

THE CRIMINAL LAWS—PLAGIARISM.

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 has 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, 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 to the County Treasurer for county purposes, and in the Province of New Brunswick to the County Treasurer for county purposes.

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 in the manner prescribed in the said Act.

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cited in the first section of this Act, chapter one hundred and five of the Consolidated Statutes of Canada, is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act, and as to all sentences pronounced and punishments awarded under it, as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.

34.—This Act shall commence and take effect on the first day of January, in the year of our Lord one thousand eight hundred and seventy.

FORM (A)—See sec. 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 consenting 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 at hard labor) for the space of ———

Given under my hand and seal, the day and year first above mentioned, at ——— aforesaid.

J. S. [L. S.]

FORM (B)—See sec. 7.

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., being 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 sec. 11.

Conviction upon a plea of not 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 charge, and I adjudge him, the said A. B., for his said offence, to be imprisoned in the ——— (and there kept at hard labor) for the space of ———

Given under my hand and seal, the day and year first above mentioned, at ——— aforesaid.

J. S. [L. S.]

SELECTIONS.

PLAGIARISM.

The question, what is a legitimate use of an author's work, must depend on the circumstances of the particular case. As the Vice-Chancellor remarked in the latest case on this subject (*Pike v. Nicholas*, V.C.J., 17 W. R. 842), a man publishing a book gives it to the world, and so far as it adds to the world's knowledge he adds to the materials which any other author has a right to use, and may even be bound not to neglect. In the case of dictionaries and similar publications wherein originality is necessarily excluded, the compiler is entitled, without exposing himself to a charge of piracy, to make use of preceding works, where he bestows such mental labour upon what he has taken, and subjects it to such revision and correction, as to produce an original result; provided he does not deny the use of such preceding works, and the alterations are not merely colourable (*Spiers v. Brown*, 6 W. R. 352). Merely to copy and re-arrange copyright matter is piracy (*Lewis*