

cases, and while the opinions expressed as to the effect on the offence where there is no prize, are of importance because of the high judicial standing of the two Judges named, they do not appear to be authoritative as precedents by reason of the fact that this question did not come up squarely for decision and both cases went off on other grounds.

In the "Act respecting prize fighting," R.S.C. 1886, ch. 153, the interpretation clause declared that, unless the context otherwise required, the expression "prize fight" means an encounter or fight with fists or hands between two persons who have met for such purpose by previous arrangement made by or for them. The Act provided the punishment for challenging to fight a prize fight, and such offence was declared to be a misdemeanour and punishable on summary conviction. Engaging as a principal in a "prize fight," or aiding or abetting a "prize fight," were likewise misdemeanours and were punishable on summary conviction. Special duties to prevent "prize fights" were imposed upon sheriffs and police officers in like manner as such duties are now stated in secs. 627 and 628 of the Criminal Code, 1906. Judges of the Superior and County Courts were given all the powers of justices of the peace as regards offences under the Prize Fighting Act, and such powers they still have by virtue of sec. 606 of the Criminal Code, 1906, which replaces in part sec. 10 of the original statute, 44 Vict. ch. 30. Section 9 of that Act which was the predecessor of the present sec. 108 of the Criminal Code, 1906, was as follows:—

"9. If, after hearing evidence of the circumstances connected with the origin of the fight or intended fight, the person before whom a complaint is made under this Act is satisfied that such fight or intended fight was *bonâ fide* the consequence or result of a quarrel or dispute between the principals engaged or intended to engage therein, and that the same was *not an encounter or fight for a prize* or on the result of which the handing over or transfer of money or property depends, such person may, in his discretion discharge the accused or impose upon him a penalty not exceeding fifty dollars."

While section 108 was not directly invoked in the principal case above reported it is of importance for the interpretation of the term "prize fight" in the preceding secs. 104 to 107 inclusive, having regard to the statutory definition of "prize fight" as contained in sub-sec. 31 of sec. 2 of the Criminal Code, 1906. Sub-sec. 31 appears in the same terms as the definition in the original Act, when read with the limitation which is imposed by sec. 2 as regards all of the statutory definitions, namely, that the interpretation shall be as stated "unless the context otherwise requires."

This sec. 9 had a marginal note as follows: "If the fight was not a prize fight but an actual quarrel."

With reference to the meaning of statutory interpretation clauses generally, the following extract from Beal's *Cardinal Rules of Legal Interpretation*, 2nd ed., 299, is of interest: "An interpretation clause should be used for the purpose of interpreting words which are ambiguous or equivocal, and not so as to disturb the meaning of such as are plain. An