to which the context relates.

Interpretation.

23 This Act shall commence and take effect on the _____ day of _____ in the year of Our Lord, one thousand eight hundred _____

When Act to take effect.

40 of
and

2nd Session, 1st Parliament, 32 Victoria, 1869.

D

BILL.

An Act for the better Preservation of the
Peace in the vicinity of Public Works.

Received and read, First time, Tuesday, 27th
April, 1869.

Second reading, Friday, 30th April, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting Cruelty to Animals.

WHEREAS it is expedient that provision should be made, ex- Preamble.
tending to all Canada, for the punishment of Cruelty to
Animals; Therefore, Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts
5 as follows:

1. Whosoever wantonly, cruelly, or unnecessarily beats, binds, Cruelty to
illtreats, abuses or tortures any Horse, Mare, Gelding, Bull, Ox, animals, how
Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Pig, or other punishable.
Cattle, or any Poultry, or any Dog, or Domestic Animal or Bird, or
10 whosoever driving any cattle or other animal, is by negligence
or ill-usage in the driving thereof, the means whereby any mis-
chief, damage or injury is done by any such cattle or other animal,
shall upon being convicted of any or either of the said offences
before any one Justice of the Peace for the District, County
15 or place in which the offence has been committed, for every
such offence, forfeit and pay (over and above the amount of the
damage or injury, if any, done thereby, which damage or injury
shall and may be ascertained and awarded by such Justice,) such
a sum of money not exceeding *ten dollars*, nor less than *one dollar*
20 with costs, as to such Justice seems meet.

2. The offender shall in default of payment be committed to In default of
the Common Gaol or other place of confinement, for the district, payment of
county, or place in which the offence was committed, there to be fine.
imprisoned for any time not exceeding fourteen days.

25 3. Nothing in this Act contained shall prevent or abridge any Prosecutions
remedy by action against the offender or his employer where the under this
amount of the damage is not sought to be recovered by virtue of Act not to
this Act. affect civil
remedy.

4. When any offence against this Act is committed, any const- Apprehension
30 stable or other peace officer, or the owner of any such cattle, of offenders
animal or poultry, upon view thereof, or upon the information of against this
any other person (who shall declare his or their name or names Act.
and place or places of abode to the said constable or other peace
officer) may seize and secure by the authority of this Act,
35 and forthwith, and without any other authority or warrant, may
convey any such offender before a Justice of the Peace within
whose jurisdiction the offence has been committed, to be dealt with
according to law.

5. If any person apprehended for having committed any offence In case offend-
40 against this Act refuses to discover his name and place of abode to er refuses to
the Justice of the Peace before whom he is brought, such person state his
shall be immediately delivered over to a constable or other peace name, &c.
officer, and shall by him be conveyed to the Common Gaol or
place of confinement for the district, county or place within which

the offence has been committed, or in which the offender has been apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said Justice.

Limitation of prosecutions. **6.** The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence, and not otherwise. 5

Act respecting summary convictions to apply. **7.** Every offence punishable under this Act may be prosecuted in the manner directed by the *Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions, in the same manner as if they were incorporated in this Act. 10 15

Application of penalties. **8.** All pecuniary penalties recovered before any Justice of the Peace under this Act, shall be divided, paid and distributed in the following manner, that is to say: one moiety thereof to the Corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to such Justice seems proper. 20

As to amounts paid as damages. **9.** Every sum of money ascertained, and awarded, adjudged, by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who has sustained such damage or injury. 25

Interpretation. **10.** Where the word "cattle" is used in this Act it shall have the meaning assigned to it in the Act respecting larceny and other similar offences. 30

Commencement of Act. **11.** This Act shall commence and take effect upon, from and after the first day of one thousand eight hundred and 30

the offence has been committed, or in which the offender has been apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said Justice.

6 The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence and not otherwise.

7 Every offence punishable under this Act may be prosecuted in the manner directed by the Act respecting the duties of Justices of the Peace, but of extent in relation to summary conviction and orders, so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such proceedings; and all the provisions contained in the said Act shall be applicable to such proceedings in the same manner as if they were incorporated in this Act.

8 All pecuniary penalties recovered before any Justice of the Peace under this Act shall be divided, paid and distributed in the following manner, that is to say: one moiety thereof to the Corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to such Justice seems proper.

9 Every sum of money ascertained and awarded, adjudged, by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences herebefore mentioned, shall be paid to the person who has ascertained such damage or injury.

10 Where the word "cattle" is used in this Act it shall have the meaning assigned to it in the Act respecting larceny and other similar offences.

11 This Act shall commence and take effect upon, from and after the first day of one thousand eight hundred and

An Act respecting Cruelty to Animals

BILL.

Received and read, First time, Tuesday, 27th April, 1869.

Second reading, Friday, 30th April, 1869

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act for the better protection of Her Majesty's Military and Navy Stores.

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

1. The marks described in the schedule to this Act may be applied Marks to be
in or on Her Majesty's Naval, Military, Ordnance, Barrack, Hospital, used on H. M.
5 and Victualling stores, to denote Her Majesty's property in stores so Stores.
marked.
2. The Admiralty and War Department, their contractors, officers Admiralty
and workmen, may apply the said marks, or any of them, in or on any and War De-
such stores as are described in the said schedule. partment, &c.,
may apply
such marks.
- 10 3. Whosoever, without any lawful authority (proof of which authority shall lie on the party accused), applies any of the said marks Unlawfully
in or on any such or any like stores, is guilty of a misdemeanor, and using such
shall be liable to be imprisoned for any term less than two years, with marks misde-
or without hard labour. meanor.
- 15 4. Whosoever, with intent to conceal Her Majesty's property, in Unlawfully
any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, obliterating
takes out, destroys or obliterates, wholly or in part, any such mark as or concealing
aforesaid is guilty of felony, and shall be liable to be imprisoned for mark, felony.
any term less than two years, with or without hard labour, and with
20 or without solitary confinement.
5. Whosoever, without lawful authority (proof of which authority shall lie on the party accused), receives, possesses, keeps, sells or Unlawfully
delivers any Naval, Military, Ordnance, Barrack, Hospital or Victual- keeping or
ling stores, bearing any such mark as aforesaid, knowing them to bear selling stores
25 such mark, is guilty of a misdemeanor, and shall be liable to be im- so marked,
prisoned for any term not exceeding one year, with or without hard misdemeanor.
labour.
6. Where the person charged with such a misdemeanor as last afore- Knowledge
said was, at the time at which the offence is charged to have been that goods
30 committed, a dealer in marine stores, or a dealer in old metals, or in bear mark,
Her Majesty's service or employment, knowledge on his part that the presumed
stores to which the charge relates bore such mark as aforesaid shall be until contrary
presumed until the contrary is shewn. shewn.
7. Any person charged with such misdemeanor as last aforesaid in Where value
35 relation to stores, the value of which does not exceed twenty-five of stores does
dollars, shall be liable, on summary conviction before two Justices of not exceed
the Peace, or any Recorder, Stipendiary Magistrate, or Police Magis- \$25, case to
trate, or the City Court of Halifax, to a penalty not exceeding one be tried sum-
40 hundred dollars, or in the discretion of the Court, or Justices or marily.
Magistrate, to be imprisoned for any term not exceeding six months,
with or without hard labour.

- Persons in whose possession stores with mark are found, must prove that they obtained them lawfully.** 8. In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, bearing any such mark, are found in the possession of any person not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's service, and such person, when taken or summoned before two Justices of the Peace, Recorder, Stipendiary Magistrate, or Police Magistrate, or the City Court of Halifax, does not satisfy the Justices, Recorder, Magistrate, or the Court, that he came by the stores so found lawfully, he shall be liable, on conviction, to a penalty not exceeding *twenty-five* dollars; and if any such person satisfies the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the stores so found lawfully, the Justices, Recorder, Magistrate or Court, at their discretion, as the evidence given or the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any person as last aforesaid, who has had possession thereof, does not satisfy the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the same lawfully, he shall be liable, on conviction of having had possession thereof, to a penalty not exceeding *twenty-five* dollars, and in default of payment, to imprisonment for any period not exceeding three months, with or without hard labour.
- Former possessor may be summoned.**
- And liable to conviction.**
- What shall be deemed possession.** 9. For the purposes of this Act, stores shall be deemed to be in the possession or keeping of any person, if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or enclosed, 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.
- Unlawful to creep, dredge, &c., for stores within 100 yards of H.M. vessels, wharves, &c., without permission.** 10. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or any tidal or inland water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any mooring belonging to Her Majesty, or from any of Her Majesty's wharves or docks, victualling or steam factory yards.
- Persons contravening last section liable to summary conviction.** 11. Whosoever contravenes the next preceding section shall be liable, on summary conviction before two Justices of the Peace, or any Recorder, Stipendiary or Police Magistrate, or the City Court of Halifax, to a penalty not exceeding *twenty-five dollars*, or to be imprisoned for any term not exceeding three months, with or without hard labour.
- Who only may prosecute.** 12. And it shall not be competent for any person other than the officer commanding the Naval or Military Forces in Canada, or some person acting under his authority, to institute or carry on under this Act any prosecution or proceeding for any offence against it.
- Nothing in this Act shall prevent indictment under this or any other Act.** 13. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.
- Term "stores" defined.** 14. The term "Stores" shall include any single store or article.
- Proof under this Act.** 15. In all prosecutions under this Act, proof that any soldier, seaman or marine was actually doing duty in Her Majesty's service shall be

prima facie evidence that his enlistment, entry or enrolment has been regular.

16. Persons convicted or sentenced to imprisonment under this Act, before the City Court of Halifax, may, in the discretion of the Court, be imprisoned in the city prison with hard labour, instead of the county gaol. **Imprisonment under this Act in certain cases.**

17. This Act shall commence and take effect upon, from and after the day of one thousand eight hundred and **Commencement of Act.**

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling stores.

STORES.	MARKS.
Hempen Cordage and Wire Rope.	White, black, or coloured worsted threads laid up with the yarns and the wire, respectively.
Canvas, Fearnought Hammocks, and Seamen's Bags. Bunting. Candles.	A blue line in a serpentine form. A double tape in the warp. Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, metal, and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

BILL.

An Act for the better Protection of Her Majesty's Military and Navy Stores.

Received and read, first time, Tuesday, 27th April, 1869.

Second reading, Monday, 3rd May, 1869.

Hon. Mr. CARPENT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

30. Whosoever buys exchanges, or detains or otherwise receives from any soldier or deserter any arms, clothing or furniture belonging to Her Majesty, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessaries, according to the custom of the army, or causes the colour of such clothing or articles to be changed, or exchanges, buys or receives from any soldier any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs, may be convicted thereof in the manner mentioned in the next preceding section, and shall then be liable to a penalty of not less than twenty dollars nor more than forty dollars and costs, and in default of payment be committed to gaol for a period not exceeding nine months, or until such penalty is paid.

31. Whosoever buys exchanges, or detains or otherwise receives from any seaman or marine upon any account whatever, or has in his possession any arms or clothing, or any such articles belonging to any seaman, marine or deserter as are generally deemed necessaries, according to the custom of the navy, may be convicted thereof in the manner mentioned in the next preceding section, and shall then be liable to a penalty, not less than sixty dollars nor more than one hundred and twenty dollars and costs, and in default of payment shall be committed to gaol for a term not exceeding nine months, or until such penalty is paid.

32. One-half the amount of any penalty imposed under any of the preceding sections shall be paid over to the proprietor, and the other half shall be paid to the Crown.

BILL.

An Act respecting certain Offences relative to Her Majesty's Army and Navy.

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

1. Whosoever not being an enlisted soldier in Her Majesty's service, or a seaman in Her Majesty's Naval service, by words or with money, or by any other means whatsoever, directly or indirectly persuades or procures, or goes about or endeavours to persuade, prevail on or procure any such soldier or seaman to desert or leave Her Majesty's Military or Naval service, or conceals, receives or assists any deserter from Her Majesty's Military or Naval service, knowing him to be such deserter, may be convicted thereof in a summary manner before any two Justices of the Peace, or before the Mayor of any City and any one Justice of the Peace, or before any Recorder, Judge of the Sessions of the Peace or Police Magistrate, on the evidence of one or more credible witness or witnesses, and shall then be liable to a penalty not less than *eighty* dollars, nor more than *two hundred* dollars, in the discretion of the Court before which the conviction takes place, with costs, and in default of payment may be committed to gaol for any period not exceeding *six* months, or until such penalty is paid. Penalty for enticing soldiers or sailors to desert.
- 20 2. Whosoever buys, exchanges, or detains or otherwise receives from any soldier or deserter, any arms, clothing or furniture belonging to Her Majesty, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessaries, according to the custom of the army, or causes the colour of such clothing or articles to be changed, or exchanges, buys or receives from any soldier any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs, may be convicted thereof in the manner mentioned in the next preceding section, and shall then be liable to a penalty of not less than *twenty dollars* nor more than *forty dollars* and costs, and in default of payment be committed to gaol for a period not exceeding nine months, or until such penalty is paid. Penalty for receiving regimental necessaries, &c.
- 35 3. Whosoever buys, exchanges, or detains or otherwise receives from any seaman or marine, upon any account whatever, or has in his possession any arms or clothing, or any such articles belonging to any seaman, marine or deserter, as are generally deemed necessaries, according to the custom of the navy, may be convicted thereof in the manner mentioned in the next preceding section but one, and shall then be liable to a penalty, not less than *sixty dollars* nor more than *one hundred and twenty dollars* and costs, and in default of payment shall be committed to gaol for a term not exceeding nine months, or until such penalty is paid. Penalty for receiving necessaries from marines or seamen.
- 45 4. One-half the amount of any penalty imposed under any of the preceding sections shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall beong to the Crown. Appropriations of pecuniary penalties.

Offender may be prosecuted for a misdemeanor. **5.** Every offence against the preceding sections of this Act is a misdemeanor, and may be prosecuted as such, and the offender convicted shall then be liable to punishment by fine and imprisonment in the discretion of the Court, and nothing in this Act shall be construed to prevent any person being prosecuted, convicted and punished under any Act of the Imperial Parliament in force in Canada; but no person shall be twice punished for the same offence. 5

Examination of witnesses about to leave Province. **6.** The examination of any soldier, seaman, or marine liable to be ordered from the Province in which any offence against this Act is prosecuted, or of any witness sick, infirm, or about to leave such Province, may be taken *de bene esse* before any Commissioner or other proper authority, in like manner as depositions in civil cases may be taken. 10

Apprehension of suspected deserters. **7.** Any person reasonably suspected of being a deserter from Her Majesty's service, may be apprehended and brought for examination before any Justice of the Peace, and if it appears that he is a deserter, he shall be confined in gaol until claimed by the military or naval authorities, or proceeded against according to law. 15

Warrant required to enter a building in search of deserters. **8.** No person shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a Justice of the Peace, such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and any person resisting the execution of any such warrant shall thereby incur a penalty of *eighty dollars*, recoverable on summary conviction in like manner as other penalties under this Act. 20 25

Warrant to apprehend offenders. **9.** Any Justice of the Peace, upon information on oath or affirmation, may issue a warrant for the apprehension of any person charged with an offence against this Act, as in the case of other offences against the law. 30

2nd Session, 1st Parliament, 32 Victoria, 1869.

G

BILL.

An Act respecting certain Offences relative to Her Majesty's Army and Navy.

Received and read, First time, Tuesday, 27th April, 1869.

Second reading, Monday, 3rd May, 1869.

Hon. Mr. CAMPBELL.

OTTAWA :

PRINTED BY HUNTER, ROSE, & CO.

Every offence against the preceding sections of this Act is a misdemeanour and may be prosecuted as such, and the offender convicted shall be liable to imprisonment by the Court and nothing in this Act shall be deemed to prevent any person being prosecuted, convicted and punished under any Act of the Imperial Parliament in force in Canada; but no person shall be twice punished for the same offence.

BILL.

An Act respecting Vagrants.

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

1. All idle persons who, not having visible means of maintaining themselves, live without employment.—all persons who, being able to work and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so,—all persons openly exposing or exhibiting in any street, road, public place or highway any indecent exhibition, or openly or indecently exposing their persons,—all persons wandering about and begging, or who go about from door to door, or place themselves in the streets, highways, passages or public places to beg or receive alms, —all persons loitering in the streets or highways and obstructing passengers by standing across the footpaths or by using insulting language or in any other way, or tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, roads or gardens, destroying fences, causing a disturbance in the streets or highways by screaming, swearing or singing, or being drunk, or impeding or incommoding peaceable passengers, —all common prostitutes, or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves,—all keepers of bawdy-houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses, not giving a satisfactory account of themselves,—all persons who have no peaceable profession or calling to maintain themselves by, but who do for the most part support themselves by gaming or crime or by the avails of prostitution,—shall be deemed vagrants, loose, idle and disorderly persons within the meaning of this Act, and shall upon conviction before any two Justices of the Peace, be punished by imprisonment in any gaol or place of confinement other than the Penitentiary, for a term not exceeding six months and with or without hard labour, or by a fine not exceeding fifty dollars, or by both, such fine and imprisonment being in the discretion of the convicting Justices.

Who shall be deemed vagrants.

Punishment of vagrants on summary Conviction.

2. Any two Justices of the Peace upon information before them made, that any person hereinbefore described as vagrants, loose, idle and disorderly persons, are or are reasonably suspected to be harbored or concealed in any bawdy-house, house of ill-fame, tavern or boarding house, may, by warrant under their hand and seal, authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring before them or any other Justices, all persons found therein so suspected as aforesaid.

Justices may cause any such person to be brought before them.

2nd Session, 1st Parliament, 32 Victoria, 1869.

III

BILL.

An Act respecting Vagrants.

Received and read, First time, Tuesday, 27th
April, 1869.

Second reading, Monday, 3rd May, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act for the relief of John Horace Stevenson.

WHEREAS John Horace Stevenson, of the City of Toronto, in Preamble
the County of York, Merchant, late of the Town of Napanee,
in the County of Lennox and Addington, hath by his petition humbly
set forth, that on the Twenty-second day of November, in the year
5 of our Lord one thousand eight hundred and sixty, he was married to
Mary Elizabeth Foote, (now called Mary Elizabeth Perry,) and such
marriage was solemnized at the private residence of Benjamin Foote, the
Father of the said Mary Elizabeth Foote, at the said Town of Napanee,
then the Village of Napanee, according to the rites of the Wesleyan
10 Methodist Church in Canada; that at the time of such marriage he was
a minor under the age of twenty-one years, being then in his seven-
teenth year, and was inveigled into the said marriage not knowing fully
the effect and importance of the same; that the said marriage was by
license and performed without the knowledge or consent and contrary
15 to the wish of his Father, who was then alive and resided in Napanee
aforesaid; that about the time the said marriage ceremony was being
performed, his Father became acquainted with the fact and made
every endeavor in his power to prevent the same, but the said cer-
mony had been performed before he had an opportunity to interfere;
20 that he and the said Mary Elizabeth Foote, were separated by his Father
immediately after the said marriage ceremony, and have lived separate ever
since, and the said marriage was never consummated by co-habita-
tion; that in or about the year one thousand eight hundred and
sixty-four, the said Mary Elizabeth Foote, became engaged to be
25 married to one John F. Perry, to whom she was subsequently married
(so far as it was possible) in the State of New York, one of the Uni-
ted States of America, but when, by whom or at what particular
place, the said petitioner has been unable to ascertain; that ever
since that time the said Mary Elizabeth Foote and John F. Perry, have
30 been and still are living together as man and wife at Nevada County, in
the State of California, one of the said United States, and the said Mary
Elizabeth Foote has had at least one child by the said John F. Perry;
that the place where the separation of the said Mary Elizabeth Foote,
from him the said John Horace Stevenson occurred, was the said Town
35 of Napanee; that he has not commenced or prosecuted any action in
any Court against the said John F. Perry, by reason of the premises
as the cause of action in respect thereof, arose beyond the jurisdiction
of any Court in the Province of Ontario, and the said John F. Perry,
since the time such cause of action arose has resided and still con-
40 tinues to reside beyond the jurisdiction of any of the Courts afore-
said; that an action has been commenced by Her Majesty the Queen,
by a writ of *Scire Facias* against Tehiel D. Roblin and Samuel Huff,
Junior, on the Bond upon which the marriage license was issued by
the authority of which the said marriage was celebrated, and such pro-
45 ceedings were thereupon had that Her Majesty recovered upon the
said Bond a judgment of the said Court for the amount of the said Bond
debt, the effect of the said judgment being to declare that such mar-
riage was not illegal and void notwithstanding the infancy of the said
petitioner and the absence of consent on the part of his Father; that

the said Mary Elizabeth Foote, has by her so called marriage with the said John F. Perry, and by her adulterous intercourse with him dissolved the said bond of matrimony on her part, and the said John Horace Stevenson, has been deprived of the comforts of matrimony, and is liable to have a spurious issue imposed upon him, unless the said marriage should be declared null and void; therefore, he humbly prays that the said marriage may be dissolved, so as to enable him to marry again, and that he may have such further and other relief in the premises as may be deemed fit; And, whereas the said John Horace Stevenson, hath made proof of the adultery above stated, and 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:

Marriage annulled.

1. The said marriage between the said John Horace Stevenson, and the said Mary Elizabeth Foote, is and shall be henceforth null and void to all intents and purposes whatsoever.

John Horace Stevenson may marry again.

2. It shall and may be lawful for the said John Horace Stevenson, at any time hereafter, to contract matrimony and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized between him and the said Mary Elizabeth Foote.

Issue of any such marriage to be legitimate.

3. In case of the said John Horace Stevenson, again contracting matrimony with any person or persons with whom it would be lawful for him to contract matrimony, if they the said John Horace Stevenson and Mary Elizabeth Foote 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 marriage between the said John Horace Stevenson and Mary Elizabeth Foote, had not taken place.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for the relief of John Horace Stevenson.

Received and read, First time, Thursday, 29th April, 1869.

Second reading, Friday, 14th May, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to naturalize Eli Clinton Clark.

WHEREAS Eli Clinton Clark, residing in the City of Toronto, in the County of York, Province of Ontario, and Dominion of Canada, lumber merchant, has by his petition represented that he is desirous of becoming a permanent resident of the said Dominion, and in order to be relieved from the legal incapacity under which he labours as an alien has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is just and expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- 10 **1.** The said Eli Clinton Clark shall henceforth be deemed and taken to be and to have always heretofore been, in so far as relates to his power of having, possessing, occupying, claiming, recovering, conceding, bequeathing, giving or transferring any real or personal property in this Dominion or any right, title, privilege, dependence or interest
15 therein, and to all matters whatsoever, a natural born subject of Her Majesty, to all intents and purposes whatsoever, as if he had been born in any of the Provinces constituting the said Dominion of Canada; provided always that the said Eli Clinton Clark to entitle himself to the privileges and advantages conferred upon him by this Act, shall
20 within one year after the passing of this Act, take and subscribe with the Clerk of the Peace of the County of York, in the Province of Ontario, who is hereby authorized to administer the same, the oath of allegiance to Her Majesty, Her Heirs and Successors; and such oath so taken and subscribed shall be kept by the said Clerk of the Peace
25 amongst the records of his office.

Preamble.

Eli Clinton Clark is naturalized.

Proviso.

He shall take the oath of allegiance within one year.

2nd Session, 1st Parliament, 32 Victoria, 1869.

J

BILL.

An Act to naturalize Eli Clinton Clark.

Received and read first time, Wednesday 5th
May, 1869.
Second reading, Friday 7th May, 1869.

Hon. Mr. Ross.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to amend the *Act respecting the inspection of steamboats, and for the greater safety of passengers by them.*

IN amendment of the Act "*respecting the inspection of steamboats, and for the greater safety of passengers by them,*" passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, Chapter sixty-five : Her Majesty by and with the advice and consent of
5 the Senate and House of Commons of Canada, enacts as follows :

1. So much of the sixth section of the said Act as provides that certificates granted by Inspectors shall be according to the form in the Schedule of the said Act is hereby repealed ; and such certificates shall be according to the form in the Schedule of this Act. Part of sec. 2, of 31 V., c. 65, repealed.
- 10 2. For, and notwithstanding anything to the contrary contained in the sixteenth section of the said Act, no screw steamboat employed chiefly in the carriage of freight, when carrying not more than twenty-five passengers shall be required to have on board or attached to such steamboat more than two boats in addition to a life boat. Exception to sec. 16, of said Act.
- 15 3. Every steamboat to which the sixteenth section of the said Act applies shall be provided with sufficient means for lowering from on board safely and expeditiously each boat required by the said section, as amended by this Act, to be on board of or attached to such steamboat, on each occasion on which such boats are so required to be on
20 board of or attached to the same. Certain steamboats to be provided with means of lowering boats.
4. The printed paper mentioned in section twenty-four of the said Act shall be provided and filled up by the owner or master of the steamboat. By whom printed paper to be filled up.
- 25 5. Every steamboat not employed in the carriage of passengers, and every steamboat to which the sixteenth, seventeenth, eighteenth and nineteenth sections of the said Act do not apply, shall at all times when the crew thereof is on board, be provided with and have on board or attached to such steamboat in some convenient place a good suitable and sufficient boat, or good, suitable and sufficient boats, in
30 good condition and properly equipped, and provided with oars in sufficient number and other necessary tackle, and of sufficient capacity to carry all the crew of such steamboat, and with sufficient means for lowering such boat or boats from on board safely and expeditiously and also a life preserver for each one of the crew, and also a number,
35 in due proportion to that of the crew, of good and sufficient fire buckets, of metal or leather, axes and lanterns, to the satisfaction of the Inspector.
6. The twenty-sixth section of the said Act is hereby amended by repealing the words relating to the qualification of a second class engineer and substituting therefor the following words. Section 26 of 31 Vict., c. 65, amended.
- 40

"A second class engineer to be qualified to take charge of any steam-

“boat, except a seagoing steamboat of more than three hundred tons
“burthen, adapted to carry more than twenty-five passengers.”

Certificates
of certain
engineers
may be limi-
ted by en-
dersement.

7. The Board of steamboat inspection, or the chairman and any one member thereof, may by written and signed endorsement on the certificate or temporary certificate of any engineer except a first class 5
engineer, limit the holder of such certificate to the charge of any class or classes of steamboat specified in such endorsement, for taking charge of which alone he may be deemed qualified by knowledge and experience; and a certificate so endorsed shall not protect the holder thereof from the consequences of serving, nor any person from the consequences of 10
employing the holder thereof, as engineer on any steamboat of any class not mentioned in such endorsement, unless a special permission to take charge of a particular steamboat of another class is further endorsed on such certificate and signed by the chairman and by a member of the Board of Steamboat Inspection. 15

Inspector
may demand
production of
registry.

8. Every Inspector of steamboats, duly appointed under the said Act, is hereby empowered to demand of the owner or master of any steamboat being inspected by him, the production of the certificate of registry of such steamboat; and it shall thereupon be the duty of such owner or master to produce and exhibit the same to such inspector. 20

Penalty for
controvension
of Acts.

9. For every contravention in respect of any steamboat in the Dominion of Canada, on any one voyage or trip thereof, of any provision in this Act, or in the said Act as amended by this Act, the owner or master thereof shall incur a penalty of not more than *two hundred* nor less than *forty dollars*; And Inspectors of steamboats, duly 25

Inspector
may detain
steamer.

appointed under the said Act amended by this Act, are hereby empowered to detain any steamboat on board of which the provisions of this Act have not been fully complied with; and in case any such Inspector gives notice in writing to any Collector of the Customs that 30
any of the provisions of this Act have not been fully complied with in respect to any steamboat, such Collector shall not grant any clearance for such steamboat, unless nor until he receives the certificate in writing of such Inspector, to the effect that such provisions have been fully complied with in respect to such steamboat.

Collector not
to grant
clearance

Schedule
repealed and
new schedule
substituted.

10. The Schedule of the said Act is hereby repealed, and the following Schedule is hereby substituted. 35

SCHEDULE.

Having examined the steamboat (*name*) of _____ whereof
_____ are owners, and _____ is master, on this _____ day of
A. D. 18 _____

The particulars of her gross and register tonnage as shewn on her certificate of registry, being as follows:

	Tons.
Tonnage under tonnage deck.....
Houses on deck (<i>naming them</i>).....
Total gross tonnage.....
Deduct for engine room.....
Register tonnage.....

I, (*Inspector's name*) do certify that she is in all respects staunch, seaworthy, and in good condition for navigation; that her engine, machinery, pumps and boilers are sufficient and suitable to be employed in the carriage of passengers, *or*, as a tug-boat, *or*, as a freight-boat

or, as a freight-boat and in the carriage of not more than twenty-five passengers, or, as a ferry-boat, *as the case may be*) without hazard to life, on the route for which placed, and that the boilers of such steamer can carry with safety from to pounds (*here insert number of pounds*) per square inch, and no more: and I further certify that the equipment of the vessel throughout, including (*here enumerate all or any of the following articles required to be included in the equipment of the steamer named in the certificate, viz:*) boats, life boats, life preservers, fire buckets, axes, lanterns and other things is in conformity with the provisions of the law: and I declare it to be my deliberate conviction, founded on the inspection I have made, that the said steamboat may be so employed in the waters hereinafter specified, without peril to life from any imperfections, or from materials, workmanship, or arrangements of the several parts, or from age or use. And I further certify that the said vessel is to run in the waters between (*here insert the places between which the vessel is to be employed in running.*)

2nd Session, 1st Parliament, 32 Victoria, 1869.

K

BILL.

An Act to amend the Act respecting the
inspection of steamboats, and for the
greater safety of passengers by them.

Received and read, first time, Tuesday, 11th
May, 1869.

Second reading, Monday, 17th May, 1869.

Hon. Mr. MITCHELL.

OTTAWA:

PRINTED BY MUNTER, ROSE & CO,

BILL.

An Act to unite the Beaver and the Toronto Mutual Fire Insurance Companies.

WHEREAS, the Toronto Mutual Fire Insurance Company and the Beaver Mutual Fire Insurance Association have by their petitions set forth that they are respectively incorporated under the provisions of the Mutual Insurance Companies Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and have carried on business as such Insurance Companies for some years past at their head offices in the City of Toronto, and have prayed that for the more economical management of the business of the said Companies they may be united under one common name, with power to divide their business into three branches, and it is expedient that the prayer of the said Companies be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. On and after the passing of this Act the said The Beaver Mutual Fire Insurance Association may be united with the said The Toronto Mutual Fire Insurance Company, and thenceforward the said Companies shall form one united Company under the name and style of "The Beaver and Toronto Mutual Fire Insurance Company."
2. The said united Company under the name aforesaid shall be a body corporate and politic, having throughout Canada all the powers, rights and privileges conferred upon Mutual Insurance Companies by the general Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and the several amendments thereof, and under, and subject to the obligations, responsibilities and duties thereby imposed upon such Companies, excepting in so far as the same may be inconsistent with the special Act 27 and 28 Victoria, chapter 99, hereinafter mentioned and with this Act.
3. The said "The Beaver and Toronto Mutual Fire Insurance Company" may also exercise all the powers conferred upon the said The Beaver Mutual Fire Insurance Association by the Act 27 and 28 Victoria, chapter 99.
4. The President, Vice President and Directors for the time being of The Beaver Mutual Fire Insurance Association, may be the President, Vice President and Directors of the said "The Beaver and Toronto Mutual Fire Insurance Company," of whom one third shall retire annually, according to the practice of the said The Beaver Mutual Fire Insurance Association.
5. From and after the first meeting of the said Board of Directors of the Beaver Mutual Fire Insurance Association, as the Directors of the said united Company, the Board of Directors of the said The Toronto Mutual Fire Insurance Company shall cease to exist, and all the obligations, powers and rights of the said two Companies respectively, shall attach to and be vested in the said The Beaver and Toronto

Preamble.

Companies united, name of united Company.

United Company to be a body corporate.

And may exercise powers conferred by Act of Canada, 27 and 28 Vict. Cap. 99.

Who to be the President, &c., of united Company.

Powers of both Companies to be vested in united Company.

Mutual Fire Insurance Company, which may sue and be sued, plead and be impleaded by virtue thereof in its own name, as though the contracts made by and with each of them respectively, had been originally made by and with the said united Company, and it shall not be necessary to plead this Act as authority therefor.

5

United Com-
pany may
take up the
Guarantee
Stock of both
Companies
and issue new
Stock there-
for.

6. The said united Company may take up the Guarantee Stock of the said two Companies respectively, and issue new stock therefor upon such terms as the holders of the said existing stock may agree to.

Company
may admit as
members
owners of
property any-
where in the
Dominion.

7. The said united Company may admit as a member thereof, the owner of any property, real or personal, moveable or immoveable, lying within any part of Canada, and may insure the same whether the owner of such property be or be not a freeholder; and every person so admitted a member of the said united Company shall have the same rights, and be subject to the same liabilities as the other members of the said united Company.

15

United Com-
pany may di-
vide its
business
into three
branches.

8. The said united Company may divide its business into three branches to be called

1. The Farmer's Branch, comprising all the now existing risks of the said The Beaver Mutual Life Insurance Association.

2. The Household Branch.

3. The Mercantile Branch,—which two last named branches shall comprise all the now existing risks of the said "The Toronto Mutual Fire Insurance Company."

20

Officers of
united Com-
pany may
give bonds to
it with the
sole security
of a Guarant-
tee Society.

9. Each officer of the said United Company who is by law required to give a bond to the Company with two sufficient sureties conditioned for the faithful discharge of his duties, may, in lieu thereof, give such bond with the sole security of any Guarantee Society, approved of by the Board of Directors of the said United Company, and the said Board of Directors may accept the sole security of such Guarantee Society instead of the two sureties now required by law,

30

Policies
issued
by two Com-
panies for one
year only,
may be ex-
tended from
year to year
by renewal
receipts.

10. Policies already issued for one year only by said two Companies respectively, and all such policies which may henceforth be issued by the said United Company, may be extended from year to year by renewal receipts signed by the President, Vice-President or Managing Director of the said United Company, and countersigned by the Secretary, whereupon the original premium note of the assured, and all liabilities thereon, shall be and continue in full force and effect for the term so extended.

35

Certain wil-
ful and cor-
rupt false
swearing,
&c., to be
perjury.

11. Wilful and corrupt false swearing or affirming, either oral or written, concerning any matter or thing relating to Fire Insurance in the said United Company, before any one having lawful authority to administer an oath or affirmation, shall be wilful and corrupt perjury; and notice to the defendant to produce any document in his possession, power, or control, shall in all actions, suits or prosecutions by the said United Company, let in secondary evidence thereof if the same be not produced pursuant to the said notice.

45

ANALYTIC

TO A ...

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2nd Session, 1st Parliament, 32 Victoria, 1869.

I

BILL.

An Act to unite the Beaver and The
Toronto Mutual Fire Insurance Com-
panies.

Received and read first time, Monday, 12th
May, 1869.

Second reading, Monday, 17th May, 1869.

Hon. Mr. BLAKE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to facilitate, and to render less expensive, the collection of promissory notes in certain cases.

WHEREAS it is expedient that provision should be made for facilitating and rendering less expensive the collection of the amounts due on promissory notes made payable at incorporated Banks; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. From and after the commencement of this Act, no promissory note, the maker of which has expressed, or expresses, in the body of the note that he promises to pay at an incorporated Bank in the Province of Ontario only, and not otherwise or elsewhere, and no promissory note in the body whereof it is expressed that the same is payable at an incorporated Bank in the Province of Quebec, or in the Province of Nova Scotia, or in the Province of New Brunswick, shall be protested for non-payment.

2. In case any promissory note, so made payable as aforesaid, is not paid within the time within which, according to the law of the Province in which it is so made payable as aforesaid it ought to be paid, and such note is in the possession of the Bank, or branch or agency of a Bank, at which it is so made payable, or has been presented for payment and demand of payment made at such Bank, or branch or agency of a Bank, at the time prescribed by the law of such Province for such presentment and demand, then such promissory note shall immediately be noted for non-payment by one of the officers of the Bank, and an entry of such noting shall be made forthwith by the same officer in the book kept for that purpose, as hereinafter mentioned.

3. Every noting of a promissory note for non-payment under this Act shall be made by writing or stamping on the back thereof the fact and time and place of default of payment in the following form, that is to say : "Noted for non-payment this day of , 18 , at (here insert name of Bank, or branch or agency), in (here insert name of place)," and shall be signed by the officer making the same, with his name and title of office.

4. Every incorporated Bank in Canada shall keep at each of its branches and agencies, a book in the form of Schedule A of this Act, in which shall be entered daily, by every officer of the Bank who notes any promissory note for non-payment on that day, in the proper columns and places, the date of such note, the name of the maker thereof, the name of each endorser thereof, the place of payment thereof, the amount made payable thereby, and the date of maturity thereof.

5. Every such book shall remain upon the counter of the Bank, or branch or agency of the Bank, or upon some table, or shelf, or stand,

other accessible and convenient place therein, during all the hours of business on every day on which such Bank, or branch or agency of a Bank, is open for the transaction of banking business, and access and reference thereto, and perusal of the contents thereof, shall be freely allowed to every person applying for, or requiring the same, without fee or charge. 5

Noting to be
prima facie
evidence of
non-payment

6. Such noting for non-payment as aforesaid of any promissory note made payable as aforesaid shall be *prima facie* evidence of the non-payment of such promissory note, and shall have the same effect as to endorsers and all other parties to such promissory note 10 as a protest for non-payment of any other note in the same Province would have by the laws of that Province.

No fee for
noting.

7. No fee for such noting shall be charged to or payable by any party to any such promissory note.

Notice of
noting for
non-payment
to be given
to each en-
dorsor.

8. Notice of the noting for non-payment of a promissory note 15 under this Act shall be served upon, or sent or given to, every endorser thereof by the officer who noted the same, or by some other officer of the same Bank, or branch or agency of a bank, in the manner and within the time prescribed or allowed for such purposes respectively by the law of the Province in which the 20 note was made payable; and every such notice shall be in the form of Schedule B of this Act; and in case any such notice is deposited in a post office, it shall be registered; and the serving, sending or giving of such notice shall be proved in the same way as the serving, sending or giving of a notice of protest for non-payment 25 of any other note would be proved in the same Province, and with the same effect as to all parties to the note; and the fact of any Bank Officer noting a note for non-payment and giving notice thereof under this Act not being a Public Notary shall not make any difference as to the credit to be given to his signature. 30

SCHEDULE A.

REGISTER of Promissory Notes noted for non-payment.

Dates.	Names of Makers.	Names of Endorsers.	Amounts of Notes.		Dates of Maturity of Notes.	Dates of Notices to Endorsers.	Whether by Mail or otherwise, and how.	Expenses of Notices to Endorsers.	
			\$	cts.				\$	cts.

SCHEDULE B.

(Branch or Agency of the)
Bank (name of Bank)
(Place and date.)

To (Name of Endorser),
(Address of Endorser),

Sir (or Madam, or as the case may be),

The promissory note made by _____, dated at
the _____, for \$ _____, payable at this Bank or branch,

or agency (as the case may be) { days
months } after date to { you }
on { E. F. }

or order, and endorsed by you, was this day duly noted by me
for non-payment at this Bank (or branch, or agency, as the case
may be).

A. B.
(Title of Officer.)

2nd Session, 1st Parliament, 32 Victoria, 1869.

M

BILL.

An Act to facilitate, and render less ex-
pensive, the collection of promissory
notes in certain cases.

Received and read, first time, Wednesday, 12th
May, 1869.

Second reading, Monday, 17th May, 1869.

Hon. Mr. BUREAU.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to amend the Act of Canada 12 Vict. Cap. 114. "to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes."—

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

1. In case any vessel, or wreck, or other thing, sinks, or is lost in the River St. Lawrence, between the basin of Portneuf, inclusively, and 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 so as to obstruct the navigation of the said river, the master of such vessel or the owner or other person for the time being in charge of such wreck or other thing, shall within forty eight hours after the occurrence of such obstruction, if it takes place within the limits of the Harbor of Quebec, that is to say, between St. Patrick's Hole, inclusively, and the mouth of the Cap-Rouge River, inclusively, and as soon as possible after the expiration of forty-eight hours from such occurrence, if it takes place beyond such limits, unless such obstruction have been already removed, send or give to the Trinity House of Quebec a notice in writing, describing the nature, and time, and place of the occurrence, and the situation of such obstruction:—under a penalty of not less than *ten dollars* and not more than *forty dollars*.
2. Every such master or owner, or person in charge as aforesaid shall further, as soon as possible after, and at the latest within forty-eight hours after, the occurrence of such obstruction, unless the same have been sooner removed, place some proper and sufficient signal by day, and some sufficient light or lights by night to indicate the place or situation of such obstruction, and shall keep and maintain such signal by day, and light or lights by night continually displayed, to the satisfaction of the Trinity House of Quebec, until such obstruction is wholly removed.
3. Any such master or owner or other person as aforesaid, failing or neglecting to comply with all or any of the provisions of the next preceding section shall be liable to a penalty of not less than *five dollars*, nor more than *ten dollars* for every day or night during which such failure or neglect shall continue, over and above any sum which the Trinity House of Quebec may have expended, as it is hereby authorized to do, in causing such signal by day or light or lights by night, or both, to be placed as aforesaid and to be kept and maintained continually displayed as aforesaid, or only to be kept and maintained continually displayed as aforesaid, in consequence of the failure or neglect so to do of such master or owner or other person.
4. All suits for penalties incurred under this Act shall be brought before the Trinity House of Quebec; and to all such suits, and the costs thereof, and the penalties recovered therein the rules of law

Notice of any obstruction to the navigation of River St. Lawrence in Port of Quebec to be given to Trinity House of Quebec.

Penalty.

Situation of obstruction to be indicated, and how.

Penalty for failure to keep situation of obstruction properly indicated.

Suits for penalties to be brought before Trinity House.

with respect to all other suits for penalties before the said Trinity House, and the costs thereof, and the penalties recovered therein, shall apply.

Certain other suits, where to be brought **5.** Expenses incurred by the Trinity House of Quebec under the third section of this Act may be recovered by civil suit or action in any Court in Canada having jurisdiction in civil cases to the amount within the limits of whose jurisdiction the defendant is served with process. 5

Owner of thing causing obstruction may relinquish same to Trinity House **6.** Any owner of or other person having power to convey or dispose of any vessel, or wreck, or other thing forming such an obstruction as aforesaid, may at any time relieve and discharge himself of all further liability in respect of such obstruction by paying or securing to the Trinity House of Quebec, to its satisfaction, the sum (if any) it may have expended in respect thereof under the provisions of the third section of this Act, and by making and signing a relinquishment in writing of all his interest in such vessel, wreck or other thing to the said Trinity House of Quebec; provided the said Trinity House be willing to accept the same. 15

Relinquishment to be presumed after fifteen days of neglect to comply with section 2. **7.** After fifteen days have elapsed since the date of the occurrence of any such obstruction as aforesaid, without any compliance on the part of the master of the vessel or owner or other person for the time being in the charge of the wreck, or other thing causing such obstruction, with the requirements of the third section of this Act or since the date of his last compliance with such requirements, without such obstruction having been removed, and without such master or owner or other person having availed himself of the provisions of the next preceding section, the intention of the owner of such vessel, wreck or thing to relinquish all his interest therein to the Trinity House of Quebec shall be presumed. 20 25

Trinity House may take possession of obstruction and remove and dispose of the same. **8.** In any case under either of the two next preceding sections, the Trinity House of Quebec may if it sees fit, take possession of a vessel, wreck or other thing forming an obstruction to the navigation of the River St. Lawrence as aforesaid, and remove the same by any means in its power, and may dispose of the same in the same manner, and after the observance of the same formalities as are required by law in the case of things found in the River St. Lawrence within its jurisdiction, and not claimed, and may indemnify itself out of the proceeds of sale for all expenses incurred with respect to such vessel, wreck or other thing. 30 35

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N

BILL.

An Act to amend the Act of Canada, ¹²~~24~~
Vict. Cap 114, "to consolidate the laws
relative to the powers and duties of the
Trinity House of Quebec, and for other
purposes."

Received and read, first time, Thursday, 13th
May, 1869.

Second reading, Monday, 17th May, 1869.

Hon. Mr. MITCHELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

BILL.

An Act for the relief of George W. Jones.

WHEREAS George W. Jones, of the village of Port Perry, Preamble.
(formerly of the village of Prince Albert,) in the township of
Reach, in the County of Ontario, in the Province of Ontario, and
Dominion of Canada, Doctor of Medicine, hath, by his petition humbly
5 set forth, that on or about the thirtieth day of April, one thousand eight
hundred and sixty, he was married to Ann Catharine Martin; that they
lived and cohabited together as husband and wife until after the com-
mission of the adulteries therein set forth; that the said Ann Cath-
arine Martin, while resident with her said husband, did commit adul-
10 tery with one William Davis and other persons; that since the dis-
covery of the said adultery so committed the said George W.
Jones, has refused to cohabit with her, and has since lived apart from
her; Wherefore the said George W. Jones hath humbly prayed
that the said marriage might be dissolved so as to enable him to
15 marry again, and that such further relief might be afforded him as
might be deemed fit; 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:

20 **1.** The said marriage between the said George W. Jones and Ann Catharine Martin his wife, is and shall be henceforth null and void to
all intents and purposes whatsoever. Marriage annulled.

2. It shall and may be lawful for the said George W. Jones, G. W. Jones may marry again.
at any time hereafter to contract matrimony and to marry with any
25 other woman with whom he might lawfully marry in case the said
marriage had not been solemnized.

3. In case of the said George W. Jones, again contracting matrimony Issue of any such marriage to be legitimate.
with any person or persons with whom it would have been lawful for
him to contract matrimony, if they, the said George W. Jones, and Ann
30 Catharine Martin 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
35 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 what-
soever, if the marriage between the said George W. Jones and Ann
Catharine Martin had not taken place.



BILL.

An Act for the relief of George W. Jones;

Received and read first time, Friday, 14th May,
1869.

Second reading, Monday 31st May, 1869.

Hon. Mr. McCREA.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting Masters and Mates of ships, and the shipping of Seamen.

N.B.—The words and clauses printed between brackets, thus [] are proposed to be struck out at the third reading.

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

PRELIMINARY.

1. This Act may be cited for all purposes as "The Masters', Mates and Seamen's Act, 1869." Short title.

2. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say, Interpretation of terms.

"Ship" shall include every description of vessel used in navigation not propelled by oars:

10 "Canadian Foreign-going Ship" shall include every ship registered in Canada employed in trading or going between some place or places in Canada, and some place or places out of Canada:

"Canadian Home-trade Ship" shall include every ship registered in Canada, employed in trading or going from any place or places in Canada to any other place or places in Canada:

15 "Master" shall include every person (except a pilot) having command or charge of a ship;

"Seaman" shall include every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship:

20 "Consular Officer" shall include Consul General, Consul, and Vice Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice Consul:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations:

3. 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. Commencement of Act.

4. Upon, from and after the commencement of this Act, so much of the provisions 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," and of any Act of the said Parliament amending the same and forming and to be construed as part Repealing clause. Imp. Stat. 17 & 18, Vict. c. 104.

thereof, relating to ships registered in Canada, as is inconsistent with this Act shall be repealed; and the following Acts shall also be repealed, that is to say:

- Chapter forty-three of the Consolidated Statutes of Canada, "for more effectually preventing the desertion of seamen." 5
- Con. Stat. Chapter fifty-five of the Consolidated Statutes for Lower Canada,—
Can. Cap. 41. "respecting the shipping of seamen."
- Con. Stat. L. Chapter fifty-six of the Consolidated Statutes for Lower Canada,
Can. Cap. 55. "respecting the desertion of seamen."
- Con. Stat. L. Chapter fifty-seven of the Consolidated Statutes for Lower Canada, 10
Can. Cap. 56. "respecting the recovery of seamen's wages in certain cases;"
- Con. Stat. L. Chapter seventy-five of the Revised Statutes of Nova Scotia (third
Can. Cap. 57. series) "of shipping and seamen."
- R. S. N. S. Chapter eighty-six of the Revised Statutes of New Brunswick, "of
Cap. 75. regulations for seamen;" 15
- R. S. N. B. Chapter eighty-seven of the Revised Statutes of New Brunswick,
Cap. 86. "of Regulations for Shipping Seamen at the Port of Saint John," 15
- R. S. N. B. c. 37. The Act of the Legislature of the Province of New Brunswick,
Act of N. B. passed in the thirtieth year of Her Majesty's Reign, chapter twenty-
30 Vict. c. 21. one, "to amend chapter eighty-seven of the Revised Statutes of Regu- 20
"lations for Shipping Seamen at the Port of Saint John,"
- Proviso. But this repeal shall not effect the past operation of any of the said Acts, or the validity of any thing already done or any right, title, obligation or liability already accrued thereunder.
- Application of Act. 5. This Act shall not, except as hereinafter specially provided, apply 25 to ships belonging to her Majesty.

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

- Examinations For Masters and Mates. 6. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or who wish to procure certificates of competency hereinafter mentioned: and subject as herein mentioned, the Minister of Marine and Fisheries shall provide 30 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 remunerations of such examiners.]
- Powers of Governor in Council over examinations 7. The Minister of Marine and Fisheries may from time to time lay 35 down rules as to the conduct of such examinations and as to the qualification of the applicants; and such rules shall be subject to the approval of the Governor in Council and shall be strictly adhered to by all examiners; and no examiner shall be appointed unless he possesses satisfactory evidence of his qualifications, to be produced to the Gov- 40 ernor in Council.
- Fees to be paid by applicants for examination. 8. [All applicants for examination shall pay previous to examination to such persons as the Minister of Marine and Fisheries appoints for that purpose, the following mentioned fees, that is to say, for a certificate as master—*ten dollars*, for a certificate as mate—*five dollars*, and 45 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.]
- Certificates of competency to be given to those who pass. 9. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries may deliver to every applicant who is duly 50 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) to the effect that he is competent to act as master, or as first or second mate of a sea-going 55

ship in the foreign trade or as master or mate of a foreign-going ship trading in the inland waters of Canada, as the case may be; Provided that in every case in which the Minister of Marine and Fisheries has reason to believe such report to have been unduly made, he may 5 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.

10. Certificates of service, differing in form from certificates of competency, shall be granted as follows (that is to say):

Certificates of service to be given to certain Naval Officers, and to persons who served as Masters or Mates in what is now Canada before 1st July, 1867.

- 10 1. Every person who before the first day of July one thousand eight hundred and sixty seven, served as master in the merchant service, 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, 15 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*.]
- 20 2. Every person who before the first day of July, one thousand eight hundred and sixty seven, served as mate in the merchant service 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 second mate for sea-going ships [on payment of a fee of *four dollars*]
- 25 3. Every person who before the first day of July one thousand eight hundred and sixty seven, has served as master of a foreign-going ship, trading on the inland waters of 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 master for foreign-going ships, trading on the inland waters of Canada [on pay- 30 ment of a fee of *eight dollars*.]
4. Every person who before the first day of July one thousand eight hundred and sixt seven, has served as mate of a foreign-going ship, trading on the inland waters of Canada, and who has produced satisfactory evidence of his sobriety, experience, ability and general good con- 35 duct on board ship, shall be entitled to a certificate of service as mate for ships trading on the inland waters of Canada, [on payment of a fee of *four dollars*];

And each of such certificates of service shall contain particulars of the name, place and time of birth, and of the length and 40 nature of the previous service of the person to whom the same is delivered; and the Minister of Marine and Fisheries or his Deputy shall deliver such certificates 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 45 a full and satisfactory account of the particulars aforesaid;

11. No ship registered in Canada over one hundred and fifty tons register tonnage shall go to sea from any port or place in Canada, to any port or place out of Canada, unless the master and first mate thereof have obtained and possess valid certificates either of competency or 50 service appropriate to their several stations in such ship, or of a higher grade, either from the Minister of Marine and Fisheries or his Deputy, or from the Board of Trade in the United Kingdom; and no ship registered in Canada over one hundred and fifty tons register tonnage, trading on the inland waters of Canada, not being a ferry 55 boat making more than one trip *per diem*,—shall proceed on a voyage to any inland port in the United States of America, unless the master and first mate thereof have obtained and possess valid

Certain Ships not to go to sea or proceed on foreign voyages without certificates.

certificates, either of competency or service appropriate to their several stations in such ship or of a higher of grade either from the Minister of Marine and Fisheries or his Deputy or from the Board of Trade in the United Kingdom; and every person who having been engaged to serve as master or first mate of any such sea-going ship over one hundred and fifty tons register tonnage or as master or first mate of any such ship over one hundred and fifty tons register tonnage trading on the inland waters of Canada to inland ports in the United States of America, without being at the time entitled to and possessed of such a certificate as hereinbefore required, or who employs any person as master or first mate of any such sea-going ship as aforesaid or of any such ship trading on the inland waters of Canada as aforesaid, without first ascertaining that he at the time was entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding *one hundred dollars*.

Certain certificates of competency to be of higher grade than others.

12. Every certificate of competency for a foreign-going ship trading by sea to any port or place out of Canada shall be deemed to be of a higher grade than the corresponding certificate for a foreign-going ship, trading on the inland waters of Canada, and shall entitle the lawful holder thereof to go in the corresponding grade in such last mentioned ship: but no certificate for a foreign-going ship trading on the inland waters of Canada shall entitle the holder to go to sea as master or mate of a sea-going ship, trading to any port or place out of Canada.

Grants, cancellations, &c., of certificates to be recorded.

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 by such person in the Department of Marine and Fisheries as the Minister of Marine and Fisheries may appoint for that purpose; and whenever such person receives notice of the cancelling, suspending, altering or otherwise affecting by competent authority, any such certificate, he shall thereupon make 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, or by such person as aforesaid, 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.

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

14. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries or his Deputy 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.

Penalties for false representations; and for forging or altering, or fraudulently using or lending certificates.

15. 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 or any copy 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 mis-demeanor.

Minister of Marine and Fisheries may

16. 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 him in the following cases, (that is to say,) if upon any investigation duly authorized by the Minister of Marine and Fisheries, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or if 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 :

17. 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, 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.

cancel or suspend certificates in certain cases.
Penalty for not delivering up cancelled or suspended certificate. Re-grant of certificate.

SHIPPING OFFICES.

18. The Governor in Council may establish a shipping office at each Port, where a Custom House is situated, and may from time to time establish shipping offices in such other ports as he may consider necessary, [and may for the purposes of this Act; direct that the requisite premises shall be procured, subject to his approval.]

Governor may establish shipping offices.

19. The Governor in Council may, subject to the provisions of this Act, appoint superintendents of such offices, to be called Shipping Masters, who may appoint any necessary deputies, clerks and servants, and shall subject as hereinafter mentioned, have complete control over the same, and be responsible for every act done by such deputies, clerks or servants; and every act done by or before such deputies, clerks or servants, shall have the same effect as if done by or before such Shipping Master.

And may appoint Shipping Masters.

20. No person selling any spirituous liquors, and no tavern keeper or boarding house keeper shall be eligible to the situation of shipping master or deputy.

Certain persons ineligible.

21. The Governor in Council may direct that at any place in which no separate shipping office is established the whole or any part of the business of the shipping office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such business, such Custom House shall for all purposes be deemed to be a shipping office, and the chief officer of Customs there, if no other shipping master has been appointed, shall for all purposes be a shipping master and be held and deemed to have been appointed as such within the meaning of this Act.

Business of Shipping Office may be conducted at Custom Houses.

22. All shipping masters and all deputies, clerks and servants appointed as aforesaid shall before entering upon their duties, give such security (if any) for the due performance thereof as the Minister of Marine and Fisheries may require; and if in any case the Minister of Marine and Fisheries has reason to believe that any person appointed by any shipping master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of such person, and provide for the temporary performance of his duties until another person is properly appointed in his place, or during his suspension, as the case may be.

Shipping Masters, &c., to give security.

23. All shipping masters, deputies, clerks and servants, so appointed as aforesaid shall, before entering upon their duties, take and subscribe the following oath before any justice :

Shipping Masters, &c., to take oath.

"I, A. B. do swear that I will faithfully perform the office and duty of shipping master (or deputy shipping master or as the case may be) according to the true intent and meaning of the "Act respecting the masters and mates of ships, and the shipping of seamen" passed by the Parliament of Canada in the thirty-second year of Her Majesty's reign : [that I will not either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatsoever by reason of any function of my office as shipping master (or deputy shipping master or as the case may be) except such as are allowed to me under the said Act,] and that I will act without partiality, favour or affection, and to the best of my knowledge. So help me God." 5 10

General
Business of
Shipping
Masters.

24. It shall be the general business of shipping masters,

To afford facilities for engaging seamen by keeping Registries of the names of such seamen, who may apply to them for engagement; 15 and registries of all seamen shipped or discharged by them, which registries shall be open for public inspection;

To superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned;

To provide means for securing the presence on board at the proper 20 times of men who are so engaged, when requested so to do; the expense of such service to be defrayed by the master, owner or agent of the ship requiring the presence of men on board;

To facilitate the making of apprenticeships to the sea service;

To perform such other duties relating to merchant seamen and mer- 25 chant ships as are hereby or may hereafter under the powers herein contained be committed to them;

And all such businesses transacted at any shipping office in Canada shall be under the immediate supervision and control of the Minister of Marine and Fisheries, subject to the approval of the Gover- 30 nor in Council.

Penalty for
taking re-
wards for
procuring
seamen.

25. No person other than the shipping master or deputy as aforesaid, shall hire, engage, supply or provide a seaman to be entered on board any ship except as hereinafter provided; and if any person other than a shipping master exacts or receives from the master of any ship, any 35 sum of money as a reward for procuring a seaman to serve on board such ship such person shall, on conviction thereof, forfeit and pay a sum not exceeding *eighty dollars*, nor less than *twenty dollars*.

Persons hired
contrary to
this Act not
to be re-
ceived on
board of any
ship.

26. No owner, part owner, master or person in charge of any ship, or ship's husband or consignee shall knowingly receive or accept to be 40 entered on board such ship, or permit to remain on board the same, any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act, or who has been engaged or hired to be entered on board any other ship.

Penalty for
employing
others than
Shipping
Masters to
provide sea-
men.

27. No person shall employ any person other than such Shipping 45 Master or Deputy for the purpose of engaging or providing seamen to be entered on board a ship; and any person knowingly employing any other person for the purpose aforesaid, shall upon conviction thereof, forfeit and pay a sum not exceeding *forty dollars* for each offence.

Penalty for
offences
above de-
scribed.

28. Any person guilty of any of the offences above described shall 50 forfeit and pay for each and every seaman or apprentice hired, engaged, supplied or provided to be entered on board, or for every seaman or

apprentice knowingly received or accepted to be entered on board contrary to the provisions of this Act, a sum of money not exceeding *forty dollars* upon conviction thereof, for each offence, although several seamen be included in the same contract, or several seamen be received or 5 permitted to remain at the same time.

29. [The sum of *fifty cents* shall be payable upon each engagement of a seaman effected before a shipping master or deputy shipping master in Canada, as hereinafter mentioned; and the sum of *thirty cents* shall be payable upon each discharge of a seaman shipped in 10 Canada, effected before a shipping master or deputy shipping master in Canada, as herein after mentioned; and any shipping master or the deputy, clerk, servant or of any shipping master may refuse to proceed with any engagement or discharge, unless the fees payable thereon are first paid.]

15 30. [Every owner or master of a ship engaging or discharging any seamen or seaman in a shipping office or before a shipping master shall pay to the shipping master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engage- 20 ment or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain a sum not exceeding one half the amount so paid to the shipping master.]

25 31. [Any shipping master, or deputy shipping master or any clerk or servant in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence incur a penalty not exceeding *forty dollars*, and shall also be liable to be dismissed from his office by the Governor in Council.]

30 31a. [Every shipping master shall make and sign, and transmit to the Minister of Marine and Fisheries, on or as soon as possible after the last day of March, the last day of June, the last day of September, and the last day of December in each year, a return of all the fees received by him under this Act during the quarter ending on such 35 day.]

32. The Governor in Council may from time to time dispense with the transaction before a Shipping Master or in a shipping office of any matters required by this Act, to be so transacted: and thereupon such matters shall, if otherwise duly transacted, as required by law, be as 10 valid as if transacted before a Shipping Master or in a shipping office.

45 33. Every shipping master appointed under this Act shall give all the assistance in his power towards carrying into effect the objects of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the twenty-second and twenty-third years of Her Majesty's Reign, chapter forty, "*for the establishment of a Reserve Volunteer Force of Seamen and for the government of the same,*" in such manner as the Board of Trade, at the instance of the Lords Commissioners of the Admiralty, may direct; and every such shipping master shall for this purpose have the power to call for such answers or infor- 50 mations concerning reserve men from the masters of and other persons belonging to British merchant ships, as may be necessary or desirable in order to enable him to render such assistance as aforesaid, or to make any returns which the Board of Trade or the Lords commissioners of the Admiralty may require; and every master or other person

Fees to be paid on the engagement or discharge of Seamen.

Masters to pay fees, and to deduct part from wages.

Penalty for Shipping Masters, &c., receiving more than their lawful fees.

Shipping Masters to make quarterly returns of fees.

Dispensation with Shipping Master's Superintence.

Powers of Shipping Masters under Imp. Stat. 22 & 23 Vict. c. 40.

belonging to a British merchant ship who, when duly called on by the shipping master, omits or refuses to give any such answer or information as aforesaid, which it is in his power to give, shall be liable to a penalty not exceeding *twenty dollars*.

APPRENTICESHIPS.

Shipping Masters to assist in binding apprentices, and may receive fees.

34. Every shipping master appointed under this Act, shall, when applied to for the purpose, give to any person desirous of apprenticing a boy to the merchant service and to every master or owner of a ship requiring an apprentice, such assistance as is in his power for facilitating the making of such apprenticeship, [and may receive from any person availing himself of such assistance, such fees as may be determined in that behalf, by the Minister of Marine and Fisheries.]

Indentures to be recorded. Assignments, &c., thereof, and death, &c., of apprentices to be notified.

35. Every person to whom any boy is bound as an apprentice to the sea service in Canada shall within seven days after the execution of the indenture, take or transmit the same to the shipping master nearest the residence of the person to whom the boy is bound, and the said shipping master shall cause such indenture to be copied into a book to be kept in his office which shall be open to public inspection free of any charge and shall endorse on the indenture that it has been so recorded, and shall re-deliver the same to the master of the apprentice, [and the shipping master shall be entitled to charge and receive the sum of *one dollar* for recording the indenture as aforesaid]; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall within seven days after such assignment, cancellation, death or desertion, if the same happens within Canada, or if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same to the said shipping master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding *forty dollars*.

Apprentices and their indentures to be brought before Shipping Master before each voyage to sea.

36. The master of every Canadian foreign-going ship shall, before carrying any apprentice to sea from any place in Canada, cause such apprentice to appear before the shipping master before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any); and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof (if any), and the name of the port or ports at which the same have been registered, shall be entered on the agreement; and for any default in obeying the provisions of this section the master shall for each offence incur a penalty not exceeding *twenty dollars*.

ENGAGEMENT OF SEAMEN.

Agreements to be made with seamen in certain ships containing certain particulars.

37. The master of every Canadian Home-Trade ship except ships of less than eighty tons registered tonnage, shall enter into an agreement with every seaman whom he carries as one of his crew, from any port or place in Canada, to any other port or place in Canada, in the manner hereinafter mentioned; and every such agreement shall be in the form marked A., in the schedule hereto annexed, or as near thereto as circumstances permit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof (that is to say)

1. The nature, and as far as practicable, the duration of the intended voyage or engagement;

2. The number and description of the crew, specifying how many are engaged as sailors ;
3. The time at which each seaman is to be on board or to begin work ;
- 5 4. The capacity in which each seaman is to serve ;
5. The amount of wages which each seaman is to receive ;
6. A scale of the provisions which are to be furnished to each seaman ;
- 10 7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which the parties agree to adopt ;

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case as to advance and allotment of wages, and may contain any
 15 other stipulations which are not contrary to law, and such agreement must be made and signed either before a shipping master in the manner hereinafter directed with respect to foreign going ships or in the presence of a respectable witness who shall attest each signature
 20 on such agreement ; And any seaman who has signed such agreement may at the termination of the engagement if the master thinks fit be discharged before a shipping master in the manner herein directed with respect to foreign going ships, and at any period during such engagement and before its termination it shall be lawful for the master to discharge any such seaman on payment of his wages and with his
 25 consent provided such discharge is made in the presence of and with the sanction of a duly appointed shipping master.

38. The master of every Canadian Foreign-going ship shall enter into an agreement with every seaman whom he carries to sea, or
 on any voyage on any of the lakes or rivers bordering on Canada
 30 from any port or place in Canada, as one of his crew, and every such agreement shall be in the form marked A, in the schedule hereto or as near thereto as circumstances permit and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the particulars
 35 set forth in the preceding section as terms thereof:—and such agreement shall be signed by the master and each seaman in the presence of a duly appointed shipping master, and such shipping master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs
 40 it, and shall attest each signature. In the case of substitutes engaged in Canada in the place of seamen who have duly signed the agreement, and whose services are lost by death, desertion or other unforeseen cause previous to the vessel putting to sea, the engagement shall when practicable, be made before a shipping master appointed under this Act, and
 45 whenever such last mentioned engagement cannot be so made, the master shall before the ship puts to sea, if practicable and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen who have shipped as substitutes, and such seamen shall thereupon sign the same in the presence of a witness, who
 50 shall attest their signatures. A clause may be inserted in the agreement providing for the sale of the vessel during the voyage intended, and for the discharge of the crew in the event of such sale ; but such clause must state the amount of wages to be paid to the seaman upon such sale.

55 **39.** In the case of ships registered in Canada making short voyages to ports or places out of Canada averaging less than two months duration, running agreements with the crew may be made to extend over two or more voyages, or for a specified time so that no such agree-
 Foreign-going ships making short voyages may have running agreements.

ment shall extend beyond eight months from the date of such agreement or the first arrival of the ship at her port of destination in Canada after the termination of such agreement, or the discharge of cargo consequent upon such arrival:—and every person entering into such agreement, whether engaged upon the first commencement thereof or 5 otherwise in Canada, shall enter into and sign the same in the manner hereby required for other ships; trading to ports or places out of Canada and every person engaged thereunder, if discharged in Canada, shall be discharged in the manner hereby required for the discharge of seamen belonging to other ships trading to ports or places out of 10 Canada.

Penalty for carrying seamen to sea, &c., without agreement.

40. If in any case the master of a ship or vessel registered in Canada, except vessels under eighty tons register exclusively employed in trading between different ports on the coast of Canada, carries any seaman to sea, or on any voyage on the lakes or rivers bordering on Canada, apprentices excepted, without entering into any agreement with him in the form and manner and at the place and time in such case required, the master shall for each such offence incur a penalty not exceeding *twenty dollars*.

Advance notes not to be given until after the articles are signed.

41. The owner, part owner, master or person in charge of any merchant 20 ship or ship's husband, shall not pay in advance, nor give any note or acceptance in writing or otherwise in the nature of, and purporting to be an advance note for any part of the wages of any seaman hired, engaged, supplied or provided to be entered on board the said ship, until after the ship's articles have been duly signed by the said sea- 25 man, and by the master or owner of the said vessel, and then only to the seaman himself; but any such note or acceptance may be made payable to the order of such seaman; and no such note or acceptance shall be made, or be payable at any time sooner than five days after the final sailing of the vessel with such seamen on board. And all 30 payments of wages contrary hereto shall be null and void, and the amount thereof shall be recoverable by the seaman as if they had not been paid or advanced.

Changes in crew to be reported.

42. The master of every ship trading to ports or places out of Canada, of which the crew has been engaged before a shipping master in Can- 35 ada shall before finally leaving Canada sign and send to the shipping master before whom the crew were engaged a full and accurate statement of every change which takes place in his crew before finally leaving Canada, and in default shall for each offence incur a penalty not exceeding *twenty dollars*; and such statement shall be admitted 40 as evidence, subject to all just exceptions.

Certain ships not to be cleared until certificates of masters and mates are produced, &c.

43. The master of every Canadian foreign-going ship over one hundred and fifty tons register, registered in Canada, shall, on signing the agreement with his crew, produce to the shipping master before whom the same is signed, the certificates of competency or 45 service which the said master and his first mate are hereby required to possess; and if such shipping master be the chief officer of customs at the port, he shall not clear any such ship without such certificates being first produced to him, nor until all the requirements of this Act have been complied with, to his satisfaction; and if any master of such 50 ship attempts to go from such port until all the requirements of this Act have been complied with, he shall for every such offence incur a penalty not exceeding *two hundred dollars*; and if such shipping master be not the chief officer of customs at the port, then on the production of the said certificate and on all the other requirements of this Act being complied 55 with, to the satisfaction of the shipping master, such shipping master

shall give the master of the ship a certificate to that effect or to the effect that the agreement is in his office partially signed waiting an engagement of a portion of the crew, as the case may be; and no officer of customs shall clear any such ship without such production; and if any such ship attempts to go to sea without such certificate from the shipping master, the master of such ship shall incur a penalty not exceeding *two hundred dollars*; and at any port at which the chief officer of customs acts as shipping master, such officer of customs shall not clear any such ship outwards until all the requirements of this Act have been complied with to his satisfaction.

Alterations in articles to be void unless attested to have been made with the consent of all parties.

10 **44.** Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Act, (except additions so made as herein-before directed for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation, (if made in Her Majesty's Dominions) of some shipping master, Justice, Officer of Customs, or other Public Functionary, or, (if made out of Her Majesty's Dominions) of a British Consular officer, or where there is no such officer, of two respectable British merchants.

Falsifying ship's articles to be a misdemeanor.

15 **45.** Every person who in Canada fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement under this Act, for each such offence be deemed guilty of a misdemeanor.

Seaman not to be bound to produce agreement.

20 **46.** Any seaman may bring forward evidence to prove the contents of any agreement under this Act, or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Seamen discharged before voyage to have compensation.

25 **47.** Any seaman who has signed an agreement under this Act, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Rules as to allotment notes.

ALLOTMENT OF WAGES.

30 **48.** All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made; and allotment notes may be in the form marked B., in the schedule hereto.

Allotment notes may be sued on summarily by certain persons and under certain conditions.

35 **49.** The wife, or the father or mother, or the grandfather, or grandmother or any child or grandchild, or any brother or sister of any seaman in whose favour an allotment note of part of the wages of such seaman is made, may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject as to the wife, to the provisions

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hereinafter contained, sue for and recover the sums allotted by the note when and as the same are made payable, with costs from the owner or any agent who has authorized the drawing of the note either in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding two hundred dollars, or in any Court in 5 Canada having jurisdiction to the amount within the limits of whose jurisdiction such owner or agent has been served with process, or the agreement and allotment note or either of them were or was made, such owner or agent having been duly served with process in any place in Canada within or without such limits; and in any such pro- 10 ceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court, either by the official statement 15 of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the Log Book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court 20 in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid: Provided that the wife of any seaman who deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall thereupon forfeit all right to further 25 payments of any allotment of his wages which has been made in her favour, and any master making a wilfully false statement in any such letter shall incur a penalty of *one hundred dollars*.

DISCHARGE AND PAYMENT OF WAGES.

- Discharges to be made before Shipping Masters.** 50. All seamen discharged in Canada from ships registered in Canada and not herein after exempted from the operation of the twenty-fifth section of this Act, shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases when some competent court otherwise directs, and any master or owner or consignee of any ship who discharges any seaman belonging thereto, or, except as aforesaid, pays his wages within Canada in any 35 other manner, shall incur a penalty not exceeding *forty dollars*; and in the case of ships exempted as aforesaid, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.
- Master to deliver account of wages.** 51. Every master shall before paying off or discharging any seaman 40 in Canada from a ship registered in Canada, deliver to him or, if he is to be discharged before a Shipping Master, to such Shipping Master a full and true account of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding *twenty dollars*, and such account 45 may be in the form marked C in the Schedule hereto.
- On discharge Masters to give Seamen certificates of discharge.** 52. Upon the discharge in Canada of any seaman belonging to a ship registered in Canada or upon payment of his wages, the master shall sign and give him a certificate of his discharge in the form marked D in the Schedule hereto, specifying the period of his service and 50 the time and place of his discharge, and shall make and sign thereon a report of the conduct, character and qualifications of the person discharged during the period he has been in his employment; or he may state that he declines to give any opinion upon such particulars or upon any of them; and if any master fails to sign and 55 give to any such seaman requiring the same, such certificate of dis-

charge and report or statement as aforesaid, he shall for each such offence incur a penalty not exceeding *forty dollars*.

53. Every shipping master in Canada may hear and decide any question whatever between a master or owner of a ship registered in Canada, and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court of Justice in Canada, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be *prima facie* evidence thereof, [and such shipping master or chief officer of customs may charge a fee as remuneration therefor not exceeding *four dollars*.]

Shipping Master may decide questions which parties refer to him.

54. In any proceeding relating to the wages, claims, or discharge of any seaman belonging to any ship registered in Canada, carried on board any shipping master under the provisions of this Act, such shipping master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers, or other documents in their respective possession, or power relating to any matter in question in such proceeding, and may call before him and examine on oath on any such matter; any of such persons, being then at or near the place, and every owner, agent, master, mate, or other member of the crew, who when called upon by the shipping master does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding *twenty dollars*.

Masters and others to produce Ship's papers to Shipping Masters and give evidence

LEGAL RIGHTS TO WAGES.

55. In the case of ships registered in Canada, the right to wages and provisions of a seaman engaged in Canada shall be taken to commence either at the time at which he commences work, or at the time specified for his commencement of work, or presence on board whichever first happens.

Right to wages, and provisions when to begin.

56. No seaman engaged under this Act for any ship registered in Canada, shall by any agreement made in Canada forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement made in Canada inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative; but this shall not apply to the case of any stipulation made by the seamen belonging to any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services, to be rendered by such ship, to any other ship or ships.

Seamen not to give up certain rights.

Proviso.

57. No right to wages of any seaman or apprentice on board of any ship registered in Canada shall be dependent on the earning of freight; and every such seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Wages not to depend on the earning of freight.

How wages to be paid in case of death. **58.** If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

Right to wages in case of termination of service by wreck or illness. **59.** In cases where the service of any seaman belonging to any ship registered in Canada, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad, under a certificate of his unfitness or inability to proceed on the voyage granted as herein mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment. **60.** No seaman or apprentice belonging to any ship registered in Canada, shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Nor during illness caused by wilful act or default. **61.** Where a seaman belonging to any ship registered in Canada, is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Period within which wages are to be paid. **62.** The master or owner of every ship registered in Canada shall pay every seaman belonging to such ship, his wages if demanded within three days after the delivery of the cargo, or five days after the seaman's discharge, whichever first happens; but this provision shall not apply to cases where the seaman by the agreement is paid by a share of the profits of the adventure.

MODE OF RECOVERING WAGES.

Seamen may sue for wages in a summary manner. **63.** Any seaman or apprentice belonging to any ship registered in Canada, or any person duly authorized on his behalf, may sue in a summary manner before any Judge of the sessions of or the Peace, any Judge of a County Court, stipendiary magistrate, Police Magistrate, or any two Justices of the Peace acting in or near the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding two hundred dollars over and above the costs of any proceeding for the recovery thereof, as soon as the same becomes payable; and any order made by such Judge of the Sessions of the Peace, Judge of a County Court, Stipendiary Magistrate, Police Magistrate or Justices shall be final.

Judges may make order for payment of wages **64.** Upon appearance of such master or owner, or, in default thereof, on due proof of his having been so summoned, such Judge, Magistrate or Justices may examine upon the oath of the respective witnesses of the parties (if there be any,) or upon the oath of either of the parties, in case one of the parties should require such oath from the other, before such Judge, Magistrate or Justices, touching the complaint and amount of wages due, and may make such order for the payment thereof, as to such Justices appears reasonable and just.

- 65.** If such order is not obeyed within twenty-four hours next after the making thereof, such Judge, Magistrate or Justices may issue a warrant to levy the amount of the wages awarded to be due, by the distress and sale of the goods and chattels of the party on whom such order is made, rendering to such party the over-surplus (if any remains) of the produce of the sale, after deducting therefrom all the charges and expenses incurred by the seaman or apprentice in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the order. Warrant of distress may be issued.
- 66.** And in case sufficient distress cannot be found, such Judge, Magistrate or justices may cause the amount of such wages and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such ship is not within the jurisdiction of such justices, then they may cause the party upon whom the order for payment is made, to be apprehended and committed to the common gaol of the locality, or if there be no gaol there, then to that which is nearest to the locality, for a time not less than one, nor more than three months, under each such condemnation. If sufficient distress cannot be found wages and expenses may be levied on ship, or party may be committed.
- 67.** No suit or proceeding for the recovery of wages under the sum of two hundred dollars shall be instituted by or on behalf of any seaman or apprentice belonging to any ship registered in Canada in any Court of Vice Admiralty, or in any Superior Court of Record in Canada, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid, or unless any Justices acting under the authority of this Act, refer the case to be adjudged by such Court, or unless neither the owner nor master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore. Restrictions on suits for wages in Superior Courts.
- 68.** If any suit for the recovery of a seaman's wages is instituted against any such ship or the master or owner thereof, in any Court of Vice Admiralty, or in any Court of Record in Canada, and it appears to the Court, in the course of such suit, that the plaintiff might have had as effectual a remedy for the recovery of his wages, by complaint to a Judge of the Sessions of the Peace, Judge of a County Court, Stipendiary Magistrate, Police Magistrate or two justices of the peace under this Act, then the Judge shall certify to that effect, and thereupon no costs shall be awarded to the plaintiff. If suit brought unnecessarily before Superior Court, no costs to Plaintiff.
- 69.** No seaman belonging to any ship registered in Canada who is engaged for a voyage or engagement which is to terminate in Canada, shall be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as herein required, and with the written consent of the master, or proves such ill-usage on the part of the master or by his authority, as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to Canada proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding eighty dollars as the court hearing the case thinks reasonable. No seaman to sue for wages abroad except in cases of discharge or danger to life.
- 70.** Every master of a ship registered in Canada, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if in any Master to have same remedies for wages as seamen.

proceeding in any Court of Vice Admiralty, or Court possessing Admiralty jurisdiction in Canada touching the claim of a master to wages any right of set-off or counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due. 5

WAGES AND EFFECTS OF DECEASED SEAMEN.

Master to take charge of, and may sell, effects of deceased seamen, and enter the same and wages due in the log book. 71. Whenever any seaman or apprentice belonging to, or sent home in any ship registered in Canada, employed on a voyage which is to terminate in Canada, dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall if he considers necessary to prevent contagion or disease dispose of the clothes in such way as he thinks fit—and shall thereupon sign an entry in the log-book containing the following particulars, (that is to say;) 10

1. A statement of the amount of money and a description of the effects so left by the deceased, and if any effects were disposed of to prevent contagion or disease a statement of such effects and the mode of disposing of them—and the sum received for each; 15

2. A statement of the sum due to the deceased as wages, and of the total amount of the deductions (if any) to be made therefrom; 20

Master to give account to Shipping Master, who shall furnish copy to Minister of Marine and Fisheries.

And shall cause such entry to be attested by a mate and by one of the crew; and on arrival at any port in Canada at which there is a shipping master, the master shall within three days after his arrival, deliver to such shipping master a full and true account of such effects, money and wages with an account of any deductions made therefrom, and no deductions claimed in such account shall be allowed unless verified by an entry in the log book, and also by such other vouchers (if any) as may be reasonably required by the shipping master to whom the account is rendered; and such shipping master shall furnish the Minister of Marine and Fisheries with a copy of such account within six days after receiving the same and shall, subject to his directions, deliver such wages, effects and money to the legal representative or representatives of the deceased seaman or apprentice; or if no such representative can be found, then such shipping master shall dispose of such effects, money and wages in such manner as the Minister of Marine and Fisheries shall direct. 25 30 35

Penalties for not taking charge of remitting or accounting for money and effects.

72 If any master fails to take such charge of the money or other effects of any such seaman or apprentice dying during a voyage, or to make such entries thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages or effects of any such seaman or apprentice dying during a voyage, or to give such account in respect thereof as herein-before respectively directed, he shall be accountable to the legal representatives of such seaman or apprentice for the money, wages and effects of such seaman or apprentice and shall pay and deliver the same accordingly; and such master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding *two hundred dollars*; and if any such money, wages or effects are not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same; and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account 45 50

for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is herein-before mentioned as incurred by the master for the like offence; and all money, wages, and effects of any such seaman or apprentice dying during a voyage shall be recoverable in the same Courts and by the same modes of proceeding by which seamen are by this Act enabled to recover wages due to them; and any shipping master who fails to report the receipt of such accounts, wages, money and effects to the Minister of Marine and Fisheries, or who fails to deliver or pay over such wages, money and effects as directed shall be liable to be dismissed from his office.

73. Whenever any such seaman or apprentice dies in Canada, and is at the time of his death entitled to claim from the master or owner of any ship registered in Canada in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was discharged or to have been discharged, or to the Minister of Marine and Fisheries, or as he directs.

Wages and effects of seamen dying in Canada to whom to be paid and delivered.

74. In cases of wages or effects of deceased seamen or apprentices who belonged at the time of their death, to ships registered in Canada, received by any shipping master on behalf of the government of Canada, to which no claim is substantiated within six years after the receipt thereof by such shipping master on behalf of the government of Canada, it shall be in the absolute discretion of the Governor in Council, if any subsequent claim is made, either to allow or to refuse the same; [and, subject to the provisions hereinafter contained, the Governor in Council may from time to time, order and direct that any monies arising from the unclaimed wages and effects of deceased seamen or apprentices, which in the opinion of the Governor in Council, it is not necessary to retain for the purpose of satisfying claims, shall be paid to the Receiver General, to form part of the consolidated revenue of Canada; and such monies shall be applied as the Governor in Council shall direct.]

Mode of dealing with unclaimed wages of deceased seamen.

LEAVING SEAMEN ABROAD.

75. Whenever any ship registered in Canada is transferred or disposed of at any place out of Her Majesty's Dominion, and any seaman or apprentice belonging thereto does not in the presence of some British Consular Officer, or if there is no such Consular Officer there, in the presence of one or more respectable British merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if continued, and whenever the service of any seaman or apprentice belonging to any ship registered in Canada, terminates at any place out of Her Majesty's Dominion, the master shall give to each such seaman or apprentice a certificate of discharge, and in the case of any certificated mate whose certificate he has retained, shall return such certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled and either provide him with adequate employment on board some other British ship bound to the port in Canada or any other port in Her Majesty's Dominion, at which he was originally shipped, or to such other port as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such Consular Officer or such merchant or merchants as aforesaid, such a sum of money as is by such officer or merchants deemed sufficient to defray the expenses of his subsistence and passage home; and if the master refuses or neglects to comply with the requirements of this section, then such expenses as last aforesaid, if defrayed by such Consular Officer or any other person,

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at the expense of the owner.

and the particulars of such payment provision or deposit indorsed by him or them upon the agreement of the ship which the seaman or apprentice is leaving, shall, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the Consular Officer or other person defraying such expenses, or, in case the same has been allowed to the Consular Officer out of the Public monies, as a debt due to Her Majesty, either by ordinary process of Law or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice shall be recoverable as wages due to him. 5 10

Forcing seamen on shore a misdemeanor. 76. If the master or any other person belonging to any ship registered in Canada, wrongfully forces on shore and leaves behind, or otherwise willfully and wrongfully leaves behind in any place, on shore or at sea, in or out of Her Majesty's Dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged, or the return of the ship to Canada, he shall for each such offence be deemed guilty of a misdemeanor. 15 20

No seamen to be discharged or left abroad without the Certificate of some functionary. 77. If the master of any ship registered in Canada, does any of the following things (that is to say), 25

- (1.) Discharges any seaman or apprentice in any place situate in the United Kingdom or in any British Possession other than Canada, without previously obtaining the sanction in writing indorsed on the agreement of some public shipping master or other officer duly appointed by the Local Government in that behalf, or (in the absence of any such functionary) of the chief officer of customs, resident at or near the place when the discharge takes. 30
- (2.) Discharges any seaman or apprentice at any place out of Her Majesty's Dominions without previously obtaining the sanction so indorsed as aforesaid, of the British Consular officer there or (in his absence) of two respectable merchants resident there,
- (3.) Leaves behind any seaman or apprentice at any place situate in any British Possession other than Canada, on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid, from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance. 35 40
- (4.) Leaves behind any seaman or apprentice at any place out of Her Majesty's Dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate, indorsed in manner and to the effect last aforesaid, of the British Consular officer there, or (in his absence) of two respectable merchants, if there is any such at or near the place where the ship then is: 45

He shall for each such default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon the Master. 78. Upon the trial of any information, indictment, or other proceeding against any person for discharging or leaving behind any seaman or apprentice, contrary to the provisions of *The Merchant Shipping Act, 1854*, and any Act amending the same, and of this Act, it shall be upon such person either to produce the sanction or certificate thereby required, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate. 50 55

79. Every master of a ship registered in Canada, who leaves any seaman or apprentice on shore at any place out of Canada, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice, (such account when delivered to a Consular Officer to be in duplicate,) and shall pay the same either in money or by a bill drawn upon the owner, and by money whenever it is practicable, so to do, and not by bill; and in cases where payment is made by bill, drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section and to be endorsed as therein required, if produced out of the custody of the Minister of Marine and Fisheries or of any shipping master shall be received in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section and to be signed by one of the functionaries herein mentioned shall also be received in evidence and shall be deemed to be *prima facie* evidence of the facts stated in such endorsement; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill as herein-before required, shall for every such offence or default be liable, in addition to the payment of the wages, to a penalty not exceeding *forty dollars*; and every such master who delivers a false account of such wages shall for every such offence, in addition to the payment of wages, incur a penalty not exceeding *eighty dollars*.

Wages to be paid when seamen are left behind on ground of inability.

80. [The Governor in Council may pay any reasonable expenses incurred by the Board of Trade of the United Kingdom or by any officers of Her Majesty in any British Possession other than Canada, or in any foreign country on account of subsistence or transport back to Canada of any seamen or apprentices who are natives of and residents in Canada, and who have been found in distress, either on account of shipwreck or otherwise, in any place out of Canada, out of any monies applicable to the relief of distressed seamen and granted by Parliament for the purpose, on the production of the Bills of the Disbursements, with the proper vouchers and such other evidence as the Governor in Council may require.]

Governor in Council may pay expenses of relief of Canadian seamen found abroad in distress.

81. If any seaman or apprentice belonging to any ship registered in Canada, is discharged or left behind at any place out of Canada, without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed and is relieved under the provisions of this Act, all expenses incurred for his subsistence, necessary clothes, conveyance back to Canada, and burial, in case he should die abroad before reaching Canada, shall be a charge upon the ship to which he belonged as aforesaid; and the Minister of Marine and Fisheries may in the name of Her Majesty (besides suing for any penalties which may have been incurred) sue for and recover the said wages and expenses with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being; and such sums shall be recoverable either in the same manner as other debts due to Her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose production of the account (if any), to be furnished as herein-before provided

Power to one for the amount advanced for the relief of seamen left abroad.

in such cases, together with proof of payment by the Board of Trade in the United Kingdom, or by the Government of Canada, of the charges incurred on account of any such seaman, apprentice or other person, shall be sufficient evidence that he was relieved, conveyed home or buried (as the case may be) at the expense of the British Government or of the Government of Canada. 5

PROVISIONS, HEALTH AND ACCOMMODATION.

Survey of provisions and water on complaint made.

82. Any three or more of the crew of any ship registered in Canada, may complain to any officer in command of any of Her Majesty's ships or any shipping master in Canada, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; 15 and if such master does not thereupon provide other provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid, to be of a bad quality and unfit for 20 use, he shall in every such case incur a penalty not exceeding *eighty dollars*; and upon every such examination as aforesaid; the officer making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof, to the Minister of Marine and Fisheries; and such report, if produced 25 out of the custody of the Minister of Marine and Fisheries or any officer of the Government, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

83. If the officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages. 30

Allowance for short provisions.

84. In the following cases [that is to say,]

1. If during the voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore). ; 35 40

2. If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use; The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following 45 sums to be paid to him in addition to and to be recoverable as wages, (that is to say,)

1. If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding *eight cents* a day; 50

2. If his allowance is reduced by more than one third of such quantity, *sixteen cents* a day.

3. In respect of such bad quality as aforesaid, a sum not exceeding *twenty four cents* a day;

But if it is shown to the satisfaction of the Court before which 55

the case is tried, that any provisions, the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Court shall take such circumstances into consideration, and shall 5 modify or refuse compensation as the justice of the case may require.

85. Every master of a ship registered in Canada shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and 10 articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding *forty dollars*.

Masters to keep weights and measures on board.

86. The following rules shall be observed with respect to expenses 15 attendant on illness and death; (that is to say,)

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

1. If the master or any seaman or apprentice of any ship registered in Canada, receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in 20 Canada, if shipped in Canada, or if shipped in some other British Possession to some port in such possession, and of his conveyance to such port and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from 25 the wages of such master, seaman or apprentice.

2. If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of 30 providing the necessary advice with attendance and medicines, and of his subsistence whilst away from the ship shall be defrayed in like manner;

3. The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on 35 board his ship shall be defrayed in like manner.

4. In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly 40 proved, be deducted from the wages of such seaman or apprentice.

87. If any such expenses in respect of the illness, injury, or hurt of any seaman or apprentice belonging to any ship registered in Canada, as are to be borne by the owner, are paid by any Consular officer or other person on behalf of Her Majesty, or if any other expenses 45 in respect of the illness, injury, or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof with costs, shall be a charge upon 40 the ship, and be recoverable from the said master or from the owner of the ship for the time being, as a debt due to Her Majesty, and shall be recoverable by ordinary process of law, or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof, the production of a certificate of the facts, 45 signed by such officer or other person, together with such vouchers (if any), as the case requires, shall be sufficient proof that the said expenses were duly paid by such Consular officer or other person as aforesaid.

Expenses if paid by Consul to be recoverable from owner.

Place appropriated to Seamen to have a certain space for each man, and to be properly constructed and kept clear.

88. The following rules shall be observed with respect to accommodation for seamen and apprentices on board ships registered in Canada, over two hundred tons register, trading to any port or ports out of Canada, except to inland ports of the United States; when such ships are within the jurisdiction of the Government of Canada, (that is to say.) 5

1. Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place; 10

2. Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far practicable properly shut off and protected from effluvia which may be caused by cargo or bilge water; 15

3. No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is, or are in the ship, one or more properly constructed privy or privies for the use of the crew, such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned; 20

4. Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Governor under the third section of *The Colonial Shipping Act 1868*,— who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and thereupon such space shall be deducted from the register of tonnage; 25 30

5. No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "certified to accommodate seamen"; 35

6. Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage;

7. Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Governor in Council may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Governor in Council, that the provisions of this Act in respect of such place are fully complied with; 40 45

8. If any such place in any such ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section forfeit and pay to each seaman lodged in such place the sum of *twenty-four cents* a day for each day after complaint made to him by any two or more of such seamen, during which any goods or stores, not being the personal property of the crew, are stored or kept therein; 50 55

9. If in any other respect, the provisions of this section are not observed with respect to any such place in any such ship the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section, incur a penalty not exceeding *eighty dollars*; 60

POWER OF MAKING COMPLAINTS.

89. If any seaman or apprentice whilst on board in Canada any ship registered in Canada, states to the master that he desires to make complaint to a Justice of the Peace, or Naval Officer in command of any of Her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Justice or any such officer as aforesaid, so soon as the service of the ship will permit and if the ship is not then at such a place, so soon after her first arrival at such a place in Canada, as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding *forty dollars*.

Seamen to be allowed to go ashore to make complaint to a Justice.

PROTECTION OF SEAMEN FROM IMPOSITION.

90. No wages due or accruing to any seaman or apprentice belonging to any ship registered in Canada shall be subject to attachment or arrestment from any Court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any attachment, incumbrance or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.
91. No debt exceeding in amount five shillings, incurred by any seaman belonging to any ship registered in Canada after he has engaged to serve, shall be recoverable until the service agreed for is concluded.
92. No debt exceeding the sum of five shillings, incurred by any seaman or apprentice, shall be recoverable in any court or pleadable by way of set-off by any keeper of a tavern, or house of public entertainment or lodging-house.
93. The wearing apparel of any seaman or apprentice shall not be kept by any keeper of a tavern, house of public entertainment or lodging-house, in pledge for any debt or expenses incurred to any greater amount than five shillings, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such Seaman or apprentice.
94. If any person demands and receives of and from any seaman or apprentice belonging to any ship registered in Canada, payment in respect of his board or lodging in the house of such person, for a longer period than such seaman or apprentice has actually resided and boarded therein, he shall incur a penalty not exceeding *forty dollars*.
95. If any person receives or takes into his possession, or under his control, any moneys, documents or effects of any seaman or apprentice belonging to any ship registered in Canada, and does not return the same, or pay the value thereof when required to do so by such seaman or apprentice after deducting therefrom what is justly due and owing in respect of the board and lodging of such seaman or apprentice, or absconds therewith, he shall forfeit and pay a sum not exceeding *forty dollars* (over and above the amount or value of such moneys, documents or effects, after such deductions as aforesaid) which sum shall be adjudged to be forthwith paid to such seaman under the conviction by the Justice or Justices before whom the offence shall be heard and determined.

Sale of and charge upon wages to be invalid.

No debt exceeding five shillings recoverable till end of voyage. No debt over five shillings recoverable by Tavern Keeper.

Wearing apparel &c., of seamen not liable for lodging, &c., beyond five shillings.

Penalty for over charging seamen for board or lodging.

Penalty for detaining seamen's effects.

Persons not to go on board before the actual arrival of ship without permission.

96. No person (other than any officer or person in Her Majesty's service or employment, harbour master, deputy harbour master, health officer, custom house officer, pilot, shipping master or deputy shipping master) shall go and be on board of any merchant ship arriving or about to arrive from sea at the place of her destination before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of such ship; and if any person (other than as aforesaid) goes on board any such ship before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of such ship he shall for every offence be subject to imprisonment, with or without hard labour, for a period not less than thirty days nor more than sixty days; and for the better securing the person of such offender, the master or person in charge of the ship may take any person so offending as aforesaid into custody, and deliver him up forthwith to any constable or peace officer, to be by him taken before a Justice or Justices of the Peace, Stipendiary Magistrate, Police Magistrate, or Judge of the Sessions of the Peace, to be dealt with according to the provisions of this Act.

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Penalty for loitering near ships in boats.

97. Any person found loitering near any ship in a boat or other water craft, and not giving a satisfactory account of his business there, shall incur a penalty not exceeding *twenty dollars* and not less than *eight dollars*, and shall be imprisoned during a period not exceeding three months nor less than one month.

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Boat may be detained until penalty paid: and sold to pay it.

98. Any Justice of the Peace, Stipendiary Magistrate, Police Magistrate or Judge of the Sessions of the Peace, may order any boat or other water craft in or on which any such person if so found loitering as mentioned in the next preceding section, shall be detained until full payment of the penalty which such person shall be condemned to pay; and in case such penalty be not paid before the expiration of the term of imprisonment to which such person has been condemned, the boat so detained shall be sold by public auction, and the proceeds of the sale thereof shall be appropriated to the payment of the penalty.

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Penalty for solicitations by Lodging House keeper.

99. If any person doth, on board any ship at any time after her arrival at any Port in Canada, solicit any seaman to become a lodger at the house of any person letting lodgings for hire, or takes from and out of such ship any chest, bedding or other effects of any seaman, without having the permission of the master or person in charge of such ship, he shall for every such offence be subject on conviction to imprisonment, with or without hard labour, for a period not less than thirty days nor more than sixty days.

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DISCIPLINE.

Misconduct endangering life or limb a misdemeanor.

100. Any master of or any seaman or apprentice belonging to any ship registered in Canada, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed in Canada guilty of a mis-demeanor.

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101. Any Court of Vice Admiralty or other Court having Admiralty Jurisdiction in Canada may, upon application by the owner of any ship registered in Canada being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner of such ship, and upon proof on oath to the satisfaction of such Court, that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner, or his agent, or the consignee of the ship, or if there is no owner, or agent of the owner, or consignee within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order, and may require such security in respect of costs in the matter, as such Court thinks fit.

Power of Courts of vice-Admiralty to remove master.

102. Any registrar of shipping or collector of customs at any port or place in Canada, shall have power to endorse a notice of the change of master on the certificate of registry of any ship registered in Canada, upon receiving a declaration according to the form in the schedule to this Act, (marked D) or as near thereto as circumstances permit, from the registered owner or owners, representing a majority of shares in such ship, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration. The said declaration shall be made and subscribed in the presence of the Registrar or Collector of Customs, if the declarant or declarants reside within five miles of the Custom House of the Port of Registry, but if beyond that distance, in the presence of any Registrar or Collector of Customs in Her Majesty's Dominions, or of any Justice of the Peace; and in addition to such declaration, the registrar of shipping or Collector of Customs at the port or place where the change is requested to be endorsed, may require to be produced a certified copy of the register, or such other evidence as he may deem necessary, as proof of the ownership of the ship.

Registrar of Shipping, or Collector of Customs may remove master on receiving declaration from owner.

103. Whenever any seaman who has been lawfully engaged or bound to any ship registered in Canada, and has duly signed an agreement as required by this Act, or any apprentice who has executed indentures to the sea service or inland water service in Canada, commits any of the following offences he shall be liable to be punished summarily as follows; (that is to say,)

Offences of seamen and apprentices and their punishment.

1. For desertion he shall be liable to imprisonment for any period not less than four weeks and not exceeding twelve weeks, with or without hard labour, 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 which he has then earned, and also, if such desertion takes place abroad, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to Canada, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

Desertion.

2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea, or on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reasons from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not less than four weeks and not exceeding ten weeks with or without hard labour, and also at the discretion of the Court, to forfeit out of his wages, a sum not exceeding the amount of two days pay, and in addition for every twenty-four hours

Neglecting or refusing to join, or to proceed to sea.

Absence within 24 hours before sailing.

Absence without leave.

- of absence, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute;
3. For quitting the ship without leave after her arrival in her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay; 5
4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not less than two weeks, and not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay; 10
5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit for every twenty-four hours continuance of such disobedience or neglect, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute; 15
6. For assaulting any master or mate, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with or without hard labour; 20
7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with or without hard labour; 25
8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with or without hard labour; 30
9. For any Act of smuggling of which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy. 35
- 104.** 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 the mate or one of the crew, and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at time in port, before her departure therefrom, either be furnished with a copy of such entry or 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, or 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 herein-before required shall, if practicable, be produced or proved, and in default of such production or proof the Court hearing the case may, at its discretion, refuse to receive evidence of the offence. 40 45 50
- 105.** Every seafaring person whom the master of any ship is, under the authority of any Act of the Parliament of the United Kingdom or of any Act of the Parliament of Canada, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall so long as he remains in such ship, be subject when in 55
- Quitting without leave before ship is secured. 5
- Act of wilful disobedience. 10
- Continued disobedience. 15
- Assault on officers. 20
- Combining to disobey. 25
- Wilful damage or embezzlement. 30
- Act of smuggling causing loss to owner. 35
- 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. 40 45 50
- Seamen whom masters of ships are compelled to convey and persons going in ships with. 55

Canada, to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement. out leave to be subject to penalties for breach of discipline.

- 5 **106.** Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses in Canada to proceed to sea in any ship registered in Canada in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or 10 consignee, may, in any place in Canada, with or without the assistance of the local Police officers or constables, who are hereby directed to give the same, if required, apprehend him without first procuring the warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the 15 purpose of conveying him before such Court, 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 Court at or near the place, at once convey him on board; and if any 20 such apprehension appears to the Court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding *eighty dollars*; but such penalty, if inflicted, shall be a bar to any action 25 for false imprisonment in respect of such apprehension.

Master or owner may apprehend deserters without warrant.

- 107.** Whenever any seaman or apprentice belonging to any ship registered in Canada, is brought before any Court in Canada on the ground of his having neglected or refused to join or proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise 30 absented himself therefrom without leave, such Court may, if the master or the owner or his agent 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 deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and 35 may in such case order any costs and expenses properly incurred by or on behalf of the master or owner 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.

- 40 **108.** If any seaman or apprentice is imprisoned in Canada on the ground of his having neglected or refused to join or to proceed to sea in any ship registered in 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 dis- 45 cipline, and if during such imprisonment, and before his engagements is at end, his services are required on board his ship, any Justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered 50 ed to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

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

- 109.** Whenever a question arises in Canada, whether the wages 55 of any seaman or apprentice belonging to any ship registered in Canada, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was

Facilities for proving desertion so far as concerns

forfeiture of wages. duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage, or engagement, and that an entry of the desertion has been duly made in the log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving his ship. 5

Cost of procuring imprisonment may, to the extent of \$12, be deducted from wages. 110. Whenever in any proceeding in Canada, relating to seamen's wages, it is shown that any seaman or apprentice belonging to any ship registered in Canada, has in the course of the voyage, been convicted of any offence, by any competent tribunal and rightfully punished therefor, by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding twelve dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. 15

Amount of forfeiture, how to be ascertained when seamen contract for the voyage. 111. Whenever any seaman belonging to any ship registered in Canada, contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share. 20 25

Application of forfeitures. 112. All clothes, effects, wages, and emoluments which under the provisions hereinbefore contained are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; [and subject to such reimbursement, the same shall be paid to the Receiver General, to form part of the consolidated Revenue of Canada, as the Minister of Marine and Fisheries may direct;] and in all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable. 30 35 40

Question of forfeiture may be decided in suits for wages. 113. Any question concerning the forfeiture of, or deductions from the wages of any seaman or apprentice belonging to any ship registered in Canada, may be determined in any proceeding in Canada lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. 45 50

Penalty for false statement as to name. 114. If any seaman on or before being engaged in Canada, in any ship registered in Canada, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding twenty dollars, and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any 55

previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

115. Whenever any seaman belonging to any ship registered in Canada, commits in Canada, an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the log book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions herein-before specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows; (that is to say,) if the offender is discharged in Canada, and the offence and such entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the shipping master before whom the offender is discharged, and in the case of a ship trading between ports and places in Canada, to the satisfaction of the shipping master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master; and if before the final discharge in Canada of the crew of any ship registered in Canada, any such offender as aforesaid has entered into any of Her Majesty's ships, or has been discharged abroad, and the offence and such entries as aforesaid, have been proved to the satisfaction of the officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he has been so discharged and the fine has thereupon been deducted as aforesaid, and an entry of such deduction has then been made in the log book (if any) and signed by such officer or other person, under the provisions of section two hundred and fifty six of *The Merchant Shipping Act 1854*, then on the return of the ship to Canada, the master or owner shall pay over such fine, in the case of a foreign-going ship, to the shipping master before whom the crew is discharged, and in the case of a ship trading between ports or places in Canada to the shipping master at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him. Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Fines to be deducted from wages, and paid to Shipping Master.

Proviso.

116. Every person who in Canada by any means whatever, persuades or attempts to persuade, any seaman or apprentice belonging to any ship registered in Canada, to neglect or refuse to join or to proceed to sea in, or to desert from his ship, or otherwise to absent himself from his duty, shall for the first offence in respect of each such seaman or apprentice, be liable to imprisonment, with or without hard labour, for a period not less than four weeks, and not exceeding eight weeks, and for the second, or any subsequent offence, for a period not less than eight weeks, and not exceeding sixteen weeks; and every person who wilfully harbors or secretes any such seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted, be liable to imprisonment, with or without hard labour, for a period not less than four weeks, and not exceeding eight weeks, and for a second or any subsequent offence, for a period not less than eight weeks, and not exceeding sixteen weeks.

Penalty for enticing to desert and harbouring deserters.

Penalty for obtaining passage surreptitiously. **117.** Any person who, in Canada, secretes himself, and goes to sea in any ship registered in Canada without the consent of either the owner, consignee, or master, or of a mate, or of any other person in charge of such ship or of any other person entitled to give such consent, shall incur a penalty not exceeding *eighty dollars*, or be liable to imprisonment with or without hard labour for any period not exceeding four weeks. 5

On change of Master, documents hereby required to be handed over to Successor. **118.** If during the progress of a voyage, the master of any ship registered in Canada is superseded in Canada, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof, which are in his custody, and shall in default incur a penalty not exceeding *four hundred dollars*; and such successor shall immediately on assuming the command of the ship, enter in the log book a list of the documents so delivered to him. 10
15

CRIMES COMMITTED ON THE HIGH SEAS OR ABROAD.

Inquiry into cause of death on board. **119.** Whenever any case of Death happens on board any ship registered in Canada trading to ports out of Canada, the shipping master shall on the arrival of such ship at the port in Canada where the crew is discharged, enquire into the cause of such death, and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Minister of Marine and Fisheries, or if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice. 20
25

LOG BOOKS.

Masters of Canadian foreign-going ships to keep log-books. **120.** The master of every ship registered in Canada trading to ports out of Canada, shall keep a log book; and every entry hereinafter directed to be made in such log book, shall be made as soon as possible after the occurrence to which it relates, and if not made on the same date as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it, and in no case shall any such entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in Canada, be made more than twenty-four hours after such arrival. 30

Entries to be made in log-books. **121.** And the master of such ship whether he does or does not make in such log book the entries usually made in ship's log books, shall make or cause to be made therein, entries of the following matters; (that is to say.) 35

- Convictions.** 1. Every legal conviction of any member of his crew, and the punishment inflicted; 40
- Offences.** 2. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge as hereinafter required; 45
- Punishments.** 3. Every offence for which punishment is inflicted on board, and the punishment inflicted;
- Conduct &c. of crew** 4. A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars; 50
- Illness and injuries.** 5. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any);

6. Every case of death happening on board and of the cause thereof; Deaths.
7. Every birth happening on board, with the sex of the infant, and Births.
the names of the parents;
8. Every marriage taking place on board, with the names and ages Marriages.
5 of the parties;
9. The name of every seaman or apprentice who ceases to be a mem- Quitting ship.
ber of the crew, otherwise than by death, with the place, time, manner
and cause thereof;
10. The amount of wages due to any seaman who enters Her Maj- Wages of men
esty's Service during the voyage; Navy. entering
11. The wages due to any seaman or apprentice who dies during the Wages of de-
voyage, and the gross amount of all deductions to be made there- ceased men's
from; Seamen.
12. The sale of the effects of any seaman or apprentice who dies Sale of de-
15 during the voyage, including a statement of each article sold, and of ceased men's
the sum received for it; effects.
13. Every collision with any other ship, and the circumstances un- Collisions.
der which the same occurred;

122. The entries hereby required to be made in log books shall be Entries, how
20 signed as follows; that is to say, every such entry shall be signed by to be signed.
the master and by the mate or some other of the crew, and every entry
of illness, injury, or death shall be also signed, by the surgeon or medi-
cal practitioner on board (if any); and every entry of wages due to or
25 signed by the master and by the mate and some other member of the
crew: and every entry of wages due to any seaman who enters Her
Majesty's service shall be signed by the master, and by the seaman or
by the officer authorized to receive the seaman into such service.

123. The following offences in respect of log books, shall be punish- Penalties in
30 able as hereinafter mentioned (that is to say): respect of
log-books.

1. If in any case a log book is not kept in the manner hereby required,
or if any entry hereby directed to be made in such log book is not made
at the time and in the manner hereby directed, the master shall for
each such offence incur the specific penalty herein mentioned in respect
35 thereof, or where there is no such specific penalty, a penalty not exceed-
ing *twenty dollars*;

2. Every person who makes or procures to be made or assists in
making any entry in any log book in respect of any occurrence happen-
ing previously to the arrival of the ship at her final port of discharge
40 in Canada, more than twenty four hours after such arrival, shall for
each such offence incur a penalty not exceeding *one hundred dollars*;

3. Every person who wilfully destroys or mutilates or renders ille-
gible any entry or omission in any such log book, shall for such offence
be deemed in Canada guilty of a misdemeanor.

124. All entries made in any log book as herein-before directed shall Entries in
45 be received in evidence in any proceeding in any Court of Justice in log-books to
Canada, subject to all just exceptions. be received in
evidence.

LEGAL PROCEDURE.

125. The time for instituting summary proceedings under this Act Limitation of
shall be limited as follows (that is to say): time in sum-
mary pro-
ceedings.

50 No conviction for any offence shall be made in any summary pro-
ceeding under this Act, unless such proceedings is commenced within
six months after the commission of the offence; or if both or either of the
parties to such proceeding happen during such time to be out of Canada,

unless the same is commenced within two months after they both first happen to arrive or to be at one time within Canada.

No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause of complaint arises; or if both or either of the parties happen during such time to be out of Canada, unless the same is commenced within six months after they both first happen to arrive or to be at one time within Canada. 5

recovery of penalties:

126. All penalties imposed by this Act may be recovered with costs, before any Justice of the Peace, upon the oath of any one credible witness other than the informer, [and shall be paid over, one moiety to the Receiver General to form part of the Consolidated Revenue Fund of Canada and the other half to the informer] and in case of non-payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such Justices of the Peace, directed to a constable or other peace officer, and the overplus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant under the hands and seals of such Justices, to the common gaol of the locality, or if there be no common gaol there, then to that common gaol which is nearest to that locality, for any time not exceeding six months; and such Justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereby the penalty is incurred. 10 15 20 25

Evidence of seaman concerned to be received.

127. In all cases of complaints made by or on the behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter, but such seaman shall not in any such case where he has been so examined, receive any part of any penalty to be imposed, but only such sum as the magistrate before whom the case is heard shall adjudge him to receive for any moneys or effects which appear to have been deposited by him with any such person as aforesaid. 30

Conviction not to be quashed for want of form or removed by *certiorari*, &c.

128. No conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. 35

Justices may grant warrant to search for seamen unlawfully harbored or secreted.

129. Any one of Her Majesty's Justices of the Peace, at any port or place in Canada, on complaint before him by the oath of one or more credible witness or witnesses, that any seaman or apprentice, in the sea-service is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant, under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in and about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such seaman or apprentice, found concealed, whether named in the warrant or not: 40 45 50

Justice may grant a search warrant for apprehending deserters supposed to be concealed in taverns or

130. Any one of Her Majesty's Justices of the Peace, at any port or place in Canada, on information before him, under oath, that any seaman or other person has deserted, or is suspected of having deserted from any of Her Majesty's ships, or from any ship in the merchant service, and is or are lodged or harbored in any tavern or other house of public entertainment, or in any house of ill-fame, or in any other house, may issue an order in writing to the master or keeper of every such tavern, 45

house of ill-fame or other house, commanding such master or keeper to furnish him with a correct list of every such person, stating his name and surname as far forth as known to any such master or keeper of such tavern, house of ill-fame, or other house of public entertainment, or other person whatsoever, how long he has lodged in the said house, and the name of the ship on board whereof each of them has declared himself to have arrived at the port or place; and on the refusal or neglect of such master or keeper to comply with such order, within the time specified, or his knowingly delivering a false account of any such person, such master or keeper shall forfeit and pay a sum not exceeding *forty dollars* for each such offence :

131. Nevertheless, in cases in which the party giving such information on oath, seeks to obtain such order against any person, not being a master or keeper of such tavern or house of public entertainment or house of ill-fame, such order shall not be given by any justice of the peace, unless the person giving the information deposes on oath, that he verily believes that such person so not being master or keeper of such tavern or house of entertainment or house of ill-fame, doth then harbour or conceal such deserter or person suspected of desertion, and doth also know that the person who has so deserted, or is so suspected of having deserted, is unlawfully and improperly absenting himself from his duty on board the vessel to which he belongs.

132. Each constable and other officer not being a paid policeman employed in the execution of any warrant for the apprehension of, or in search of, or for the delivery of any person against whom a warrant is issued by virtue of the foregoing sections of this Act, may demand from the person at whose request such warrant was issued, a reasonable recompense for the time he has been employed, subject to be taxed by the justice of the peace who issued such warrant,—and in cases within the jurisdiction of any Court of Vice Admiralty, according to the legal course of that court,—and recoverable, on refusal of payment, in a summary way by warrant of distress and sale of such person's goods and chattels; which warrant every such justice of the peace is hereby required to grant, under his hand and seal, on proof of such refusal of payment.

133. Nothing in this Act shall authorize or justify the execution of any warrant or process of any justice of the peace within the jurisdiction of any court of vice-admiralty in Canada, unless such execution has been previously authorized by the judge of such court of vice admiralty.

FOREIGN SHIPS.

134. In so far as may be consistent with the provisions of any Act of the Imperial Parliament in force in Canada, and with the terms of existing treaties between Her Majesty and foreign powers respectively, and the rights, privileges, and immunities secured to the Consuls, Vice-Consuls, commercial and other duly accredited agents, subjects and citizens of such foreign powers respectively, the foregoing provisions of this Act relating to desertion of seamen and apprentices, shall extend and apply to ships in the merchant service of foreign countries, and to all persons in relation to such ships in the same manner as the same extend and apply to ships in the British merchant service, and to similar persons in relation to such last mentioned ships;

135. The oath of the master of any such foreign merchant ship, or of any officer or persons employed on board thereof, or on board any other ship of the same country, that to the best of his belief and understanding, any seaman or other person is bound to serve on board such ship, according to the law of the country to which such ship belongs, or of

houses of ill-fame.

Unless person suspected be a tavern keeper, &c., informer to make oath as to his belief in the truth of the information.

Constables, &c., employed to receive reasonable remuneration.

Warrant of Justice not to be executed within jurisdiction of Court of Vice-Admiralty without authority from Judge thereof.

This Act to extend to foreign merchant ships, under certain conditions.

Oath of master of foreign ship to be proof that any seaman is bound to serve.

the place where such seaman or other person was hired, shall be *prima facie* evidence that he is legally bound to serve on board such ship, within the meaning of this Act, although he has not regularly entered into or signed articles of agreement, and is not bound by articles of indenture, in the manner required by law with regard to seamen and others 5 engaged or bound to serve on board British ships ;

No Justices to act as regards foreigners in foreign ships without the consent of all parties, or that of their Consular Officers, except in pursuance of treaties.

136. And no justice of the peace shall entertain or act upon any complaint or information under this Act, by or against any person belonging to or connected with any such foreign merchant ship, and not being a subject of Her Majesty, or exercise jurisdiction under this act over or 10 at the instance of any such person, without the consent of both parties to such complaint or information, or the consent in writing of the Consul, Vice-Consul, or commercial or other duly accredited agent of the country to which such ship belongs, first had and obtained, unless the parties to such complaint or information be subjects or citizens of a 15 country or countries, by the terms of treaties in force between Her Majesty's government and the government or governments of which country or countries it is stipulated that the assistance of British courts and magistrates shall be granted to the subjects or citizens of such country or countries, or one of such parties be a subject or citizen of 20 any such country and the other a subject of Her Majesty.

Masters to furnish blanks.

137. The master of every ship shall furnish and pay for every blank form required by this Act to be used by him.

SCHEDULE.

NOTE.—The forms composing this Schedule will be found attached to the original Bill, in the custody of the Clerk of the Senate, of which 25 the foregoing is a copy.

2nd Session, 1st Parliament, 32 Vic., 1886.

P

BILL.

An Act respecting Masters and Mates of Ships, and the Shipping of Seamen.

Received and read, first time, Friday, 14th
May, 1869.

Second Reading, Wednesday, 19th May, 1869.

Hon. Mr. MITCHELL.

OTTAWA :

PRINTED BY HUNTER, ROSE & COMPANY,

BILL.

An Act to incorporate the Dominion Bank.

WHEREAS John Worthington, James Crowther, John Crawford, M. P., The Honorable J. C. Aikens, Walter Sutherland Lee, Joseph Gould, The Honorable John Ross, James Holden and Aaron Ross, and others, have by their Petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the city of Toronto; and whereas it would be conducive to the general prosperity of that section of the country and greatly facilitate and promote the agricultural and commercial growth of the said locality; and whereas it is but just that the said persons and others who see fit to associate themselves should be incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

1. The several persons hereinabove named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic by the name of "The Dominion Bank" and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of ten thousand dollars currency, and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, (such by-laws and regulations not being inconsistent with this Act, or contrary to the laws of Canada): Provided however, that such rules, regulations and by-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular annual meetings,

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

May make By-laws.

Proviso. They must be approved by Stockholders.

2. The capital stock of the said Bank shall be one million of dollars of lawful money of Canada, divided into twenty thousand shares of fifty dollars of lawful money aforesaid each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital \$1,000,000 in shares of \$50.

3. As soon as the sum of three hundred thousand dollars of the said capital stock shall have been subscribed and one hundred thousand dollars actually paid in thereupon, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting at some place to be named, in the city of Toronto, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned; and such election shall then and there be made by a majority

First General Meeting when \$300,000 are subscribed and \$100,000 paid in.

Election of Directors.

Term of Service. Proviso.	of shares voted upon in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Wednesday of May then next ensuing the said election: Provided always that no such meeting of the said subscribers shall take place 5
Notice to be given.	until a notice specifying the objects of such meeting is published in one or more newspapers, published in the city of Toronto, at least twenty days previous to such time of meeting.
Shares to be paid in by instalments.	4. The shares of capital stock subscribed for, shall be paid in and by such instalments, and at such times and places as the said Directors 10 shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten per centum on the 15 amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers of the capital stock hereby authorized to be raised, to commence the business of Banking, until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers: Provided further, 20 that the remainder of the said capital stock shall be subscribed and paid up as follows, that is to say, the sum of fifty thousand dollars within eighteen months, the further sum of one hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years, and the further sum of one hundred 25 and fifty thousand dollars within five years, and the further sum of five hundred thousand dollars within ten years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.
Proviso: ten per cent. to be paid on subscribing	
\$100,000 to be paid in before commencing.	
The remainder to be paid within a certain time.	
Affairs to be managed by seven Directors to be elected yearly by votes of shareholders.	5. The stock, property, affairs and concerns of the said Bank shall 30 be managed and conducted by seven Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be stockholders residing in Canada, and be elected on the first Wednesday of May, in every year, at such time of the day and at such place in the city of 35 Toronto aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors as hereinbefore provided in the next preceding section, previous to the time of holding the said election, and the said election shall be held and made by such of the said Shareholders of the said Bank as have 40 paid all calls made by the Directors and as shall attend for that purpose in their own proper person, or by proxy, and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present; and no one Shareholder shall be entitled to give upon proxies held 45 by him, more than one hundred votes at such election; and the seven persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes in such a manner that 50 a greater number of persons shall, by a plurality of votes appear to be chosen as Directors, then the Directors who shall have had a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the 55 said Directors as soon as may be after the said election, shall proceed in like manner to elect by ballot, two of their number to be their President and Vice-President; and two of the Directors who shall be chosen in any year, excepting the President and Vice-President, shall
Ballot.	
Ties.	
President and Vice-President.	
Two Directors to be in-	

be ineligible to the office of Director for one year after the expiration of the time for which they shall have been chosen Directors, and in case a greater number than three of the Directors, exclusive of the President and Vice-President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes shall be considered void, and such other of the Stockholders as shall be eligible and shall have the next greatest number of votes, shall be considered as elected in room of such last described person or persons who are hereby declared ineligible as aforesaid, and the President and Vice-President for the time being shall always be eligible for re-election to the office of Director, but Stockholders not residing within the Dominion of Canada shall be ineligible; and if any Director shall move out of Canada, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification, or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remaining Directors, or the majority of them electing in such place or places a Shareholder or Shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, stock in the said Bank to the amount of twenty shares.

eligible for
one year after
they go out:

President and
Vice-Presi-
dent always
eligible.

Vacancies
how filled.

Proviso:
Qualification
of Directors.

6. In case it should at any time happen that an election of Directors of the said Bank should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of Directors in such manner as shall have been regulated by the by-laws of the said Bank.

Election not
taking place,
Corporation
not thereby
dissolved:

7. Each Shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said Bank, in his or her own name at least one month prior to the time of voting according to the following scale that is to say, at the rate of one vote for each share; and all questions proposed for the consideration of the said Shareholders shall be determined by the majority of their votes, the Chairman elected to preside at any such meeting of the said Shareholders shall have the casting vote: Provided always, that no Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose,

Shareholders'
ratio of votes
in proportion
to number of
shares.

Officers to
have no vote
at any elec-
tion of Direc-
tors.

8. The books, correspondence, and funds of the Corporation shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director, shall inspect, or be allowed to inspect, the account or accounts of any person dealing with the Corporation.

Books &c., of
Corporation
to be subject
to inspection
of Directors.

9. It shall be the duty of the Directors of the said Bank to make half yearly dividends, of so much of the profits of the said Bank, as to them or to the majority of them shall appear advisable.

Directors to
make half
yearly divi-
dends.

10. The Directors for the time being or the major part of them, shall have power to make such by-laws, and regulations not repugnant to the provisions of this Act or of any other Act of the Parliament of Canada as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business and with such salaries and allowances as to them shall seem meet, and shall have

Directors to
make By-laws
for the con-
duct of the
business of
the Bank.

And appoint
officers;

power to make such calls of money from the several Shareholders for the time being upon the shares in the said Bank, subscribed for by them respectively, as the said Board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in the case of non-payment of any such call; and an action of debt may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more (as the case may be) in the capital stock of the said Bank and is indebted for calls upon the said share or shares to the said Bank, in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls), whereby an action hath accrued to the said Corporation, to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness (a Shareholder being competent), that the defendant at the time of making any such call, was a Shareholder in the number of shares alleged, and to produce the by-law or resolution of the Board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution, and it shall not be necessary to prove the appointment of the said Board of Directors or any other matter whatsoever. Provided that each said call shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which such call shall be payable and any such calls shall not exceed twenty per cent. of each share subscribed: And provided always that before permitting any cashier, officer, clerk or servant of the Corporation to enter upon the duties of his office, the Directors shall require every such cashier, officer, clerk or servant to give bond, to the satisfaction of the Directors, with conditions of good and faithful behaviour,

Directors and President may be paid. **Quorum.** **11.** The Directors, including the said President and Vice-President shall be entitled to such emolument for their services as may be fixed by any order or resolution passed at the usual annual meeting of Shareholders; and any five shall constitute a Board for the transaction of business, of whom the President or Vice-President shall be one, except in case of sickness or absence, in which case the Directors present may choose out of their number a chairman for such meeting.

No note to be issued until \$100,000 are paid in. **12.** No Bill or Note for any sum whatever shall be issued or put into circulation by the said Bank, until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in and shall be held by and in the actual possession of the said Bank in gold or silver coin, current in Canada.

Chief place of business to be Toronto. **Branches.** **13.** The chief place or seat of business of the said Bank shall be in the city of Toronto aforesaid, but it shall and may be lawful for the Directors of the said Bank, to open and establish in other cities, towns and places in Canada, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of Canada, to this Act, or to the bylaws of the said Bank.

Statement of affairs to be made. **14.** At every annual general meeting of the Shareholders of the said Bank to be held in the city of Toronto in the manner hereinbefore provided, the Directors shall submit a full and clear statement of the affairs of the said Bank, containing on the one part, the amount of the capital stock paid in, the amount of the notes of the Bank in circulation, and net profits made, and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits

- bearing interest from those not bearing interest, and on the other part, the amount of current coins, the gold and silver bullion in the vaults of the Bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof: and the said statement shall also exhibit
- 10 the rate and amount of the then last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.
- 15 **15.** The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the Directors shall appoint for that purpose and according to such form as the Directors shall prescribe: but no assignment or transfer shall be valid or effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted and not then due by him, her or them to the Bank, which may
- 20 exceed in amount the remaining stock, if any, belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable: and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed,
- 30 shall within thirty days after the sale, leave with the Cashier of the said Bank, an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all the debts due or liabilities contracted and not then due by the holder or holders of the said shares to the Bank shall have been discharged as aforesaid) the President or Vice-President or the Cashier of the Bank shall execute the transfer of the share or shares so sold, to the purchaser, and such transfer being accepted shall be to all intents and purposes, as valid and effectual in law, as if it had been executed by the holder of such shares; any law
- 40 or usage to the contrary notwithstanding.
- 16.** The said Bank hereby constituted shall not, either directly or indirectly, hold any lands or tenements, (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels or any share or shares in the
- 45 stock of the Corporation, nor in any bank in Canada, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security or mortgage of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, nor shall the said
- 50 Bank, either directly or indirectly, raise loans of money, or deal in the buying or selling or bartering of goods, wares and merchandize, or engage or be engaged in any trade except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes, and negotiable securities, and in all such trade generally, as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, on real and other property, by way of security for debts contracted to or with the Bank, in the course of its dealings and also for such purpose may purchase any outstanding mortgages, judgments or
- Its form and contents.
Last dividends and reserved fund.
Stock to be deemed personal estate.
Assignment, manner of effecting.
Parts of shares not assignable.
Sale of shares under seizure, and transfer to purchaser.
In what business only the Bank shall engage, and what species of property it may hold.
Proviso: Bank may take mortgages in the course of its business.

other charges upon real or personal property of any debtor of the said Bank.

Amount of advances on securities of Directors or officers limited.

17. The aggregate amount of discounts and advances, made by the said corporation upon commercial paper or securities bearing the name of any Director or officer, or the co-partnership, name or firm of any Director of the said corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the corporation at the same time. 5

Corporation may pay interest on deposits in Bank, and take discount

18. It shall and may be lawful for the said corporation to allow and pay interest, (but not exceeding the legal rate of interest in Canada) upon moneys deposited in the Bank: and also, it shall and may be lawful for the Corporation, in discounting promissory notes, or other negotiable securities, to receive or retain the discount thereon at the time of the discounting or negotiating the same; any law or usage to the contrary notwithstanding, 15

Bonds, &c., of Corporation may be assigned by endorsement.

19. The bonds, obligations and bills, obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring, on due acceptance, an action or actions thereupon, in his, her or their name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills and notes of the said Bank, signed by the President or Vice-President, and countersigned by the cashier of the said Bank, promising the payment of money to any person or persons his, her or their order or to the bearer, though not under seal of the said Bank, shall be binding and obligatory on the same, with the like force and effect and in the same manner as they would upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained, shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any officer of the Bank or any Director other than the President or Vice-President, or any cashier, manager or local Director of a branch or office of discount and deposit of the said Bank to sign, and any accountant or book-keeper of the said Bank, or of any branch or office of discount and deposit thereof, to countersign the bills and notes of the said Bank intended for general circulation and payable to order or to bearer on demand. 20 25 30 35 40

Proviso: Officers may be deputed to sign Bank notes.

Notes to bear date and be payable at the place of issue.

20. The bills or notes of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the said Bank, in the city of Toronto, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the said place of issue, and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of Directors, shall be considered and held to be a branch bank, and subject to the restrictions as to the issuing and redemption of notes provided in this section. 45 50

What shall be deemed Branch Banks.

Suspension for sixty days to effect a forfeiture of Charter.

21. A suspension by the said corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in Canada,) of payment on demand, in specie, of the notes or bills of the said Corporation, payable on de-

mand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

- 5 **22.** The total amount of the notes or bills of the said corporation, being for a less sum than four dollars, current money of Canada, each, which shall be or may have been issued or put in circulation, shall not exceed at any one time one fifth of the amount of the capital stock of the corporation then paid in; Provided always, that no notes under
 10 the nominal value of one dollar shall at any time be issued or put into circulation by the corporation: Nor shall any further limitation by Parliament of the total amount of notes to be issued or re-issued by the said corporation be held to be any infringement upon the privilege hereby granted.
- Total amount of notes under \$4 issued not to exceed one fifth of the capital stock paid in.
 Proviso: No note to be under \$1.
- 15 **23.** The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank, in specie and Government securities for money; and at no one period after the passing of this Act shall the
 20 notes or bills payable on demand and to bearer, exceed the amount of the actually paid up capital stock of the corporation, and the amount of Canada Debentures or Municipal Loan Fund Debentures held by the corporation; and in case of excess, the said corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the
 25 Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to
 30 judgment and execution according to law, but such action or actions shall not exempt the corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forth-
 35 with, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper publish-
 40 ed in the city of Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; And provided
 45 his liability as a Shareholder.
- Total liabilities of Bank limited, and of its Bank notes.
 Penalty for excess and liability of Directors.
 Proviso: Directors may avoid liability by protest and publication.
 Proviso:

- 24.** In the event of the property and assets of the said Bank hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts, the Shareholders of the said Bank in their private or natural capacities, shall be liable and responsible for the deficiency,
 50 but to no greater extent than to double the amount of their capital stock, that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be con-
 55 stituted to alter or diminish the additional liabilities of the Directors of the corporation hereinbefore mentioned and declared.
- Liability of Shareholders defined and limited.
 Proviso:

25. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at
 statements of

affairs of the Bank to be made and published. their annual general meetings, the Directors shall make up and publish on the first day of each month in every year, statements of the assets and liabilities of the said Bank, in the form of the Schedule A. hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank and other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the said time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor a copy of each such monthly statements; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statements shall have been compiled. And furthermore, the said Directors shall from time to time, if required, furnish to the said Governor, such further information as such Governor may reasonably see fit to call for; Provided always, that the Directors shall not, nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Bank not to lend money to Foreign Powers. **26.** It shall not be lawful for the corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary notwithstanding.

How notices shall be published. **27.** The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the city of Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices, emanating from the Civil Government of Canadae.

Subscription for, and transfer of shares in Great Britain. **28.** Books of subscription may be opened and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the city of Toronto; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Provision for proving the transmission of shares otherwise than by regular transfer. **29.** If the interest in any share in the said Bank becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank, with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any shares of the profits of the Bank nor to vote in respect to any such share or shares as the holder thereof; Provided always, that every such declaration and instrument, as by this and the

Proviso: as to authentication of such proof.

following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further
 5 authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul, or other accredited representative; and provided also that nothing in this Act contained shall be held to
 10 debar the Directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Pro viso ; as to further evidence.

30. If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy
 15 of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letter of administration or of tutorship or curatorship, or an official
 20 extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

31. Whenever the interest in any share or shares of the capital
 25 stock of the said bank, shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession, in any such share or shares, shall change by any lawful means, other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable
 30 doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in one of the Superior Courts of law for Ontario, a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts and the number of shares previously
 35 belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every
 40 other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such share or shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the
 45 same as those observed in analogous cases before the said Superior Courts; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving
 50 the recourse of such party against any party contesting his right.

Mode of obtaining decision of Court as to title to shares when the Bank entertains reasonable doubts.

Proviso.

Proviso.

32. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares
 in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it
 55 stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such

Bank not bound to see to execution of trusts to which shares may be subject.

share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

5

33. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Dominion payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January of each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return: Provided always that the said Directors shall not commence the ordinary business of banking until the sum of forty thousand dollars shall have been invested in such Debentures.

Proviso.

34. This Act shall be and remain in force until the _____ day of _____ in the year of our Lord one thousand eight hundred 20 and

Act 31 Vic.,
c. 11, to
apply.

35. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter eleven, intituled: *An Act respecting Banks*, shall extend to the said "Dominion Bank" and shall be read and taken to be, and form a part of the Charter of the said "Dominion Bank."

Search warrant for, and seizure and destruction of counterfeit notes, &c.

36. On Complaint made on the oath of one credible witness to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling house, room, workshop, out-house, or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such counterfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments, and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

Embezzlement by officer of the Bank to be a felony.

37. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant, so offending and being thereof convicted in due form of law shall be deemed guilty of felony.

Punishment of such felony.

38. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the Penitentiary for any term not less than two years or by imprisonment in any other gaol or place of confinement for any term less than two years in the discretion of the Court,

FORM OF SCHEDULE A.

Referred to in the 25th Section of the foregoing Act.

Return of the average amount of the liabilities and assets of the
 Dominion Bank during the period from first to
 one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest.....	\$\$
Bills of Exchange in circulation not bearing interest.....	\$\$
Bills and notes in circulation bearing interest.....	\$\$
Balances due to other Banks.....	\$\$
Cash deposits, not bearing interest.....	\$\$
Cash deposits, bearing interest.....	\$\$
Total average Liabilities...	\$\$

ASSETS.

Coin and bullion.....	\$\$
Landed or other property of the Bank.....	\$\$
Government Securities.....	\$\$
Promissary notes or bills of other Banks.....	\$\$
Balances due from other Banks.....	\$\$
Notes and bills discounted.....	\$\$
Other debts due to the Bank, not included under the fore- going heads.....	\$\$
Total average Assets...	\$\$

2nd Session, 1st Parliament, 32 Vic., 1868.

BILL.

An Act to incorporate the Dominion Bank

Received and read, first time, Monday, 17th
May, 1869.

Second Reading, Tuesday, 18th May, 1869.

Hon. D. L. MACPHERSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

R not printed

BILL.

An Act respecting inquiries and investigations into shipwrecks, and other matters.

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

1. In any of the cases following, that is to say, whenever any ship is lost, abandoned or materially damaged on or near the coast of Canada, or any island or place adjacent thereto ;
Whenever any ship causes loss or material damage to any other ship on or near such coasts, island or place ;

Inquiries to be instituted in cases of wreck and casualty.

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts, island or place, loss of life ensues ;
10 Whenever any such loss, abandonment, damage or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in Canada ;

The principal officer of Customs residing at or near the place where such loss, abandonment, damage or casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but if elsewhere, at or near the place where such witnesses as aforesaid arrive, or are found, or can be conveniently examined, or any other person appointed for the purpose by the Minister of Marine and Fisheries, may make enquiry respecting such loss, abandonment,
20 damage or casualty.

2. Every such officer or person as aforesaid shall have the following powers, that is to say :

(1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, the boarding or inspection of which appears to him to be requisite for the purpose of the inquiry he is required to make, not unnecessarily detaining any such ship from proceeding on any voyage.

Powers of Officers making inquiries.

(2.) He may enter and inspect any premises, the entry and inspection of which appears to him to be requisite for the purpose of the inquiry he is to make.

(3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he
35 thinks fit to make.

(4.) He may require and enforce the production of all books, papers or documents which he considers important for such purpose,

(5.) He may administer oaths, or may, in lieu of requiring and administering an oath, require every person examined by him to make
40 and subscribe a solemn affirmation or declaration of the truth of the statement made by him in his examination.

And any wilfully false statement made by any such witness on oath or solemn affirmation, or in any such declaration shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury, and every witness so summoned
45 wilful and corrupt perjury, and every witness so summoned

Wilfully false statements, perjury. Witness to be allowed expenses.

shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of Record in the same Province of Canada, and in case of any dispute as to the amount of such expenses, the same shall be referred by such officer or person to the nearest Prothonotary, or clerk, or master, or other taxing officer of any Court of Record within the jurisdiction of which the attendance is required, who, on a request made to him for that purpose under the hand of such officer or person shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such officer or person, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any solemn affirmation or declaration which any such officer or person is hereby empowered to require, shall for each such offence incur a penalty not exceeding *forty dollars*; but no such witness shall be compelled to answer, or suffer any penalty for refusing to answer, any question by his answer to which he might render himself liable to a criminal prosecution.

Penalty for refusing to give evidence

Proviso.

Penalty for obstructing officers in the execution of their duty.

Officer to report to the Minister of Marine and Fisheries.

Formal investigations in certain cases.

Powers of Court or Tribunal making investigation.

3. Every person who wilfully impedes any such officer or person in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding *forty dollars*, and may be seized and detained by such officer or person, or by any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction.

4. Upon the conclusion of any such inquiry the officer or person who made the same shall send to the Minister of Marine and Fisheries for the information of the Governor General in Council, a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations, if any, as he may think fit.

5. If it appears to the Governor in Council in any such case as aforesaid, either upon or without any such preliminary inquiry as aforesaid, or in any case of a charge of misconduct or incapacity brought by any person against any master or mate of any ship, that a formal investigation is requisite or expedient, the Governor in Council may nominate and appoint any competent person or persons to be a court or tribunal for the purpose of such investigation and such person or persons shall thereupon be such court or tribunal accordingly.

6. Such court or tribunal shall have the power of summoning before them any persons, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such court or tribunal may deem requisite to the full investigation of the matters into which they are appointed to examine; and such court or tribunal shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution; and the proceedings of such Court shall be assimilated as far as possible to those of ordinary Courts of Justice, with the like publicity.

7. And whereas it is enacted by the two hundred and forty-second section of the Act of the Imperial Parliament, passed in the session thereof held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, intituled, "*An Act to amend and consolidate the Acts relating to Merchant Shipping*," that the Board of Trade may suspend or cancel the certificate (whether of competency or service) of any master or mate of the Merchant Service, in certain cases, one of which cases, set forth in sub-section five of the said section, is as follows,—“If upon any investigation made by any court or tribunal authorized or hereafter to be authorized by the legislative authority of any British possession, to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness or tyranny, or 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, and such report is confirmed by the Governor or person administering the government of such possession;” and whereas it is further in effect enacted by the twenty-third section of the Act of the Imperial Parliament, passed in the session thereof held in the twenty-fifth and twenty-sixth years of Her Majesty's reign, Chapter sixty-three, that the power of cancelling or suspending the certificate of a master or mate conferred by the above cited two hundred and forty-second section on the Board of Trade, shall in future vest in and be exercised by the court or tribunal by which the case is investigated or tried: Be it hereby further enacted, that such court or tribunal authorized to be appointed by this Act, shall be held to be in all respects a court or tribunal under the hereinbefore cited sub-section of the Imperial Act hereinbefore first cited.
8. Every member of such court or tribunal so appointed as aforesaid, before entering upon his duties as such; shall take and subscribe an oath before one of Her Majesty's Justices of the Peace, well, faithfully and impartially, to execute the duties assigned to him by this Act.
9. Upon the conclusion of every such investigation or as soon afterwards as possible, the court or tribunal shall send to the Governor a full report upon the case investigated, together with the evidence, and their judgment and opinion thereon, and such observations, if any, as the court or tribunal may think fit to make, and shall state in open court the decision to which they have come with respect to any recommendation to cancel or suspend any certificate, or to cancelling or suspending any certificate.
10. Any such court or tribunal may, if they think proper, require any master or mate possessing a certificate of competency or service, whose conduct is called in question, or appears to them to be likely to be called in question in the course of any investigation before them, to deliver such certificate to them, and they shall hold the certificate so delivered until the conclusion of the investigation, and shall then either return the same to such master or mate, or, if their report is to the effect that they have cancelled or suspended any certificate, or is such as to enable the Board of Trade to cancel or suspend such certificate, shall forward the same to the Governor; and if any master or mate fails so to deliver his certificate when so required, he shall incur a penalty not exceeding *two hundred dollars*.
11. [The Governor in Council may from time to time by warrant, order and direct that any expenses incurred, or to be incurred under the provisions of this Act be defrayed out of any moneys appropriated by Parliament for that purpose, or for the purpose of defraying unforeseen expenses.]

Section 242 of
Imp. Act, 17
and 18 V., c.
104 recited.

Section 23 of
Imp. Act 25
and 26 V., c.
63 recited.

Such Court
to be a Court
under said
Imp. Acts.

Members to
take oath of
office.

Report to
Governor.
Decision as to
cancelling
certificates
to be stated
in open
Court.

Masters or
Mates may be
required to
deliver up
certificates to
be held until
close of in-
vestigation.

Expenses how
to be defrayed

Repeal of
Acts.

Canada 27
and 28 V. c.,
14 and 28 and

30 V. c., 58 s.
1, 2, 3 and 6.

R. S. of N. S.
cap. 76.

12. The following Act and parts of an Act are hereby repealed, namely the Act passed by the legislature of the late Province of Canada, in the session thereof held in the twenty-seventh and twenty-eight years of Her Majesty's reign, Chapter fourteen "*respecting investigations into Shipwrecks*" and the first, second, third and sixth sections of the Act of the same Legislature passed in the session thereof held in the twenty-ninth and thirtieth years of Her Majesty's reign, Chapter fifty-eight "*to extend the powers of the Trinity House of Quebec*;" and Chapter seventy-six of the Revised Statutes of Nova Scotia (third series) "*Of marine courts of inquiry*" is also repealed.

Saving of
jurisdiction
of Courts of
Vice Ad-
miralty.

13. Nothing in this Act contained shall be taken to affect in any way the jurisdiction of any Vice Admiralty Court in Canada, howsoever the same may be acquired.

2nd Session, 1st Parliament, 32 Victoria, 1869.

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BILL.

An Act respecting inquiries and investigations into shipwrecks and other matters.

Received and read, first time, Monday, 17th
April, 1869.

Second reading, Wednesday, 19th May, 1869.

HON. MR. MITCHELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to further amend the Charter of the Gore Bank.

WHEREAS the President, Directors and Company of the Gore Bank have by Petition set forth, that since the passing of the Act of incorporation of the said Bank, and the Acts amending the same, they have suffered losses in their business which have reduced the actual paid up Capital of the said Bank, and the value of the shares into which it has been divided; that the nominal value of each of such shares is forty dollars, but the actual value thereof, as near as can be estimated, somewhat exceeds twenty-four dollars, and the nominal Capital of the said Bank is one million of dollars, but it has been reduced by such losses, as near as can be estimated, to a sum somewhat exceeding the sum of five hundred thousand dollars; and that it will be advantageous, both to the said Bank and to the Public, to have the nominal value made to coincide and agree with the actual value thereof; and that it will also be advantageous to the said Bank and to the Public to empower the said Bank to raise or restore its actual capital to the amount of one million of dollars, which is the amount deemed proper and authorized by the existing Acts in that behalf, and to increase the number of shares of the said Bank necessary for the qualification of the Directors thereof, and to change the day of the annual meeting of the Shareholders of the said Bank, and to authorize the Shareholders, if they see fit, to change the name of the said Banking Corporation to that of "The Bank of Hamilton;"—and have prayed that in order to carry out and effect such purposes the existing Acts affecting the said Bank may be altered, amended and varied as the same are hereinafter altered, amended and varied; 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:

1. For and notwithstanding anything contained in the Charter of the Gore Bank, being the Acts of Canada, 23 Vict., Cap. 116, and 26 Vict., Cap. 57, or in any other Act or Enactment, each and every now existing Share in the Capital Stock of such Corporation shall, from and after the passing of this Act, be held to represent and be equal to the sum of twenty-four dollars, and not forty dollars as heretofore, and the total amount of the now existing paid up Capital Stock of such Corporation shall be and hereby is reduced in proportion. Provided always, that the Directors of such Corporation may and are hereby empowered, if they deem it advantageous for the interests of such Bank, at any time hereafter, with the consent of a majority of the Shareholders present, or represented by proxy, at the usual annual or any special meeting called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), to consolidate the said reduced Shares of twenty-four dollars each into Shares not exceeding fifty dollars each; provided, that if by means of such consolidation there shall be any fraction of Shares, or a Share of twenty-four dollars, held by any Shareholder or Shareholders, that

Preamble.

Shares to be \$24 each, instead of \$40 and Capital Stock reduced in proportion.

Proviso: Reduced shares may be consolidated into shares of \$50 each.

may be insufficient to constitute one full Share of fifty dollars, such provision may be made in respect thereof by the said By-Laws as to the majority of the Shareholders present, or represented at the said meeting as aforesaid, shall be deemed just and proper.

Capital Stock 2. The said Directors may, with the assent of the majority of the Shareholders present or represented by proxy, at any ordinary annual or special general meeting, called for that purpose by By-Law or By-Laws, increase the Capital Stock of the said Bank, but so that it shall not in the whole exceed the amount of One Million Dollars, (\$1,000,000); and such additional Stock shall be subscribed for in Shares of fifty dollars each, and issued otherwise upon the terms set forth in the first, second, third, fourth, fifth, sixth, ninth, tenth, eleventh and twelfth Sections of the Act passed in the Session held in the twenty-sixth year of Her Majesty's Reign, Chapter fifty-seven, authorizing the issue of two hundred thousand dollars to the then existing capital of said Stock; Provided always, that issuing and subscribing for the additional capital authorized by this Act may take place at any time within three years from the passing of this Act.

Qualification of Directors. 3. From and after the passing of this Act no person although otherwise qualified to be a Director of such Bank, shall be capable of being elected or acting as a Director thereof, unless he be the owner or holder in his own name of at least one thousand dollars of the then Shares of the Capital Stock of such Bank all fully paid up.

Annual meetings on first Wednesday in July. 4. The annual meetings of the Shareholders shall, after the expiration of the year one thousand eight hundred and sixty-nine, notwithstanding any provision in any Act affecting the said Bank heretofore passed, be held on the first Wednesday of the month of July of each and every year.

Name of Bank may be changed to "The Bank of Hamilton." 5. It shall be lawful for the majority of the Shareholders of the said Bank, present, or represented by proxy, at their next or any future annual meeting, or at any special general meeting of the Shareholders, to be called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), and they are hereby empowered, to change the name of the said Bank to that of "The Bank of Hamilton," and the Resolution of the Shareholders effecting such change of name of such Bank shall be entered in the Minutes of the Meeting in the ordinary Minute Book of the said Bank, and shall specify the day on which such change of name shall take place, which day shall not be less than thirty days from the passage of the aforesaid Resolution; and the President of such Bank shall thereupon forthwith sign and seal with the corporate seal of such Bank, a true copy of such Resolution and transmit the same to the Secretary of State for Canada, who shall, upon receipt thereof, duly file the same in his office; and the said Bank shall also forthwith cause such Resolution to be inserted at full length in the "Canada Gazette," and at least one Newspaper published in the City of Hamilton, for the space of one month. And upon, from and after the day mentioned in said Resolution as that on which the change of name of said Bank shall take effect, the name and style of the said Corporation shall, by virtue of such Resolution and this Act, be changed for all purposes whatsoever, unto, and thereafter be "The Bank of Hamilton," which name and style shall then and thenceforth be sufficient and proper to be used in all then pending and future legal and other proceedings, transactions and affairs of the said Bank, or in any wise concerning the same.

6. The said change of name of such Bank when and after it shall be so effected, shall be considered for all purposes and by all Courts and Tribunals to be sufficiently proved by the production of a copy of such Resolution, under the corporate seal of such Bank, or by a copy thereof, certified by the Secretary of State, or by the production of any of the issues of the "Canada Gazette," containing the aforesaid advertisement thereof.

Change of name how to be proved.

7. The said change of name of such Bank, shall not nor shall anything contained in this Act, or authorized by it, be construed to release or in any wise affect the liability of any surety or sureties or other person or persons bound or liable to said Bank; and the said Bank shall by the name of "The Bank of Hamilton" possess and exercise all the property, rights, powers and privileges, and be bound by and discharge all the liabilities, debts, contracts and obligations which the said Bank held, possessed, or was liable for under the name of "The Gore Bank," or "The President, Directors and Company of the Gore Bank."

Limitation of effect of such change of name.

8. This Act shall be a Public Act, and may be referred to and cited in pleadings, and upon all other occasions and in all Courts and elsewhere, as The Gore Bank Act, 1869.

Public Act.

Short Title.

BILL.

An Act respecting the prompt and summary administration of Criminal Justice in certain cases.

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

BILL.

An Act to further amend the Charter of the Gore Bank.

Received and read, first time, Tuesday, 18th May, 1869.

Second reading, Wednesday, 19th May, 1869.

HON. MR. MACPHERSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting the prompt and summary administration of Criminal Justice in certain cases.

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

1. In this Act the expression "a competent Magistrate" shall as respects the Province of Quebec and the Province of Ontario, mean and include any Recorder, Police Magistrate, District Magistrate or other functionary or tribunal invested at the time of the passing of this Act with the powers vested in a Recorder by chapter one hundred and five of the Consolidated Statutes of Canada, intituled "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases*," and acting within the local limits of his or of its jurisdiction, and any functionary or tribunal invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more Justices of the Peace; and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include any functionary, tribunal or person invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more Justices of the Peace, and the expression "the Magistrate" shall mean a competent Magistrate as above defined.

20 And the expression "the Common Gaol or other place of confinement," shall in the case of any offender whose age at the time of his conviction does not in the opinion of the Magistrate exceed *sixteen* years, include any Reformatory Prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

2. Where any person is charged before a competent Magistrate with having committed—

1. Simple larceny, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, the value of the whole of the property alleged to have been stolen, embezzled, obtained, or received does not in the judgment of the Magistrate exceed *ten* dollars; or,

2. With having committed or attempted to commit larceny from the person or simple larceny, or,

3. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or,

Preamble

Interpretation clause.

Power to try certain offences in a summary way by consent of the party accused.

4. With having committed an assault upon any female whatever, or upon any male child whose age does not in the opinion of the Magistrate exceed fourteen years, such assault being of a nature which cannot in the opinion of the Magistrate be sufficiently punished by a summary conviction before him under any other Act, and such assault, if upon a female, not amounting in his opinion to an assault with intent to commit a rape; or, 5

5. With having assaulted obstructed, molested or hindered any magistrate, bailiff, or constable or officer of customs or excise or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or, 10

Jurisdiction absolute.

6. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house;—

See s. 15.

The Magistrate may, subject to the provision hereafter made, hear and determine the charge in a summary way. 15

Accused to be asked if he consents to be tried summarily.

3. Whenever the Magistrate before whom any person is charged as aforesaid proposes to dispose of the case summarily under the provisions of this Act, such Magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and (if the charge is not one that can be tried summarily without the consent of the accused), shall then say to him, these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (naming the Court at which it could soonest be tried);" and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if the power of the Magistrate to try it does not depend on the consent of the accused, the Magistrate shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge. 20 25 30

If he admits the charge.

4. If the person charged confesses the charge, the Magistrate shall then proceed to pass such sentence upon him as may by law be passed, (subject to the provisions of this Act,) in respect to such offence; but if the person charged says that he is not guilty, the Magistrate shall then examine the witnesses for the prosecution, and when the examination has been completed, the Magistrate shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the Magistrates shall hear such defence, and shall then proceed to dispose of the case summarily. 35 40

And if he has a defence.

In case of conviction of larceny.

5. In the case of larceny, feloniously receiving stolen property or attempt to commit larceny from the person, or simple larceny, charged under the first or second sub-sections of the second section of this Act, if the Magistrate after hearing the whole case for the prosecution and for the defence, finds the charge proved, then he shall convict the person charged and commit him to the Common Gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any period not exceeding six months. 45 50

Offence not proved.

6. If in any case the Magistrate finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal.

Form of conviction.

7. Every such conviction and certificate respectively may be in the forms A and B, in this Act, or to the like effect. 55

8. If (when his consent is necessary) the person charged does not consent to have the case heard and determined by the Magistrate, or in any case if it appears to the Magistrate that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such Magistrate shall deal with the case in all respects as if this Act had not been passed; but a previous conviction shall not prevent the Magistrate from trying the offender summarily, if he thinks fit so to do. If the accused does not consent or the Magistrate thinks the case proper to be otherwise tried.
9. If upon the hearing of the charge the Magistrate is of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he may dismiss the person charged without proceeding to a conviction. Discharge in certain cases.
10. Where any person is charged before competent Magistrate with simple larceny of property exceeding in value ten dollars, or with having obtained such property by false pretences, or with having embezzled or having feloniously received stolen property or with committing or attempting to commit larceny from the person, or with larceny as a clerk or servant, and the evidence in support of the prosecution is in the opinion of the Magistrate sufficient to put the person on his trial for the offence charged, such Magistrate, if the case appear to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing and shall read it to the said person, and (unless such person is one who can be tried summarily without his consent) shall then put to him the question mentioned in section three, and shall explain to him that he is not obliged to plead or answer before such Magistrate at all, and that if he do not plead or answer before him, he will be committed for trial in the usual course. If the Magistrate thinks the case one to be tried summarily.
11. If the person so charged consents to be tried by the Magistrate, the Magistrate shall then ask him whether he is guilty or not of the charge, and if such person says that he is guilty, the Magistrate shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the Common Gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any term not exceeding twelve months, and every such conviction may be in the form C, or to the like effect. If the offender consents and pleads guilty.
12. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by counsel or attorney. Full defence allowed.
13. The Magistrate before whom any person is charged under this Act, may by summons require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Magistrate may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first made of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the Magistrate before whom such person ought to have attended may issue a warrant to compel his appearance as a witness. Power to summon and compel attendance of witnesses.

Mode of sum-
moning.

14. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of such party's usual place of abode; and every person so required by any writing under the hand of any competent Magistrate to attend and give evidence as aforesaid, 5 shall be deemed to have been duly summoned.

Jurisdiction
of Magistrate
absolute in
certain cases.

15. The jurisdiction of the Magistrate in the case of any person charged within the Police limits of any City in Canada, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill-fame or bawdy house, shall be absolute, and shall 10 not depend on the consent of the party charged to be tried by such Magistrate, nor shall such party be asked whether he consents to be so tried; nor shall this Act affect the absolute summary jurisdiction given to any Justice or Justices of the Peace in any case, by any other Act.

And as to
certain per-
sons.

16. The jurisdiction of the Magistrate shall also be absolute in the 15 case of any person, being a seafaring person and only transiently in Canada, and having no permanent domicile therein, charged, either within the City of Quebec as limited for the purpose of the Police Ordinance, or within the City of Montreal as so limited, or in any other Seaport, City or Town in Canada, where there is a competent 20 Magistrate, with the commission therein of any of the offences mentioned in the second section of this Act, and also in the case of any other person charged with any such offence on the complaint of any such sea-faring person whose testimony is essential to the proof of the offence, and such jurisdiction shall not depend on the consent of any such party 25 to be tried by the Magistrate, nor shall such party be asked whether he consents to be so tried.

Sentence on
parties con-
victed of cer-
tain offences.

17. In any case summarily tried under the *third, fourth, fifth, or sixth* sub-section of the second section of this Act, if the Magistrate finds 30 the charge proved, he may convict the person charged and commit him to the Common Gaol or other place of confinement, there to be imprisoned with or without hard labour for any period not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, *one hundred dollars*, or to both fine and im- 35 prisonment, not exceeding the said period and sum; and such fine may be levied by warrant of distress under the hand and seal of the Magistrate, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol or other place of confinement, for a further period not 40 exceeding six months, unless such fine be sooner paid.

Forms in
such cases.

18. Whenever the nature of the case requires it, the forms given at the end of this Act shall be altered by omitting the words stating the consent of the party to be tried before the Magistrate, and by adding the requisite words stating the fine imposed (if any) and the imprison- 45 ment (if any) to which the party convicted is to be subjected if the fine be not sooner paid.

Persons
brought be-
fore J. P's
may be
remanded for
trial under
this Act.

19. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion of such Justice or Justices, the case is proper to be disposed of by a com- 50 petent Magistrate, as herein provided, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the nearest competent Magistrate, in like manner in all respects as a Justice or Justices are authorized to remand a party accused for trial at any Court, under any general Act 55 respecting the duties of Justices of the Peace out of Sessions, in like cases.

20. No Justice or Justices of the Peace in any Province, shall so remand any person for further examination or trial before any such Magistrate in any other Province. But not into any other Province.

21. Any person so remanded for further examination before a competent Magistrate in any City, may be examined and dealt with by any other competent Magistrate in the same City. Before whom to be tried.

22. If any person suffered to go at large upon entering into such recognizance as the Justice or Justices are authorized under any such Act as last mentioned to take, on the remand of a party accused, conditioned for his appearance before a competent Magistrate under the preceding sections of this Act, does not afterwards appear pursuant to such recognizance, then the Magistrate before whom he ought to have appeared shall certify (under his hand on the back of the recognizance, to the Clerk of the Peace of the District, County or place (as the case may be) the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance. Party not appearing according to his recognizance.

23. The Magistrate adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of General or Quarter Sessions of the Peace, or to the Court discharging the functions of a Court of General or Quarter Sessions of the Peace, for the District, County or Place, there to be kept by the proper Officer among the Records of the Court. Convictions to be transmitted to Q.S. &c.

24. A copy of such conviction, or of such certificate of dismissal, certified by the proper Officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings whatever. Proof of conviction or dismissal.

25. The Magistrate, by whom any person has been convicted under this Act, may order restitution of the property stolen, or taken or obtained by false pretences, in those cases in which the Court before whom the person convicted would have been tried but for this Act, might by law order restitution. Restitution of property.

26. Every Court, held by a competent Magistrate for the purposes of this Act, shall be an open public Court, and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed by the Clerk of the Court upon the outside of some conspicuous part of the building or place where the same is held. Magistrates Court to be open.

27. The provisions of the Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, and the provisions of the Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, shall not be construed as applying to any proceedings under this Act except as mentioned in section nineteen. Certain provisions not to apply to cases under this Act.

28. Every conviction by a competent Magistrate under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture beyond the penalty (if any) imposed in the case. Effect of conviction.

- And of dismissal.** **29.** Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause.
- No conviction to be quashed for want of form.** **30.** No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same. 5
- Act not to affect that for trial of Juvenile offenders.** **31.** Nothing in this Act shall affect the provisions of the *Act respecting the Trial and Punishment of Juvenile Offenders*; and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder. 10
- How fines under this Act shall be applied.** **32.** Every fine imposed under the authority of this Act shall be paid to the Magistrate, who has imposed the same, or to the Clerk of the Court or Clerk of the Peace, as the case may be, and shall be by him paid over to the County Treasurer for county purposes if it has been imposed in the Province of Ontario,—and if it been imposed in any new district in the Province of Quebec, constituted by any Act of the Legislature of the late Province of Canada passed in or after the year one thousand eight hundred and fifty-seven, then to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District, in to form part of the said Fund,—and if it has been imposed in any other District in the said Province, then to the Prothonotary of such District, to be by him applied under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such District, so long as such fees shall be collected to defray the cost of such erection. And in the Province of Nova Scotia 15 20 25 30
- and in the Province of New Brunswick
- Interpretation.** **33.** In the interpretation of this Act the word “property” shall be construed to include everything included under the same word or the expression “valuable security,” as used in the *Act respecting Larceny and other similar offences*; and in the case of any “valuable security,” the value thereof shall be reckoned in the manner prescribed in the said Act. 35
- Con. Stat. Can. Cap. 105 repealed. Exception.** **34.** The Act cited in the first section of this Act chapter one hundred and five of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act, with amendments, and not as a new law. 40
- Commencement of this Act.** **35.** This Act shall commence and take effect on the day of and in the year of our Lord, one thousand eight hundred 45

FORM (A) *See s. 7.*

CONVICTION.

Province of City or , }
as the case may be of, to wit: }

Be it remembered that on the day of , in the
 year of our Lord , at , A. B., being charged
 before me the undersigned , of the said (City,) (and con-
 senting to my deciding upon the charge summarily,) is convicted before
 me, for that he the said A. B., &c., (*stating the offence, and the time and
 place when and where committed,*) and I adjudge the said A. B., for his
 said offence, to be imprisoned in the (and there kept to
 hard labour) for the space of

Given under my hand and seal, the day and year first above men-
 tioned, at aforesaid.

J. S. [L. S.]

FORM (B) *See s. 6.*

CERTIFICATE OF DISMISSAL.

Province of City or }
as, the case may be of, to wit: }

I, the undersigned, , of the City or as the
case may be, of , certify that on the day of in
 the year of our Lord , at aforesaid, A.B., be-
 ing charged before me (and consenting to my deciding upon the charge
 summarily), for that he the said A. B., &c., (*stating the offence charged,
 and the time and place when and where alleged to have been committed,*)
 I did, after having summarily adjudicated thereon, dismiss the said charge.

Given under my hand and seal, this
 day of , at aforesaid.

J. S. [L. S.]

FORM (C) *See s 11.*

CONVICTION UPON A PLEA OF GUILTY.

Province of City or , }
as the case may be of, to wit: }

Be it remembered that on the day of , in
 the year of our Lord , at A. B., being
 charged before me the undersigned , of the said City,
 (and consenting to my deciding upon the charge summarily) for that he
 the said A.B., &c., (*stating the offence, and the time and place when and
 where committed,*) and pleading guilty to such charge, he is thereupon
 convicted before me of the said offence; and I adjudge him the said
 A. B. for his said offence, to be imprisoned in the (and there
 kept to hard labour) for the space of

Given under my hand and seal, the day and year first above men-
 tioned, at aforesaid.

J. S. [L. S.]

2nd Session, 1st Parliament, 32 Vic., 1869.

U

BILL.

An Act respecting the prompt and summary administration of Criminal Justice in certain cases.

Received and read, first time, Saturday, 29th May, 1869.

Second Reading, Monday, 31st May, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

BILL.

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Laws of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of sessions in relation to persons charged with indictable offences, and to extend the same as so consolidated to all Canada; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any Territorial Division in Canada, that any person has committed, or is suspected to have committed, any treason or felony, or any indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against is not in custody, such Justice or Justices of the Peace may issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same Territorial Division.

For what offences a Justice of the Peace may grant a warrant to cause a person charged therewith to be brought before him.

2. In all cases the Justice or Justices to whom the charge or complaint is preferred, instead of issuing in the first instance his or their Warrant to apprehend the person charged or complained against, may, if he or they think fit, issue his or their Summons (C) directed to such person, requiring him to appear before the Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same Territorial Division as may then be there, and if, after being served with the Summons in manner hereinafter mentioned, he fails to appear at such time and place, in obedience to such Summons, the Justice or Justices, or any other Justice or Justices of the Peace for the same Territorial Division, may issue his or their Warrant (D) to apprehend the person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge or complaint, and to be further dealt with according to law; But any Justice or Justices of the Peace may, if he or they see fit, issue the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in the Summons for the appearance of the accused party.

In what cases the party may be summoned instead of issuing a warrant in the first instant.

Warrant if summons is disobeyed.

Proviso.

3. In all cases of indictable offences committed on the high seas, or in any creek, harbour, haven or other place, in which the Admirable offences committed on

the High
Seas.

alty of England have or claim to have jurisdiction, and in all cases of offences committed on land beyond the seas for which an indictment may be preferred or the offender may be arrested in Canada, any one or more Justice or Justices for any territorial division in which any person charged with having committed, or being suspected to have committed any such offence, shall be or be suspected to be, may issue his or their warrant (D 2) to apprehend such person, to be dealt with as therein and hereby directed.

Warrant to
apprehend
party against
whom an in-
dictment is
found.

4. In case an indictment be found by the Grand Jury in any Court of Criminal jurisdiction, against any person then at large, and whether such person has been bound by any Recognizance to appear to answer to any such charge or not, and in case such person has not appeared and pleaded to the indictment, the person who acts as Clerk of the Crown or Chief Clerk of such Court shall, at any time at the end of the term or sittings of the Court, at which the indictment has been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of *twenty cents*, grant to such Prosecutor or person a Certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices of the Peace for the Territorial Division in which the offence is in the indictment alleged to have been committed, or in which the person indicted resides, or is supposed or suspected to reside or be, such Justice or Justices shall issue his or their Warrant (G) to apprehend the person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same Territorial Division, to be dealt with according to law.

Commitment.

5. If the person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them that the person so apprehended is the person charged and named in the indictment, shall, without further inquiry or examination, commit (H) him for trial or admit him to bail in manner hereinafter mentioned.

If person in-
dicted, be al-
ready in pris-
on for some
other offence,
Justice may
order him to
be detained
until remov-
ed by writ of
*Habeas Cor-
pus*, or other-
wise or dis-
charged.

6. If the person so indicted is confined in any gaol or prison for any other offence than that charged in the indictment at the time of such application and production of such Certificate to the Justice or Justices, such Justice or Justices, upon its being proved before him or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, shall issue his or their Warrant (I) directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted is then confined, commanding him to detain such person in his custody, until, *by Her Majesty's Writ of Habeas Corpus, or by order of the proper Court* he be removed therefrom for the purpose of being tried upon the said indictment, or until he be otherwise removed or discharged out of his custody by due course of law.

Not to pre-
vent the is-
suing of
Bench War-
ants.

7. Nothing in this Act contained shall prevent the issuing or execution of Bench Warrants, whenever any Court of competent jurisdiction thinks proper to order the issuing of any such Warrant.

Warrant may
be issued on
Sunday.

8. Any Justice or Justices of the Peace may grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day.

If a
warrant is to
be issued, in-
formation, to

9. In all cases when a charge or complaint for an indictable offence is made before any Justice or Justices, if it be intended to issue a Warrant in the first instance against the party charged, an

information and complaint thereof (A) in writing, on the oath or be upon affirmation of the informant, or of some witness or witnesses in that oath, &c. behalf, shall be laid before such Justice or Justices.

5 **10.** When it is intended to issue a Summons instead of a Warrant in the first instance, the information and complaint shall also be in writing, and be sworn to or affirmed in manner aforesaid except only in cases where by some Act or Law it is specially provided that the information and complaint may be by parole merely, and without any oath or affirmation to support or substantiate the same. But not if summons to be issued instead of a warrant.

11. No objection shall be taken or allowed to any information and complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who take the examination of the witnesses in that behalf. No objection allowed for alleged defect.

15 **12.** If a credible witness proves upon oath (E 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony has been committed, is in any dwelling house, outhouse, garden, yard, croft or other place or places, the Justice may grant a Warrant (E2) to search such dwelling house, garden, yard, croft or other place or places, for such property, and if the same, or any part thereof be then found, to bring the same and the person or persons in whose possession such house or other place then is, before the Justice granting the warrant, or some other Justice for the same Territorial Division. In certain cases Justice may grant a Warrant to search dwelling houses, &c.

30 **13.** Upon information and complaint as aforesaid, the Justice or Justices receiving the same may, if he or they think fit, issue his or their Summons or Warrant as hereinbefore directed, to cause the person charged to be and appear as therein and thereby directed; and every Summons (C) shall be directed to the party so charged by the information, and shall state shortly the matter of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who issues the Summons, or before such other Justice or Justices of the Peace for the same territorial Division as may then be there, to answer to the charge, and to be further dealt with according to law. Upon complaint being laid, Justice receiving the same may issue summons or Warrant for appearance of party charged.

40 **14.** Every such Summons shall be served by a Constable or other Peace officer upon the person to whom it is directed, by delivering the same to the party personally, or if he cannot conveniently be met with, then by leaving the same for him with some person at his last or usual place of abode. How summons to be served.

45 **15.** The Constable or other Peace Officer who serves the same shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service of the Summons. Constables, &c., to attend and depose.

50 **16.** If the person served does not appear before the Justice or Justices, at the time and place mentioned in the Summons, in obedience to the same, the Justice or Justices may issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before him or them, or before some other Justice or Justices for the same Territorial Division to answer the charge in the information and complaint mentioned, and to be further dealt with according to law. If party summoned not attend, Justice may issue a Warrant to compel attendance.

17. Every Warrant (B) hereafter issued by any Justice or Justices Warrant to

apprehend parties to be under the hand and seal of Justice.

of the Peace to apprehend any person charged with any indictable offence, shall be under the hand and seal, or hands and seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the Territorial Division within which the same is to be executed, or to any such Constable and all other Constables or Peace Officers in the Territorial Division within which the Justice or Justices issuing the same has jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned Territorial Division; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge contained in the information, and to be further dealt with according to law.

Warrant may remain in force until executed.

18. It shall not be necessary to make the warrant returnable at any particular time, but the same may remain in force until executed

How and where a warrant may be executed.

19. Such Warrant may be executed by apprehending the offender at any place in the Territorial Division within which the Justice or Justices issuing the same have jurisdiction, or in case of fresh pursuit, at any place in the next adjoining Territorial Division, and within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed, as hereinafter mentioned.

On what conditions Constables, &c., may execute warrant:

20. In case any Warrant be directed to all Constables or other Peace Officers in the Territorial Division within which the Justice or Justices have jurisdiction, any Constable or other Peace Officer for any place within such Territorial Division may execute the Warrant at any place within the jurisdiction for which the Justice or Justices acted when he or they granted such Warrant, in like manner as if the Warrant had been directed specially to such Constable by name, and notwithstanding the place within which such Warrant is executed be not within the place for which he is Constable or Peace Officer.

No objection allowed for alleged defect in form or substance.

21. No objection shall be taken or allowed to any Summons or Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who takes the examination of the Witnesses in that behalf as hereinafter mentioned.

If variance appears important the Justices, they may adjourn the case.

22. But if it appears to the Justice or Justices that the party charged has been deceived or misled by any such variance, such Justice or Justices, at the request of the party charged, may adjourn the hearing of the case to some future day, and in the meantime may remand the party, or admit him to bail as hereinafter mentioned.

Regulations as to the backing of warrants.

23. If the person against whom any Warrant has been issued, cannot be found within the jurisdiction of the Justice or Justices by whom the same was issued, or if he escapes into, or is supposed or suspected to be, in any place within Canada, out of the jurisdiction of the Justice or Justices issuing the Warrant, any Justice of the Peace within the jurisdiction of whom the person so escapes, or in which he is or is suspected to be, upon proof alone being made on oath or affirmation of the handwriting of the Justice who issued the same, without any security being given, shall make an endorsement (K) on the Warrant, signed with his name, authorizing the execution of the Warrant within the jurisdiction of the Justice making the endorsement, and such endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom

the same was originally directed, and also to all Constables and other Peace Officers of the Territorial Division where the Warrant has been so endorsed, to execute the same in such other Territorial Division, and to carry the person against whom the Warrant issued, when apprehended, before the Justice or Justices of the Peace who first issued the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, or before some Justice or Justices of the Territorial Division, in which the offence mentioned in the Warrant appears therein to have been committed.

24. If the Prosecutor or any of the witnesses for the prosecution be then in the Territorial Division where such person has been apprehended, the Constable, or other person or persons who have apprehended him may, if so directed by the Justice backing the warrant, take him before the Justice who backed the warrant, or before some other Justice or Justices for the same Territorial Division or place; and the said Justice or Justices may thereupon take the examination of such prosecutor or witnesses, and proceed in every respect in manner hereinafter directed with respect to persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another Territorial Division than that in which such persons have been apprehended.

25. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any creditable person, that any person *within the Dominion*, is likely to give material evidence for the prosecution and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice shall issue his summons (L 1) to such person, requiring him to be and appear at a time and place therein mentioned, before the said Justice, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify what he knows concerning the charge made against the accused party.

26. If any person so summoned neglects or refuses to appear at the time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, (after proof upon oath or affirmation of the summons having been served upon such person, either personally or with some person for him at his last or usual place of abode,) the Justice or Justices before whom such person should have appeared, may issue a Warrant (L 2), to bring such person, at a time and place to be therein mentioned, before the Justice who issued the Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify as aforesaid, and the said Warrant may, if necessary, be backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same.

27. If the Justice be satisfied by evidence upon oath or affirmation that it is probable the person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, the Justice may issue his Warrant (L 3) in the first instance, and the Warrant, if necessary, may be backed as aforesaid.

28. If on the appearance of the person so summoned, either in obedience to the Summons or by virtue of the Warrant, he refuses to be examined upon oath or affirmation concerning the premises, or refuses to take such oath or affirmation, or having taken such oath or affirmation, refuses to answer the questions concerning the premises then put to him without giving any just excuse for such refusal, any Jus-

tice of the Peace then present and there having jurisdiction, may, by Warrant (L 4), commit the person so refusing to the Common Gaol or other place of confinement, for the Territorial Division where the person so refusing then is, there to remain and be imprisoned for any time not exceeding ten days, unless he in the meantime consents to be examined and to answer concerning the premises. 5

As to the examination of witnesses

29. In all cases where any person appears or is brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in Canada or upon the high seas, or on land beyond the sea, and whether such person appears voluntarily upon 10 Summons or has been apprehended, with or without Warrant, or is in custody for the same or any other offence, such Justice or Justices before he or they commit such accused person to prison for trial, or before he or they admit him to bail, shall, in the presence of the accused person, (who shall be at liberty to put questions to any witness produced against him,) take the statement (M) on oath or affirmation of those who know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses so examined, and shall be signed also by the Justice or Justices taking the same. 20

Justice to administer oath or affirmation.

30. The Justice or Justices shall, before any witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justice or Justices are hereby empowered to do; and if upon the trial of the person accused, it be proved upon the oath or affirmation of any credible witness, that any person whose deposition has been taken as aforesaid, is dead, or is so ill as not to be able to travel, or is absent from Canada, and if it be also proved that such deposition was taken in presence of the person accused, and that he, his Counsel or Attorney, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it be proved that such deposition was not in fact signed by the Justice purporting to have signed the same. 25 30

After examination of the accused, Justice to read deposition taken against him, and caution him as to any statement he may make.

31. After the examinations of all the witnesses for the prosecution have been completed, the Justice, or one of the Justices by or before whom the examinations have been completed, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused, the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence, do you wish to say any thing in answer to the charge? You are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial;" and whatever the prisoner then says in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned. 35 40 45

Explanations to be made to the accused

32. The Justice or Justices shall, before the accused person makes any statement, state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat. 50 55

Not to prevent giving in evidence,

33. Nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession, or other statement

made at any time by the person accused or charged, which by law confession, &c. would be admissible as evidence against him.

34. Upon the trial of the accused person, the examinations may Examinations if necessary be given in evidence against him without further proof may be given 5 thereof, unless it be proved that the Justice or Justices purporting in evidence to have signed the same, did not in fact sign the same. in certain cases.

35. The room or building in which the Justice or Justices take Place of the examination and statement shall not be deemed an open Court examination, for that purpose; and the Justice or Justices, in his or their discre- not an tion, may order that no person shall have access to or be or remain open Court 10 in such room or building without the consent or permission of such and no person Justice or Justices, if it appear to him or them that the ends of without con- justice will be best answered by so doing. sent.

36. Any Justice or Justices, before whom any witness is examined, Power to Jus- 15 may bind by Recognizance (O 1) the Prosecutor, and every such tices to bind Witness, (except married women and infants who shall find security over the pro- for their appearance if the Justice or Justices see fit, to appear at secutors and 20 the next Court of competent Criminal Jurisdiction at which the witnesses by accused is to be tried, then and there to prosecute or prosecute recogni- and give evidence, or to give evidence, as the case may be, against zances. the party accused, which Recognizance shall particularly specify the place of residence and the addition or occupation of each person entering into the same.

37. The Recognizance, being duly acknowledged by the person Recogni- 25 entering into the same, shall be subscribed by the Justice or Jus- zances to be tices before whom the same is acknowledged, and a notice (O 2 subscribed to thereof, signed by the said Justice or Justices, shall at the same by Justices, &c. time be given to the person bound thereby.

38. The several Recognizances so taken, together with the Recogni- 30 written information (if any), the depositions, the statement of the zances to be accused, and the Recognizance of Bail (if any) shall be delivered transmitted to the Court in which the trial is had. by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the Court on the 35 first day of the sitting thereof, or at such other time as the Judge, Justice or person who is to preside at such Court, or at the trial orders and appoints.

39. If any witness refuses to enter into Recognizance, the Jus- Witness re- 40 tice or Justices of the Peace by his or their Warrant (P 1,) may fusing to commit him to the common gaol for the Territorial Division in enter into re- which the accused party is to be tried, there to be imprisoned and cognizances 45 safely kept until after the trial of such accused party, unless may be com- in the meantime such witness duly enters into a Recognizance mitted. before some one Justice of the Peace for the Territorial Division in which such Gaol is situate.

40. If afterwards, for want of sufficient evidence in that behalf Disc harge. or other cause, the Justice or Justices before whom the accused party has been brought, do not commit him or hold him to bail for the offence charged, such Justice or Justices or any other Justice 50 or Justices for the same Territorial Division, by his or their Order (P 2) in that behalf, may order and direct the Keeper of the gaol where the witness is in custody, to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accord- 55 ingly.

41. If from the absence of witnesses, or from any other reason- Power to Jus-

tice to re- able cause, it becomes necessary or advisable to defer the exam-
mand the ac- ination or further examination of the witnesses for any time, the
cused from Justice or Justices before whom the accused appears or has been
time to time brought, may, by his or their Warrant (Q 1) from time to time,
not exceeding 8 days by remand the party accused for such time as by such Justice or 5
warrant. Justices in his or their discretion may be deemed reasonable, not
exceeding eight clear days at any one time, to the common gaol in
the Territorial Division for which such Justice or Justices are then
acting.

If remand be 42. If the remand be for a time not exceeding three clear days, 10
for 3 days the Justice or Justices may verbally order the Constable or other
only by ver- person in whose custody the accused party may then be, or any
bal order. other Constable or person to be named by the Justice or Justices
in that behalf, to keep the accused party in his custody, and to
bring him before the same or such other Justice or Justices as 15
may be there acting, at the time appointed for continuing the
examination.

But accused 43. Any such Justice or Justices may order the accused party
may be to be brought before him or them, or before any other Justice or
brought up at Justices of the Peace for the same Territorial Division, at any 20
an earlier time before the expiration of the time for which such party has
day: been remanded, and the Gaoler or Officer in whose custody he
then is, shall duly obey such order.

Party ac- 44. Instead of detaining the accused party in custody during 25
cused may be the period for which he has been so remanded, any one Justice
admitted to of the Peace before whom such party has appeared or been brought,
bail on the may discharge him, upon his entering into a Recognizance (Q 2, 3)
examination. with or without a surety or sureties, at the discretion of the
Justice, conditioned for his appearance at the time and place 30
appointed for the continuance of the examination.

If the ac- 45. If the accused party does not afterwards appear at the time
cused does and place mentioned in the Recognizance, the said Justice or any
not appear other Justice of the Peace who may then and there be present,
according to having certified (Q 4) upon the back of the Recognizance the non- 35
his recogni- appearance of such accused party, may transmit the Recognizance
zance. to the Clerk of the Court where the accused person is to be tried,
or other proper officer appointed by law, to be proceeded upon in
like manner as other Recognizances, and such Certificate shall be
deemed sufficient *prima facie* evidence of the non-appearance of the 40
accused party.

If a person be 46. Whenever a person appears or is brought before a Justice or
apprehended Justices of the Peace in the Territorial Division wherein such Justice
in one divi- or Justices have jurisdiction, charged with an offence alleged to have
sion for an been committed by him within any Territorial Division in Canada 45
offence wherein such Justice or Justices have not jurisdiction, such Jus-
committed in tice or Justices shall examine such witnesses and receive such evidence
another, he in proof of the charge as may be produced before him or them
may be ex- within his or their jurisdiction; and if in his or their opinion, such
amined in the testimony and evidence be sufficient proof of the charge made against
former, and the accused party, the Justice or Justices shall thereupon commit 50
committed in him to the Common Gaol for the Territorial Division where the
the latter. offence is alleged to have been committed, or shall admit him to bail
as hereinafter mentioned, and shall bind over the prosecutor (if he has
appeared before him or them) and the witnesses, by Recognizance 55
as hereinbefore mentioned.

And if evi- 47. If the testimony and evidence be not, in the opinion of the

Justice or Justices, sufficient to put the accused party upon his trial for the offence with which he is charged, then the Justice or Justices shall by recognizance bind over the witness or witnesses whom he has examined to give evidence as hereinbefore mentioned; and such Justice or Justices shall, by Warrant (R 1), order the accused party to be taken before some Justice or Justices of the Peace in and for the Territorial Division where the offence is alleged to have been committed, and shall at the same time deliver up the information and complaint, and also the depositions and recognizances so taken by him or them to the Constable who has the execution of the last mentioned Warrant, to be by him delivered to the Justice or Justices before whom he takes the accused, in obedience to the Warrant, and the depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the last mentioned Justice or Justices, and shall, together with the depositions and recognizances taken by the last mentioned Justice or Justices in the matter of the charge against the accused party, be transmitted to the Clerk of the Court or other proper Officer where the accused party ought to be tried, in the manner and at the time hereinbefore mentioned, if the accused party should be committed for trial upon the charge, or be admitted to bail.

dence not deemed sufficient, may be transmitted to the proper division, &c.

Where he may be committed for trial—or be bailed.

48. In case such accused party be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable or other person or persons to whom the said Warrant is directed, and who has conveyed such accused party before such last mentioned Justice or Justices, shall upon producing the said accused party before such Justice or Justices and delivering him into the custody of such person as the said Justice or Justices direct or name in that behalf, be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices.

Expenses of Constable conveying the accused to be repaid him.

49. Upon the Constable delivering to the Justice or Justices the Warrant, information (if any), depositions and recognizances, and proving on oath or affirmation the hand-writing of the Justice or Justices who has subscribed the same, such Justice or Justices before whom the accused party is produced, shall thereupon furnish such Constable with a Receipt or Certificate (R 2), of his or their having received from him the body of the accused party, together with the Warrant, information (if any), depositions and recognizances, and of his having proved to him or them, upon oath, or affirmation the hand-writing of the Justice who issued the Warrant.

Justice to furnish Constable with a receipt or certificate, &c.

50. The said Constable, on producing such receipt or certificate to the proper Officer for paying such charges, shall be entitled to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other Territorial Division, and of returning from the same.

Constable to be paid by proper Officer.

51. If such Justice or Justices do not commit the accused party for trial, or hold him to bail, then the recognizances taken before the first mentioned Justice or Justices shall be void.

As to recognizances.

52. When any person appears before any Justice of the Peace charged with a felony, or suspicion of felony, other than treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, and the evidence adduced is in the opinion of such Justice, sufficient to put such accused party on his trial, but does not furnish such a strong presumption of guilt as to warrant his committal for trial, the Justice, jointly with some other Justice of the Peace, may admit such person to bail upon his pro-

Power to any two Justices to bail persons charged with felony, &c.

In case of
misdemeanor
one Justice
may bail.

curing and producing such surety or sureties as in the opinion of the two Justices will be sufficient to ensure the appearance of the person charged, at the time and place when and where he ought to be tried for the offence; and thereupon the two Justices shall take the Recognizances (S 1, 2,) of the accused person and his sureties, conditioned for his appearance at the time and place of trial, and that he will then surrender and take his trial and not depart the Court without leave; and when the offence committed or suspected to have been committed is a misdemeanor, any one Justice before whom the accused party appears may admit to bail in manner aforesaid;—And such Justice may in his discretion require such bail to justify upon oath as to their sufficiency, which oath the said Justice may administer, and in default of such person procuring sufficient bail, then such Justice may commit him to prison, there to be kept until delivered according to law.

Superior
County Judge
in his discre-
tion may or-
der a party
recommitted
or trial to be
admitted to
bail.

53. In all cases of felony, or suspicion of felony, other than treason or felony punishable with death or felony under the Act for the better protection of the Crown and of the Government, and in all cases of misdemeanor, where the party accused has been finally committed as hereinafter provided, any Judge of any Superior or County Court, having jurisdiction in the District or County, within the limits of which such accused party is confined, may, in his discretion, on application made to him for that purpose, order such accused party or person to be admitted to bail on entering into Recognizance with sufficient sureties before two Justices of the Peace, in such amount as the Judge directs, and thereupon the Justice shall issue a warrant of deliverance (S 3,) as hereinafter provided, and shall attach thereto the order of the Judge directing the admitting of such party to bail.

Certain of-
fences not
bailable ex-
cept by
Judge's order.

54. No Justices of the Peace, or County Judge shall admit any person to bail accused of treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, nor shall any such person be admitted to bail, except by order of Superior Court of Criminal Jurisdiction for the Province in which the accused person stands committed, or of one of the Judges thereof, or in the Province of Quebec, by order of a Judge of the Court of Queen's Bench or Superior Court; and nothing herein contained, shall prevent such Courts or Judges admitting any person accused of misdemeanor or felony to bail when they may think it right so to do.

Justice bail-
ing after
committal
to issue
a warrant of
deliverance.

55. In all cases where a Justice or Justices of the Peace admit to bail any person who is then in any prison charged with the offence for which he is so admitted to bail, the Justice or Justices shall send to or cause to be lodged with the keeper of such Prison, a Warrant of Deliverance (S 3,) under his or their hand and seal or hands and seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same.

If the evi-
dence be
deemed in-
sufficient,
party to be
discharged.

If sufficient, to
be bailed or
committed,
&c.

56. When all the evidence offered upon the part of the prosecution against the accused party has been heard, if the Justice or Justices of the Peace then present are of opinion that it is not sufficient to put the accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order the accused party, if in custody, to be discharged as to the Information then under inquiry, but if in the opinion of such Justice or Justices the evidence is sufficient to put the accused party upon his trial for an indictable offence, although it may not raise such a strong presumption of guilt as would induce them to commit the accused for trial without bail, or if the

offence with which the party is accused is a misdemeanor, then the Justices shall admit the party to bail as hereinbefore provided, but if the offence be a felony, and the evidence given is such as to raise a strong presumption of guilt, then the Justice or Justices shall by his
 5 or their warrant (T 1,) commit him to the Common Gaol for the Territorial Division to which he may by Law be committed, or in the case of an indictable offence committed on the high seas or on land beyond the sea, to the Common Gaol of the Territorial Division within which such Justice or Justices have jurisdiction, to be there safely
 10 kept until delivered by due course of law; Provided that in cases of misdemeanor the Justice or Justices who have committed the offender for trial, may at any time before the first day of the sitting of the Court at which he is to be tried, bail such offender in manner aforesaid, or may certify on the back of the Warrant of committal the
 15 amount of bail to be required, in which case any other Justice of the peace for the same Territorial Division may admit such person to bail in such amount, at any time before such first day of the sitting of the Court aforesaid.

Proviso: as to bail after committal for trial in cases of misdemeanor.

57. The Constable or any of the Constables, or other persons to
 20 whom any Warrant of Commitment authorized by this or any other Act or law is directed, shall convey the accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with the Warrant, to the Keeper of such gaol or prison, who shall thereupon give the Constable or other
 25 person delivering the prisoner into his custody a Receipt (T 2,) for the prisoner, setting forth the state and condition of the prisoner when delivered into his custody.

Provisions touching the conveyance of prisoners to.

58. At any time after all the examinations have been completed,
 30 and before the first sitting of the Court at which any person so committed to prison or admitted to bail is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody of the same, copies of the depositions on which he has been committed or bailed, on payment of a reasonable sum for the same, not exceeding the rate of *five cents* for each folio of one hundred
 35 words.

When and how defendant may be entitled to a copy of depositions.

59. Any Judge of the Sessions of the Peace for the city of Quebec or for the city of Montreal, or any Police Magistrate, District Magistrate or Stipendiary Magistrate, appointed for any Territorial Division, or any Magistrate authorized by the law of the Province in which
 40 he acts, to perform acts usually required to be done by two or more Justices of the peace, may do alone whatever is authorised by this Act to be done by any two or more Justices of the Peace, and the several forms in this Act contained, may be varied so far as necessary to render them applicable to such case.

Powers of certain Magistrates under this Act.

60. Every Coroner, upon any inquisition taken before him, where-
 45 by any person is indicted for manslaughter or murder, or as an accessory to murder before the fact, shall, in presence of the party accused, if he can be apprehended, put in writing the evidence given to the jury before him, or as much thereof as may be material, giving the
 50 party accused full opportunity of cross-examination; and the Coroner shall have authority to bind by recognizance all such persons as know or declare any thing material touching the manslaughter or murder, or the offence of being accessory to murder, to appear at the next Court of Oyer and Terminer, or Gaol Delivery, or other Court for term or
 55 sitting of a Court, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the evidence, and all the recog-

Duty of Coroner, in certain cases.

nizances, and also the inquisition before him taken, and shall deliver the same to the proper Officer of the Court at the time and in the manner specified in the *thirty-eighth* section of this Act.

When party committed wishes to be bailed, Justices on notice thereof to forward all information to Clerk of the Crown.

61. When any person has been committed for trial by any Justice or Justices, or Coroner, the prisoner, his Counsel, Attorney or Agent, may notify the committing Justice or Justices, or Coroner, that he will so soon as counsel can be heard, move one of Her Majesty's Courts of Superior Criminal jurisdiction for the Province in which such person stands committed, or one of the Judges thereof, or in the Province of Quebec, a Judge of the Court of Queen's Bench, or of the Superior Court, or in the Provinces of Ontario or New Brunswick, the Judge of the County Court if it is intended to apply to such Judge under the *fifty-third* section of this Act, for an order to the Justices of the Peace, or Coroner for the Territorial Division where such Prisoner is confined, to admit such Prisoner to bail, whereupon such committing Justice or Justices, or Coroner, shall with all convenient expedition, transmit to the office of the Clerk of the Crown, or the Chief Clerk of the Court, or the Clerk of the County Court or other proper officer (as the case may be,) close under the hand and seal of one of them, a certified copy of all informations, examinations, and other evidences, touching the offence wherewith the Prisoner has been charged, together with a copy of the warrant of commitment and inquest, if any such there be, and the packet containing the same shall be handed to the person applying therefor, in order to its transmission, and it shall be certified on the outside thereof to contain the information touching the case in question.

Same order to be made as upon Habeas Corpus.

62. Upon such application to any such Court or Judge as in the last preceding section mentioned, the same order touching the prisoner being bailed or continued in custody, shall be made as if the party were brought up upon a Habeas Corpus.

Penalty on Justices and Coroners.

63. If any Justice or Coroner neglects or offends in any thing contrary to the true intent and meaning of any of the provisions of the *sixtieth* and following sections of this Act, the Court to whose Officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, set such fine upon every such Justice or Coroner as the Court thinks meet.

Provisions to apply to all Justices and Coroners.

64. The provisions of this Act relating to Justices and Coroners shall apply to the Justices and Coroners not only of District and Counties at large, but also of all other Territorial Divisions and Jurisdictions.

65. The words "Territorial Division" whenever used in this Act shall mean County, Union of Counties, Township, City, Town, Parish or other Juridical Division or place to which the context may apply.

Forms.

66. The several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law.

Commence-
of Act.

67. This Act shall commence and take effect on the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

SCHEDULES.

(A) *Vide ss. 1 and 9.*

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,) }
of

The information and complaint of C. D. of (yeoman),
taken day of , in the year of our Lord ,
before the undersigned, (one) of Her Majesty's Justices of the Peace,
in and for the said District (or County, or as the case may be,) of
who saith that (&c., stating the offence.)

Sworn (or affirmed) before (me) the day and year first above men-
tioned, at

J. S.

(B) *See ss. 1, 17.*WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE
OFFENCE.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,) }
of

To all or any of the Constables or other Peace Officers in the District
(or County, United Counties, or as the case may be,) of :

Whereas A. B., of (laborer), hath this day , been charged
upon oath before the undersigned, (one) of Her Majesty's Justices of
the Peace in and for the said District (or County, United Counties, or
as the case may be,) of , for that he, on , at
, did (&c., stating shortly the offence); These are there-
fore to command you, in Her Majesty's name, forthwith to apprehend
the said A. B., and to bring him before (me) or some other of Her
Majesty's Justices of the Peace in and for the said District (or County,
United Counties, or as the case may be,) of , to answer
unto the said charge, and to be further dealt with according to law.

Given under (my) Hand and Seal, this day of ,
at , in the District (County, &c.,) aforesaid.

J. S. [L. s.]

(C) *See ss. 2, 13.*

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada,
District (or County,
United Counties, or
as the case may be,) }
of

To A. B. of , (laborer) :

Whereas you have this day been charged before the undersigned
(one) of Her Majesty's Justices of the Peace in and for the said District

(or) County, United Counties, or as the case may be,) of
 for that you on , at , (*&c.*, stating shortly the offence);
 These are therefore to command you, in Her Majesty's name, to be
 and appear before (*me*) on , at o'clock in the
 (*fore*) noon, at , or before such other Justice or Justices of
 the Peace of the same District (or County, United Counties, or as the
 case may be,) of , as may then be there, to answer to the said
 charge, and to be further dealt with according to law. Herein fail
 not.

Given under (*my*) Hand and Seal, this day of ,
 in the year of Our Lord , at , in the District (or
 County, *&c.*) aforesaid.

J. S. [L. S.]

(D) See ss. 2, 16.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada,
 Province of }
 District (or County,
 United Counties, or
 as the case may be,) }
 of }

To all or any of the Constables, or other Peace Officers in the said
 District (or County, United Counties, or as the case may be,) of

Whereas on the day of (instant or last past
 A. B. of the , was charged before (*me* or *us*,) the under-
 signed, (*or name the Magistrate or Magistrates, or as the case may be*)
 (*one*) of Her Majesty's Justices of the Peace in and for the said Dis-
 trict (or County, United Counties, as the case may be) of
 for that (*&c.*, as in the Summons); And whereas (*I, or he, the said*
Justice of the Peace, or we or they, the said Justices of the Peace) did
 then issue (*my, our, his or their*) Summons to the said A. B., command-
 ing him, in Her Majesty's name, to be and appear before (*me*) on
 at , o'clock in the (*fore*) noon, at
 , or before such other Justice or Justices of the Peace as
 should then be there, to answer to the said charge, and to be further
 dealt with according to law; And whereas the said A. B. hath neglected
 to be or appear at the time and place appointed in and by the said
 Summons, although it hath now been proved to (*me*) upon oath, that
 the said Summons was duly served upon the said A. B.; These are
 therefore to command you in Her Majesty's name, forthwith to appre-
 hend the said A. B., and to bring him before (*me*) or some other of Her
 Majesty's Justices of the Peace in and for the said District (or County,
 United Counties, or as the case may be,) of , to answer
 the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this day of ,
 in the year of Our Lord , at , in the District
 or County, &c.) of aforesaid.

(D 2) See s. 3.

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE
 OFFENCE COMMITTED ON THE HIGH SEAS OR ABROAD.

For offences committed on the high seas the warrant may be the

same as in ordinary cases, but describing the offence to have been committed "on the high seas, out of the body of any District or County of Canada and within the jurisdiction of the Admiralty of England."

For offences committed aboard, for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed "on land out of Canada, to wit: at _____, in the Kingdom of _____, or at _____, in the Island of _____, in the West Indies, or at _____, in the East Indies," or as the case may be.

(E 1) See s. 12.

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

The information of A. B., of the _____, of _____, in the said District (or County, &c.) (yeoman), taken this _____ day of _____, in the year of Our Lord _____, before me, W. S., Esquire, one of Her Majesty's Justices of the Peace, in and for the District (or County, United Counties, or as the case may be,) of _____, who saith that on the _____ day of _____ (insert the description of articles stolen) of the goods and chattels of Deponent, were feloniously stolen, taken and carried away, from and out of the (Dwelling House, &c.) of this Deponent, at the (Township, &c.) aforesaid, by (some person or persons unknown, or name the person,) and that he hath just and reasonable cause to suspect, and doth suspect that the said goods and chattels, or some part of them, are concealed in the (Dwelling House, &c., of C. D.) of _____, in the said District, (or County,) (here add the causes of suspicion, whatever they may be.) Wherefore, (he) prays that a Search Warrant may be granted to him to search (the Dwelling House, &c.) of the said C. D. as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (or affirmed) before me the day and year first above mentioned, at _____ in the said District, (or County) of _____

W. S.
J. P.

(E 2) See s. 12.

SEARCH WARRANT.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

To all or any of the Constables, or other Peace Officers, in the District (or County, United Counties, or as the case may be,) of _____:

Whereas A. B. of the _____, of _____, in the said District, (or County, &c.) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District,

or County, United Counties, or as the case may be,) of
 that on the _____ day of _____, (copy information as far as
 place of supposed concealment); These are therefore in the name of
 our Sovereign Lady the Queen, to authorize and require you, and each
 and every of you, with necessary and proper assistance, to enter in
 the day time into the said (Dwelling House, &c., of the said, &c., and
 there diligently search for the said goods and chattels, and if the same,
 or any part thereof, shall be found upon such search, that you bring
 the goods so found, and also the body of the said C. D. before me,
 or some other Justice of the Peace, in and for the said District (or
 County, United Counties, or as the case may be) of _____, to
 be disposed of and dealt with according to law.

Given under my Hand and Seal, at _____, in the said District
 or County, &c.) this _____ day of _____, in the year of
 (Our Lord, one thousand eight hundred and _____

W. S., J. P. (Seal.)

(F) See s. 4.

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that a Court of (Oyer and Terminer, or General
 Gaol Delivery, or General Sessions of the Peace) holden in and for
 the District (or County, United Counties, or as the case may be, o
 _____, at _____, in the said District, County, &c., f
 on _____, a Bill of Indictment was found by the Grand Jury
 against A. B., therein described as A. B., late of _____ (laborer,)
 for that he (&c., stating shortly the offence,) and that the said A. B.
 hath not appeared or pleaded to the said indictment.

Dated this _____, day of _____, one thousand eight hundred
 and _____

Z. X.

Clerk of the Crown, or Deputy Clerk of the Crown for the Dis-
 trict (or County, United Counties, or as the case may be,) _____

or

Clerk of the Peace of and for the said District (or County, United
 Counties, or as the case may be.) _____

(G) See s. 4.

WARRANT TO APPREHEND A PERSON INDICTED.

Canada,
 Province of _____ }
 District (or County,
 United Counties, or
 as the case may be)
 of _____

To all or any of the Constables, or other Peace Officers, in the said
 District (or County, United Counties, or as the case may be) of _____ :

Whereas it hath been duly certified by J. D., Clerk of the Crown of
 (name the Court) (or E. G. Deputy Clerk of the Crown, or Clerk of the
 Peace, as the case may be) in and for the District (or County, United
 Counties, or as the case may be) of _____ that (&c., stating the
 certificate); These are therefore to command you in Her Majesty's name,

forthwith to apprehend the said A. B., and to bring him before (*me,*) or some other Justice or Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be,*) to be dealt with according to law.

Given under my Hand and Seal, this day of , in the year of Our Lord , at in the District (*or County, &c.,*) aforesaid.

J. S. [L. s.]

(H) See s. 5.

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Canada, }
 Province of }
 District (*or County,* }
 United Counties, *or* }
as the case may be) }
 of }

To all or any of the Constables, or other Peace Officers in the said District (*or County, &c.*) of and the Keeper of the Common Gaol, at , in the said District (*or County, United Counties, or as the case may be*) of :

Whereas by a Warrant under the Hand and Seal of (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of under Hand and Seal dated , after reciting that it had been certified by J. D. (*&c., as in the certificate,*) () the said Justice of the Peace commanded all or any of the Constables, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*him*) the said Justice of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of or before some other Justice or Justices in and for the said District (*or County, United Counties, or as the case may be,*) to be dealt with according to law; And whereas the said A. B. hath been apprehended under and by virtue of the said Warrant, and being now brought before (*me*) it is hereupon duly proved to (*me*) upon oath that the said A. B. is the same person who is named and charged by , in the said indictment; These are therefore to command you the said Constables and Peace Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said Common Gaol at in the said District (*or County, United Counties, or as the case may be,*) of , and there to deliver him to the Keeper thereof, together with this Precept; and (*I*) hereby command you the said Keeper to receive the said A. B. into your custody in the said Gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (*my*) Hand Seal, this day of , in the year of Our Lord , at , in the District (*or County, &c.,*) aforesaid.

J. S. [L. s.]

(I) See s. 6.

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY IN CUSTODY FOR ANOTHER OFFENCE.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of }

To the Keeper of the Common Gaol at _____ in the said District (or County, United Counties, or as the case may be,) of _____ :
 Whereas it hath been duly certified by J. D., Clerk of the Crown of (name the Court) or Deputy Clerk of the Crown, or Clerk of the Peace of and for the District (or County, United Counties, or as the case may be) of _____ that (&c., stating the Certificate); And whereas (I am) informed that the said A. B. is in your custody in the said Common Gaol at _____ aforesaid, charged with some offence, or other matter; and it being now duly proved upon oath before (me) that the said A. B. so indicted as aforesaid, and the said A. B., in your custody as aforesaid, are one and the same person; These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the Common Gaol aforesaid, until by Her Majesty's Writ of *Habeas Corpus* he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (my) Hand and Seal, this _____ day of _____, in the year of Our Lord _____ at _____, in the District (or County, &c.,) aforesaid.

J. S. [L. S.]

(K) See s. 23.

ENDORSEMENT IN BACKING A WARRANT.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, that the name of J. S., to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned; I do therefore hereby authorize W. T. who bringeth to me this Warrant and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all Constables and other Peace Officers of the said District (or County, United Counties, or as the case may be) of _____, to execute the same within the said last mentioned District (or County, United Counties, or as the case may be).

Given under my Hand, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, &c.,) aforesaid.

J. L.

(L 1) See s. 25.

SUMMONS TO A WITNESS.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

To E. F. of , (laborer):

Whereas information hath been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , that A. B. (s.c., as in the Summons or Warrant against the accused,) and it hath been made to appear to me upon (oath,) that you are likely to give material evidence for (prosecution); These are therefore to require you to be and to appear before me on next, at o'clock in the (fore) noon, at , or before such other Justice or Justices of the Peace of the same District (or County, United Counties, or as the case may be,) of , as may then be there to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this day of in the year of Our Lord , at , in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(L 2) See s. 26.

WARRANT WHEN A WITNESS HAS NOT OBEYED THE SUMMONS.

Canada,
Province of
District (or County,
United Counties, or
as the case may be),
of

To all or any of the Constables or other Peace Officers, in the said District (or County, United Counties, or as the case may be) of

Whereas information having been laid before , (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, &c.,) of , that A. B., (s.c., as in the Summons;) And it having been made to appear to (me) upon oath that E. F. of , (laborer,) was likely to give material evidence for the prosecution, (I) did duly issue (my) summons to the said E. F., requiring him to be and appear before (me) on , at , or before such other Justice or Justices of the Peace for the same District (or County, United Counties, or as the case may be,) as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof has this day been made upon oath before (me) of such summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (me) on at o'clock in the (fore) noon, at , or before such other Justice or Justices for the same District (or County, United Counties, or as the case may be,) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (*my*) Hand and Seal, this
in the year of Our Lord _____, at
County, &c.,) aforesaid.

day of _____
in the District (*or*

J. S. [L. S.]

(L 3) See s. 27.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
Province of }
District (*or* County, }
United Counties, *or* }
as the case may be,) }
of }

To all or any of the Constables, or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of _____

Whereas information has been laid before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be,*) of _____ that (*g.e., as in the summons*); and it having been made to appear to (*me*) upon oath, that E. F. of _____, (*laborer,*) is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so; These are therefore to command you to bring and have the said E. F. before (*me*) on _____ at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same District (*or* County, United Counties, *or as the case may be,*) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this _____ day of _____ in
the year of Our Lord _____, at _____ in the District (*or*
County, &c.,) aforesaid.

J. S. [L. S.]

(L 4) See s. 28.

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN,
OR TO GIVE EVIDDNC E.

Canada, }
Province of }
District (*or* County, }
United Counties, *or* }
as the case may be) }
of }

To all or any of the Constables, or other Peace Officers, in the District (*or* County, United Counties, *or as the case may be*) of _____, and to the keeper of the Common Gaol at _____, in the said District (*or* County, United Counties, *or as the case may be,*) of _____:

Whereas A. B. was lately charged before _____ (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of _____, for that (*g.e., as in the Summons*); And it having been made to appear to (*me*) upon oath that E. F. of _____ was likely to give material

evidence for the prosecution, (I) duly issued (my) Summons to the said E. F. requiring him to be and appear before me on _____, at _____, or before such other Justice or Justices of the Peace for the same District (or County, United Counties, or as the case may be) as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; And the said E. F. now appearing before (me) (or being brought before (me) by virtue of a Warrant in that behalf, to testify as aforesaid,) and being required to make oath or affirmation as a witness in that behalf, hath now refused so to do, (or being duly sworn as a witness doth now refuse to answer certain questions concerning the premises which are now here put to him, and more particularly the following) without offering any just excuse for such refusal; These are therefore to command you, the said Constables, Peace Officers, or any one of you, to take the said E. F. and him safely convey to the Common Gaol at _____, in the District (or County, &c.) aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; And (I) do hereby command you, the said Keeper of the said Common Gaol to receive the said E. F. into your custody in the said Common Gaol, and him there safely keep for the space of _____ days, for his said contempt, unless he shall in the meantime consent to be examined, and to answer concerning the premises; and for your so doing, this shall be your sufficient Warrant.

Given under (my) Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (County, &c.) aforesaid.

J. S. [L. S.]

(M) See s. 29.

DEPOSITIONS OF WITNESSES.

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be,) }
 of _____ }

The examination of C. W. of _____, (farmer), and E. F. of _____, (laborer), taken on (oath) this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, &c., or as the case may be) aforesaid, before the undersigned, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) in the presence and hearing of A. B. who is charged this day before (me) for that he, the said A. B. at _____, (&c., describe the offence as in a Warrant of Commitment.)

This Deponent, C. D., upon his (oath) saith as follows : (&c., stating the deposition of the witness as nearly as possible in the words he uses. When his deposition is completed, let him sign it.)

And this Deponent, E. F. upon his (oath) saith as follows : (&c.)

The above depositions of C. D. and E. F. were taken and (sworn) before me, at _____, on the day and year first above mentioned.

J. S.

(N) See s. 31.

STATEMENT OF THE ACCUSED.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

A. B. stands charged before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the District (or County, United Counties, or as the case may be) aforesaid, this day of , in the year of our Lord , for that the said A. B., on , at , (*ſc.*, as in the captions of the depositions;) And the said charge being read to the said A. B., and the witnesses for the prosecution, C. D. and E. F., being severally examined in his presence, the said A. B. is now addressed by me as follows: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything, unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial." Whereupon the said A. B. saith as follows: (*Here state whatever the prisoner may say, and in his very words as nearly as possible. Get him to sign it if he will.*)

A. B.

Taken before me, at , the day and year first above mentioned.

J. S.

(O 1) See s. 36.

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

Be it remembered, That on the day of , in the year of our Lord , C. D. of , in the of , in the (Township) of , in the said District (or County, &c.) of , (*farmer,*) personally came before me, one of Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , and acknowledge himself to owe to our Sovereign Lady the Queen, Her Heirs and Successors, the sum of of good and lawful current money of Canada, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Sovereign Lady the Queen, Her Heirs and Successors, if he said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at, before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within (or above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., Justice of the Peace within mentioned, for that (*§c.*, as in the caption of the depositions;) if therefore, he the said C. D. shall appear at the next Court of Oyer and Terminer or General Gaol Delivery, (or at the next Court of General or Quarter Sessions of the Peace,) to be holden in and for the District (or County, United Counties, or as the case may be) of * , and there prefer or cause to be preferred a Bill of Indictment for the offence aforesaid, against the said A. B. and there also duly prosecute such indictment, then the said Recognizance to be void or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(Same as the last form, to the asterisk,* and then thus:)—“And there prefer or cause to be preferred a Bill of Indictment against the said A. B. for the offence aforesaid, and duly prosecute such Indictment, and give evidence thereon, as well to the Jurors who shall then enquire into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said Recognizance to be void, or else to stand in full force and virtue.”

CONDITION TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk,* and then thus:)—“And there give such evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said A. B. for the offence aforesaid, as well to the Jurors who shall there enquire of the said offence, as also to the Jurors who shall pass upon the trial of the said A. B. if the said Bill shall be found a True Bill, then the said Recognizance to be void, otherwise to remain in full force and virtue.”

(O 2) See s. 37.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND HIS WITNESSES.

Canada,
Province of ,
District (or County,
United Counties, or
as the case may be,) }
of

Take notice that you C. D. of , are bound in the sum of to appear at the next Court of Oyer and Terminer and General Gaol Delivery, (or at the next Court of General Quarter Sessions of the Peace, in and for the District (or County, United Counties, or as the case may be) of to be holden at , in the said District (County &c.) and then and there (*prosecute and*) give evidence against A. B., and unless you then appear there, (*prosecute and* give evidence accordingly, the Recognizance entered into by you will be forthwith levied on you.

Dated this day of one thousand eight hundred and

J. S:

(P 1) See s. 39.

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE
RECOGNIZANCE.

Canada,)
 Province of ,)
 District (or County,)
 United Counties, or)
 as the case may be,)
 of)

To all or any of the Constables or other Peace Officers in the said District (or County, &c.,) of , and to the Keeper of the Common Gaol of the said District, (or County, &c., or as the case may be,) at , in the said District (or County, &c., or as the case may be) of :

Whereas A. B. was lately charged before the undersigned, (or name of Justice of the Peace) (one) of Her Majesty's Justices of the Peace in and for the said District (or County, &c.,) of , for that (i.e., as in the Summons to the Witness,) and it having been made to appear to (me) upon oath that E. F., of , was likely to give material evidence for the prosecution, (I) duly issued (my) Summons to the said E. F., requiring him to be and appear before (me) on , at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (me) (or being brought before (me) by virtue of a Warrant in that behalf to testify as aforesaid,) hath been now examined before (me) touching the premises, but being by (me) required to enter into a Recognizance conditioned to give evidence against the said A. B. hath now refused so to do; These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said E. F. and him safely convey to the Common Gaol at

in the District (or County, &c.,) aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said E. F. into your custody in the said Common Gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. shall duly enter into such Recognizance as aforesaid, in the sum of , before some one Justice of the Peace for the said District, (or County, United Counties, or as the case may be,) conditioned in the usual form to appear at the next Court of (Oyer and Terminer, or General Gaol Delivery, or General or Quarter Sessions of the Peace,) to be holden in and for the said District (or County, United Counties, or as the case may be,) of , and there to give evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this , day of , in the year of Our Lord

in the District (or County, &c.,)

, at
aforesaid.

J. S. [L. S.]

(P. 2) See s. 40.

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada,)
 Province of ,)
 District (or County,
 United Counties, or
 as the case may be,))
 of

To the Keeper of the Common Gaol, at _____, in the District
 (or County, &c.,) of _____ aforesaid :

Whereas by (my) order dated the _____ day of _____ (instant
 reciting that A. B. was lately before then charged before (me) for a
 certain offence therein mentioned, and that E. F. having appeared
 before (me,) and being examined as a witness for the prosecution on
 that behalf, refused to enter into Recognizance to give evidence against
 the said A. B., and I therefore thereby committed the said E. F. to
 your custody, and required you safely to keep him until after the trial
 of the said A. B. for the offence aforesaid, unless in the meantime he
 should enter into such Recognizance as aforesaid; and whereas for want
 of sufficient evidence against the said A. B., the said A. B. has not
 been committed or holden to bail for the said offence, but on the con-
 trary thereof has been since discharged, and it is therefore not neces-
 sary that the said E. F. should be detained longer in your custody;
 These are therefore to order and direct you the said Keeper to dis-
 charge the said E. F. out of your custody, as to the said commitment,
 and suffer him to go at large.

Given under my Hand and Seal, this _____ day of _____
 in the year of Our Lord _____, at _____, in the District
 (or County, &c.,) _____ aforesaid.

J. S. [L. S.]

(Q 1) See s. 41.

WARRANT REMANDING A PRISONER.

Canada,)
 Province of ,)
 District (or County,
 United Counties, or
 as the case may be,))
 of

To all or any of the Constables and other Peace Officers in the said
 District (or County, United Counties, or as the case may be,) of _____
 _____, and to the Keeper of the (Common Gaol or Lock-up
 House) _____, in the said District (or County, &c.,) of _____

Whereas A. B. was this day charged before the undersigned (one) of
 Her Majesty's Justices of the Peace in and for the said District (or
 County, United Counties, or as the case may be,) of _____, for that
 (f.c., as in the Warrant to apprehend) and it appears to (me) to be neces-
 sary to remand the said A. B.: These are therefore to command you,
 in Her Majesty's name, forthwith to convey the said A. B. to the (Com-
 mon Gaol or Lock-up House,) at _____, in the said District (or
 County &c.,) and there to deliver him to the Keeper thereof, together
 with this Precept; and I hereby command you the said Keeper to receie

the said A. B. into your custody in the said (*Common Gaol* or *Lock-up House*,) and there safely keep him until the day of _____, (*instant*) whom I hereby command you to have him at _____, at _____ o'clock in the (*fore*) noon of the same day before (*me*) or before some other Justice or Justices of the Peace for the said District (*or County, United Counties, or as the case may be,*) as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District (*or County, &c.,*) of aforesaid.

J. S. [L. s.]

(Q 2) See s. 44.

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURNMENT OF EXAMINATION.

Canada, }
Province of }
District (*or County,* }
United Counties, *or* }
as the case may be,) }
of }

Be it remembered, That on the _____, day of _____, in the year of our Lord _____, A. B. of _____ (*laborer*) L. M. of _____ (*grocer*), and N. O. of _____ (*butcher*) personally came before me, (*one*) of Her Majesty's Justices of the Peace for the said District (*or County, United Counties, or as the case may be,*) and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her Heirs and Successors, the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.

CONDITION.

The condition of the within written recognizance is such, that whereas the within bounden A. B. was this day (*or on* _____ last past) charged before me for that (*ſc. as in the Warrant:*) And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the _____ day of _____ (*instant*;) If therefore the said A. B. shall appear before me on the said _____ day of _____ (*instant*), at _____ o'clock in the (*fore*) noon, or before such other Justice or Justices of the Peace for the said District (*or County or United Counties, of* _____ *or as the case may be*), as may then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, the said recognizance to be void, or else to stand in full force and virtue.

(Q 3) See s. 44.

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS SURETIES.

Canada,
 Province of ,
 District (or County,
 United Counties, or
 as the case may be)
 of

Take notice that you A. B. of , are bound in the sum of , and your Sureties L. M. and N. O. in the sum of , each, that you A. B. appear before me J. S., one of Her Majesty's Justices of the Peace for the District (or County, United Counties, or as the case may be), of , on , the day of (instant,) at , o'clock in the (fore) noon, at , or before such other Justice or Justices of the same District, (or County, United Counties, or as the case may be) as may then be there, to answer (further) to the charge made against you by C. D. and to be further dealt with according to law; and unless you A. B. personally appear accordingly, the Recognizance entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this day of , one thousand eight hundred and

J. S.

(Q 4) See s. 45.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1) See s. 47.

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada,
 Province of ,
 District (or County,
 United Counties, or
 as the case may be,)
 of

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of

Whereas A. B. of (laborer), hath this day been charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , for that (s.c. as in the Warrant to apprehend); And whereas (I) have taken the deposition of C. D. a witness examin-

ed by (*me*) in this behalf, but inasmuch as (*I*) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the District (*or County, United Counties, or as the case may be,*) of _____ where the said offence is alleged to have been committed; These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said District (*or County, United Counties, or as the case may be*) of _____ and there carry him before some Justice or Justices of the Peace in and for that District (*or County, United Counties, or as the case may be,*) and near unto the (*Township of* _____) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (*I*) hereby further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (*or County, &c.,*) of aforesaid.

J. S. [L. S.]

(R 2) See s. 49.

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE COUNTY
IN WHICH THE OFFENCE WAS COMMITTED.

Canada, _____,)
Province of _____,)
District (*or County,*)
United Counties, *or*)
as the case may be)
of _____

I, J. P. one of Her Majesty's Justices of the Peace, in and for the District (*or County, &c.*) of _____, hereby certify that W. T. Constable, *or* Peace Officer, of the District (*or County, United Counties, or as the case may be*) of _____, has on this _____ day of _____, one thousand eight hundred and _____, by virtue of and in obedience to a Warrant of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the District (*or County, United Counties, or as the case may be*) of _____, produced before me, one A. B. charged before the said J. S. with having (*&c., stating shortly the offence,*) and delivered him into the custody of _____ by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (*if any*) in that behalf, and the deposition (*s*) of C. D. (*and of* _____) in the said warrant mentioned, and that he has also proved to me upon oath, the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at _____, in the said District (*or County, &c.*) of _____

J. P.

(S 1) See s. 52.

RECOGNIZANCE OF BAIL.

Canada,
 Province of ,
 District (or County,
 United Counties, or
 as the case may be)
 of

Be it remembered, that on the day of in the year
 of Our Lord , A. B. of , (laborer,) L. M. of (grocer,)
 and N. O. of , (butcher,) personally came before (us) the under-
 signed, (two) of Her Majesty's Justices of the Peace for the District (or
 County, United Counties, or as the case may be,) of and
 severally acknowledged themselves to owe to our Sovereign Lady the
 Queen, Her Heirs and successors, the several sums following, that
 is to say: the said A. B. the sum of , and the said
 L. M. and N. O. the sum of , each, of good and law-
 ful current money of Canada, to be made and levied of their several
 goods and chattels, lands and tenements respectively, to the use of our
 said Sovereign Lady the Queen, Her Heirs and Successors, if he, the
 said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at
 before us.

J. S.
 J. N.

CONDITION.

The condition of the within written Recognizance is such, that
 whereas the said A. B. was this day charged before (us,) the Justices
 within mentioned for that (i.e., as in the Warrant); if therefore the
 said A. B. will appear at the next Court of Oyer and Terminer (or
 General Gaol Delivery (or Court of General or Quarter Sessions of the
 Peace) to be holden in and for the District (or County, United Counties,
 or as the case may be) of , and there surrender himself
 into the custody of the Keeper of the Common Gaol or Lock-up
 House) there, and plead to such indictment as may be found against
 him by the Grand Jury, for and in respect to the charge aforesaid, and
 take his trial upon the same, and not depart the said Court without
 leave, then the said Recognizance to be void, or else to stand in full
 force and virtue.

(S 2) See s. 52

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE ACCUSED
AND HIS BAIL.

Take notice that you A. B., of , are bound in the sum of
 , and your sureties (L. M. and N. O.) in the sum of ,
 each, that you A. B. appear (i.e., as in the condition of the Recogni-
 zance,) and not depart the said Court without leave; and unless you,
 the said A. B., personally appear and plead, and take your trial accord-
 ingly, the Recognizance entered into by you and your Sureties shall be
 forthwith levied on you and them.

Dated this day of , one thousand eight hundred
 and J. S.

(S 3) See ss. 53, 55.

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER
ALREADY COMMITTED.

Canada,
Province of }
District (or County,
United Counties, or
as the case may be) }
of

To the Keeper of the Common Gaol of the District (or County, United Counties, or as the case may be) of _____ at _____, in the said District (or County, United Counties, or as the case may be)

Whereas A. B. late of _____, (laborer,) hath before (us) (two) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, entered into his own Recognizance, and found sufficient sureties for his appearance at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General or Quarter Sessions of the Peace) to be holden in and for the District (or County, United Counties, or as the case may be) of _____, to answer Our Sovereign Lady the Queen, for that (*g.c.*, as in the commitment), for which he was taken and committed to your said Common Gaol; These are therefore to command you, in Her said Majesty's name, that if the said A. B. do remain in your custody in the said Common Gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, &c.,) aforesaid.

J. S. [L. s.]
J. N. [L. s.]

(T 1) See s. 56.

WARRANT OF COMMITMENT.

Canada,
Province of }
District (or County,
United Counties, or
as the case may be) }
of

To all or any of the Constables, or other Peace Officers, in the District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the District (or County, United Counties, or as the case may be) at _____, in the said District (or County, &c.,) of _____

Whereas A. B. was this day charged before (me) J. S. (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____ on the oath of C. D., of _____ (farmer,) and others, for that (*g.c.*, stating shortly the offence); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B., and him safely convey to the Common Gaol at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B., into your custody in the

said Common Gaol, and there safely to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this day of , in
the year of Our Lord , at , in the District (or
County, &c.,) of aforesaid.

(T 2) See s. 57.

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER.

I hereby certify that I have received from W. T. Constable, of the District (or County, &c.,) of , the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) of , and that the said A. B. was (sober, or as the case may be,) at the time he was delivered into my custody.

P. K.

Keeper of the Common Gaol of the said District (or County, &c.)

BILL

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.

BILL

Received and read, first time, Saturday 29th May, 1869.

Second reading, Monday, 31st May, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting the admeasurement and registration of Vessels,

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

WHEREAS the rule of admeasurement of vessels contained in the Preamble. Act "respecting the registration of inland vessels," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, being the same as that contained in the Acts of the Imperial Parliament in force on the 17th day of March, 1845, differs from that 5 contained in the Act of the Imperial Parliament known as "*The Merchant Shipping Act, 1854*," and Acts amending the same; and whereas it is desirable that but one rule of admeasurement of vessels should prevail in Canada, and that inland vessels in Canada should 10 not be subject to provisions of law in some other respects different from those to which other Canadian vessels are subject: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Act "*respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, is hereby repealed; but all things done under the provisions of the said Act, and all rights acquired by virtue of such provisions, shall remain good and valid, and all penalties and forfeitures incurred under the said Act may be sued for and enforced, and all prosecutions 25 for any such penalty or forfeiture incurred may be continued and completed as if the said Act had not been repealed.

Con. Stat. of Canada, cap. 41, repealed.

2. And whereas, by the five hundred and forty-seventh section of "*The Merchant Shipping Act, 1854*," it is enacted and provided that the Legislative Authority of any British possession shall have power 25 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; so much of the said Act and of any other Act amending the said Act and forming part of the same, as is inconsistent with this Act, or as prevents, or may be construed to prevent 30 the said Acts, or any of them, from applying to vessels navigating the inland waters of Canada and not proceeding to sea, is hereby repealed with respect to ships registered in Canada.

Inconsistent provisions of Imp. Stat., 17 and 18 Vict., c. 104, repealed.

3. The Governor in Council shall, with regard to the performance of any Act or thing relating to the registry of a ship or of any interest 35 therein in Canada under the authority of "*The Merchant Shipping Act, 1854*," as amended by subsequent Acts, be considered in all respects as occupying the place of the Commissioners of Customs.

Governor in Council to be as Commissioners of Customs.

4. In cases where it appears to the Lieutenant-Governor of any Province in Canada, that by reason of special circumstances it 40 would be desirable that permission should be granted to any British

Lieutenant-Governors may grant passes to British ships.

ship to pass, without being previously registered from any port or place within the Province of which he is Lieutenant-Governor to any other port or place in Her Majesty's Dominions, such Lieutenant-Governor may grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a Certificate of Registry; and each Lieutenant-Governor shall forward, without delay, to the Governor in Council a copy of each pass granted by him. 5

Governor in Council may appoint Registrars of Shipping. 5. The Governor in Council may appoint at and for every port at which he deems it expedient to authorize the registry of ships the Collector or other principal officer of Customs, who shall be the Registrar 10 for all the purposes of "*The Merchant Shipping Act, 1854*," and the Acts amending the same, and of this Act.

Governor in Council may also appoint Surveyors. 6. The Governor in Council may appoint at every such port, and at any other port in Canada, an officer to superintend the survey and ad- 15 measurement of ships in conformity with the said Acts and this Act; and the same person may be appointed both the Registrar and Surveyor at any such Registry Port.

Surveyors to be entitled to fees and travelling expenses. [7. Such Surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or re- 20 quiring measurement for the purposes of registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council may, from time to time by Order in Council, see fit to establish; and such fees, and travelling expenses (if any) shall be paid to such Surveyors by the persons re- 25 quiring their services; and any Surveyor may, in any case, withhold his certificate of measurement, or any other document that may be required of him, until his fees and his travelling expenses (if any) are paid; and such fees shall be in lieu of all salary or other remuneration whatever for such services, but no fees shall be charged in Canada for registering 30 vessels or recording transactions relating to the registry of vessels under this Act or under "*The Merchant Shipping Act, 1854*," or its amendments.]

Proof of loss, &c., of certificate to be on oath. 8. No new Certificate of Registry of a ship registered in Canada shall be granted in Canada, under section forty-eight of "*The Merchant 35 Shipping Act, 1854*," without proof on oath before the Registrar of the port of Registry of such ship of the Certificate of Registry of such ship having been lost, mislaid, or destroyed.

Access to registers of ships. [9. Every person may, upon payment of a fee of twenty cents have access to the Register of any ship registered in Canada, at the 40 port of Registry of such ship, at any reasonable time during the hours of official attendance of the Registrar.]

Collectors of Customs to endorse changes of masters on certificates. 10. Collectors of Customs in Canada, not being Registrars of Shipping as aforesaid, shall have the same power to endorse from 45 time to time on the Certificate of Registry of any ship at any port in Canada, where the said ship may be, any change of Master which takes place at that port, as are given to Registrars of Shipping under "*The Merchant Shipping Act, 1854*."

Endorsement of change of master by Registrar or Collector, on what proof to be made. 11. Any Registrar of Shipping or Collector of Customs at any port or place in Canada shall have power to endorse a notice of the 50 change of master on the Certificate of Registry of any ship registered in Canada, upon receiving a declaration according to the form in the Schedule to this Act, or as near thereto as circumstances permit, from the registered owner or owners, representing a majority of shares in such ship, setting forth the name of the

person appointed in lieu of the former master, who shall be named in such declaration; the said declaration shall be made and subscribed in the presence of the Registrar or Collector of Customs if the declarant or declarants reside within five miles of the Custom House of the port of Registry, but if beyond that distance, in the presence of any Registrar or Collector of Customs in Her Majesty's Dominions or of any Justice of the Peace; and in addition to such declaration, the Registrar of Shipping or Collector of Customs at the port where the change is requested to be endorsed may require to be produced a certified copy of the register, or such other evidence as he may deem necessary, as proof of the ownership of the ship.

12. In any case where two or more persons claim to be builder of any ship, or present the builder's certificate to the Registrar of Shipping at any port in Canada for the purpose of obtaining Registry for such ship under the provisions of section forty of "The Merchant Shipping Act, 1854," and are not agreed as to who is the builder of the same, such Registrar may refuse to grant registry for such ship, and is hereby empowered to summon witnesses, administer oaths, demand any books or papers, and receive any evidence relating to any ship; and a copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as he may deem necessary; and Registry shall be granted in pursuance of such directions, and not otherwise.

13. If any British or foreign registered ship is either actually or constructively wrecked, and the Register thereof is closed, and the Certificate of Registry is delivered up to the proper officer and cancelled; or if any ship, sailing under a pass from a Lieutenant-Governor, under the fourth section of this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council may direct that such ship be registered as a British ship in any port in Canada at and for which there is a Registrar of Shipping, on proof being adduced, to the satisfaction of the Governor in Council, that such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation and sale of such ship, were in good faith, and that all the requirements of the law have been complied with; but no Registrar of Shipping shall register any such ship without the authority of the Governor in Council.

14. No vessel duly registered under the provisions of the said Act "respecting the registration of inland Vessels," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada before the day on which this Act takes effect, need be registered after that day in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

15. But no vessel required by the said Act to be registered shall unless duly registered under the provisions of the said Act before the said day, and no vessel required to be registered in Canada, under the provisions of "The Merchant Shipping Act, 1854," as amended as aforesaid, shall, unless so registered before or after the said day, be recognized in Canada, as a British ship; and no officer of Customs shall grant a clearance to any vessel required to be registered under the provisions of either of the said Acts, for the purpose of enabling her to proceed on a voyage unless the master of such vessel, upon being required so to do, produces to him the proper certificate of registry; and if any such vessel attempts to proceed on a voyage as a British ship without a clearance, any officer of Customs may detain such vessel until such certificate is produced to him.

Case of conflicting claims to obtain Registry of a ship provided for.

Wrecked ship may be registered by authority of the Governor in Council.

Case of vessels registered under cap. 41 of Con. Stat. Canada provided for.

Disabilities of unregistered vessels.

Meaning of
"ship" or
"vessel."

15. In this Act the word "vessel" and the word "ship" mean equally any vessel used in navigation, save and except—

1. Vessels not exceeding fifteen tons burthen, employed solely in navigation on the rivers or coasts of Canada, and the managing owners whereof are resident within Canada. 5

2. Vessels not exceeding thirty tons burthen, and not having a whole or fixed deck, and employed solely in fishing or trading, coast-wise, on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portions of the coasts of Quebec, Nova Scotia or New Brunswick as lie bordering on such gulf. 10

Commence-
ment of Act.

16. This Act shall take effect upon, from and after the day not being earlier than the first day of January, one thousand eight hundred and seventy, named for that purpose in any published Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council. 15

SCHEDULE.

FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

I (or We) of (occupation) being registered
owner (or owners) of sixty-fourth shares of the ship
of official number tons register, hereby declare
that I (or We) have appointed A. B., master of the ship above mention-
ed in the place of C. D.
Declared before me this day of

2nd Session, 1st Parliament, 32 Victoria, 1869.

W

BILL.

An Act respecting the admeasurement
and registration of Vessels.

Received and read, first time, Saturday, 29th
May, 1869.

Second reading, Monday, 31st May, 1869.

Hon. Mr. MITCHELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to amend the Act to Incorporate the Clifton Suspension Bridge Company.

WHEREAS the Clifton Suspension Bridge Company have by their Petition set forth that they are prevented from obtaining the lands requisite for the construction of and the approaches to their bridge by reason of certain of the owners of such lands demanding exorbitant sums and refusing to appoint arbitrators, and have prayed that their Act of Incorporation may be amended so as to provide for the fair settlement of such cases; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 5, of the 31st Victoria, chapter 82, shall be struck out and the following inserted instead thereof:—

“5. The said directors shall have full power to enter upon, take and occupy any lands necessary for the construction of, and approaches to, the said bridge, first paying or tendering the value thereof, which value shall be determined by two persons selected, one by the claimant or owner of the land, and the other by the said company, and the arbitrators so selected by the claimant and the company shall proceed to determine the value of the land sought to be acquired, and the value of the land so determined upon by the said two arbitrators shall be paid or tendered to the claimant by the company, but in case the said two arbitrators cannot agree upon the value of the land, then a third person or arbitrator shall be appointed by the Lieutenant-Governor of the Province of Ontario, whose decision shall be final; and in case the claimant shall neglect or refuse to select an arbitrator within twenty days after being served with a notice by the company, that they have selected their arbitrator and requiring the claimant to select an arbitrator, then, from and after the expiration of the said twenty days, it shall and may be lawful for the Judge or acting Judge of the county in which such land is situate, upon application being made to him for that purpose by the said company, and proof given that such notice has been served as hereinbefore provided, to appoint an arbitrator for and on behalf of the claimant, which arbitrator, so named by such Judge or acting Judge, shall have the like power and privileges as if appointed by the claimant, and the two arbitrators so selected by the company and the said Judge or acting Judge shall proceed to determine the value of the land as hereinbefore mentioned, and shall fix and assess the value to be paid by the company to the claimant for the land; and the company before taking possession of the land shall pay or tender to the claimant the amount or value so determined upon by the said two arbitrators; and in case the said two arbitrators cannot agree upon or determine the value of the land, then a third person is to be appointed by the Lieutenant-Governor of the Province of Ontario, whose decision shall be final.

Section 5 of 31 Vic., c. 82 repealed, and new sections instituted.

PRINTED BY HULLMAN, ROBIN & CO. OTTAWA.

X

BILL.

An Act to amend the Act to Incorporate the Clifton Suspension Bridge Company.

Received and read first time, Thursday, 3rd June, 1869.

Second reading, Friday, 4th June, 1869.

Hon. Mr. ROSS.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to amend the Act of Incorporation of *La Banque Nationale*.

WHEREAS "*La Banque Nationale*," have by their petition prayed Preamble.
that their Act of Incorporation, 22nd Victoria, chapter 103, be
extended for a limited time, and that certain amendments be made to
the said Act, and it is expedient to grant the prayer of such peti-
tion; Therefore Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as follows:—

1. The Act of Incorporation of *La Banque Nationale*, 22nd Vic- Charter of
toria, chapter 103, shall continue to be in force from the end of the Bank con-
next ensuing Session of the Federal Parliament after the first of tinued to 1st
10 January, 1870, until the first of January 1890, and from this last date January,
until the end of the then next Session of the Federal Parliament of the 1890 &c.
Dominion of Canada, and no longer.

2. It shall be lawful for the Directors of *La Banque Nationale*, Capital stock
when they think proper, to increase the capital stock of the said Bank of Bank may
15 from one million dollars to two million dollars, the said increase of be increased.
capital stock to be divided into shares of fifty dollars each; Provided Proviso.
always, that no share of the said portion of the capital stock shall be
held to be lawfully subscribed for unless a sum equal to at least ten
20 per cent on the amount subscribed shall be actually paid at the time
of subscribing; provided also that the said increase to the capital stock
shall not be made in whole or in part without the consent of the
majority of the shareholders present at a general meeting of such
shareholders, duly called for that purpose.

3. After the first of January 1870, every Director of *La Banque* Qualification
25 *Nationale*, shall be required to hold as proprietor in his own name, at of Directors
least forty shares of the fully paid up capital stock of the said Bank, after 1st Jan-
provided that the said capital stock shall not exceed one million dollars; 1870.
but if the said capital stock is increased, then every Director shall be
required to hold as proprietor in his own name, eighty shares at least,
30 of the said fully paid up capital stock of the said Bank.

4. It shall be lawful for absent shareholders to give their votes by Absent share-
proxy, such proxy being also a shareholder, and being provided with a holders may
written authority from his constituent or constituents, in such form as vote by
shall be established by the Directors of the Bank, and which authority proxy.
35 shall be lodged in the Bank.

5. This Act shall be held and taken to be a Public Act, and shall Public Act.
be known as "An Act to amend the Act of Incorporation of *La Banque*
Nationale," and the Interpretation Act shall apply thereto.

6. All the provisions of the Act 22nd Victoria, chapter 103, which Inconsistent
40 are inconsistent with those of this Act shall be and are hereby repealed. provisions of
22 V. c. 103
repealed.

V

BILL.

An Act to extend the charter of *La Banque Nationale* and to amend the same.

Received and read first time, Thursday, 3rd
June 1869.
Second reading, Friday 4th June, 1869.

Hon. Mr. TESSIER.

OTTAWA :

PRINTED BY HUNTER, ROSE, & CO.

BILL.

An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.

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

1. The words "or without" in the first line of the second section of the sixty-ninth chapter of the Statutes of Canada passed in the thirty-
5 first year of Her Majesty's Reign, and the same words in the second line of the fifth section of the same Act, and any other words in the said chapter assuming a jurisdiction over offences not wholly committed in Canada are repealed. Section 2 and 5 &c. of 31 Vict. c. 69. amended.

2. So much of the eighth section of the seventy-second chapter of
10 the Statutes of the same year, as relates to felonies which shall not have been wholly committed within Canada, and to persons who shall be accessories to such felonies, is hereby repealed. Section 8 of 31 Vict. c. 72. amended.

Z

Z

BILL.

An Act to remove doubts as to Legislation
in Canada regarding offences not wholly
committed within its limits.

Received and read, first time, Thursday, 3rd
June, 1869.

Second reading, Friday, 4th June, 1869.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the trial and punishment of Juvenile Offenders.

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

1. In this Act the expression "any two or more Justices," shall
 5 as respects the Province of Quebec and the Province of Ontario, mean and include any two or more Justices of the Peace, or any
 Recorder, Police magistrate, District magistrate or other functionary
 or tribunal invested at the time of the passing of this Act, with
 10 the powers assigned to any two or more Justices of the Peace, by Chapter 106 of the Consolidated Statutes of Canada, intituled "*An Act respecting the trial and punishment of Juvenile Offenders,*" and acting within the local limits of their or of his jurisdiction, and any functionary, or tribunal invested by the proper Legislative authority with power to do acts usually required to be done by
 15 two or more Justices of the Peace; and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include any functionary or tribunal invested by the proper legislative authority with power to do acts usually required to be done by two or more
 20 Justices of the Peace:—and the expression "the Justices" shall have the same meaning as the expression "two or more Justices of the Peace" as above defined: and the expression "the Common Gaol or other place of confinement" shall include any Reformatory Prison provided for the reception of juvenile offenders
 25 in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

2. Every person charged with having committed or having
 attempted to commit, or with having been an aider, abettor,
 30 counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such
 offence does not, in the opinion of the Justice before whom he is brought or appears as mentioned in section *seven*, exceed the age of
 35 sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before any two or more Justices be committed to the common gaol or other place of confinement within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding *twenty dollars*, as the said
 40 Justices may adjudge.

3. The Justices before whom any person is charged and pro-
 ceeded against under this Act, before such person is asked whether
 he has any cause to shew why he should not be convicted, shall
 say to the person so charged, these words, or words to the like
 45 effect:

Intrepre-
tation.

Persons not
more than
sixteen years
of age may be
summarily
convicted of
certain offen-
ces before two
Justices.

And must if
the offender
objects to
summary
trial.

"We shall have to hear what you wish to say in answer to the charge against you; but if you wish to be tried by a Jury, you must object now to our deciding upon it at once."

And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed; but nothing in this Act shall prevent the summary conviction of any such person before one or more Justices of the Peace, for any offence for which he is liable to be so convicted under any other Act. 5

Case dismissed if offence is not proved.

4. If the Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged on his finding sureties for his future good behaviour, or without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal. 10 15

Form of certificate.

Such certificate shall be in the form or to the effect set forth in the form following:

To wit:) We, _____ of Her Majesty's Justices of the Peace for the _____, of _____, (or if a Recorder, &c.,) I, a _____, of the _____, of _____, as the case may be) do hereby certify, that on the _____ day of _____, in the year of our Lord, _____, at _____, in the said _____ of _____, M. N., was brought before us the said Justices (or me the said _____) charged with the following offence, that is to say (here state briefly the particulars of the charge), and that we the said Justices (or I the said _____) thereupon dismissed the said charge. 20 25

Given under our hands (or my hand) this _____ day of _____

Justices may send case to be tried by a Jury, if they see fit.

5. If the Justices are of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed; but this shall not prevent his being afterwards tried summarily by his own consent by the Judge of a County Court in the Province of Ontario, under any Act then in force for that purpose. 30 35

No further prosecution for the same offence.

6. Every person obtaining such certificate of dismissal as aforesaid, and every person convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause. 40

Compelling party accused to attend.

7. In case any person whose age is alleged not to exceed sixteen years be charged with any offence mentioned in section two, on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant. 45 50

Power to remand or take bail.

8. Any Justice or Justices of the Peace, if he or they think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid.

kept to hard labour) for the space of _____, unless the said sum shall be sooner paid.

Given under our hands and seals (or my hand and seal) the day and year first above mentioned.

And the conviction shall be good and effectual to all intents and purposes. 5

Conviction not void for want of form, &c.

16. No such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. 10

Convictions to be sent to Clerks of the Peace.

17. The Justices before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the Clerk of the Peace for the district, city, county or union of counties wherein the offence was committed, there to be kept by the proper officer among the records of the Court of General or Quarter Sessions of the Peace, or of any other Court discharging the functions of a Court of General or Quarter Sessions of the Peace. 15 20

Returns to Secretary of State.

18. Each such Clerk of the Peace shall transmit to the Secretary of State of Canada, a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required.

No forfeiture, but restitution may be ordered.

19. No conviction under the authority of this Act shall be attended with any forfeiture, except such penalty as may be imposed by the sentence, but whenever any person is adjudged guilty under the provisions of this Act, the presiding Justices may order restitution of the property in respect of which the offence was committed, to the owner thereof or his representatives. 25 30

Or the payment of the value in money.

20. If such property be not then forthcoming, the Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments, at such periods as the Court deems reasonable. 35

Recovery of such value.

21. The party so ordered to pay may be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court.

Enforcing payment of penalties.

22. Whenever the Justices adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, they may if they deem it expedient, appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so to be appointed, unless such offender gives security to the satisfaction of the Justices for his appearance on such day, and the Justices may take such security by way of recognizance or otherwise at their discretion. 40 45

Committal for non-payment.

23. If at any time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by Warrant under their hands and seals, commit the offender to the Common Gaol or other place of confinement within their jurisdiction, there to remain for 50

any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty.

- 5 **24.** The Justices before whom any person is prosecuted or
 tried for any offence cognizable under this Act, may, in their
 discretion, at the request of the prosecutor or of any other person
 who appears on recognizance or summons to prosecute or give evi-
 10 dence against such person, order payment to the prosecutor and
 witnesses for the prosecution, of such sums of money as to them seem
 reasonable and sufficient, to reimburse such prosecutor and witnesses
 for the expenses they have severally incurred in attending before them,
 and in otherwise carrying on such prosecution, and also to compensate
 15 to the Constables and other Peace Officers for the apprehension and
 detention of any person so charged.

Costs of pro-
 secution may
 be awarded.

25. And although no conviction takes place, the said Justices may
 order all or any of the payments aforesaid, when they are of opinion
 that the parties or any of them have acted *bonâ fide*.

Even without
 conviction.

- 20 **26.** Every fine imposed under the authority of this Act, shall be
 paid to the Justices who impose the same, or to the Clerk of the
 Recorder's Court, or the Clerk of the County Court, or the Clerk
 of the Peace, or other proper officer

To whom and
 for what pur-
 pose fines
 shall be paid
 over.

- as the case may
 25 be, and shall be by him or them paid over to the County Treasurer
 for County purposes, if the same was imposed in the Province of
 Ontario; and if it was imposed in any new district in the Province
 of Quebec, then to the Sheriff of such district as Treasurer of the
 Building and Jury Fund for such district, to form part of the said
 30 Fund, and if it was imposed in any other district in the Province
 of Quebec, then to the Prothonotary of such district, to be by him
 applied, under the direction of the Lieutenant Governor in
 Council, towards the keeping in repair of the Court House in such
 40 district, or to be by him added to the moneys or fees collected by
 him, for the erection of a Court House or Gaol in such district, so
 long as such fees are collected to defray the cost of such erection,
 and if it was imposed in the Province of Nova Scotia it shall
 be paid over to

- and if it was imposed in the Province of New
 45 Brunswick, it shall be paid over to

- 27.** The amount of expenses of attending before the Justices
 and the compensation for trouble and loss of time therein, and
 the allowances to the Constables and other Peace Officers for the
 apprehension and detention of the offender, and the allowances to be
 50 paid to the prosecutor, witnesses and constables for attending at the
 trial or examination of the offender, shall be ascertained by and cer-
 tified under the hands of such Justices, but the amount of the costs,
 charges and expenses attending any such prosecution, to be allowed
 and paid as aforesaid, shall not in any one case exceed the sum of
 55 *eight dollars*.

Certificate of
 expenses.

- 28.** Every such order of payment to any prosecutor or other person,
 after the amount thereof has been certified by the proper Justices of
 the Peace as aforesaid, shall be forthwith made out and delivered by
 the said Justices or one of them, or by the Clerk of the Recorder's
 60 Court, Clerk of the County Court or Clerk of the Peace, as the case
 may be, unto such prosecutor or other person, upon such Clerk being

By whom
 such expenses
 shall be paid.

paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any monies received by him under this Act, the money in such order mentioned, and shall be allowed the same in his accounts of such moneys.

29. The Act cited in the first section of this Act, chapter one hundred and six of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act, and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act with the amendments hereby made and not as a new law.

30. This Act shall commence and take effect on the day of _____ in the year of Our Lord one thousand eight hundred and _____

Commence-
ment of this
Act

No. 75.

2nd Session, 1st Parliament, 32 Victoria, 1869.

AA

BILL.

An Act respecting the trial and punishment
of Juvenile Offenders.

Received and read first time, Friday, 21st May,
1869.

Second reading, Tuesday, 25th May, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting Contagious Diseases affecting Animals.

Note—The clauses between brackets thus [] are proposed to be struck out at the third reading.

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

1. The Governor may, from time to time, by Order in Council, Governor
may prohibit
the importa-
tion of cattle,
&c.
5 prohibit the importation or introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals
10 in Canada.

2. The Governor may, from time to time, by Order in Council, Governor
may establish
a quarantine
for cattle.
15 such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that contagion or infection may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any contagious or infectious disorders into Canada ; and the Gov-
20 ernor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of contagious diseases.

25 3. If any sheep, cattle, horse, swine or other animal, be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any Order made in pursuance of this Act, the same shall be forfeited and forthwith destroyed ; and every Penalty of
importing
cattle, &c.,
contrary to
law.
30 person importing or introducing, or attempting to import or introduce any animal into Canada, contrary to the provisions of any such Order or regulation, shall be liable to a penalty of *two hundred dollars* for every animal so imported or introduced, or attempted to be imported or introduced by him.

4. The Governor may, from time to time, by Order in Coun- Governor
may make
certain regu-
lations.
35 cil, make such regulations as to him may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts of or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other
40 parts of any animals, or of hay, straw, fodder or other articles likely

to propagate infection ; and also for the purpose of purifying any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles, or any vessels ; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed 5 or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other orders or regulations for the purpose of giving effect to the provisions of this Act, and again to revoke, alter or vary any such orders or regulations ; and all 10 provisions for any of the purposes aforesaid in any such Order in Council, contained shall have the like force and effect as if the same had been inserted in this Act ; and every person offending against the same, shall for each and every offence, forfeit and pay such sum, not exceed- 15 ing one *one hundred dollars* as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

Orders in Council to be published in Canada Gazette.

5. Every Order in Council made under the authority of this Act, shall, within fourteen days after the issuing thereof, be twice published in the *Canada Gazette* ; and in case any such Order in Council, or any order or regulation in it applies to any particular part of or place 20 in Canada, then such Order in Council shall also be twice published within fourteen days after the issuing thereof, in some newspaper or newspapers circulating in the county or counties within which each of such parts or places, or any portion or portions thereof respectively, is or are situated. 25

Penalty for bringing infected animals to market.

6. In case any animal infected with or laboring under any contagious or infectious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it 30 shall be lawful for any clerk or inspector or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any Justice of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the 35 mayor or reeve, or to any Justice of the Peace having jurisdiction in the place ; and it shall be lawful for such mayor, reeve or justice, either to restore the same or to cause the same together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise 40 disposed of, in such manner as he shall deem proper, or as may be directed, as hereinbefore provided ; and any person bringing, or attempting to bring, any animal, into any such market, fair or open or public place as aforesaid, knowing such animal to be infected with or laboring under any contagious or infectious disorder shall, 45 upon conviction thereof, forfeit and pay for each and every such offence a sum not exceeding *one hundred dollars*.

Penalty for keeping infected animals on any unenclosed land.

7. If any person turn out, keep or depasture any animal infected with or laboring under any contagious or infectious disorder, in or upon any forest, wood, moor, beach, marsh, common, waste land, open field, 50 roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding *one hundred dollars*.

Governor may define limits of Ports and

8. The Governor in Council, may, from time to time, by order, define the limits of ports for the purposes of this Act, and appoint inspectors 55 and other officers when deemed necessary.

9. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any contagious disease among animals, shall proceed to the place mentioned, with all practicable speed and execute and discharge the duties relevant to their functions pursuant to the regulations before mentioned and the instructions received by them

appoint Inspectors.
Duty of Inspectors.

10. Any inspector or other officer appointed as aforesaid may, at any time, enter any common, common field, field, stable, coach-shed or other premises within his district where he has reasonable ground for supposing that any animal affected with contagious disease is to be found, for the purpose of this Act, but shall, if required, state in writing, the grounds on which he has so entered.

Inspector may enter certain premises.

2. If any person refuses admission to such inspector or officer acting under this Act, or regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act.

11. The certificate of an inspector or an officer as aforesaid, to the effect that an animal is affected with a contagious disease shall, for the purposes of this Act, be conclusive evidence in all courts of justice and elsewhere of the matter certified.

Certificate of Inspector to be evidence.

12. Where an inspector finds contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the common, common field, field, stable, cowshed, or other premises where the disease is found, and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall become and be an infected place, and the same shall be an infected place until the determination and declaration of the Governor relative thereto in this Act provided for.

Inspector provisionally declare any place infected.

13. The area of an infected place may in all cases of a declaration by the Governor, include with the common, common field, field, stable, cowshed, or other premises in which contagious disease has been found to exist, such an area as to the Governor seems requisite. With respect to the cities, the Governor may from time to time, by order, extend the limits of an infected place beyond the boundaries of the common, common field, field, stable, cowshed, farm, or premises where cattle plague is declared or found to exist.

Area of infected place.

14. The area of an infected place may in any case be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

Map or plan.

15. An order of the Governor, declaring a place to be an infected place shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters in which the order proceeds.

Of what Order to be evidence.

16. Regulations and orders may be issued by the Governor, which shall have effect with respect to infected places to the following and such like purposes :

Governor may make regulations.

2. To prevent the removal of live animals, hide, skin, hair, offal of any animal, or any part thereof; the carcase or any remains of any animal; any dung of animal, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a licence signed by an inspector or other officer appointed as aforesaid.

Offences in connection with infected places.

17. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act.

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Movement through infected places allowed.

18. The provisions of this Act with respect to infected places shall not restrict the moving of any animal or thing by railway through an infected place, such animal or thing not being detained within the infected place.

Powers and duties of Constables.

19. Any constable may proceed as follows: He may apprehend any person found committing an offence against the provisions of this Act with respect to infected places, and he shall take any person so apprehended, as soon as conveniently may be, before a Justice of the Peace to be examined and dealt with according to law; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest. He may require that any animals or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

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How places shall cease to be infected.

20. The Governor may, at any time, by order, declare any place to be free from contagious disease; and thereupon, as from the time specified in this behalf in the order of the Governor, the place shall cease to be an infected place.

21. An order of the Governor relative to an infected place shall supersede any order of a local authority inconsistent with it.

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Inspector may give notice to occupiers of lands, &c., adjoining infected places. Effect of notice.

22. Where, under this Act, an inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall, apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place.

35

Penalty for entering an infected place in contravention of notice.

23. Where a person having cattle in his possession or keeping within the district wherein contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the same, or any part thereof, in contravention to the notice, he shall for every such offence be liable to a penalty not exceeding *twenty dollars*.

40

Duty of common carriers with respect to animals.

24. Every steamboat company, railway company and other company, and every person carrying animals for hire to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor may from time to time by order in Council direct, all steamers, vessels, boats, pens, carriages, trucks, horse-boxes, and vehicles used by such company or person for the carrying of animals.

45

2. If any company or person on any occasion fails to comply with the requirements of any such order, in Council, such company or person shall, on every such occasion, be deemed guilty of an offence against this Act.

50

25. An inspector, or any officer authorized to execute this Act, may at all times enter on board any steamer, vessel or boat in respect whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box, or vehicle in respect whereof any company or person has on any occasion so failed is to be found, and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of an offence against this Act.

Power of Inspector to enter vessels.

26. The Governor in Council may, notwithstanding any thing in this Act, reserve for experimental treatment, any animal ordered to be slaughtered under this Act.

27. The Governor in Council may from time to time make such orders as they think expedient for all or any of the following purposes :
For requiring notice of the appearance of any such disease among animals :

Orders may be made by the Governor.

For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals :

For requiring proof of the fact that animals imported into or passing through Canada shall not, at the time of their embarkation, have been brought from any place or locality where any contagious or infectious disease may at the said time be in existence.

And generally, any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of contagious or infectious disease among animals (whether any such orders are of the same kind as the kinds enumerated in this section or not), and may in any such order direct or authorize the slaughtering of animals that are affected with any contagious or infectious disease, or that have been in contact with animals so affected.

28. Every such order shall have the like force and effect as if it had been enacted by this Act.

Force and effect of such order.

29. Any order, license, regulation, or other instrument made under this Act, or under any order of the Governor in Council thereunder, may be in writing or print, or partly in writing and partly in print.

Orders, &c., may be in writing, &c.

30. An order or regulation made or issued under this Act, or under any order of the Governor in Council, may be proved as follows :

Proofs of Orders.

By the production of a copy of a newspaper containing a copy of such order or regulation ; or

By the production of a printed or other copy of such order or regulation issued to an Inspector or other Officer as aforesaid :

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the term at which it bears date.

[31. Penalties and forfeitures shall be recoverable and applicable under an order of the Governor in Council, as penalties and forfeitures under this Act are recoverable and applicable.]

Recovery and application of penalties and forfeitures under Orders.

32. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize

Penalty for obstructing or impeding Inspector.

the offender and detain him until he can be conveniently taken before a justice, to be dealt with according to law.

Appropriation of penalties.

33. One-half of every penalty or forfeiture recovered under this Act shall be paid to the person who sues or proceeds for the same, and the other half shall be paid into the hands of the Receiver General.] 5

Where offences against this Act, &c., shall be deemed to have been committed.

34. For the purposes of proceedings under this Act, or any order or regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. 10

Repeal of Act 29 Vict. Cap. 15.

35. The Act of the Legislature of the Late Province of Canada, passed in the twenty-ninth year of Her Majesty's Reign, Chapter 15 fifteen, intituled "*An Act to provide against the introduction and spreading of disorders affecting certain animals,*" is hereby repealed.

Short title.

36. When citing this Act it shall be sufficient to call it "The Animal Contagious Diseases Act 1869." 20

2nd Session, 1st Parliament, 32 Victoria, 1869.

BB

BILL.

An Act respecting Contagious Diseases affecting Animals.

Received and read first time, Monday, 7th June, 1869.

Second reading, Wednesday, 9th June, 1869.

Hon. Mr. CHAPMAN.

OTTAWA.

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405

