

make returns of convictions had before them, may not be held as often as once in every three months; and it is desirable that such returns should not be made less frequently." This, then, is the purpose of this amendment, to secure returns *quarterly* in every Province instead of *half-yearly* as in some. So that had the conviction taken place on the 13th (*i. e.* the second Tuesday) of December instead of on the 12th of that month, the defendant would be bound to make a return of it "on or before the second Tuesday in March," instead of, as under 32-33 Vict. c. 31, on or before the second Tuesday in June, when the next sittings of the Court at which an appeal might be heard took place. The case of *Corsant, qui tam v. Taylor*, 23 U. C. C. P. 607, seems at first sight to be in the plaintiff's favour. The fact there was that the conviction took place on the 21st of January, but no return of it was made before the "second Tuesday in March," as required by the statute. The plaintiff then brought his action alleging the non-return. No *plea* clearly could have helped the defendant; and so as a forlorn hope, it would seem, he demurred to the declaration on the ground that it did not aver that the return of the conviction was not made to the sessions to which a party complaining could by law appeal. The Court above decided against the demurrer—and rightly enough; for independent of the reasons given in the judgment, it was clear that the defendant claimed the right to delay from the 19th of January till the second Tuesday in June following, a period of nearly three months; and this in the face of the recital in sect. 3 of the Act 33 Vict. quoted above: "It is desirable that such returns should not be made less frequently" than once in every three months. Here the defendant sets up no such claim, but he makes his return within three months, and only such a one as was possible—one before the second Tuesday of that one of the four months mentioned in the statute, the earliest before which it was *possible* to make a return.

The intention, as it seems to me, of the Act (33 Vict. c. 27,) was this, (and the wording, I think, may, without wresting the plain meaning, bear the same construction) that in the case of a conviction made within the twelve days immediately preceding either of the semi-annual sittings of the General Sessions, the right given under the Act of 32-33 Vict. ch. 31, to delay

making a return of the conviction until the first day of the next sitting of such sessions, that is for a period of over six months, it might be, was taken away and a return ordered to be made on or before the second Tuesday of the third month thereafter, that is on or before the first day of what had been the next sittings of such sessions previous to the Law Reform Act, which made such sittings semi-annual instead of quarterly as theretofore. I have said I think the wording of the section may bear the same construction and I say this looking at the closing words of the section, which are, "and the penalties thereby imposed," (that is by the Act of 32-33 Vict.) "... shall hereafter apply to the returns hereby required, and to any offence or neglect committed with respect to the making thereof, as if the periods hereby appointed for making the said returns had been mentioned in the said Act instead of the periods thereby appointed for the same." Now let us substitute the periods in the latter Act for those in the prior one. In the older Act there appear to be prescribed *two* periods for making returns, the one, the *first* sittings of the session after the conviction; the other, the *second* sittings after the convictions; and these periods were to be ascertained and determined according as the conviction took place: (1) *Not less* than twelve days before a sittings; (2) *less* than twelve days before a sittings. There were then only semi-annual returns, but the Legislature thought it desirable there should be quarterly returns instead, and so it substitutes *four* periods for the *two* in the former Act; or rather it added two more periods, dove-tailing them in as it were. Had there been no change from quarterly to semi-annual sittings, in some of the Provinces, there would have been no need for this section, and it would probably never have been passed, for if returns were actually required and were necessarily made once in every three months, the recital above quoted, that "it is desirable that such returns should not be made less frequently" than once in every three months, would be meaningless. I have said this section *added two more periods*. It says in effect to a justice, "instead of delaying the return of a conviction made by you within the twelve days next preceding any sessions, till the sessions held six months after such (first mentioned) sessions, you must make it within the time you formerly had to make it, that is on the