

254,009-24

Ottawa, November 19, 1908.

Sir,-

I beg to acknowledge the receipt of your letter of 17th instant, and in reply to inform you that after a necessarily hurried consultation with an officer of the Department of Justice the opinion is entertained that the Section 739, sub-Section 1, B, seems to authorize the view that a conviction adjudging payment of a penalty and costs may adjudge imprisonment in default of payment, irrespective of provision for the same by the Act or law under which the conviction has been made, and words "of the distress and" in the ninth line are to be regarded as surplusage.

Treaner in Canadian Criminal Law (2nd edition) at page 584 refers to two cases which seem applicable, viz., ex parte Gorman (1898) 4, Can. Cr. Cases 305, N. B., and ex parte Casson, 2 Can. Cr. Cases, 483, N. S.

Your obedient servant,

H. M. S. D. J.
Deputy Superintendent General
of Indian Affairs.

D. Inglis Grant, Esq.,

Barrister, &c.,

Orillia, Ont.

Dept. of Indian & Northern Affairs, Letterbook,
16 November 1908 - 4 December 1908, (R.G. 10, Volume 5220)

POOR COPY

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES

CANADA