



THE
CONSTABLES' MANUAL

FOURTH EDITION

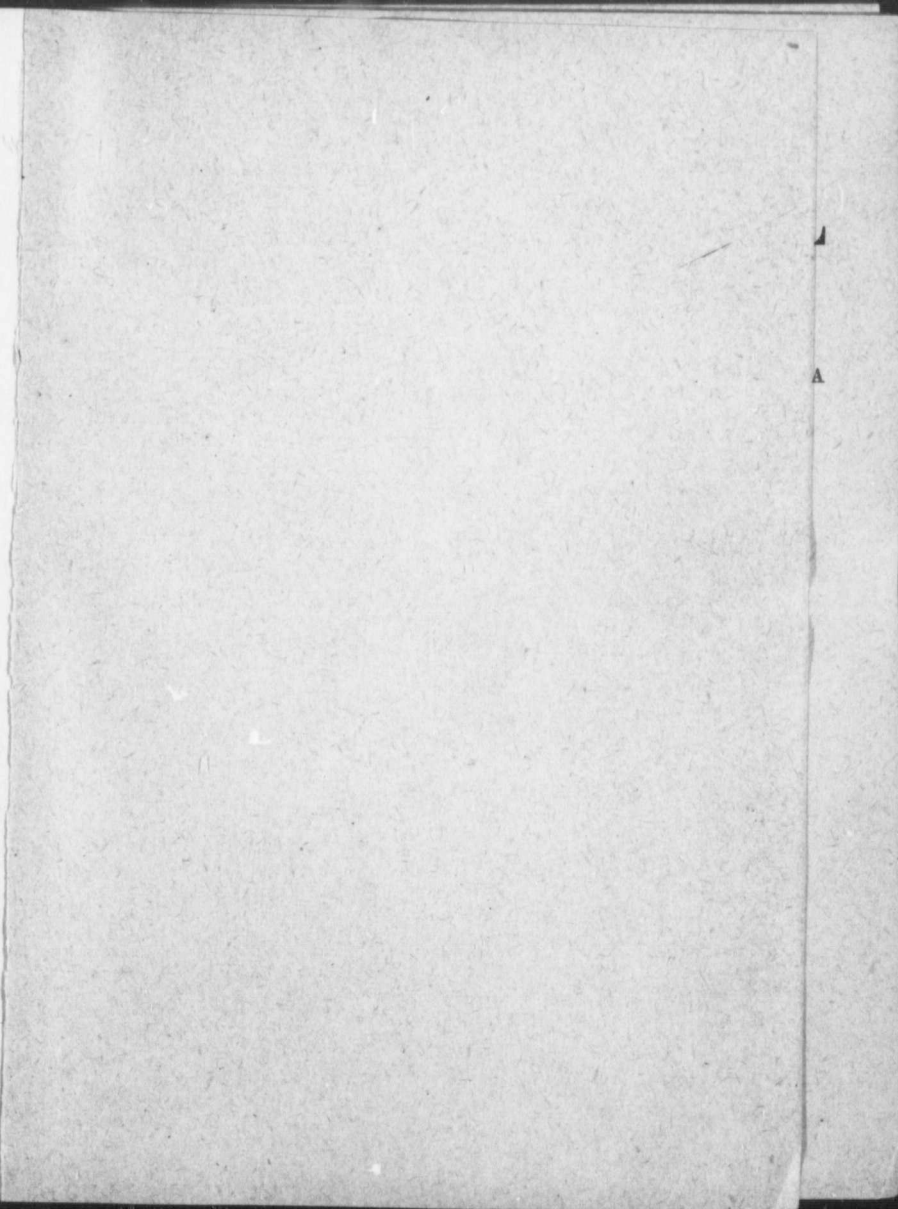
W. D. PATTERSON, K.C.

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THE CONSTABLES' MANUAL

CONTAINING A SUMMARY OF THE
LAW RELATING TO THE DUTIES OF CONSTABLES, BEING A
REVISION OF JONES' CONSTABLES' MANUAL.

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FOURTH EDITION
REVISED BY
GEORGE PATTERSON, K.C.

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PREFACE TO FOURTH EDITION.

NEARLY ten years have elapsed since the publication of the third edition of this manual and there have been many changes in the Criminal Code and the other statutes referred to.

In the present edition these changes have been incorporated up to and including the year 1915, and there has been a re-arrangement of some of the subject-matters treated of.

The Index has been revised and will be found to be full and accurate. In other respects the work follows closely the lines of the last edition.

Winnipeg, June, 1916.



ABBREVIATIONS.

| | |
|-----------------|---|
| Atty.-Gen..... | Attorney-General. |
| A. C..... | Appeal Cases. |
| A. R..... | Ontario Appeal Reports. |
| B. & C..... | Barnewall & Cresswell's Reports. |
| B. C. R..... | British Columbia Reports. |
| C..... | Chapter. |
| C. C..... | Criminal Code of Canada, 1906. |
| Can..... | Canada. |
| Can. C. C..... | Canadian Criminal Cases. |
| C. L. J..... | Canada Law Journal. |
| C. L. T..... | Canadian Law Times. |
| Cap..... | Chapter. |
| Cart..... | Cartwright's Constitutional Cases. |
| C. P..... | Common Pleas Reports. |
| C. O. Alb..... | Consolidated Ordinances of N. W. T. in force in Alberta, 1905. |
| Cox..... | Cox's Criminal Cases. |
| Dears..... | Dearsley's Crown Cases. |
| Dears. & B..... | Dearsley & Bell's Crown Cases. |
| Den..... | Denison's Crown Cases. |
| Ed..... | Edward. |
| Ex..... | Exceeding. |
| F. & F..... | Foster & Finlayson's Reports. |
| G. S..... | Court of General Sessions. |
| Gr..... | Grant's Reports. |

- H. C.....High Court of Justice.
H. L.....Hard Labour.
Imp..... Imprisonment.
Ir..... Irish Reports.
J. P..... Justice of Peace.
2 J. P..... Two Justices of Peace.
L. C. Jur.....Lower Canada Jurist.
L. & C.....Leigh & Cave's Crown Cases.
L. N.....Legal News, P. Q.
L. T.....Law Times Reports.
L. T. Jour.... Law Times Journal.
Man..... Manitoba Reports.
Mo.....Month.
Mos.....Months.
N. B. R.....New Brunswick Reports.
N. S. R.....Nova Scotia Reports.
Ont.....Ontario Reports.
O. L. R.....Ontario Law Reports.
P. E. I..... Prince Edward Island Statutes.
P. R.....Ontario Practice Reports.
Q. B.....Queen's Bench Reports.
Q. B. D..... Law Reports, Queen's Bench Division.
Que. S. C..... Quebec Superior Court Reports.
Que. K. B..... Quebec King's Bench Reports.
Que. Q. B..... Quebec Queen's Bench Reports.
Reg..... Regina.
R.....Rex or Regina.
R. S. B. C.....Revised Statutes British Columbia,
1911.

ABBREVIATIONS.

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- R. S. C.....Revised Statutes of Canada, 1906.
R. S. M..... Revised Statutes of Manitoba, 1913.
R. S. N. B.....Revised Statutes of New Brunswick,
1903.
R. S. N. S.....Revised Statutes of Nova Scotia, 1900.
R. S. O.....Revised Statutes of Ontario, 1914.
R. S. Sask.....Revised Statutes of Saskatchewan,
1909.
S..... Section.
S. S..... Sub-section.
S. C. R.....Canada Supreme Court Reports.
Sum..... Summary.
T. P. F. Reg.... Toronto Police Force Regulations.
U. C. C. P.....Upper Canada Common Pleas Reports.
U. C. Q. B.....Upper Canada Queen's Bench Reports.
U. C. L. J..... Upper Canada Law Journal.
V..... Versus.
Vic..... Victoria.
V..... Victoria.
Warb. L. C..... Warburton's Leading Cases.
W. or W. H. L. With or Without Hard Labour.
Yr..... Year.
Yrs..... Years.



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Abandoning or exposing children under two years of age. C. C. s. 245.

“Abandon” or “expose” includes a wilful omission to take charge of the child when legally bound to do so, or any mode of dealing with it to leave it exposed to risk without protection. C. C. s. 245. *R. v. Gray, Dears. & B. 303.*

Abduction. C. C. ss. 313-316.

313. Of a woman with intent to marry or carnally know.

314. Of an heiress from motives of lucre.

315. Of a girl under 16 years of age.

316. Of child under 14 years.

A verdict for assault or for an attempt to commit the offence charged may be given if the evidence warrants it. C. C. ss. 949-951.

See C. C. ss. 1027-1029 as to fine. Under C. C. 315, the only intent which is material is the intent to deprive the parent or legal guardian of possession of the child. A woman may be guilty of the offence under C. C. 315. The consent of the girl is immaterial.

R. v. Hollis, 8 L. N. 229; *R. v. Blythe*, 4 B. C. R. 276.

Abortion or attempt to procure. C. C. ss. 303-305.

R. v. Hamilton, 4 Can. C. C. 251.

Accessories and Abettors. C. C. ss. 69-71, 574-5.

69. Every one is a party to and guilty of an offence who

(a) actually commits it; or

(b) does or omits an act for the purpose of aiding any person to commit the offence; or

(c) abets any person in commission of the offence; or

(d) counsels or procures any person to commit the offence.

2. If several persons form a common intention to prosecute any unlawful purpose, and to assist each other therein, each of them is a party to every offence committed by any one of them in the prosecution of such common purpose, the commission of which offence was, or ought to have been, known to be a probable consequence of the prosecution of such common purpose.

R. v. Jordan, Warb. L. C. 9; R. v. Roy, 3 Can. C. C. 472, 9 Que. Q. B. 312; R. v. Dowd, 17 Que. S. C. 67; R. v. Hodge, 2 Can. C. C. 350, 12 Man. 319; R. v. Graham, 2 Can. C. C. 388, 8 Que. Q. B. 169; R. v. Campbell, 2 Can. C. C. 357, 8 Que. Q. B. 322. See Trading Stamps.

69. (2) R. v. Rice, 4 O. L. R. 223; 5 Can. C. C. 509. The soliciting and inciting a person to commit an offence

5. where no offence is in fact committed by the person so solicited, is an indictable offence. *R. v. Gregory*, 10 Cox 459. See C. C. 269 as to aiding and abetting suicide.

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70. Every one who counsels or procures another person to be a party to an offence of which that person is afterwards guilty is a party to that offence, although it may be committed in a way different from that which was counselled or suggested.

2. Every one who counsels or procures another to be a party to an offence is a party to every offence which that other commits in consequence of such counselling or procuring, and which the person counselling or procuring knew, or ought to have known, to be likely to be committed in consequence of such counselling or procuring.

R. v. Taylor, 13 Cox 68; *Benford v. Sims*, [1898] 2 Q. B. 641; *DuCros v. Lambourne*, [1907] 1 K. B. 40.

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71. An accessory after the fact to an offence is one who receives, comforts or assists any one who has been a party to such offence in order to enable him to escape, knowing him to have been a party thereto.

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2. No married person whose husband or wife has been a party to an offence shall become an accessory after the fact thereto by receiving, comforting or assisting the other of them, and no married woman whose husband has been a party to an offence shall become an accessory after the fact thereto by receiving, comforting or assisting, in his presence and by his authority, any other per-

son who has been a party to such offence, in order to enable her husband or such other person to escape.

See C. C. ss. 574 and 575 as to punishment, and 849 as to accessories after the fact. (2) *Brown v. Attorney-General*, (1897) 77 L. T. 414.

Accidents by wrongful acts. C. C. ss. 283-287.

283. Wantonly endangering the safety of persons on railways.

As to fine see C. C. 1029, 1035, and as to attempt see C. C. 949.

284. Negligently causing bodily injury.

As to fine see C. C. 1029, 1035.

285. By furious driving.

287. Leaving holes in the ice, and excavations unguarded.

R. v. Union Colliery Co., 7 B. C. R. 247; and 31 S. C. R. 81; 3 Can. C. C. 523.

Account. See Books of Account.

Accusation of Crime. C. C. ss. 451, 453, 454.

Sending threatening letter.

Extortion by certain threats.

R. v. Collins, 33 N. B. R. 429; *R. v. Tomlinson*, [1895] 1 Q. B. 706; *R. v. Mason*, 24 U. C. C. P. 58; *R. v. Walton, L. and C.* 288; *R. v. Wilson*, 6 Can. C. C. 131; *R. v. Kempel*, 31 Ont. 631, 3 Can. C. C. 481; *R. v. Popplewell*, 20 Ont. 303.

Actions against persons administering the Criminal Law. C. C. ss. 1143-1148.

1143. Every action and prosecution against any person for anything purporting to be done in pursuance of any Act of the Parliament of Canada relating to criminal law, shall, unless otherwise provided, be laid and tried in the district, county or other judicial division, where the act was committed, and not elsewhere, and shall not be commenced except within six months next after the act committed.

1144. Notice in writing of such action and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

Gaul v. Ellice, 3 O. L. R. 438.

1145. In any such action the defendant may plead the general issue, and give the provisions of this title and the special matter in evidence at any trial had thereupon.

1146. No plaintiff shall recover in any such action if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into court by or on behalf of the defendant after such action brought.

1147. If such action is commenced after the time hereby limited for bringing the same, or is brought, or the venue laid in any other place than aforesaid, a verdict shall be found or judgment shall be given for the defendant; and thereupon, or if the plaintiff becomes non-suit, or discontinues any such action after issue

joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall in the discretion of the Court recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases.

2. Although a verdict or judgment is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial is had, certifies his approval of the action.

1148. Nothing herein shall prevent the effect of any Act in force in any province of Canada, for the protection of justices of the peace or other officers from vexatious actions for things purporting to be done in the performance of their duty.

Gaul v. Ellice, *supra*.

Adulteration of Food, Drugs and Agricultural Fertilizers. R. S. C. c. 133.

S. 2 provides:

(a) The expression "food" includes every article used for food or drink by man or by cattle; and every ingredient intended for mixing with the food or drink of man or cattle for any purpose whatsoever;

(b) The expression "drug" includes all medicines for internal or external use for man or for cattle;

(c) The expression "agricultural fertilizer" means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manuring par-

poses, which is sold at more than ten dollars per ton and which contains phosphoric acid, nitrogen, ammonia or nitric acid;

Enforcement of penalties may be under the Inland Revenue Act, s. 50.

Affray. C. C. s. 100.

An affray is the act of fighting in any public street or highway, or fighting to the alarm of the public in any other place to which the public have access.

Every one who takes part in an affray is guilty of an indictable offence and liable to one year's imprisonment with hard labour.

"An affray differs from a riot in this, that two persons only may be guilty of it; whereas, three persons at least are necessary to constitute a riot. A constable is not only empowered, but bound, to suppress an affray which happens in his presence, and he may demand the assistance of others to enable him to do so, which, if they refuse, they are punishable by fine and imprisonment." (1 Hawkins, s. 63, ss. 3-13.)

Animals, Cruelty to. C. C. ss. 542-545.

542. Every one is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, or to three months' imprisonment with or without hard labour, or to both, who,

(a) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures, any cattle, poul-

try, dog, domestic animal or bird; or any wild animal or bird in captivity; or

(b) while driving any cattle or other animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal; or

(c) in any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature.

Aplin v. Porritt, [1893] 2 Q. B. 57, 69 L. T. 433; Harper v. Mareks, [1894] 2 Q. B. 319; Yates v. Higgins, [1896] 1 Q. B. 166; Lewis v. Fermer, 18 Q. B. D. 532; Elliott v. Osborn, 17 Cox 346.

KEEPING COCK-PIT.

543. Every one is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, or to three months' imprisonment, with or without hard labour, or to both, who builds, makes, maintains or keeps a cock-pit on premises belonging to or occupied by him, or allows a cock-pit to be built, made, maintained or kept on premises belonging to or occupied by him.

All cocks found in any such cock-pit, or on the premises wherein such cock-pit is, shall be confiscated and sold for the benefit of the municipality in which such cock-pit is situated. Limitation of time for prose-

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cution for this offence is three months. C. C. s. 1140 (e) (i).

Under C. C. s. 647, a person can be arrested by a peace officer without a warrant for an offence under this section or under C. C. s. 542.

1043. One moiety of every pecuniary penalty recovered with respect to any offence under s. 542 or 543 shall be paid over 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 the justices seems proper.

544. Provides that cattle, etc., on railways and vessels are not to be kept more than 28 hours without unloading them for rest, water and food, for a period of at least five consecutive hours, unless prevented by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains, under a penalty on summary conviction of a sum not exceeding \$100.

545. Empowers a constable or peace officer at all times to enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle, or enter on board any vessel, in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, and if any person refuses admission to such officer or constable, such person is guilty of an offence and liable on summary conviction to a penalty not exceeding \$20 and not less than

\$5 and costs, and, in default, to thirty days' imprisonment.

Appointment of Constables.

The Provincial Legislatures have power to delegate their powers of appointment. See *Reg. v. Hodge*, (1883) 9 App. Cas. 117; 53 L. J. P. C. 1; 3 Cart. 144.

The Provincial Legislature of Ontario has delegated its powers of appointment of constables as follows:—

For the better carrying this Act into effect, the Lieutenant-Governor in Council may cause a body of men not exceeding one hundred, inclusive of officers, and to be called "The Ontario Mounted Police Force," to be raised, mounted, armed and equipped, and to be placed under the command of such officers as the Lieutenant-Governor in Council deems necessary, and may cause such Police Force, or any portion thereof, to be employed in any place in which this Act is then in force, under such orders and regulations as the Lieutenant-Governor in Council shall from time to time issue. R. S. O. c. 36, s. 13.

The Lieutenant-Governor may appoint, either permanently or for such a period as he thinks fit, persons to be provincial constables, and every person so appointed shall, while he holds office, be a constable of every county and district in Ontario, and as such shall have authority to act in any part of this province. R. S. O. c. 94, s. 17.

The sheriff shall have the appointment and control of the court crier and of the constables at the sittings of the High Court Division, the County Court, the Court of

General Sessions of the Peace and other Courts, at which the attendance of the sheriff is required. R. S. O., c. 16, s. 29.

(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is, or is to be held, shall, on the request of the president or executive committee of any agricultural or horticultural society, appoint as many policemen or constables, to be named by the society, as may be required.

(2) The duty of such policemen and constables shall be, at the expense of the society, to protect the property of such society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society. R. S. O. c. 47, s. 30.

(1) A Mining Recorder may appoint any number of constables not exceeding four, who shall be constables and peace officers for the purpose of this Act during the terms and within the mining division for which they are respectively appointed.

(2) A constable so appointed shall be paid such fees and expenses as may be allowed by the Recorder, not to exceed \$3 per day for the time certified by the Recorder. R. S. O. c. 32, s. 15.

The Court of General Sessions of the Peace, at any sittings or adjourned sittings, but not at a special sittings, may appoint a sufficient number of fit and proper persons to be constables for the county, and may, in like

manner, dismiss any constable so appointed. R. S. O. c. 94, s. 3.

The persons so appointed shall, before entering on the duties of their office, take, subscribe and deposit with the Clerk of the Peace the following oath, which any justice of the peace may administer:—

“I....., having been appointed constable for the county (or united counties) of, do swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability. So help me God.” R. S. O. c. 94, s. 7.

Every constable so appointed, and having taken the oath aforesaid, shall continue in office at least one year, and thereafter from year to year without re-appointment, unless he claims exemption from serving, in which case he shall be released at any time after the end of the first year. R. S. O. c. 94, s. 4.

The municipal council of every county shall, by by-law, appoint a fit and proper person to be high constable for the county, and may fix his remuneration by salary or otherwise, and may allow him such sums for expenses, and may supply him with such arms, accoutrements, clothing and other necessaries, as may be deemed proper. R. S. O. c. 94, s. 8 (1).

If the council does not within three months after a vacancy occurs fill the same, the appointment may be made by the Judge of the County Court, the Warden, the Sheriff and the Crown Attorney, or any three of

them, and the person so appointed shall hold office until his appointment is confirmed or a new appointment made by the council. R. S. O. c. 94, s. 8 (2).

Every person appointed under this Act to be a high constable shall, before entering on the duties of his office, take and subscribe the following oath, which any justice of the peace may administer:—

“I....., do swear that I will well and truly serve our Sovereign Lord the King in the office of high constable for the county (or united counties) of without favour or affection, malice or ill will; and that, to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty’s subjects; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. So help me God.” R. S. O. c. 94, s. 9 (1).

The oath, together with a copy of the by-law by which the high constable was appointed, shall be by him deposited in the office of the clerk of the peace, who shall immediately notify the inspector of legal offices of the appointment. R. S. O. c. 94, s. 9, s.-s. (2).

To prevent injurious delay in appointing county constables, arising from the long intervals between the sittings of the Courts of the General Sessions of the Peace, the Judge of the County Court may appoint one or more constables for the county. R. S. O. c. 94, s. 5 (1).

A constable so appointed shall have the same authority and privileges and be subject to the same liability and shall perform the same duties as if appointed by a Court of General Sessions of the Peace. R. S. O. c. 94, s. 5 (4).

(1) A salaried county or district police magistrate may appoint a constable for the county or district of which he is a police magistrate, such constable to hold office for not more than thirty days.

(2) The police magistrate making any such appointment shall forthwith notify the Provincial Secretary thereof.

(3) The appointment may be revoked by the police magistrate, or by the Provincial Secretary, before the expiration of thirty days.

(4) A constable appointed by a police magistrate shall have the same authority and privileges, and be subject to the same liability and perform the same duties, as if appointed by a Court of General Sessions of the Peace. R. S. O. c. 94, s. 6.

If it is made to appear to any two or more justices of the peace, upon the oath of any credible witness, that any tumult, riot or felony has taken place or is continuing, or may be reasonably apprehended within the limits for which such justices have authority to act, and the justices are of the opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of

the inhabitants and the security of property, such justices may by writing under their hands appoint so many as they think fit of the householders or other persons not legally exempt from serving in the office of constable, residing within such limits, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to such justices may seem necessary. R. S. O. c. 94, s. 21.

(1) Any two justices of the peace or a police magistrate within whose jurisdiction the railway runs may, on the application of the company, or of any clerk or agent of the company thereto authorized by the company, appoint any person, being a British subject, recommended for that purpose by such company, clerk or agent to act as a constable on and along such railway;

(2) Every person so appointed shall take and subscribe an oath to the effect following:—

“I, A. B., having been appointed a constable to act upon and along (here name the railway), under the Ontario Railway Act, do swear that I am a British subject by birth (or naturalization), and that I will well and truly serve our Sovereign Lord the King in the office of constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God.”

(3) Such appointment shall be made in writing signed by the official making the appointment and the fact that the person appointed thereby has taken such oath shall be indorsed thereon by the person administering the same. R. S. O. c. 185, s. 220.

Appointment of Constables, Jurisdiction as to.

In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

14. The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those Courts. British North America Act, 1867, s. 92.

“Now these words standing alone and without any interpretation or context, appear to me to be sufficient, had no other clause in the Act limited them, to confer upon the provincial legislatures the right to regulate and provide for the whole machinery connected with the administration of justice in the provinces, including the appointment of all judges and officers requisite for the proper administration of justice in its widest sense, reserving only the procedure in criminal matters.” Remarks of Mr. Justice Street in *Reg. v. Bush*, 15 Ont. Rep. 398, and 4 Cart. 690. See also *Re Small Debts Act*, 5 B. C. 246; *Reg. v. Levinger*, 22 O. R. 690.

The only limitations to the powers given to provincial legislatures are those provided in sections 96 and 100 of the British North America Act, 1867, which provide for the appointment and payment of certain judges by the Dominion Government, and in section 101, which provides for the establishment by the Parliament of Canada of the Supreme Court of Canada, and of additional courts for the better administration of the laws of Canada, and in section 129, which provides that all laws and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative and ministerial, existing in the different provinces at the union, should continue as if the union had not been made, subject nevertheless . . . to be repealed, abolished or altered by the . . . legislature of the respective provinces, according to the authority of that legislature under this Act.

Constables are officers of the courts and the power of appointing them therefore is vested in the provincial legislatures subject to the limitations in said sections 96, 100, 101, and 129 of the B. N. A. Act.

Arrest.

An arrest is the apprehending or detaining of the person in order to be forthcoming to answer an alleged or suspected crime. The constable should not merely content himself with securing the offender, but should actually arrest him, so that if he escape or is rescued by

others, he or they may be subject to the penalties of escape or arrest. To constitute an arrest the party should, if possible, be touched by the constable, who should say, "I arrest you, or you are my prisoner." Bare words will not make an arrest without laying hold of the person or otherwise confining him. But if an officer comes into a room and tells the party he arrests him, and locks the door, this is an arrest, for he is in custody of that officer: or if in any other way the person submits himself by word and action to be in custody, it is an arrest. (Patton). See C. C. s. 39.

Every officer, upon demand made upon him, must shew the warrant under which he arrests or distrains. (Wilson, 51-52.) See C. C. s. 40.

If the party snatch or take the warrant, the constable has a right to force it from him, using no unnecessary violence in doing, so.

Where a constable has made an arrest with or without warrant, he should as soon as possible bring the party before the justice according to the terms of the warrant; and if guilty of any unnecessary delay he will be liable to punishment; but if the arrest be made in or near the night, or at a time when the prisoner cannot well be brought before the justice, or if there be danger of rescue, or the party be ill and unable then to be brought up, the constable may secure him in the county gaol, in a lock-up house, or other safe place, till the next day, or until it may be reasonable to bring him up before the justice; but a warning is again given against any unrea-

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sonable detention. (Patton). In case a lock-up be found most convenient, it will be necessary to employ a constable to watch the prisoner at night, unless the municipality in which the lock-up is situate keep a watchman for this purpose.

Whenever a warrant is issued in the first instance, against a person charged with an offence punishable under the provisions of this Part (Summary Convictions, Part XV.), the justice issuing it shall furnish a copy or copies thereof, and cause a copy to be served on each party arrested at the time of such arrest. C. C. s. 711.

Arrest under a Warrant. C. C. ss. 29, 30, 32, 33, 34, 35, 36, 37.

29. Every one acting under a warrant or process which is bad in law, on account of some defect in substance or in form apparent on the face of it, if he, in good faith and without culpable ignorance and negligence, believes that the warrant or process is good in law, shall be protected from criminal responsibility to the same extent and subject to the same provisions as if the warrant or process were good in law, and ignorance of the law shall in such case be an excuse:

2. It shall be a question of law whether the facts of which there is evidence may or may not constitute culpable ignorance or negligence in the belief of such person that the warrant or process is good in law.

30. Every peace officer who, on reasonable and probable grounds, believes that an offence for which the offender may be arrested without warrant has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not.

32. Every one is justified in arresting without warrant any person whom he finds committing any offence for which the offender may be arrested without warrant, or may be arrested when found committing.

33. If any offence for which the offender may be arrested without warrant has been committed, any one who, on reasonable and probable grounds, believes that any person is guilty of that offence, is justified in arresting him without warrant, whether such person is guilty or not.

34. Every one is protected from criminal responsibility for arresting without warrant any person whom he, on reasonable and probable grounds, believes he finds committing by night any offence for which the offender may be arrested without warrant.

35. Every peace officer is justified in arresting without warrant any person whom he finds committing any offence.

36. Every one is justified in arresting without warrant any person whom he finds by night committing an offence.

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2. Every peace officer is justified in arresting without warrant any person whom he finds lying or loitering in any highway, yard or other places by night, and whom he has good cause to suspect of having committed, or being about to commit, any offence for which an offender may be arrested without warrant.

37. Every one is protected from criminal responsibility for arresting without warrant any person whom he, on reasonable and probable grounds, believes to have committed an offence and to be escaping from, and to be freshly pursued by those whom he, on reasonable and probable grounds, believes to have lawful authority to arrest that person for such offence.

Arrest without a warrant by any one.

646. Any one found committing any of the offences mentioned in the following sections may be arrested without a warrant by any one, that is to say:—

Treason and treasonable offences. Sections 74, 76-81.

Offences respecting the reading of the Riot Act, and riotous destruction of or riotous damage to buildings. Sections 92, 96, 97.

Administering, taking or procuring the taking of oaths to commit certain crimes or similarly with respect to taking all other unlawful oaths. Sections 129, 130.

Piracy, piratical acts or piracy with violence. Sections 137-139.

Being at large while under sentence of imprisonment, breaking prison or escaping from custody, or from prison, or escaping from lawful custody. Sections 185, 187, 189, 190.

Unnatural offences. Section 202.

Murder, attempt to murder, accessory after the fact to murder, manslaughter, attempting to commit suicide. Sections 263, 264, 267, 268, 270.

Wounding with intent to do bodily harm, wounding, stupefying in order to commit indictable offence, injuring or attempting to, by explosive substance, intentionally or wantonly attempting to injure persons on railways, preventing escape from wreck. Sections 273, 274, 276, 279, 280, 282, 283, 286.

Rape, or attempting to commit rape; defiling children under 14. Sections 299-301.

Abduction of a woman. Section 313.

Thefts of various kinds. Sections 358-369, 371, 372, 379-384, 386-388.

Criminal breach of trust. Section 390.

Public servant refusing to deliver up chattels, money, books, &c. Section 391.

Destroying, &c., documents of title. Section 396.

Bringing stolen property into Canada. Section 398.

Receiving property dishonestly obtained. Section 399.

Personation of certain persons. Section 410.

Aggravated robbery, robbery, assault with intent to rob, stopping the mail, compelling execution of docu-

ments by force, sending letter demanding with menaces, demanding with intent to steal, extortion by certain threats. Sections 446-453.

Breaking place of worship and committing an indictable offence; breaking place of worship with intent to commit an indictable offence, burglary, housebreaking and committing an indictable offence, housebreaking with intent to commit an indictable offence, breaking shop and committing an indictable offence, breaking shop with intent to commit an indictable offence, being found in dwelling house by night, being armed with intent to break a dwelling house, being disguised or in possession of housebreaking instruments. Sections 455-464.

Forgery, uttering forged documents, counterfeiting seals, possessing forged bank notes, using probate obtained by forgery or perjury. Sections 467-470, 472, 478, 550.

Making, having or using instrument for forgery or having or uttering forged bond or undertaking, counterfeiting stamps, injuring or falsifying registers. Sections 471, 479, 480.

Attempt to damage by explosives, s. 112; Mischief, s. 510; Arson, attempt to commit arson, setting fire to crops, attempting to set fire to crops, ss. 511-514.

Mischief on railways, s. 517; Mischief to mines, s. 520; Injuries to telegraphs, electric lights, telephones and fire alarms, s. 521; Wrecking, attempting to wreck, ss. 522, 523; Interfering with marine signals, s. 526.

Counterfeiting gold and silver coin, making instruments for coining, clipping current coin, possessing clipping of current coin, counterfeiting copper coin; counterfeiting foreign gold and silver coin, uttering copper coin not current. Sections 552, 556, 558, 560, 562, 563, 567.

647. A peace officer may arrest, without warrant, any one who has committed any of the offences mentioned in section 646 or in the following sections, that is to say:—

Obtaining by false pretence, obtaining execution of valuable securities by false pretence. Sections 405, 406.

Exporting counterfeit coin, possessing counterfeit current coin, bringing into Canada or possessing counterfeit foreign gold or silver coin, counterfeiting foreign copper coin. Sections 555, 561, 563 (b), 563 (d).

Injuring dams, &c., or blocking timber channel. Section 525.

Attempting to injure or poison cattle. Section 536.

Cruelty to animals, keeping cock-pit. Sections 542, 543.

648. A peace officer may arrest without warrant any one whom he finds committing any criminal offence, and any person may arrest without warrant any one whom he finds committing any criminal offence by night.

649. Any one may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed a criminal offence and to be escaping from, and to be freshly pursued by, those whom the person arresting, on reasonable and probable grounds, believes to have lawful authority to arrest such person.

650. The owner of any property on or with respect to which any person is found committing any criminal offence, or any person authorized by such owner, may arrest without warrant the person so found, who shall forthwith be taken before a justice to be dealt with according to law.

652. Any peace officer may, without a warrant, take into custody any person whom he finds lying or loitering in any highway, yard or other place during the night, and whom he has good cause to suspect of having committed, or being about to commit, any indictable offence, and may detain such person until he can be brought before a justice, to be dealt with according to law.

2. No person who has been so apprehended shall be detained after noon of the following day without being brought before a justice.

Reg. v. Cloutier, 12 Man. 183.

652A. Added to Code by 1913, c. 13, s. 23. Any peace officer may arrest without a warrant any person whom he has good cause to suspect of having committed or being about to commit any of the offences mentioned in section 216. For this section, which relates to procuring girl for prostitution and kindred offences, see statutes of 1913, c. 13, s. 9.

Assault and Common Assault and Battery.

291. Every one who commits a common assault is guilty of an indictable offence and liable, if convicted upon an indictment, to one year's imprisonment, or to a

fine not exceeding \$100, and on summary conviction to a fine not exceeding twenty dollars and costs, or to two months' imprisonment with or without hard labour.

See C. C. s. 122 as to pointing fire arms at any person, and see C. C. s. 290, as to definition of assault.

On trial for common assault, if a greater offence is disclosed the justice shall abstain from adjudication and shall deal with the case as if he had no authority to finally hear and determine the same.

Assault.

An assault is an attempt or offer with force and violence to do a corporal hurt to another: as by striking at him with or without a weapon, or throwing a stone or riding at him; and where A. seized the bridle of the horse on which B. was riding, it was held that B., after a request to desist, was justified in striking A. with his riding whip, using no more violence than was necessary to obtain his release; or striking a horse whereon he is riding, whereby he is thrown; or presenting a loaded gun at him at a distance to which the gun can be discharged; cutting off a person's hair by force against his will; or holding up the hand in a threatening manner; or any circumstance denoting at the time an intention, coupled with a present ability, of using actual violence against the person, and although stopped at the particular moment, a hostile intention being necessary to constitute an assault; and likewise any excess of violence in executing any legal or illegal act will constitute an assault; a mere obstruction is not an assault, but every

unlawful imprisonment is an assault. A battery is an injury, however small, actually done to the person of another in an angry, revengeful, rude or insolent manner, as by spitting in his face, or in any way touching him in anger, violently jostling him out of the way, or the like; which battery includes an assault. (Oke.)

Assault, Aggravated. C. C. s. 296.

296. Every one is guilty of an indictable offence, and liable to two years' imprisonment, who

(a) assaults any person with intent to commit any indictable offence; or

(b) assaults any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer; or

(c) assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person, for any offence; or

(d) assaults any person in the lawful execution of any process against any lands or goods, or in making any lawful distress or seizure, or with intent to rescue any goods taken under such process, distress or seizure; or

(e) on any day whereon any poll for an election, parliamentary or municipal, is being proceeded with, within the distance of two miles from the place where such poll is taken or held, assaults or beats any person.

Assault, unprovoked, self-defence against.

53. Everyone unlawfully assaulted, not having provoked such assault, is justified in repelling force by force

if the force he uses is not meant to cause death or grievous bodily harm, and is no more than is necessary for the purpose of self-defence; and everyone so assaulted is justified though he causes death or grievous bodily harm, if he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purpose, and if he believes, on reasonable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm.

R. v. Knock, 14 Cox 1; Harrigan Cases on Self-Defence, 720. See C. C. s. 252.

Assault, provoked, self-defence against.

46. Every one who has without justification assaulted another, or has provoked an assault from that other, may nevertheless justify force subsequent to such assault, if he uses such force under reasonable apprehension of death or grievous bodily harm from the violence of the person first assaulted or provoked, and in the belief, on reasonable grounds, that it is necessary for his own preservation from death or grievous bodily harm, if he did not commence the assault with intent to kill or do grievous bodily harm, and did not endeavour at any time before the necessity for preserving himself arose, to kill, or do grievous bodily harm, and if before such necessity arose he declined further conflict, and quitted or retreated from it as far as was practicable.

2. Provocation, within the meaning of this and the last preceding section, may be given by blows, words or gestures.

See notes under s. 53 above.

55. Every one is justified in using force in defence of his own person, or that of any one under his protection, from an assault accompanied with insult, if he uses no more force than is necessary to prevent such assault, or the repetition of it.

2. This section shall not justify the wilful infliction of any hurt or mischief disproportionate to the insult which the force used was intended to prevent.

See C. C. s. 24, as to meaning of word "justified."

Assaults, indecent, on females.

292. Every one is guilty of an indictable offence and liable to two years' imprisonment, and to be whipped, who

(a) indecently assaults any female; or

(b) does anything to any female by her consent which but for such consent would be an indecent assault, such consent being obtained by false and fraudulent representations as to the nature and quality of the act.

R. v. Bennett, 4 F. & F. 1105; R. v. Case, 1 Den. 580; R. v. Clarence, 16 Cox 511.

(c) assaults and beats his wife or any other female and thereby occasions her actual bodily harm. (Statutes of 1909, c. 9).

Assaults, indecent, on males.

293. Every one is guilty of an indictable offence and liable to ten years' imprisonment, and to be whipped, who assaults any person with intent to commit sodomy, or who, being a male, indecently assaults any other male person.

R. v. Montminy, Q. B. (Que.), May, 1899; R. v. Hartlen, 30 N. S. R. 317.

Consent of persons under 14 years of age does not constitute a defence under C. C. ss. 292 and 293. See C. C. s. 294.

Auctioneers. R. S. O. c. 192.

412. By-laws may be passed by the councils of counties and separated towns and towns in unorganized territory, and of cities having less than 100,000 inhabitants, and by the boards of commissioners of police of cities having 100,000 inhabitants or more,

1. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to any applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his

premises are not suitable for the business; for determining the time the license shall be in force;

(a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

See R. S. Man. 1913, c. 133, s. 612; R. S. N. B. c. 176; B. C. 1914, c. 52, s. 290 (20); R. S. Sask. 1909, c. 131; Alberta Ordinances, 1915, c. 58.

Bail. R. S. O. c. 95.

2. (1) Where a person charged with an offence against any statute of the Province of Ontario, or against any by-law passed under the authority of any such statute, is taken into custody either with or without the warrant of a Justice of the Peace and is brought into a police station in a city or town at any time during the day or night, the police officer in charge of the station, if he thinks the case a proper one, may take bail without fee from such person, by recognizance conditioned for his appearance for examination within two days before the police magistrate or other justice in the city or town, at the time and place therein specified.

(2) The recognizance shall be of equal obligation on the persons entering into the same, and the same proceedings may be taken for the estreating thereof as if it had been taken before a Justice of the Peace.

3. The police officer shall enter in a book the name, residence and occupation of the person entering into the recognizance, and of his surety or sureties, if any, with

the condition of the recognizance and the sums acknowledged, and a proper book shall be kept in every city or town police station for the purpose of making such entries.

4. The police officer shall make a return of all recognizances taken by him to the police magistrate (or other justice present) at the time when, and place where, the person charged is required to appear.

5. If the person charged does not appear at the time and place required, or during the time such police magistrate or other justice is sitting, the police magistrate or justice shall, within forty-eight hours after such failure to appear, cause a record of the recognizance to be drawn up and signed by the police officer, and shall return the same to the Court of General Sessions of the Peace for the county or district in which the city or town is situated, at its next sittings, with a certificate signed by the police magistrate or justice, stating that the person charged has not complied with the obligation contained in the recognizance.

Bathing. R. S. O. c. 192.

400. By-laws may be passed by the councils of urban municipalities:—

1. For inspecting public bathing houses and boat-houses or premises wholly or partly used for boat-house purposes; and for prohibiting their use for illegal or immoral purposes.

Batons.

Are issued to each constable, and if lost or damaged through carelessness, are not to be supplied except by special application to a justice of the peace. Batons are supplied to enable constables to protect themselves if violently attacked. If a constable is likely to be overpowered, he may use his baton, taking care to avoid striking on the head. The arms and legs should be aimed at to disable a prisoner, as parts of the frame least likely to suffer serious injury. The use of the baton is not to be resorted to except in extreme cases, when all other attempts have failed, and a prisoner is likely to escape through the constable being ill-used and overpowered.

Bawdy House. See Brothel.

Beggars. R. S. O., c. 192, s. 400, and C. C. s. 238.

238. Are to be apprehended and charged with this offence under this section. See also Vagrants.

R. S. O., c. 192, s. 400, s.-s. 2, also s. 399, s. 965, as to vagrants. Reg. v. Lynch, 19 Ont. 664; Reg. v. Bassett, 10 P. R. 386; Reg. v. Riley, 7 Que. Q. B. 198; Reg. v. Leclair, 7 Que. Q. B. 287; Rex v. Mercier, 20 Que. S. C. 288, 6 Can. C. 44; Anon., 6 Can. C. C. 163; Rex v. Kneeland, 6 Can. C. C. 81, 11 Que. K. B. 85; Reg. v. Daley, 12 P. R. 411; Arscott v. Lilley, 11 Ont. 153; Reg. v. Arscott, 9 Ont. 541; Rex v. Carter, 39 C. L. J. 39;

Reg. v. Rehe 6 Que. Q. B. 274; Reg. v. Organ, 11 P. R. 497. See R. S. Man. 1913, c. 133, ss. 583, 589.

Bells. Sleigh-horses to have. R. S. O., c. 206, R. S. Man. 1913, c. 133, s. 589.

Betting and pool selling. C. C., s. 235, as amended by 1910, c. 10, s. 3, 1912, c. 19, s. 1, and 1913, c. 13, s. 13.

Penalty 1 year's imprisonment and \$1,000 for keeping premises for betting or registering bets, etc., or becoming a custodian of bets or registering bets upon the result of any political or municipal election, or any race, or any contest or trial of skill or endurance of man or beast; but this does not include the custodian of prize money.

Betting House, Common. See Gaming House.

Bigamy. C. C. s. 307.

307. Bigamy is—

(a) the act of a person who, being married, goes through a form of marriage with any other person in any part of the world; or

(b) the act of a person who goes through a form of marriage in any part of the world with any person whom he or she knows to be married; or

(c) the act of a person who goes through a form of marriage with more than one person simultaneously or on the same day.

R. v. Tolson, 16 Cox 629; McLeod v. Atty.-Gen., [1891] A. C. 455; R. v. Brierly, 14 Ont. 525; R. v. Topping, 7 Cox 103; R. v. Plowman, 25 Ont. 656; Re Criminal Code, 27 S. C. R. 461.

Birds.

AN ACT FOR THE PROTECTION OF INSECTIVOROUS AND OTHER BIRDS.

R. S. O. 1914, c. 263.

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *Short title.*—This Act may be cited as “The Protection of Birds Act.”

2. *Game, birds, any cage birds and poultry not affected.*—Rev. Stat., c. 262. Nothing in this Act shall affect “The Ontario Game and Fisheries Act” or apply to any imported cage bird or other domesticated bird or birds generally known as cage birds or to poultry.

3. (1) *Birds that may not be killed—Exceptions.*—Rev. Stat., c. 262. Except as in s. 7, provided it shall not be lawful to or to attempt to shoot, destroy, wound, catch, net snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, black-birds, and English sparrows and the birds specially mentioned in “The Ontario Game and Fisheries Act.”

(2) *Robins.*—Any person may, during the fruit season, for the purpose of protecting his fruit, shoot or des-

troy on his own premises the bird known as the robin without being liable to any penalty under this Act.

4. (1) *Trapping and selling forbidden — Exceptions.*—Except as in s. 7, provided it shall not be lawful to take, capture, expose for sale or have in possession any bird, save the kinds hereinbefore or hereinafter excepted, or to set wholly or in part any net, trap, spring, snare, cage, or other machine or engine by which any birds, except hawks, crows, blackbirds and English sparrows might be killed or captured.

(2) *Destruction of traps.*—Any net, trap, spring, snare, cage or other machine or engine, set either wholly or in part for the purpose of capturing or killing any birds, except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without incurring any liability for so doing.

5. *Nest, young or eggs not to be taken.*—Except as in s. 7 provided it shall not be lawful to take, injure, destroy or have in possession any nest, young or eggs of birds other than hawks, crows, blackbirds and English sparrows.

6. *Power to seize birds unlawfully possessed.*—Any person may seize, on view, any bird unlawfully possessed and carry it before a Justice of the Peace to be by him confiscated, and if alive to be liberated; and all market clerks and peace officers on the spot shall seize and confiscate, and if alive liberate such bird.

7. (1) *Permit may be granted by Superintendent to ornithologists, etc.*—The Superintendent of Game and

Fisheries, on receiving from any ornithologist or student of ornithology or biologist, or student of biology, an application, Form 1, and recommendation, Form 2, may grant to such applicant a permit, Form 3, authorizing him to collect and to purchase or exchange all birds and their nests and eggs otherwise protected by this Act at any time or season when he may require them for the purpose of study without incurring any penalty under this Act.

(2) *Duration of permit.*—A permit granted under this section shall continue in force until the end of the calendar year in which it is issued and may be renewed at the option of the Superintendent of Game and Fisheries.

8. (1) *Penalties.*—Rev. Stat., c. 90. Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$1 nor more than \$20, recoverable under "The Ontario Summary Convictions Act."

(2) *Application of Fines.*—The whole of the penalty shall be paid to the prosecutor unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the Justice may order the disposal of the fine as in ordinary cases.

SCHEDULE.

Form 1.

FORM OF APPLICATION FOR PERMIT.

I,..... of apply for a permit granting to me the right to collect and to purchase or exchange birds, and their nests and eggs, for strictly scientific purposes only, in accordance with The Protection of Birds Act.

Dated at..... the..... day of.....19 .
A. B.

Applicant.

To

*The Superintendent of Game and Fisheries,
 Toronto.*

Form 2.

FORM OF RECOMMENDATION.

We, the undersigned, personally know.....
 and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting and purchasing, or exchanging birds, and their nests and eggs, in accordance with The Protection of Birds Act, which we have carefully examined and fully comprehended.

Dated at..... the..... day of.....19 .
A. B.

(Address.)

Form 3.

FORM OF CERTIFICATE.

Mr..... of the..... in the
 of..... in the
 Province of Ontario, is hereby authorized to collect and
 to purchase and exchange birds, and their nests and
 eggs, for strictly scientific purposes only, in accordance
 with The Protection of Birds Act.

Dated at..... the..... day of.....19 .

*The Superintendent of Game and Fisheries,
 Toronto.*

See also R. S. M. 1913, s. 96.

Books of Account. C. C. s. 417 (c).

Penalty for insolvent trader or merchant not keeping,
 unless he can account for loss, \$800 and 1 year's imprison-
 ment.

Breaking open doors. See C. C. ss. 39, 102, 103.

Breaking open an outer door or window to enter a
 man's house is an objectionable and dangerous proceed-
 ing, and should only be resorted to in extreme cases.
 The peace and security of private dwellings is a matter
 of great importance. It is only in matters of high con-
 cern to the public, and to prevent the ends of justice
 being frustrated, that the law permits its officer to have
 recourse to this obnoxious proceeding.

The officer is therefore in no case justified in breaking open outer doors, or the windows or other parts of a house, until—

(1) He has declared his business; (2) demanded admission; and (3) allowed a reasonable time for opening them to elapse, and they have not been opened in that time.

Bridges, driving on. R. S. O. c. 192, s. 398, s.-ss. 8, 9.

The council of every county, township, city, town and incorporated village may pass by-laws to govern above.

See R. S. N. S. 1900, c. 81; R. S. Man. 1913, c. 133; R. S. N. B. 165; R. S. Sask. c. 89, s. 59; Alta. Stat. 1912, c. 3, s. 191 (16), (17).

Brothel, or common bawdy house. C. C. ss. 225, 228, 640.

225. A common bawdy house is a house, room, set of rooms or place of any kind kept for the purposes of prostitution, or occupied or resorted to by *one or more* persons for such purposes.

The keeper of such a house is guilty of an indictable offence, and is liable to one year's imprisonment. C. C. s. 228.

Under C. C. s. 640, a constable may enter by day or night any house of ill-fame or bawdy house, and, if necessary, may break open doors or otherwise effect an entrance for the purpose of delivering any female to her parent, husband, master, or guardian, etc.

Bucket shops. See Gaming in Stocks and Merchandise.

Buildings, to regulate egress from. R. S. O. c. 235.

In all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings or for places of public resort or amusement, all the doors leading from assembly hall or rooms shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used to facilitate the egress of people in case of alarm from fire or other cause. Corporations owning public buildings are also liable.

Penalty, fine not exceeding \$50 and a further fine of \$5 per week until necessary change is made (2 J. P.'s), half fine to person laying information.

See R. S. M. 1913, c. 158, R. S. B. C. c. 87, c. 170, s. 391; Alta. Stats. 1911-12, c. 26; R. S. Sask. c. 89, s. 59 (19).

Burglary. C. C. ss. 455-465.

Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(a) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein; or

(b) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

When a burglary has been committed, the constable should proceed at once to the premises and obtain all the particulars as to the breaking into, the entry, description and nature of property stolen, or other felony committed, and also as to any suspicious persons seen loitering in the neighbourhood.

Immediate inquiries are to be made, and any clue that may be obtained followed up with a view to arrest the offenders.

See C. C. s. 335, for definitions of "dwelling-house" and "break."

By-laws.

The Ontario Municipal Act, R. S. O. c. 192, authorizes municipalities to pass certain by-laws for the good government in their respective municipalities. By R. S. O. c. 76, s. 26, R. S. O. c. 192, s. 258, a copy of any by-law under the seal of the corporation and certified to be a true copy by the clerk, shall be received in evidence in any court of justice without proof of the seal or signature. Constables should supply themselves with a copy of the by-laws of the county and municipalities within the same, in order that they may become more acquainted with their duties and render themselves more effective and beneficial in their respective localities; which they can do on application to the clerks of the municipalities.

Children out at night. R. S. O. c. 231, s. 17.

17. (1) No child shall loiter in a public place after nine o'clock in the evening or be there unless accom-

panied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child.

(2) A child found in a public place after the hour named in sub-section (1), unless so accompanied, may be warned to go home by any constable or probation officer or officer of a children's aid society, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home or to the children's shelter.

(3) A parent who permits his child to violate this section shall for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third or any subsequent offence \$5.

See, also, R. S. M. c. 133, s. 586 (b); R. S. N. S. c. 71, s. 263 (42); R. S. Sask. c. 89, s. 59 (54); Alb. Stat. 1911-12, c. 2, s. 163 (81); B. C. Stat. 1914, s. 95.

Children. See Abandoning Children.

See R. S. N. S. 1900, c. 116; R. S. Man. 1913, c. 30; R. S. B. C. c. 107, Pt. 4; R. S. N. B. c. 82; R. S. Sask. c. 28; Alb. Stat. 1909, c. 12.

Clergymen, obstructing. C. C. ss. 199, 200.

199. Every one is guilty of an indictable offence and liable to two years' imprisonment who, by threats or force, unlawfully obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister in or from celebrating divine service, or otherwise officiating in any church, chapel, meeting-house, school-house

or other place for divine worship, or in or from the performance of his duty in the lawful burial of the dead in any church-yard or other burial place; or

200. Strikes or offers any violence to, or arrests upon any civil process, or under the pretence of executing any civil process, any clergyman or other minister who is engaged in or, to the knowledge of the offender, is about to engage in, any of the rites or duties mentioned in s. 199, or who, to the knowledge of the offender, is going to perform the same, or returning from the performance thereof. See Disturbing Religious Worship.

See C. C. ss. 1058, 1097, 1098 and 1035 as to fines and sureties.

Coin, Counterfeit. C. C. ss. 546-569.

In all charges relating to counterfeit coin, offenders are to be arrested on view, and immediately searched in the place where they are taken into custody, and in the presence of the complainant when the circumstances admit of its being done, or otherwise to take such precaution as will prevent the prisoners making away with false coin or other evidence of guilt.

Any persons having in their possession counterfeit notes and attempting to cheat or defraud by exhibiting such notes are to be arrested.

Concealed Weapons, Carrying. C. C. s. 123.

123. Every one who carries about his person any bowie knife, dagger, dirk, metal knuckles, skull cracker,

slung shot or other offensive weapon of like character. or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon, or, being masked or disguised, carries, or has in his possession any firearm or air-gun, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, and not less than ten dollars, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both, and, in default of payment of such penalty, to a term or a further term of imprisonment not exceeding three months with or without hard labour.

Limitation of time for prosecution is one month, s. 1140.

Constables.

A constable must readily and strictly obey all lawful orders of justices of the peace, coroners, and the officers placed over him by the General Sessions of the Peace.

He must be very civil and respectful in his demeanour and conduct to the public, giving the best answers he can to the numerous questions which will be put to him, and showing at all times a readiness to do all in his power to oblige consistently with his duty.

He should speak the truth at all times and under all circumstances and, when called upon to give evidence, state all he knows respecting the case without fear or reservation, and without any desire to influence the result, either for or against the prisoner.

To enable him to speak quite confidently and to prevent the possibility of his evidence being shaken, he should jot down at the time in his memorandum book dates and other particulars respecting arrests or occurrences, to which he can always refer.

When called upon by a person to take another into custody, he must be guided in a great measure by the circumstances of the case and the nature of the charge or offence; but, if he have any doubt as to how he ought to act, the safest course is to ask all the persons concerned to go with him to the nearest justice, who will direct the constable.

If a constable is called upon to act he must do so with energy, promptness and determination, for, if he wavers or doubts, the criminal may escape, or the opportunity to render assistance may be lost. (T. P. F. Reg.)

AUTHORITY.

The authority of constables is general and special, the office partaking of the nature of both. The general authority accrues by virtue of their own right as officers; the special authority accrues by the right of some one else. All constables are conservators of the peace by right of their office, and also the immediate and proper officers of justices of the peace.

Constables, by virtue of their inherent powers, may in many cases act without warrant in the prevention of crime, and for the arrest of offenders. See Warrant, Arrest Without.

As the immediate and proper officers of justice of the peace, constables act under, and are bound to obey, the lawful mandates of the magistrates of their county.

The office of constable in Canada is coincident with the introduction into the Province of the criminal law of England. It is of great antiquity; but, whether constables came in with justices of the peace, or existed at common law in England, is of little moment to us; but the law-writers who have examined the question say that constables existed as subordinate conservators of the peace long before justices of the peace were created by 1 Edw. A. D. 1327.

REFUSAL OF CONSTABLES TO ACT OR BE SWORN IN. R.
S. O. c. 94.

31. If a person appointed to be a special constable,

(a) refuses to take the oath hereinbefore mentioned when thereunto required by the justices of the peace who appointed him or by any two of them or by any other two justices of the peace acting within the limits for which he was appointed, or

(b) neglects or refuses to appear for the purpose of taking the oath at the time and place for which he has been summoned, unless he proves that he was prevented from so doing by sickness or some other unavoidable cause, or

(c) being called upon to serve, neglects or refuses to serve or to obey such lawful orders or directions as may be given to him for the performance of the duties of his office,

he shall incur a penalty not exceeding \$20.

Coroner's Constables.

It will be the duty of a constable, should a death occur from violence or unfair means, or through culpable or negligent conduct (of any other person than deceased), to notify the nearest coroner while the body is fresh, and, if possible, while it remains in the same situation as when the party died. He should attend the coroner when he arrives, and, if the coroner considers an inquest necessary, the constable, on receiving the warrant to summon the jury, should immediately summon and make his return thereon. The constable officiating at an inquest opens the proceedings by proclamation, assists the coroner, preserves order, and is to obey all lawful orders of the coroner. The coroner has by law the right to do all acts which are necessary to enable him to hold his inquest on the view of the body; and, as incidental to this right, he could break open doors to get at the body; and those who obstruct him in so doing are guilty of a misdemeanour, and a constable who is present is bound to protect him.

Proclamation Before Calling Jury.

Oyez! Oyez! Oyez! You good men of this county summoned to appear here this day, to enquire for our Sovereign Lord the King, when, how, and by what means R. F. came to his death, answer to your names as you shall be called, every man at the first call, upon the pain and peril that shall fall thereon. God save the King.

Proclamation for Default of Jurors.

Oyez! Oyez! Oyez! You good men who have been already severally called, and have made default, answer to your names and save your fine. God save the King.

Proclamation for Witnesses.

Oyez! Oyez! Oyez! If any one can give evidence on behalf of our Sovereign Lord the King, when, how, and by what means R. F. came to his death, let him come forth, and he shall be heard. God save the King.

Proclamation of Adjournment.

Oyez! Oyez! Oyez! All manner of persons who have anything more to do at this Court before the King's coroner for this county, may depart home at this time, and give their attendance here again, (or at the adjourned place) on next, being day of instant, at of the clock, in the precisely. God save the King.

Proclamation at Adjourned Meeting.

Oyez! Oyez! Oyez! All manner of persons who have anything more to do at this Court before the King's coroner for this county on this inquest now to be taken and adjourned over to this time and place, draw near and give your attendance: and you, gentlemen of the jury, who have been empannelled and sworn upon this inquest touching the death of R. F., severally answer to your names and save your recognizances.

Proclamation at the Close of Inquest.

Oyez! Oyez! Oyez! You good men of this county who have been empannelled and sworn of the jury to inquire, for our Sovereign Lord the King, touching the death of R. F., and who have returned your verdict, may now depart hence and take your leave. God save the King.

See R. S. Man. 1913, c. 42; R. S. N. S. 1900, c. 36; R. S. N. B. c. 124; R. S. B. C. 1911, c. 49; R. S. Sask. 1909, c. 64; Alberta Statutes 1906, c. 15, 1913, c. 2, s. 8.

**Corruption of Officers employed in Prosecuting, etc.,
Offenders. C. C. s. 157.**

157. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who,

(a) Being a justice of the peace, peace officer, or public officer, employed in any capacity for the prosecution or detection or punishment of offenders, corruptly accepts or obtains, or agrees to accept or attempts to obtain for himself, or for any other person, any money or valuable consideration, office, place or employment, with the intent to interfere corruptly with the due administration of justice, or to procure or facilitate the commission of any crime, or to protect from detection or punishment any person having committed or intending to commit any crime; or

(b) Corruptly gives or offers to any officer aforesaid any such bribe as aforesaid with any such intent.

Curfew Bell. See Children out at Night.

Depositions.

Constables are not expected to sign depositions before justices unless previously read over to them, and known to be an accurate statement of their evidence. When constables are concerned in cases sent for trial, notes of evidence given by them in their depositions before the committing justices are to be made and kept, in order that they may refresh their memory before being called upon to give evidence at the trial, and so prevent any discrepancy occurring.

Disorderly House. See Gaming House.

Distrain of Goods on Premises.

In cases where a distrain is made for non-payment of rent, or for any other cause, or disputes arise between

persons as to ownership of property seized under legal process, constables are not to give assistance to either, or interfere between them, on any pretence whatever, nor to enter the house or the premises unless it is necessary to prevent an immediate breach of the peace, or to quell a disturbance that has actually arisen, and are on such occasions merely to take offenders into custody, as they are authorized by law to do. (T. P. F. Reg.)

Distress Warrant. C. C. ss. 739 to 745.

The warrant to levy a pecuniary fine or penalty on a summary conviction is given by express authority of particular statutes. A constable is the proper officer to execute it, and if it be delivered to him a reasonable time before the day appointed for the return, he is bound to execute and return it, and he is indictable for refusal or wilful neglect. (Patton). When a constable finds that there are no goods, or not enough goods to levy the amount, he will endorse the warrant as follows:—

FORM 43.

I, A.B., constable of _____ in the county of _____, hereby certify to C.D., Esquire, one of His Majesty's Justices of the Peace for the said county, that, by virtue of this warrant, I have made diligent search for the goods and chattels of the within mentioned E.F., and that I can find no sufficient goods or chattels of the said E.F., whereon to levy the sums within mentioned.

Witness my hand this _____ day of _____, one thousand nine hundred and _____

A.B.

S. 747. Provides that in all cases where a warrant of distress has issued against any person, and such per-

son pays or tenders to the peace officer having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the costs and charges of the distress up to the time of payment or tender, the peace officer shall cease to execute the same.

Constables are specially cautioned against levying for an amount less than that mentioned in the warrant, and should in no case take a portion on account of any penalty.

Disturbing Religious Worship, Meetings, &c. C. C. s. 201.

Enacts "that whoever wilfully disturbs, interrupts or disquiets any assemblage of persons met for religious worship or for any moral, social or benevolent purpose, by profane discourse, by rude and indecent behaviour, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting, is liable on summary conviction to a penalty not exceeding \$50 and costs, and in default of payment to one month's imprisonment." This does not apply to political or municipal election meetings. *R. v. Lavoie*, 6 Can. C. C. 39; 21 Que. S. C. 128.

Dogs. R. S. O. c. 246. See also **TAX ON DOGS**, *post*.

S. 7. (1) Where any person has been assessed for a dog, and the collector has failed to collect the tax imposed by this Act, he shall report the same under oath to a justice of the peace, who shall, by an order under his hand and seal, to be served by any constable, require

such dog to be destroyed by the owner thereof, or by a constable.

(2) For the purpose of carrying out such order, any constable may enter on the premises of such owner and destroy such dog.

(3) A collector who neglects to make such report within the time required for paying over the taxes levied in the municipality, shall incur a penalty of \$10.

Ont. Mun. Act, R. S. O. c. 192, s. 420, authorizes the councils of townships, towns, villages, and of cities having less than 100,000 inhabitants, and the board of commissioners of police in cities having 100,000 inhabitants or more, to pass by-laws—

(1) For prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law; and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

See R. S. N. S. 1900, cc. 61, 70, 71, 92; R. S. M., c. 133, s. 601; R. S. N. B. 97 and 165; R. S. Sask., c. 89, s. 59 (35), c. 125; Alb. Stat. 1911-12, c. 2, s. 163 (56); B. C. Stat. 1914, c. 52, s. 54 (174).

Dog or other animal, stealing. C. C. s. 370.

Penalty not exceeding \$20, over and above value of dog, or one month's imprisonment with hard labour, if value of property stolen be \$20 or under \$20, otherwise

penalty \$50 over and above value of property, or two months' imprisonment, or both.

Dog, killing, maiming or wounding. C. C. s. 537.

Penalty not exceeding \$100 over injury done, or 3 months' imprisonment with or without hard labour. Second offence indictable.

For punishment see C. C. s. 1052. See C. C. s. 949 as to attempt.

Dogs—protection of sheep against. R. S. O. c. 246, ss. 9 to 21.

12. In case a person is convicted of owning a dog which has within six months previous worried, injured or destroyed any sheep, a justice of the peace may order the dog to be killed within 3 days, and in default thereof may in his discretion impose a fine of \$20.

14. Owner of sheep killed or injured by any dog may recover damages therefor from the owner of the dog before a justice of the peace, and if worried, injured or destroyed by several dogs, the justice of the peace may apportion the damages among the several owners of the dogs.

R. v. Duering, 2 O. L. R. 593; Fox v. Williamson, 20 A. R. 610; R. v. Johnson, 33 C. L. J. 204; R. v. Perin, 16 Ont. 446.

15. Owner of dog which has injured, chased or worried sheep shall on notice thereof destroy such dog within 48 hours after notice, and in default thereof shall

forfeit \$2.50 for said 48 hours, and \$1.25 for every 48 hours thereafter until said dog is killed, if it is proved to the justice of the peace that such dog has worried or injured sheep, unless the owner proves that it was not in his power to kill the dog.

20. If sheep on public highway or unenclosed land when injured, the owner gets no compensation from the municipality.

See The Sheep Protection Act, R. S. N. S. 1900, c. 61, R. S. M. c. 7; R. S. N. B. c. 97; Alb. Ord. 1915, c. 82; R. S. Sask. c. 125; R. S. B. C. c. 10.

Doors of Churches, Theatres, etc. R. S. O. 235. See Buildings.

Driving on Roads or Bridges. R. S. O. c. 192, s. 398. See Bridges.

Drunk or Disorderly. R. S. O. c. 192, s. 399, s-s. (65).

The council of every township, city, town, or incorporated village may pass a by-law "For restraining and punishing vagrants, mendicants and persons found drunk and disorderly in any highway or public place." See also Vagrant and Beggars.

See R. S. M. c. 133, s. 583; R. S. Sask. c. 89, s. 59 (51); Alb. Stat. 1911-12, c. 2, s. 163 (87); R. S. N. S. 1900, c. 70, s. 134 (44); R. S. N. B. 112, s. 267; R. S. B. C. c. 70.

Dwelling House. See Housebreaking.

Escape and Rescue. C. C. ss. 185-196.

191. Every one is guilty of an indictable offence and liable to seven years' imprisonment who—

(a) Rescues any person or assists any person in escaping or attempting to escape from lawful custody, whether in prison or not, under sentence of death or imprisonment for life, or after conviction of, and before sentence for, or while in such custody upon a charge of, any crime punishable with death or imprisonment for life; or

(b) Being a peace officer and having any such person in his lawful custody, or being an officer of any prison in which any such person is lawfully confined, voluntarily and intentionally permits him to escape therefrom.

192. Every one is guilty of an indictable offence and liable to five years' imprisonment who—

(a) Rescues any person, or assists any person in escaping, or attempting to escape, from lawful custody, whether in prison or not, under a sentence of imprisonment for any term less than life, or after conviction of, and before sentence for, or while in such custody upon a charge of, any crime punishable with imprisonment for a term less than life; or

(b) Being a peace officer having any such person in his lawful custody, or being an officer of any prison in which such person is lawfully confined, voluntarily and intentionally permits him to escape therefrom.

R. v. Waters, 12 Cox 390; R. v. Shuttleworth, 22 U. C. Q. B. 372.

Evidence.

Constables are to give evidence with the strictest accuracy. Questions of the highest interest are decided, and the administration of justice must in a great measure depend on the trustworthiness of their evidence.

They are habitually to make accurate observation of all matters relating to duty, that they may be able, if required, to state all the circumstances.

Notes should be made by them, at the time, of the particulars of a case, to refresh the memory, if called on to give evidence.

They are not to suppress or overstate the slightest circumstance with a view to favour one person, or from ill-will to either side.

They are to endeavour as far as possible to feel indifference as to the results of cases, and they perform their duty best by stating accurately and without malice or favour all the particulars they know.

When constables are sufferers from injuries received, and are giving evidence against those whom they believe to be guilty, it is especially necessary that they should not allow any feelings or wishes as to the decision of the case to influence them.

Greater weight will always be given to the evidence of constables if they state fully and without passion all they know, and make it evident that they are speaking the whole truth.

They are to be especially careful to state all they know upon the first occasion, for if they afterwards add

to their evidence in any material point, it is naturally looked on with mistrust, and is open to suspicion either as to accuracy or veracity.

Any constable who wilfully departs from the truth is utterly unfit for the service, and should be immediately dismissed.

Constables' are not to enter into conversations or statements when before a magistrate, upon any matter except such as the charge under investigation makes it their duty to mention.

If constables give improper or unsatisfactory evidence, or any remarks are made respecting the evidence of constables by judges, magistrates or juries, it will be the high constable's duty to investigate the same, and report to the chairman of the general sessions. (Adapted from T. P. F. Reg.)

Exemption from Service. R. S. O. c. 94.

The officers, non-commissioned officers and men of every militia corps shall be exempt from serving as constables (except as special constables), and a certificate under the hand of the officer commanding the corps shall be sufficient evidence of the service in his corps of any officer, non-commissioned officer or man for the then current year, and of his exemption. R. S. O. c. 94, s. 30.

Exhibitions and Fairs. R. S. O. 1914, c. 47.

S. 32. (4) No person shall carry on, or assist or aid in carrying on, any kind of gambling, or any game of chance, at any agricultural, horticultural, live stock, or

industrial exhibition or fair, or within half a mile thereof.

(6) Any person violating the provisions of this section shall incur a penalty recoverable under the Ontario Summary Convictions Act of not less than \$20, or more than \$100.

R. S. O. 1914, c. 47, ss. 30-33, 26.

S. 30. (1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is, or is to be, held, shall, on the request of the president or executive committee of any society, appoint as many policemen or constables to be named by the society as may be required.

(2) The duty of such policemen and constables shall be, at the expense of the society, to protect the property of such society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

31. If any person wilfully hinders or obstructs the officers or servants of any society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such society, he shall incur a penalty of not less than \$1 nor more than \$20, recoverable under the Ontario Summary Convictions Act; to be paid to such society for its use and benefit.

32. (2) The officers of any such association or society shall prevent all immoral or indecent shows and

all kinds of gambling and all games of chance, including wheel of fortune, dice games, pools, coin tables, draw lotteries or other illegal games at the place of holding the exhibition or fair, or within 300 yards thereof, and any association or society permitting the same shall forfeit all claim to any legislative grant during the year next ensuing.

26. (1) It shall not be lawful to carry on any horse racing other than trials of speed under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any society, at the place of holding the exhibition or within five miles thereof.

(2) Any person who is guilty of a violation of this section shall be liable to a fine not exceeding \$50, recoverable under the Ontario Summary Convictions Act.

33. (1) Any Dominion police constable or Provincial police constable shall have the right of free entrance to the grounds and to all the buildings on the grounds where a fair or exhibition is being held under the direction of any society, during the time that the fair or exhibition is being held.

Provincial and Dominion detectives and constables are to have free access to all shows, menageries, horse shows, etc., on penalty of a fine and imprisonment (R. S. O. c. 214, s. 8).

Expenses.

In cases where expenses are incurred by constables conveying prisoners, hire of conveyance, railway fares,

meals supplied, etc., an accurate account of all such expenditure should be kept by the constable in his memorandum book, and vouchers showing the full particulars, dates, etc., to send to the county board of audit, with the quarterly accounts, if necessary.

Exposing Children, whereby life is endangered. See Abandoning Children.

Extortion. C. C. ss. 453-4.

Extortion is an abuse of public justice, consisting in the unlawful taking by an officer, by colour of his office, of any money or thing of value, where either none at all is due to him, or not so much is due, or before any is due.

This offence, it has been justly observed, may be, in some cases, considered more odious than robbery, because it carries with it an appearance of truth, and is often accompanied with perjury by the breach of an oath of office. The punishment for the offence at common law is by fine and imprisonment, and also by a removal from the office in the execution of which it was committed.

But justices of the peace, whose office was instituted after the Act, are bound by their oath of office to take nothing for the execution of their office but of the King, and fees accustomed, and costs limited by statute. And, generally, no public officer can take any other fees or rewards than those given him by statute, or such as have been anciently and accustomedly taken, without being guilty of extortion. (Dalton, c. 41).

R. S. O. c. 63, s. 220, as to Div. Court bailiff; R. S. O. c. 78, as to excessive costs of distraining for rent; R. S. O. c. 96, s. 3.

False Pretences. C. C. s. 404.

A false pretence is a representation, either by words or otherwise, of a matter of fact either present or past, which representation is known to the person making it to be false, and which is made with a fraudulent intent to induce the person to whom it is made to act upon such representation.

Exaggerated commendation or depreciation of the quality of anything is not a false pretence, unless it is carried to such an extent as to amount to a fraudulent misrepresentation of fact.

It is a question of fact whether such commendation or depreciation does or does not amount to a fraudulent misrepresentation of fact.

Fees. See Tariff of Fees. Schedule A.

Felony and Misdemeanour. C. C. s. 14.

14. The distinction between felony and misdemeanour is abolished, and proceedings in respect of all indictable offences (except so far as they are herein varied) shall be conducted in the same manner.

Ferries. R. S. O. c. 127, s. 9.

Enacts that "If any person unlawfully interferes with any right or license of ferry by taking, carrying or

conveying at any ferry across the stream or other water on which the same is situate, any person, cattle, carriage, or wares in any boat, vessel, or other craft, for hire, gain, reward, profit, or hope thereof, or unlawfully does any other act or thing to lessen the tolls and profits of any lessee or licensee of the crown of any such ferry, the offender shall incur a penalty not exceeding \$20, to be recovered under the Ontario Summary Convictions Act and to be paid to the person aggrieved.

Certain municipalities are authorized to make by-laws to govern ferries, which must have the Lieutenant-Governor's assent.

Perry v. Clergue, 5 O. L. R. 357; Jellett v. Anderson, 27 Gr. 411; 7 A. R. 341.

See R. S. N. S. 1900, c. 83; R. S. M. c. 133, ss. 673-9; R. S. N. B. c. 165, s. 95 (11); R. S. B. C. c. 85; R. S. Sask. c. 89, s. 52, c. 11, ss. 37-45; R. S. C. c. 108.

Fire Arms, Carrying, etc. C. C. ss. 118, 119, 120, 121, 126, and 127.

Section 118 as re-enacted by Stat. 1913, c. 13, s. 4.

118. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars and costs or to imprisonment for three months, or to both fine and costs and imprisonment, who

(a) not having a permit in Form 76, has upon his person a pistol, sheath knife, bowie knife, dagger, stiletto, metal knuckles, skull cracker or other offensive weapon that may be concealed upon the person, or any

air-gun or any device or contrivance for muffling or stopping the sound of the report of any firearm, elsewhere than in his own dwelling house, shop, warehouse, counting-house or premises; or

(b) sells, or, without lawful excuse, gives or lends any such offensive weapon, device or contrivance to any one not being the holder of a permit; or

(c) in the case of a sale, neglects to keep a record of such sale, the date thereof, the name of the purchaser, such sufficient description of the weapon, device or contrivance sold as may be necessary to identify it, the date and place of issue of the permit and the name and office of the issuer of the permit, or neglects to send a duplicate of such record by registered mail to the person who issued such permit, or neglects to endorse upon such permit the date and place of sale, the said description of the weapon, device or contrivance and the name of the vendor; or

(d) being authorized to issue a permit, issues it without keeping a duplicate thereof as a record, or having issued a permit fails to keep any record received by him of sales of weapons, devices or contrivances to the holder thereof; or,

(e) issues a permit without lawful authority.

2. Upon sufficient cause being shown, any officer of the Royal Northwest Mounted Police or commissioner of Dominion police or superintendent of provincial police or stipendiary or district magistrate or police magistrate or acting police magistrate or sheriff or chief constable

of any city, incorporated town or district municipality may grant any applicant therefor, as to whose discretion and good character he is satisfied, a permit in Form 76, for such period not exceeding twelve months as he deems fit.

3. Such permit, upon the trial of an offence, shall be prima facie evidence of its contents and of the signature and official character of the person by whom it purports to be granted.

4. Whenever the Governor in Council deems it expedient in the public interest he may, by proclamation, suspend the operation of any of the provisions of this section in the whole or any part of Canada, and for such period as he deems fit.

5. Nothing in this section shall apply to any weapons, devices or contrivances authorized to be carried by any member of His Majesty's naval, military, or militia forces, or carried by any peace officer, or to any bona fide sale made by any manufacturer of or person trading wholesale in such weapons, devices or contrivances to any person bona fide dealing in such articles and having an established and fixed place of business.

6. Every peace officer may search any person who he has reason to believe and does believe has upon his person any weapon, device or contrivance contrary to the provisions of this section, and may seize any weapon, device or contrivance illegally in the possession of any person without a permit. Any such weapon, device or

contrivance had or carried in violation of this section shall be forfeited to the Crown to be disposed of as the Attorney-General of the province in which such forfeiture takes place may direct.

119. Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars who sells any firearm or gives or sells any pistol or air-gun, or any ammunition therefor, to a minor under the age of sixteen years, unless he establishes to the satisfaction of the justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift, and that he had good reason to believe that such minor was not under the age of sixteen years.

120. Every one who when arrested, either on a warrant issued against him for an offence or while committing an offence, has upon his person a pistol or air-gun, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars and not less than twenty dollars, or to imprisonment for any term not exceeding three months, with or without hard labour.

121. Every one who has upon his person a pistol or air-gun with intent therewith unlawfully to do injury to any other person, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding \$200 and not less than \$50, or to imprisonment for any term not exceeding six months, with or without hard labour. *R. v. Mines*, 25 Ont. 577.

122. Every one who, without lawful excuse, points at another person any firearm, or air-gun, whether loaded or unloaded, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding \$100, and not less than \$10, or to imprisonment for any term not exceeding thirty days, with or without hard labour.

125. It is not an offence for any soldier, sailor, public officer, peace officer or volunteer in His Majesty's service, or constable or other policeman, to carry loaded pistols or other usual arms or offensive weapons in the discharge of his duty.

126. Every one attending any public meeting or being on his way to attend the same who, upon demand made by any justice within whose jurisdiction such public meeting is appointed to be held, declines or refuses to deliver up, peaceably and quietly, to such justice, any offensive weapon with which he is armed or which he has in his possession, is guilty of an indictable offence.

2. The justice of the peace may record the refusal and adjudge the offender to pay a penalty not exceeding eight dollars, or the offender may be proceeded against by indictment as in other cases of indictable offences.

Fish. R. S. O. c. 262.

See R. S. N. S. 1900, c. 25; R. S. N. B. c. 34; R. S. B. C. c. 89, and the Dominion Fisheries Act, 1914, c. 8.

The Dominion of Canada has no proprietary rights in fisheries or fishing rights, although the legislative

jurisdiction conferred by section 91 of the B. N. A. Act enables it to affect these rights to an unlimited extent, short of transferring them to another.

A tax by way of license as a condition of the right to fish is well within the power of the Dominion under section 91, sub-sections 4 and 12, of the B. N. A. Act.

The same power is conferred on a Provincial Parliament by section 92.

Revised Statutes of Canada, chapter 45, section 8, so far as it empowers the grant of exclusive fishing rights over provincial property, is *ultra vires* the Dominion.

Fishing regulations and restrictions are within the exclusive competence of the Dominion.

Attorney-General Can. v. Attorney-General Ont., L. R. [1898] A. C. 700.

CLOSE SEASONS IN ONTARIO.

Regulations of the Governor-General in Council under "The Fisheries Act, 1914," c. 8, adopted 29th October, 1915:

Bass shall not be caught, sold, or had in possession from 1st January to 15th June. S. 3.

Maskinonge shall not be caught, sold, or had in possession from 1st January to 15th June. S. 5.

Pickerel (Doré) shall not be caught, sold, or had in possession from 15th April to 15th June, excepting in the waters of the Great Lakes, Georgian Bay, North Channel and connecting waters. S. 7.

Speckled Trout and Brown Trout shall not be caught, sold, or had in possession from 15th September to 30th April. S. 11.

Rainbow Trout or other Pacific Trouts, from 15th September to 30th June.

WHITEFISH AND SALMON-TROUT.

S. 13. (a) In waters where commercial fishing with gill-nets is not permitted, no one shall fish for, catch or kill, any whitefish or salmon-trout from the 5th day of October to the 5th day of November in each year, both days inclusive.

(b) In waters other than those of the Great Lakes, Georgian Bay, North Channel and connecting waters where commercial fishing with gill-nets is permitted, no one shall fish for, catch or kill any whitefish or salmon-trout from the 5th day of October to the 30th day of November in each year, both days inclusive; provided that in that portion of the Bay of Quinte westward of a straight line drawn due south astronomic across the bay from Conway, in the county of Lennox, to the opposite shore in the county of Prince Edward, no one shall fish for, catch or kill any whitefish or salmon-trout from the 1st to the 30th day of November in each year, both days inclusive.

Attention is also called to the following regulations and provisions of the Act:

Fishing with nets or any other apparatus without license from a duly authorized officer of the Provincial Government, is prohibited. S. 4.

Explosives.—The use of fire-arms or explosive materials to catch, shoot, or kill fish is prohibited. S. 38 of Act.

Snares.—The use of snares of any kind for the purpose of catching or killing fish is prohibited. S. 8 of Regulations.

All well disposed persons are requested to give the local fishery officers whatever information and assistance they can towards carrying out these provisions of the law.

Any person guilty of violating the Act or these regulations is liable to fine and costs, or in default of payment is subject to imprisonment.

N.B.—Constables in the several provinces can keep themselves in possession of latest information by writing to the Department of Marine and Fisheries, Ottawa.

RESTRICTION, BAY OF QUINTE.

Fishing with nets of any kind in that portion of the waters of the Bay of Quinte in the Province of Ontario, lying westward of a line drawn between Green Point in the County of Prince Edward to the eastern limit of the town of Deseronto in the County of Hastings, is prohibited during the months of June, July and August in each year. S. 9 of Regulations.

PENALTIES.

Except as herein otherwise provided, every one who violates any provision of this Act, or any regulation

made thereunder, shall be liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both. S. 82 of the Act.

APPLICATION OF PENALTIES.

The Governor in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed. S. 91 of the Act.

Foot-marks.

In some cases the proof of comparison of foot-marks has failed from the shoe or boot being put on the mark, when it is desirable to ascertain whether the foot-marks left at any place correspond with those of a person suspected. The shoe or boot used to compare should not be laid upon the foot-mark, but a separate impression should be made with the shoe or boot, which may be compared with the foot-marks. Care must be taken not to obliterate by walking over or near the foot-marks required for comparison.

Forgery. C. C. ss. 466-495.

466. Forgery is the making of a false document, knowing it to be false, with the intention that it shall in any way be used or acted upon as genuine to the prejudice of any one within Canada or not, or that some person should be induced, by the belief that it is genu-

ine, to do or refrain from doing anything, whether within Canada or not.

2. Making a false document includes altering a genuine document in any material part, or making any material addition to it or adding to it any false date, attestation, seal or other thing which is material, or making any material alteration in it, either by erasure, obliteration, removal or otherwise.

3. Forgery is complete as soon as the document is made with such knowledge and intent as aforesaid, though the offender may not have intended that any particular person should use or act upon it as genuine, or be induced, by the belief that it is genuine, to do or refrain from doing anything.

4. Forgery is complete although the false document may be incomplete, or may not purport to be such a document as would be binding in law, if it be so made and is such as to indicate that it was intended to be acted on as genuine.

See C. C. s. 342 as to false descriptions.

R. v. Cormack, 21 Ont. 213; R. v. Riley, [1896] 1 Q. B. 309; R. v. Weir, 3 Can. C. C. 499; 9 Que. Q. B. 243; R. v. Howarth, 1 Can. C. C. 243; R. v. Eaton, 29 Ont. 591; R. v. Authier, 6 Que. Q. B. 146.

Furious Driving. C. C. ss. 285, 285A, 285B.

Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or motor vehicle, automobile or other

vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person.

Section 285 A, added by 1910, c. 13, requires the driver of a motor car to stop after an accident.

Section 285 B, added by 1910, c. 11, provides for punishment for temporary theft of a motor car.

Gaming House, Common, Defined. C. C. s. 226.

226. A common gaming house is—

(a) A house, room or place kept by any person for gain, to which persons resort for the purpose of playing at any game of chance; or at any mixed game of chance and skill; or

(b) A house, room or place kept or used for playing therein at any game of chance, or any mixed game of chance and skill, in which

(i) a bank is kept by one or more of the players exclusively of the others; or

(ii) any game is played the chances of which are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the game is managed, or against whom the other players stake, play or bet.

2. Any such house, room or place shall be a common gaming-house, although part only of such game is played there and any other part thereof is played at some other place, either in Canada or elsewhere, and

although the stake played for, or any money, valuables, or property depending on such game, is in some other place, either in Canada or elsewhere.

R. v. France, 7 Que. Q. B. 83; R. v. Brady, 10 Q. S. C. 539.

COMMON BETTING-HOUSE DEFINED. C. C. s. 227.

227. A common betting-house is a house, office, room or place,—

(a) Opened, kept or used for the purpose of betting between persons resorting thereto and

(i) the owner, occupier or keeper thereof;

(ii) any person using the same;

(iii) any person procured or employed by, or acting for or on behalf of, any such person;

(iv) any person having the care or management, or in any manner conducting the business thereof; or

(b) Opened, kept or used for the purpose of any money or valuable thing being received by or on behalf of any such person as aforesaid, as or for the consideration,

(i) for any assurance or undertaking, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of, or relating to, any horse race or other race, fight, game or sport; or

(ii) for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency.

(c) Opened, kept or used for the purpose of recording or registering bets upon any contingency or event, horse race or other race, fight, game or sport, or for the purpose of receiving money or other things of value to be transmitted for the purpose of being wagered upon any such contingency or event, horse race, or other race, fight, sport or game, whether any such bet is recorded or registered there, or any money or other thing of value is there received to be so transmitted or not;

(d) Opened, kept or used for the purpose of facilitating or encouraging or assisting in, the making of bets upon any contingency or event, horse race or other race, fight, game or sport, by announcing the betting upon, or announcing or displaying the results of, horse races or other races, fights, games or sports, or in any other manner, whether such contingency or event, horse race or other race, fight, game or sport occurs or takes place in Canada or elsewhere.

Rex v. Deaville, [1903] 1 K. B. 468, 88 L. T. 32; Tromans v. Hodgkinson, [1903] 1 K. B. 30; Rex v. Hanrahan, 3 O. L. R. 659, 5 Can. C. C. 430; Lennox v. Stoddart, [1902] 2 K. B. 21; Belton v. Busby, [1899] 2 Q. B. 380; Brown v. Patch, [1899] 1 Q. B. 892, 80 L. T. 716; Reg. v. Saunders, 3 Can. C. C. 495; Powell v. Kempton Park, [1897] 2 Q. B. 242, [1899] A. C. 143, 77 L. T. 2, 80 L. T. 538; Hawke v. Dunn, [1897] 1 Q. B. 579; Bradford v. Dawson, [1897] 1 Q. B. 307; Liddell v. Lofthouse, [1896] 1 Q. B. 295; Reg. v. Giles,

26 Ont. 586; *Stoddart v. Sagar*, [1895] 2 Q. B. 474;
Downes v. Johnson, [1895] 2 Q. B. 203.

See Betting and Pool Selling.

DISORDERLY HOUSE. C. C. 228.

228. Every one is guilty of an indictable offence and liable to one year's imprisonment, who keeps any disorderly house, that is to say, any common bawdy house, common gaming house, common betting house, or opium joint, as hereinbefore defined. '

Any one who appears, acts or behaves as master or mistress, or as the person having the care, government or management, of any disorderly house, or as assisting in such care, government or management, shall be deemed to be the keeper thereof, and shall be liable to be prosecuted and punished as such, although in fact he or she is not the real owner or keeper thereof.

Rex v. Shepherd, 39 C. L. J. 41; *Rex v. Young*, 6 Can. C. C. 42, 14 Man. 58; *Rex v. Keeping*, 4 Can. C. C. 495, 34 N. S. R. 442; *Reg. v. Spooner*, 32 Ont. 451, 4 Can. C. C. 209; *Reg. v. Petrie*, 3 Can. C. C. 439, 7 B. C. R. 176; *Reg. v. Osborne*, 27 Ont. 185; *Reg. v. Giles*, 26 Ont. 586; *Reg. v. Wettman*, 25 Ont. 459; *Reg. v. France*, 7 Que. Q. B. 83; *Reg. v. Warren*, 16 Ont. 590; *Arscott v. Lilley*, 11 Ont. 153; *Reg. v. Walker*, 7 Ont. 186; *Reg. v. Cyr*, 12 P. R. 24; *Reg. v. Newton*, 11 P. R. 98; *Reg. v. Richardson*, 11 P. R. 95; *Reg. v. Flint*, 4 Ont. 214. '

PLAYING OR LOOKING ON IN GAMING-HOUSE.

Code section 229 is re-enacted in 1913, c. 13, s. 12.

229. Every one who, without lawful excuse, is found in any disorderly house shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars and costs, and in default of payment to two months' imprisonment.

OBSTRUCTING A PEACE OFFICER ENTERING A GAMING-HOUSE.

230. Every one is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding one hundred dollars, and to six months' imprisonment with or without hard labour, who

(a) wilfully prevents any constable or other officer duly authorized to enter any disorderly house, from entering the same or any part thereof; or

(b) obstructs or delays any such constable or officer in so entering; or

(c) by any bolt, chain or other contrivance secures any external or internal door of, or means of access to, any common gaming-house so authorized to be entered; or

(d) uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer, authorized as aforesaid, into any such disorderly house or any part thereof.

See also sections 985 and 986 as to what is *prima facie* evidence of gaming or character of house.

Gaming in Stocks or Merchandise. See C. C. ss. 231-233.

Gaming in Public Conveyances. C. C. s. 234.

234. Every one is guilty of an indictable offence and liable to one year's imprisonment who

(a) in any railway car or steamboat, used as a public conveyance for passengers, by means of any game of cards, dice or other instrument of gambling, or by any device of like character, obtains from any other person any money, chattel, valuable security or property; or

(b) attempts to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him.

2. Every conductor, master or superior officer in charge of, and every clerk or employee when authorized by the conductor or superior officer in charge of, any railway train or steamboat, station or landing place in or at which any such offence, as aforesaid, is committed or attempted, shall, with or without warrant, arrest any person whom he has good reason to believe to have committed or attempted to commit any such offence, and take him before a justice, and make complaint of such offence on oath, in writing.

3. Every conductor, master or superior officer in charge of any such railway car or steamboat, who makes default in the discharge of any such duty is liable, on summary conviction, to a penalty not exceeding one hundred dollars and not less than twenty dollars.

4. It shall be the duty of every person who owns or works any such railway car or steamboat to keep a copy of this section posted up in some conspicuous part of such railway car or steamboat.

5. Every person who makes default in the discharge of such duty is liable to a penalty not exceeding one hundred dollars and not less than twenty dollars.

Game and Fur-Bearing Animals.

The Ontario Game and Fisheries Act, R. S. O. c. 262, and amendments, 4 Geo. V. c. 46, and 5 Geo. V. c. 20.

NON-RESIDENTS.

9. *Non-residents.*—No person not a British subject and no person not residing and domiciled in Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle for hunting purposes except under the authority of a license.

OPEN SEASONS.

10. (1) *Open season.*—No person shall hunt, take, kill or destroy

(a) *Deer.*—Any deer, except from the 1st day of November to the 15th day of November, both days inclusive.

(b) *Moose, reindeer, and caribou south of C. P. R.*—Any moose, reindeer, or caribou in that part of Ontario lying south of the main line of the Canadian Pacific Rail-

way in the town of Mattawa to the city of Port Arthur, except from the 1st day of November to the 15th day of November, both days inclusive.

(c) *Moose, reindeer, and caribou north of C. P. R.*—Any moose, reindeer, or caribou throughout that part of Ontario lying north of the main line of the Canadian Pacific Railway from Mattawa to the Manitoba boundary and that part of Ontario lying south of the Canadian Pacific Railway from the city of Port Arthur to the Manitoba boundary, except from the 16th day of October to the 15th day of November, both days inclusive.

(d) *Grouse, etc.*—Any grouse, pheasants, prairie fowl or partridge, except from the 15th day of October to the 15th day of November, both days inclusive; but no persons shall take or kill more than ten partridges in any one day.

(e) *Woodcock.*—Any woodcock, except from the 1st day of October to the 15th day of November, both days inclusive.

(f) *Quail and wild turkeys, black and grey squirrels.*—Any quail or wild turkey, black or grey squirrel, except from the 15th day of November to the 1st day of December in any year, both days inclusive.

(g) *Swans and geese.*—Any swan or goose, except from the 15th day of September to the 15th day of April in the following year, both days inclusive.

(h) *Ducks and other water-fowl. Northern District.*—Duck of any kind or any other water-fowl, snipe,

rail, plover or any other bird known as a shore bird or wader in the Northern District, except from the 1st day of September to the 15th day of December in any year, both days inclusive.

(i) *Ducks and other water-fowl. Southern District.*—Duck of any kind or any other water-fowl, snipe, rail, plover or any other bird known as a shore bird or wader in the Southern District, except from the 15th day of September to the 15th day of December in any year, both days inclusive.

(j) *Capercaillie.*—Capercaillie before the 15th day of September, 1915, nor thereafter except from the 15th day of September to the 15th day of December, both days inclusive.

(k) *Hares.*—Hares, except from the 1st day of October to the 15th day of December, both days inclusive, and except that between the 15th day of December and the 31st day of December in any year, both days inclusive, the wood-hare or cotton-tail rabbit may be taken, killed or destroyed by means of snares, ferrets or any other means than shooting.

(2) *Cotton-tail rabbits.*—Notwithstanding anything in this Act a wood-hare or cotton-tail rabbit may be taken, killed or destroyed in any manner by the owner, occupant or lessee of any land upon which it causes actual damage to trees or shrubs, or by any member of the family of such owner, occupant or lessee, or by any

person holding a written license or permit from such owner, occupant or lessee; and any of these animals killed under this sub-section shall be handed over to the nearest officer of the Game and Fisheries Branch for distribution to charitable institutions.

(3) *Special provision as to shooting deer put or bred by any person on his lands.*—Notwithstanding anything in this Act a person who puts or breeds or imports deer upon his own land for the purpose of breeding and preserving the same, and his licensee, may hunt, take or kill any such deer from the 1st day of October to the 15th day of November, both days inclusive; but the onus of proof that the deer were so put or bred shall rest on the person hunting or killing the same.

BEAVER, OTTER, MUSKRATS, ETC.

11. (1) *Beaver and otter.*—No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day of November, 1916, and after such date the hunting, taking or killing of beaver and otter shall only be permitted during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, 5 Geo. V. c. 30.

(2) *Muskrat.*—No muskrat shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of December, except as provided by the next succeeding subsection, nor shall any trap, snare, gin or other contrivance be set for it during

such period; and any such trap, snare, gin or other contrivance so set may be destroyed by any person without his thereby incurring any liability therefor; and this subsection shall apply to Indians in respect of private or leased land.

(3) *Close season for muskrat in certain districts.*—

The close season with respect to muskrat in the electoral districts of Port Arthur, Fort William, Rainy River and Kenora shall be from the 1st day of May to the 1st day of March in the year following.

(4) *Muskrat houses, etc.*—No muskrat shall be shot during the month of April, or speared at any time; nor shall any muskrat house be cut, speared, broken or destroyed at any time.

(5) *When destruction of muskrats lawful.*—Nothing in this section shall apply to any person destroying any of the animals in defence or preservation of his property, or prevent the destruction of muskrats by any means, at any time, in the vicinity of dams or drainage embankments where there is a probability of injury being caused by them to such dams or drainage embankments.

(6) *Onus of proof.*—The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals.

(7) *Mink.*—No mink shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of November following.

(8) *Beaver doing damage.*—The Superintendent may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Superintendent, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Superintendent.

SUNDAY.

12. *Hunting on Lord's Day.*—No person shall on the Lord's Day hunt, take, kill or destroy any game, or use any gun or other engine for that purpose.

DEER.

13.—(1) *License necessary for hunting deer.*—No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer or caribou except under the authority of a license.

(2) *Cow moose, fawns, etc., not to be killed.*—No person shall at any time hunt, kill or take any cow moose, or any other moose, reindeer or caribou under the age of one year.

(3) *Number of deer, etc., which may be killed.*—No person shall during any one year or season kill or take more than one deer, one bull moose, or one bull reindeer or caribou; but this shall not apply to deer which are the private property of any person and which have been

killed or taken by him or by his direction or with his consent in or upon his own land.

(4) *Aggregate kill.*—Two or more persons hunting together and holding licenses may kill an aggregate of not more than one deer for each member of the party.

(5) *Restraint of dogs.*—No owner of any dog, known by the owner to be accustomed to pursue deer, shall permit such dog to run at large during the close season for deer in any locality where deer are usually found.

(6) *Idem.*—Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor.

WATER FOWL.

14.—(1) *Hunting ducks, etc., from sail boats.*—No wild duck, goose or other waterfowl shall be hunted, taken or killed from a sail boat, yacht or launch propelled by steam or other power.

(2) *Illegal contrivances.*—No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as sunken punts or batteries, shall be used at any time.

(3) *Blinds or decoys.*—No blinds or decoys for use in hunting duck or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited.

(4) *Limit of number of duck.*—No person shall take or kill more than two hundred wild ducks in any one year.

POISONS, TRAPS, AND CONTRIVANCES.

15.—(1) *Poisons, use of prohibited.*—No person shall kill or take any game by the use of poison, or a poisonous substance, or expose poison, poisoned bait or other poisoned substance in any place or locality to which any game or any dog or cattle usually has access.

(2) *Trapping, snaring, etc.*—None of the game animals and game birds, except those mentioned in section 11, shall be trapped or taken by means of traps, nets, snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them at any time; and if so set they may be destroyed by any person without incurring any liability for so doing.

16. *Shooting at night.*—No person shall discharge any gun or other fire-arm at any game between sunset and sunrise.

SHOOTING FOR HIRE FORBIDDEN.

17. *Hired hunters.*—No person shall for hire, gain or reward or hope thereof hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do; but this shall not apply to the bona fide employment of any person as guide to accompany a person lawfully hunting or shooting.

EGGS.

18. *Eggs not to be taken.*—No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time.

MASKS AND DISGUISES.

19. *Masked or armed persons in neighbourhood of preserves.*—Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground or, in close season, near any place where game is usually found, shall be guilty of an offence against this Act.

AUTOMATIC GUNS.

20. *Automatic guns prohibited.*—Subject to the Regulations, no gun of the description known as “automatic” in which the recoil is utilized to reload the gun shall be used in the killing of game.

21.—(1) *Certain employees not to carry fire-arms.*—No person employed in connection with the construction

of any railway or public work shall carry or have in possession in the vicinity of such railway or public work, any gun or other fire-arm except as may be authorized by special license.

(2) *Nature of license to do so.*—The special license may be subject to such terms as the Minister may direct, and the ordinary hunting license provided for in this Act shall not be deemed to be a license under this section.

PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

22.—(1) *Protection¹ of private preserves.*—Where a person has put or bred any kind of game upon his own land for the purpose of breeding and preserving the same, no person knowing it to be such game shall hunt, shoot, kill or destroy it without the consent in writing of the owner of the land.

(2) *Innocent contravention.*—This section shall not prevent any person from shooting, hunting, taking or killing upon his own land, or upon any land over which he has a right to shoot or hunt, any game which he does not know or has not reason to believe had been so put or bred by some other person upon his own land.

TRESPASS IN PURSUIT OF GAME.

23.—(1) *Entry on grain crops, Entering on lands after notice not to do so.*—No person shall at any time enter with any sporting implements in his possession,

or permit his dog to enter, into any growing or standing grain without the permission of the owner, and no person shall at any time hunt, shoot or with any sporting implement in his possession go upon any enclosed land of another after having had notice not to hunt or shoot thereon.

(2) *Penalty.*—Every person who contravenes this section shall be guilty of an offence against this Act.

(3) *Notice to trespassers, how given.*—An owner or occupant of land may give such notice

(a) Verbally or in writing.

(b) *Sign-boards where hunting forbidden.*—“By maintaining sign-boards at least one foot square on or near the boundary of the land intended to be protected, or upon the shores of any water covering the same or any part thereof, containing a notice in the following form, or to the like effect:—‘Hunting or shooting is forbidden.’ Such sign-boards to be not more than eighty rods apart.”

(4) *Unauthorized putting up or interfering with notices illegal.*—Any person who, without authority, puts up or causes to be put up any such notice on any land of which he is not the owner, or to the possession of which he is not entitled, or who tears down, removes, injures, defaces, or interferes with any notice lawfully put up, shall be guilty of an offence against this Act.

(5) *Common law rights preserved.*—Nothing in this section shall limit or in any way affect the remedy at common law of any such owner or occupant for trespass.

(6) *Marsh lands.*—For the purpose of this section land the boundary line or any part of the boundary line of which passes through a marsh or swamp, or any land covered with water, or land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall, so far as respects that part of the boundary line which so passes, be deemed to be wholly enclosed within the meaning of this Act if posts are maintained along such part at distances which will permit of each being clearly visible from the next post.

POSSESSION—SALE—TRANSPORTATION.

39. *Regulations.*—The Lieutenant-Governor in Council may make regulations,—

(a) *Sale of certain game birds, fish.*—Prohibiting or regulating the purchase and sale of or traffic in, snipe, quail, woodcock, partridge, speckled trout, bass and maskinonge.

(b) *Sale of imported game if lawfully procured.*—Authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured.

40.—(1) *Possession of game and fish in close season.*—During the close season no person shall have in his possession or in the possession of his servant or agent,

or of any other person on his behalf, any game, wherever killed or procured, or any fish, except that

(a) Game lawfully killed or procured may be kept during the period between the end of the open season in any year and the sixteenth day of January in the following year.

(b) Skins of moose, deer, caribou and fur-bearing animals may be had in possession during the close season under the authority of a license issued not later than ten days after the end of the open season, and specifying the number and description of such skins.

(2) *Cold storage in open season.*—Except as expressly authorized by license no person other than the actual owner for the use of himself and family shall keep game in cold storage during the season in which the same may be so lawfully possessed.

(3) *Exception when for breeding.*—This section shall not apply to game animals bred or *bona fide* procured for breeding purposes by persons holding permits from the Minister to engage in the business of breeding game animals; and notwithstanding anything in this Act such persons may at all times have in their possession such animals or any part thereof.

41.—(1) *Purchase and sale of game without license.*—*Exceptions.*—Except as expressly authorized by license, and as in this section expressly provided, no person shall, by himself, his servant, clerk or agent, buy, sell or expose or keep for sale, or directly or indirectly, on any pretence

or device, for any valuable consideration, barter, give or obtain, to or from any other person, any game wherever killed or procured; but the person who has actually and lawfully hunted, taken and killed any game may sell the same, or any part thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any game which such person or licensee is at the time of sale authorized to sell under the provisions of this Act.

(2) *Supplying game at meals.*—Except as expressly authorized by license no hotel, restaurant or club shall during the close season supply for or as a part of any meal for which a charge is made any game, wherever killed or procured, or any fish contrary to the prohibition of any law or regulation.

(3) *Unlawful supplying under pretended name.*—It shall be an additional offence against this Act, punishable by a penalty of not less than the maximum penalty which would be otherwise applicable, unlawfully to supply at any hotel, restaurant or club for or as part of a meal any game or fish under any pretended name or under the designation of anything which might at the time be lawfully supplied.

(4) *Exception when for breeding.*—The Minister may grant to any person engaged *bona fide* in the business of breeding game animals a permit to buy and sell live game animals bred or procured *bona fide* for breeding purposes and to sell the skins of any such animals, and notwithstanding anything in this Act the holders of

the permit may at any time buy or sell live game animals so bred or procured, and sell the skins of any such animal, and it shall be lawful to buy from him any such live game animal or skin.

(5) *License required to deal in protected fur-bearing animals or skins thereof.*—No person shall engage in or carry on, or be concerned in the business of trading in, buying or selling protected fur-bearing animals, or the skins or pelts of protected animals, except under the authority of a license.

42. *Inspection to be facilitated by lessees, licensees and others.*—Every railway and express company and every other common carrier, every person engaged in the business of cold storage, or of purveying or dealing in game or fish, or of lumbering, or in charge of any camp near any fishery or near any place in which game is usually found, every person fishing or in charge of any fishery, and every person holding any lease or license shall, upon request, permit the Superintendent or any inspector, warden, overseer or other officer to enter and inspect any car, building, premises or enclosure, and to open any receptacle for the purpose of examining all game and fish taken and all implements and appliances for hunting and fishing and for the purpose of searching for game or fish illegally killed or procured, and to examine any book, invoice, or document containing any entry or memorandum relating to game or fish which the officer suspects to be illegally killed or possessed, and shall afford him all reasonable facilities for any such

search, and in case of refusal the officer may, without a search warrant, break such locks and fastenings as may be necessary in order to make such examination.

43.—(1) *Transporting deer, moose, etc., without shipping coupons.*—No railway or express company, or other common carrier, and no other person shall transport or receive or have in possession in Ontario any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same together with an affidavit of the shipper that the same was lawfully hunted or taken.

(2) *Game in close season.—Affidavit necessary.*—No railway or express company, or other common carrier, and no other person shall transport or receive or have in possession for that purpose in Ontario any game during the close season or in the open season after the expiry of the shipping coupon attached thereto unless there is attached thereto, in addition to a shipping coupon, an affidavit of the shipper that the same was lawfully hunted and taken.

(3) *Game killed in other provinces.*—The preceding two sub-sections shall not prevent the transportation of game if accompanied by an affidavit that the same was lawfully killed in some other part of Canada.

44.—(1) *Marking receptacles for fish or game.*—All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is

packed for transportation shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, or in either case shall be marked or labelled with the names and addresses of the consignee and consignor.

(2) *Offence.*—In case of failure to comply with the provisions of this section the owner, consignor or person actually shipping or claiming any such receptacle shall be guilty of an offence against this section.

45.—(1) *Exporting deer, etc., by holders of non-resident licenses.*—A non-resident entitled to hunt or shoot in Ontario by virtue of a license under this Act may export out of Ontario in any one open season game actually and lawfully killed by him as follows: one deer, one bull-moose, reindeer or caribou, 100 ducks.

(2) *Shipping coupon.*—The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it or containing any ducks, and such person shall, if required by the Superintendent or by an inspector, warden or overseer, make a statutory declaration of the fact that such game was lawfully killed by him.

(3) *Exportation generally forbidden.—Exceptions.*—Except as provided by this section, no person shall at any time export from Ontario, or with intent to do so hunt, take or kill any game, except deer, moose, elk, reindeer or caribou which are not wild but are private property of and have been killed or taken by the owner or with his consent or by his direction in and upon his own land.

LICENSES.

46. Regulations. — The Lieutenant-Governor in Council may make regulations,—

(a) *Terms of license.*—Governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof.

(b) *Special license to guest of resident.*—For granting without fee a special license to enable a guest of a resident of Ontario to hunt and shoot therein for a term not exceeding one week.

(c) *Reduced fee to residents of other provinces.*—For reducing the fee for a non-resident hunting license to a resident of any other province of Canada by providing that such license may be issued upon the same terms and conditions upon which a similar license is issued under the law of such other province to a resident of Ontario.

47.—(1) Not to be issued to convicted persons or their employers.—No license shall be issued or permit granted to any person convicted of any offence against this Act within two years next preceding the date of application for such license or to any person employing a person so convicted.

(2) *Illegal transfer.*—A license shall not be transferable, and every person who buys, sells, exchanges or

in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act.

(3) *Cancellation.*—A license may be cancelled by the Superintendent, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

(4) *Effect of conviction as cancellation.*—A conviction for an offence against this Act shall operate as a cancellation of every license held by the person convicted.

(5) *License discretionary.*—The issue of a license shall be in the discretion of the Superintendent subject to appeal to the Minister.

48.—(1) *Hunting licenses.*—A license may be issued to—

(a) *To non-residents.*—A person not resident in Ontario to carry guns, rifles and firearms and to hunt and shoot, and the fee for such license shall not exceed \$50;

(b) *To residents, deer.*—A resident of Ontario to hunt deer, and the fee for such license shall be \$2;

(c) *To residents for moose, reindeer or caribou.*—A resident of Ontario to hunt moose, reindeer or caribou, and the fee for such license shall be \$5;

(d) *To non-residents for fur-bearing animals.*—A person not resident in Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$50.

(2) *Production of licenses on demand.*—Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested produce and show the same to the Superintendent or any inspector, warden or overseer or person acting under the authority of any of them who requests him so to do, and on failure or refusal shall forfeit such license, and if found hunting or taking any deer or other animals for hunting which a license is required shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act.

(3) *Coupons to be attached to license.*—There shall be attached to every license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than ten days after the last day of the open season for which the license is issued.

(4) *Detachment and cancellation of.*—Where any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 45 is presented for shipment at a railway station, steamboat landing or other point of shipment a coupon shall be detached from the

license and signed by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or to the receptacle in which it or any ducks are contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled."

(5) *Contravention.*—Any person, shipping agent or clerk who contravenes any provision of this section, or uses a coupon after the expiry thereof, or ships or assists in the shipment of anything to which a coupon is required to be attached without complying with the provisions of this section shall be guilty of an offence against this Act.

49. *What licenses may be issued.*—A license may be issued upon such terms and conditions as may be imposed by the Regulations authorizing

(a) *Cold storage.*—Any person engaged in the business of cold storage of perishable articles to keep any game during the open season, and during the period in the close season from the end of the open season in any year to the 16th day of January of the following year, and the fee for such license shall be \$25;

(b) *Game dealers. Sale in open season.*—Any person during the open season and during the period in the close season from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale game,

other than fur-bearing animals or the skins or pelts of protected animals lawfully killed and procured, and during such period and upon the conditions prescribed by the Regulations game other than fur-bearing animals or the skins or pelts of protected animals imported into Ontario, specified and described in the Regulations, and lawfully hunted, killed or procured according to the law of the province, state or country in which the same were killed or procured, and the fee for such license shall be in cities having a population of not less than 100,000, \$25; in other cities having a population of not less than 50,000, \$10; in cities having a population of less than 50,000 and not less than 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in villages and townships, \$1;

(c) *Supply of game by hotels, etc.*—A hotel, restaurant or club to supply for or as part of a meal served upon its premises any game lawfully obtained during the period in which the same may be lawfully kept in cold storage; and the fee for such license shall be in cities having a population of not less than 100,000, \$10; in other cities having a population of not less than 50,000, \$5; and in all other municipalities, \$1.

(d) *Fur-dealer's license.*—Any person to buy and sell protected fur-bearing animals or the skins or pelts of protected animals, and the fee for such license shall be \$2.

52. Guides.—Licenses or permits may be issued on such terms and conditions as may be prescribed by the

Regulations giving authority to act as guides for hunting, shooting or fishing in any part of Ontario specified in any license or permit to such persons applying therefor as are certified by any inspector or warden to be fit and proper persons and qualified so to act; and the fee for any such license or permit shall not exceed \$2.

ADMINISTRATION.

54. Government Regulations.—The Lieutenant-Governor in Council may make Regulations,—

(a) *Administration.*—For the administration of the Game and Fisheries Branch;

(b) *Appointment of officers.*—For the appointment of the superintendent, inspectors, wardens, overseers, officers, servants and other persons, whose assistance he may deem requisite for the purposes of this Act, and for their remuneration;

(c) *Making certain overseers Justices of the Peace.*—Conferring upon certain overseers by special appointment the powers of Justices of the Peace for the purposes of this Act and of the Regulations.

55. Superintendent.—The administration of the Game and Fisheries Branch shall, under the Minister, be in charge of the chief officer thereof, who shall be known as the Superintendent of Game and Fisheries.

56. Inspectors of Game and Fisheries.—There shall also be appointed inspectors of game and fisheries, not exceeding three, who shall, in addition to such duties as

may be imposed upon them by the Regulations, examine and report upon the enforcement of the Act in all parts of Ontario, the manner in which all wardens and overseers have during the year performed their duties, and shall also examine all applicants for the office of game and fishery overseer.

57. Wardens of Game and Fisheries.—There shall also be appointed wardens of game and fisheries, not exceeding fourteen, who, subject to the Superintendent, shall have charge of and be responsible for the enforcement of this Act in the districts for which they shall respectively be appointed.

58. Oath to be taken before acting.—The Superintendent, inspectors, wardens, overseers, and deputy game and fisheries wardens shall, before acting, take and subscribe the following oath:—

I, A.B., Superintendent (*or as the case may be*), appointed under the provisions of The Ontario Game and Fisheries Act, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such superintendent (*or as the case may be*) according to the true intent and meaning of The Ontario Game and Fisheries Act and the regulations.

So help me God.

59. Officers authorized to act as Justices of the Peace.—The Superintendent and inspectors and wardens of game and fisheries, overseers authorized by their appointment to act as Justices of the Peace, and the Superintendent and inspectors of the Ontario Provincial Police, shall be Justices of the Peace in and for every county or district for the purposes of this Act and of

the Regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offence is alleged to have been committed.'

60.—(1) *Overseers appointed and dismissed.*—Subject to the approval of the Minister, the Superintendent may appoint the overseers and may in his discretion dismiss any of them.

(2) *Remuneration of overseers, etc.*—Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration, but shall not be entitled to receive directly any fines imposed for offences against this Act.

61.—(1) *Powers and duties of overseers.*—Every overseer shall, before acting, obtain and deposit with the Superintendent a written certificate signed by an inspector or warden, that he is a fit and proper person to be appointed to the office of overseer.

(2) *Overseer's powers as constable.*—An overseer shall have the authority of a constable for the purposes of this Act and the Regulations.

(3) *Arrest on view.*—Every overseer not being himself a Justice of the Peace or authorized to act as such, on view of a violation of this Act, shall arrest the person committing the same, without process, and bring him with reasonable diligence before a Justice of the Peace to be dealt with according to law.

(4) *Duty to search*—Every overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are had, in possession contrary to the provisions of this Act, or the Regulations, and are contained in any trunk, box, bag, parcel, or receptacle, shall open the same, entering all premises which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and, if such overseer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, car or building which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, Form A, before a Justice of the Peace, and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justice of the Peace may issue a search warrant, Form B.

(5) *Duty to seize*.—Every overseer shall forthwith seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law, but articles the use of which is at all times unlawful shall forthwith be destroyed.

(6) *Duty to investigate and prosecute*.—Every overseer shall investigate all violations of this Act or of the Regulations brought to his notice, and prosecute every

person whom he may have reasonable cause to believe guilty of any offence against this Act.

(7) *Right of passage.*—In the discharge of his duties every overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass.

(8) *Obstructing officers in the discharge of their duty.*—Any person who obstructs, hinders, delays or interferes with an overseer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

(9) *Neglect to fulfil duties.*—Every overseer or other person authorized to enforce the provisions of this Act, who neglects or refuses so to do, or to perform any of the duties pertaining to his office, shall be guilty of an offence against this Act.

(10) *Abuse of power.*—Any officer who maliciously abuses his power shall be guilty of an offence against this Act.

(11) *Overseers ex-officio.*—All the provisions of this section as to overseers shall apply to the Superintendent, inspectors and wardens so far as is consistent with their respective duties, and all sheriffs, deputy sheriffs, Provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens shall ex-officio be overseers.

62.—(1) *Deputy Game and Fishery Wardens—Appointment, etc. of.*—Subject to the approval of the Minister, the Superintendent may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them.

(2) *Remuneration.*—Deputy game and fishery wardens shall be appointed without salary, except when on special service, and shall receive one-half of all fines resulting from convictions obtained by them.

(3) *To have the authority of constables.*—Deputy game and fishery wardens shall have the authority of a constable for the purposes of this Act, and the Regulations.

PROCEDURE—EVIDENCE—PENALTIES.

63.—(1) *Persons before whom offences may be tried.*—Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act may be brought and heard before any person authorized by this Act to act as a Justice of the Peace or before any of His Majesty's Justices of the Peace for the county or district in which the penalty was incurred or the offence was committed, or if near any boundary between different counties or districts, then in either, or in any case in the county or district in which the offender lives or is found, and in a city, town or village in which there is a police magistrate, before him; but no person shall be compelled to attend at a greater distance from the place where he may have been found or arrested or

from his place of residence or the place where the offence was committed than ten miles, if there is a Justice of the Peace residing within that distance who is willing to dispose of the case and is not disqualified.

(2) *Limitation.*—The information or complaint shall be laid within six months after the commission of the offence, except in the case of a prosecution for omissions to make any return required by this Act or the Regulations.

(3) *Offences.*—A contravention of this Act or of the Regulations or the terms or conditions of a lease or license shall be and may be stated as an offence against this Act.

(4) *Description of offence.*—The description of an offence, in the words either of this Act or of the Regulations or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

(5) *Conviction on view.*—Any Justice of the Peace or other person authorized by this Act to act as a Justice of the Peace for the purposes thereof, may upon his own view convict for any offence against this Act or the Regulations.

(6) *Separate offences.*—A violation of this Act or the Regulations shall constitute a separate offence in respect of each animal, bird or fish which is the subject thereof, though more than one violation of the same or of a different kind and in respect of more than one

animal, bird or fish takes place at the same time or upon the same day.

(7) *Offences of same kind on same day.*—Upon the trial of any prosecution under this Act, the Justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction.

(8) *Committal on non-payment of fine.*—The Justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid.

(9) *Defects of form.*—A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise either at the instance of the Crown or any private person into the Supreme Court.

(10) *Procedure, Rev. Stat., c. 90.*—In all prosecutions under this Act, save when herein otherwise provided, the procedure shall be governed by “The Ontario Summary Convictions Act.”

64. (1)—*Onus of proof.*—In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in a close

season, to prove that such game was lawfully taken, killed, and procured.

(2) *Finding nets to be evidence.*—The finding of any net, fishing device or other article set or maintained in violation of this Act shall be prima facie evidence of the guilt of the person owning, possessing or operating the same.

(3) *Possession, etc.*—In all actions and prosecutions under this Act the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game has been, or is likely to be found, shall be prima facie evidence that the person in possession thereof was hunting or shooting such game.

65.—(1) *Deer, etc.*—Any person who commits any offence against this Act in respect of deer, moose, reindeer, caribou, beaver or otter, shall for each offence incur a penalty not less than \$20 nor more than \$100, and any person who commits any other offence against this Act shall for each offence incur a penalty not less than \$5 nor more than \$50.

(2) *Second and third offences.*—Any person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence.

(3) *Masked when offence committed.*—Any person convicted of any offence against this Act shall, if he is proved to have been masked or disguised and in possession of gun or other fire-arm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine, in addition to the penalty elsewhere provided for such offence.

(4) *Remission or reduction of penalties.*—No Justice of the Peace shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction for more than one offence upon the same prosecution, but in any case in which the aggregate penalties upon conviction for more than one offence, committed at the same time or included in the same conviction, amount to more than \$500, the Minister may remit any part of the excess.

(5) *Application of fine.*—All penalties imposed and collected in prosecutions under this Act in which overseers are prosecutors, shall be paid to the Treasurer of Ontario.

(6) *One-half fine to go to private prosecutor.*—Subject to sub-section 2 of section 62, one-half of every penalty imposed and collected under the provisions of this Act where any other person is the prosecutor, shall be paid to him, or to the person on whose evidence the conviction is made, as the Justice may determine, and the other one-half shall be paid to the Treasurer of Ontario.

(7) *Confiscation of game, etc.*—All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all appliances of every kind used for hunting or fishing, and all game and fish found in the possession of any person committing an offence against this Act or in respect of which any such offence was committed, shall upon seizure be forfeited, and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of Ontario.

(8) *Disposal.*—Articles of which the use is at all times unlawful shall be destroyed on seizure, and perishable game and fish may, in the discretion of the overseer, be immediately given to any charitable institution.

(9) *Confiscation of packages, etc.*—Upon seizure of any game or fish illegally killed or had in possession, or in respect of which any offence against this Act has been committed, all packages, boxes, crates, parcels or other articles containing the same, together with all other contents thereof of every kind, shall be forfeited and shall become the property of His Majesty, and shall be sold and the proceeds applied as provided in sub-section 7.

(10) *No right of property in game or fish illegally caught.*—A person who commits an offence against this Act shall not have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become

the property of the owner, lessee or licensee, if any, in breach of whose rights the offence was committed; or, if there is no such owner, lessee or licensee, shall become the property of His Majesty.

(11) *Penalties to take effect on confiscation.*—The penalties in the next preceding four sub-sections provided as to forfeiture and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction is had against the person who commits such offence.

(12) *Conviction to cancel license.*—All leases, licenses or permits held by any person convicted of any offence against this Act shall be deemed to be cancelled upon conviction without further action or notice given by any officer of the Game and Fisheries Branch.

SCHEDULE.

FORM A.

(Section 61 (4)).

DEPOSITION FOR A SEARCH WARRANT.

I,....., declare that I have reason to suspect, and do suspect, that game, peltries or fish unlawfully killed or taken or had in possession (*as the case may be*) are at present held and concealed (*describe here the property, occupant, etc., and the place*).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches for (*describe here the property, etc., as above*).

Sworn before me at....., this..... day of....., A.D. 19...

X. Y.

L. B.

J P.

FORM B.

(Section 61 (4)).

SEARCH WARRANT.

To the constables of.....

Whereas has this day declared, under oath, before me, that he has reason to suspect and does suspect that game, peltries or fish unlawfully taken or had in possession (*as the case may be*), are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you and each of you are commanded by these presents, in the name of His Majesty, to assist the said....., and diligently to help him to make the necessary searches for (*describe the game, peltries or fish unlawfully taken or had in possession, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc. (*as the*

case may be) to the said..... to be by him brought before me, or before any other Justice of the Peace, to be dealt with according to law.

Given under my hand and seal at....., in the County *(or District)* of....., this.....day of....., A.D. 19...

L. B.,

J.P.

[L. S.]

Gaoler's Receipt. C: C. s. 104, Form 30.

The gaoler shall give a receipt to a constable who delivers a prisoner over to said gaoler.

I hereby certify that I have received from W. T., constable of the county of , the body of A.B., together with a warrant, under the hand and seal of I.S., Esquire, justice of the peace for said county 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 said county, etc.

General Sessions.

A constable having to attend at the Sessions is expected to present himself at the Court at the hour for which he is notified to appear, and on each subsequent day so long as the trial lasts, at the hour appointed for the opening of the Court.

He is to be prepared to produce in Court all necessary papers or property relating to the case in which he is concerned.

Constables when giving evidence are to stand in an upright, respectful manner, speaking calmly and explicitly, in a clear, distinct and audible tone, so that the Court and jury may easily hear them. They are to confine themselves strictly to evidence in the case before the Court, and be prepared with any notes of the circumstances which they may have made at the time of the occurrence, keeping also constantly in mind the depositions which they signed before the justice, with which their evidence at the trial should exactly agree. They are not to use any low or cant expressions. They are not to refer to any former conviction against the prisoner unless called on by the Judge or chairman to do so. When cross-examined by counsel for the prisoner they are to answer with the same readiness and civility as when giving evidence in support of the charge, remembering that the manner or insinuations of the counsel are not to affect them, and that the ends of justice will be best forwarded by their showing a desire simply to tell the whole truth, whether in favour of or against the prisoner. Constables are to restore the goods the subject of the indictment, on an order being made by the Court, and a receipt taken therefor.

Constables concerned in cases, attending the Court, are to endeavour as much as possible to keep the prosecutor and Crown witnesses ready to appear in Court at any moment the case may be called on; and constables are not to leave without permission, and the witnesses for the Crown should be prevented from doing so, until the pay-sheet be made out.

Handcuffs.

Handcuffs are not to be used except in cases of necessity, when a prisoner is desperate or likely to attempt to escape when being conveyed before the justices and to gaol. (T. P. F. Reg.)

A constable should treat without unnecessary hardship or restraint, and should not handcuff, any one when he has no reason to fear an escape, and when the person is behaving peaceably: it is very reprehensible to do so. (Wilson, p. 24.)

The constable is, however, responsible for the safe custody of the prisoner, and he must exercise his judgment in a great measure.

It has been laid down that a constable has no right to handcuff a prisoner taken on suspicion of felony, unless he attempt to escape, or except it is necessary in order to prevent his escaping, and that a constable is not justified in handcuffing a prisoner arrested for assault. *Wright v. Court*, 4 B. & C. 596; *Osborn v. Veitch*, 1 F. & F. 317.

Hawkers. See Pedlars.

Health. See Public Health.

High Constable.

The high constable acts for the county at large, and has the superintendence and direction of all other constables in the county. He is the more immediate auxiliary of the magistrates in the preservation of the peace,

he is bound to attend the General Sessions, and to act upon the instruction of justices of the peace. He should report at every sessions on the state of the King's peace within the county. (Patton.)

Highway Obstructing.

Is a nuisance by common law. A highway is a right of passage for the public in general without distinction.

R. S. O. c. 192, s. 491, s.-s. 3 & 4, provide that

By-laws may be passed by the councils of all municipalities:

3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with the public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

(a) Unless the by-law otherwise provides, a by-law passed under the authority of paragraph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to material to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public traffic.

4. For prohibiting the throwing, placing or depositing on any highway or bridge of dirt, filth, glass, hand-bills, paper or other rubbish or refuse, or the carcass of any animal.

See R. S. M. c. 133, s. 589; R. S. N. B. c. 185; B. C. Stat. 1914, c. 52; R. S. Sask. c. 89, s. 59 (24) (61); Alb. Stat. 1911-12, c. 2, s. 163 (47).

Highways, to Regulate Travelling on. R. S. O. c. 206.

HIGHWAYS.

2. In this Act "vehicle" shall include a vehicle drawn by one or more horses, or other animals, a traction engine and a motor vehicle.

3.—(1) Where a person travelling or being upon a highway in charge of a vehicle, meets another vehicle, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road.

(2) Where a person travelling or being upon a highway in charge of a vehicle meets a person travelling upon a bicycle or tricycle, he shall where practicable allow him sufficient room on the travelled portion of the highway to pass to the right.

4.—(1) Where a person travelling or being upon a highway in charge of a vehicle, or on horseback, is overtaken by any vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass.

(2) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horse-

man so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.

(3) Where a person travelling or being upon a highway on a bicycle or tricycle is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass, and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

(4) Where a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle or horseman travelling at less speed, or a person travelling on foot, the person travelling on the bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass.

5. Where one vehicle is met or overtaken by another, if, by reason of the weight of the load on either of the vehicles so meeting, or on the vehicle so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

6. Where a person in charge of a vehicle or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act.

7. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway.

8. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by a horse or other animal, shall have at least two bells attached to the harness.

9. Where a person travelling upon a bicycle or tricycle in a northerly or westerly direction, upon the central strip between the double tracks of a surface railway, meets another person on a bicycle or tricycle travelling in an opposite direction, he shall turn out to the right, allowing to such other person the whole of such central strip.

BRIDGES.

10.—(1) The person who has the superintendence of any bridge exceeding thirty feet in length may cause to be put up at each end thereof, conspicuously placed, a notice legibly printed, in the following form :

“Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine as provided by law.”

(2) A person who injures or interferes with such notice shall incur a penalty of not less than \$1 or more than \$8.

(3) If, while such notice continues up, a person rides or drives a horse or other animal over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act.

RECOVERY AND APPLICATION OF PENALTIES.

11. Where not otherwise specially provided, any person contravening this Act shall incur a penalty of not less than \$1 nor more than \$20.

12. No penalty or imprisonment shall be a bar to the recovery of damages by the injured person.

13. Every fine when collected shall be paid to the treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof, unless the offence was committed on a road or bridge owned by a company, or person, and such company, or person, or the officer or servant of such company, or person, is the complainant, in which case the penalty when collected shall be paid over to such company or person.

Highways, &c., Shade Trees Planting on. R. S. O. c.
213.

Section 6 declares that any person who ties or fastens any animal to any tree, growing or planted upon any highway, or who injures or destroys or suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes, any such tree without permission of the municipality, shall incur a penalty not exceeding \$25, recoverable under The Ontario Summary Convictions Act. Half fine to person laying information, other half to municipality.

The council of every municipality may pass by-laws to regulate the planting or removal of trees upon the public highways, etc. R. S. O. c. 192, s. 487.

See R. S. M. c. 133, ss. 650-653; Stat. B. C. 1914, c. 52, s. 54 (192), (214); R. S. N. S. c. 71, s. 263 (35); R. S. Sask. c. 85, s. 169 (12).

Horsestealers, Reward for Apprehending. R. S. O. c. 192, s. 405.

By s. 405, it is enacted that county councils may provide by by-law for the payment of a sum not less than twenty dollars to any person who pursues and apprehends, or causes to be apprehended, any person horse stealing within the municipality.

Housebreaking. C. C. s. 458.

Every one is guilty of the indictable offence called housebreaking, and liable to fourteen years' imprisonment who—

(a) Breaks and enters any dwelling-house by day and commits any indictable offence therein; or

Breaks out of any dwelling-house by day after having committed any indictable offence therein.

Housebreaking Instruments, Possession of. C. C. ss. 463, 464.

463. Every one is guilty of an indictable offence, and liable to seven years' imprisonment, who is found—

(a) Armed with any dangerous or offensive weapon or instrument by day, with intent to break or enter into

any dwelling-house, and to commit any indictable offence therein; or

(b) Armed as aforesaid by night, with intent to break into any building and to commit any indictable offence therein.

464. Every one is guilty of an indictable offence and liable to five years' imprisonment who is found—

(a) Having in his possession by night, without lawful excuse (the proof of which shall lie upon him), any instrument of housebreaking; or

(b) Having in his possession by day any such instrument with intent to commit any indictable offence; or

(c) Having his face masked or blackened, or being otherwise disguised, by night, without lawful excuse (the proof whereof shall lie on him); or

(d) Having his face masked or blackened or being otherwise disguised, by day, with intent to commit any indictable offence.

DEFENCE OF DWELLING-HOUSE. C. C. s. 59.

59. Every one who is in peaceful possession of a dwelling-house, and every one lawfully assisting him or acting by his authority, is justified in using such force as is necessary to prevent the forcible breaking and entering of such dwelling-house, either by night or day, by any person with the intent to commit any indictable offence therein.

See Horrigan, Cases on Self-defence, 749.

DEFENCE OF DWELLING-HOUSE AT NIGHT. C. C. s. 60.

60. Every one who is in peaceable possession of a dwelling-house, and every one lawfully assisting him or acting by his authority, is justified in using such force as is necessary to prevent the forcible breaking and entering of such dwelling-house by night by any person, if he believes, on reasonable and probable grounds, that such breaking and entering is attempted with the intent to commit any indictable offence therein.

Spires v. Barrick, 14 U. C. Q. B. 420; Glass v. O'Grady, 17 U. C. C. P. 233.

Incest. C. C. s. 204.

Every parent and child, every brother and sister, and every grandparent and grandchild, who cohabit or have sexual intercourse with each other, shall each of them, if aware of their consanguinity, be deemed to have committed incest, and be guilty of an indictable offence and liable to fourteen years' imprisonment, and the male person shall also be liable to be whipped. Provided that, if the court or judge is of opinion that the female accused is a party to such intercourse only by reason of the restraint, fear or duress of the other party, the court or judge shall not be bound to impose any punishment on such person under this section.

A verdict of common or indecent assault may be given, C. C. ss. 291, 292, 294, if the evidence warrants it, under C. C. s. 951.

Indecent Acts. C. C. s. 205.

205. Every one is guilty of an offence and liable, on summary conviction before two justices, to a fine of fifty dollars or to six months' imprisonment with or without hard labour, or to both fine and imprisonment, who wilfully,

(a) in the presence of one or more persons does any indecent act in any place to which the public have or are permitted to have access; or

(b) does an indecent act in any place intending thereby to insult or offend any person.

R. v. Holmes, Dears. 207; R. v. Wellard, 14 Q. B. D. 63.

Indecency, Acts of Gross. C. C. s. 206.

206. Every male person is guilty of an indictable offence and liable to five years' imprisonment and to be whipped who, in public or private, commits, or is a party to the commission, or procures, or attempts to procure, the commission by any male person of any act of gross indecency with another male person.

Attempt. C. C. s. 949.

R. v. Jellyman, Warb. L. C. 4th ed. 241.

Infant under 16 years not to be tried until parent or guardian is notified. C. C. s. 779.

Insane Persons.

Constables are to arrest and charge before the nearest justice any person who is evidently insane, found wandering, and not under proper control.

If called to take into custody an insane person, under the control of friends, they are not to do so, but are to refer the persons applying to the nearest justice for a warrant.

If, however, the insane person becomes violent and likely to injure himself or his friends, a constable may assist in restraining him until the justice is communicated with.

By R. S. O. c. 295, s. 13, and following sections, any person suspected and believed to be insane and dangerous to be at large, may be arrested, under a warrant, issued upon sworn information laid, and proceeded against, with a view to his committal to an asylum in the manner indicated¹ in the Act. And s. 22 provides that a justice may compel the witnesses to attend any inquiry under this Act.

Intimidation. See C. C. ss. 501 and 502. See Strikes.

Larceny, now Theft. C. C. ss. 344 to 398.

Larceny has been defined to mean the felonious taking the property of another without his consent and against his will, with intent to convert it to the use of the taker. See Theft.

There is now no crime designated in Canada by the word "larceny."

Liquor Licenses.

See Taverns and Shop Licenses.

Lord's Day Observance Act. R. S. O. (1897), c. 246.

See note on p. 2962 of the R. S. O. 1914, where it is pointed out that this Act, treated as a whole, is *ultra vires* of the Ontario Legislature, as held in Attorney-General for Ontario v. Hamilton Street Railway Co., [1903] A. C. 524. The reader, therefore, should consult the Lord's Day Act in the Revised Statutes of Canada, 1906, ch. 153.

See R. v. Reid, 30 Ont. 732; R. v. Albertie, 3 Can. C. C. 356; Atty.-Gen. v. Hamilton St. Ry., 27 Ont. 49, 24 A. R. 170; R. v. Summers, 24 Ont. 244; Crossan v. Bigley, 12 A. R. 94; R. v. Berriman, 4 Ont. 282; R. v. Carter, 31 C. L. J. 664; R. v. Daggett, 1 Ont. 537; Atty.-Gen. v. Niagara Falls Ry., 19 Ont. 624; R. v. Halifax, 1 Can. C. C. 424. See R. S. N. S. 1900, vol. 2, pp. 860, 861; R. S. M. c. 119; R. S. Sask. c. 69; R. S. B. C. c. 219; R. S. N. B. c. 107.

Machines, etc., to be protected. R. S. O. c. 238.

See Threshing Machines, etc.

Smith v. Hayes, 29 Ont. 283.

See R. S. M. c. 87.

Malicious Injury to Property.

See Mischief. By the Criminal Code, this term is now changed to that of mischief. C. C. s. 510.

Manslaughter. C. C. ss. 250 and 256.

Culpable homicide not amounting to murder is manslaughter.

Everyone who commits manslaughter is guilty of an indictable offence and liable to imprisonment for life.

Master and Servant. R. S. O. c. 144.

By s. 4 and following sections, justices of the peace may decide disputes between master and servant, and issue distress warrants to recover any sum adjudged to be paid, but imprisonment in default of payment can no longer be inflicted.

By s-s. (3) of s. 4 proceedings taken under this Act must be commenced within one month from the termination of the service or after the last instalment of wages under the agreement of hiring has become due, which-ever shall last happen.

Re Joice, 19 U. C. Q. B. 197; Rogers v. Ullman, 27 Gr. 137; R. v. Lewis, 39 C. L. J. 368; Glenn v. Rudd, 3 O. L. R. 422; R. v. Milne, 25 C. P. 94; Cummins v. Moore, 37 U. C. Q. B. 130; McDonald v. Stuckey, 31 U. C. Q. B. 577; Helps v. Eno, 9 U. C. L. J. 302; Ranney v. Jones, 21 U. C. Q. B. 370; R. v. Walker, 21 U. C. Q. B. 34; Re Sullivan, 8 U. C. L. J. 276; Re Bonter v. Chapman, 35 C. L. J. 244; Coe v. Coe, 21 Ont. 409.

See R. S. N. S. 1900, c. 117; R. S. M. c. 124; R. S. Sask. c. 149; R. S. N. B. c. 83; R. S. B. C. c. 153; Alb. Ord. 1915, c. 50.

Memorandum Book.

Every constable shall keep a memorandum book, in which he will write on the first page his name and the date he joins. He will also enter particulars of duties

respecting arrest, occurrences, etc., all of which will be made at the time. This book may be demanded of the constable at any time in court. It will also assist him to make out his fees for the quarterly accounts, etc. (From T. P. F. Reg.)

Mileage. R. S. O. c. 96; C. C. s. 770.

Mileage, at ten cents per mile, going to arrest, covers hire of conveyance, and the account must shew the names of places from and at which service was made. Going to make the service and returning is covered by the charge of ten cents per mile.

When service cannot be effected, upon proof of due diligence, the constable is entitled to ten cents per mile.

When a public conveyance can be taken, only reasonable disbursements to be allowed.

See Tariff "Constables' Fees." See R. S. Sask. c. 68.

Mills—Grist. See R. S. M. c. 81.

Mills and Mill Dams. R. S. O. c. 130, ss. 17-25.

Sections 17-24 relate to the construction of slides or aprons to permit the passage of timber or logs down the stream.

25. The owner and occupier of a dam who does not provide, maintain and keep in repair an apron thereto in accordance with the provisions of sections 19 to 23, or of the regulations, shall incur a penalty of \$20 for every

day on which the default occurs or during which it continues.

See R. S. N. S. 1900, c. 95; R. S. N. B. c. 174; R. S. M. c. 173.

Morality, offences against. C. C. ss. 202-220.

See Incest; Indecent Acts; Theatre; Obscene Matter; R. v. Jones, [1896] 1 Q. B. 4; R. v. Karn, 5 Can. C. C. 543; R. v. Doty, 25 Ont. 362; R. v. Smith, 19 Ont. 714; R. v. Vahey, 2 Can. C. C. 258; R. v. Gibson, 29 Ont. 660.

Morals, Public. R. S. O. c. 192, s. 399.

Authorizes councils of all local municipalities to pass by-laws for the above, viz.:

For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures and drawings on walls or fences, in streets or public places.

For preventing vice, drunkenness, profane swearing, indecent, obscene, blasphemous, or grossly insulting language, and other immorality and indecency and the indecent public exposure of the person.

For suppressing disorderly houses and houses of ill-fame.

For suppressing gambling houses, and for seizing and destroying faro banks, rouge et noir, roulette tables, and other devices for gambling found therein.

For restraining and punishing vagrants, mendicants, and persons found drunk and disorderly, in any street, highway or public place.

For preventing or regulating bathing or washing the person in any public water in or near the municipality.

See Shows, Theatre. R. S. N. B. p. 2397; Alb. Stat. 1911-12, c. 2, s. 163 (82-84); B. C. Stat. 1914, c. 52, s. 54 (136-138); R. S. N. S. c. 71, s. 263 (43, 44); R. S. Sask. c. 89, s. 59 (51).

Motor Vehicles on Highways. R. S. O. c. 207. The Motor Vehicles Act, as amended by 4 Geo. V. c. 36.

2. (6) The term "motor vehicle" shall include automobile, locomobile, motor bicycle, and any other vehicle propelled otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine within the meaning of The Traction Engines Act.

3. The owner of every motor vehicle driven on a highway shall pay to the Provincial Secretary a registration fee for such motor vehicle. The Provincial Secretary shall issue for each motor vehicle so registered a numbered permit stating that such motor vehicle is registered in accordance with this Act, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payment of fees therefor, the amount and time of payment of such fees, and the registration

and operation of motor vehicles owned by manufacturers or dealers and not kept by them for private use.

5. A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer.

6.—(1) Every motor vehicle shall be equipped with an alarm bell, gong or horn, and the same shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach.

(2) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry on the front thereof a lighted lamp in a conspicuous position, and in the case of a motor bicycle with a side-car attached a lighted lamp shall also be attached to the outside edge of the side-car.

7. A motor bicycle while being driven on a highway shall have exposed on the back thereof a marker furnished by the Provincial Secretary, showing in plain figures, not less than three inches in height, the number of the permit of such motor bicycle.

8.—(1) Every motor vehicle other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a marker furnished by the Provincial Secretary, showing in plain figures not less than five inches in height the number of the permit issued for the current year.

(2) The marker on the front shall be as far forward and as high from the ground as may be necessary to

render it distinctly visible, and the marker on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle. Provided that this sub-section, so far as relating to the position of the marker on the back, shall not apply to motor trucks or other motor vehicles for the delivery of goods.

(3) Every such motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the vehicle.

9.—(1) No number other than that upon the marker furnished by the Provincial Secretary shall be exposed on any part of a motor vehicle.

(2) The numbers shall be kept free from dirt and obstruction, and the markers shall be so affixed that the numbers may be at all times plainly visible.

(3) No motor vehicle shall carry what is known to the trade as a search light.

11.—(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than fifteen miles an hour, or upon any highway outside of a city, town or village at a greater rate of speed than twenty miles an hour; but the council of a city, town, township or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

(2) Notwithstanding the provisions of subsection 1, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, shall be guilty of an offence under this Act.

12. No person shall drive a motor vehicle upon a highway in a race or on a bet or wager.

13. No person under the age of eighteen years shall drive a motor vehicle.

14. No intoxicated person shall drive a motor vehicle.

15. When a motor vehicle meets or overtakes a street car, which is stationary for the purpose of taking on or discharging passengers, the motor vehicle shall not pass the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street as the case may be.

16.—(1) Every person having the control or charge of a motor vehicle shall, when upon a highway and approaching any vehicle drawn by a horse, or a horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse and to ensure the safety and protection of any person riding or driving the same, and, outside the limits

of any city or town, shall not approach such horse within one hundred yards, or pass the same going in the opposite direction at a greater rate of speed than seven miles an hour, and, if going in the same direction, shall signal his desire to pass, and give the rider or driver an opportunity to turn out, so that he may be passed with safety, and if any such horse going in the opposite direction appears to be frightened, or if such person is signalled so to do, he shall stop such motor vehicle, including the motor; and shall remain stationary so long as may be necessary to allow such rider or driver to pass, or until directed by him to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened, such person and the occupants of the motor vehicle shall render assistance to such rider or driver.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator of any motor vehicle shall not permit an unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise.

17. The driver of a motor vehicle upon any highway outside the limits of a city shall, upon meeting or overtaking a funeral procession, stop his vehicle, including the motor, or where practicable, shall turn out into an intersecting highway or lane until the funeral procession has passed.

18. If an accident occurs to any person on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on a highway, the person in charge of such motor vehicle shall return to the scene of the accident, and give in writing to any one sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit.

19. The owner of a motor vehicle shall be responsible for any violation of this Act or of any regulation prescribed by the Lieutenant-Governor in Council, unless at the time of such violation the motor vehicle was in the possession of a person, not being in the employ of the owner, who had stolen it from the owner. *Amended.*

20. No provision of any by-law heretofore or hereafter passed under paragraph 1 of section 406 of *The Municipal Act*, which is inconsistent with the provisions of this Act, shall affect or apply to motor vehicles.

21. The Provincial Secretary may at any time, for misconduct or infraction of the provisions of this Act or of any regulation thereunder by an owner or driver of a motor vehicle, suspend or revoke any permit or license.

23. When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver.

24.—(1) Any person who violates any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, sections 12, 14 or 18, shall be liable for the first offence to a penalty of \$50 or one week's imprisonment or both, for the second offence to a penalty of \$100 or one month's imprisonment or both, and for the third or any subsequent offence to imprisonment not exceeding six months.

(2) On a charge for a second, third or subsequent offence under this section a conviction need not be shown to be for an offence against the same section, but a conviction for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18, shall be deemed to be a prior conviction.

27.—(1) In the event of a third or subsequent conviction, under sections 3, 4, 12, 13, 14 or 18, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded and taken into the custody of the law for a period of three months.

(2) Such motor vehicle shall be stored where the convicting Police Magistrate or Justice of the Peace shall direct, and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by *The Mechanics' and Wage-Earners' Lien Act*.

(3) If the person so convicted gives sufficient security to the convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that

such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit.

28. If the employer of a person driving a motor vehicle for hire, pay or gain is present in the motor vehicle at the time of the committing of any offence against this Act such employer as well as the driver shall be liable to conviction for such offence.

29. Any person who violates any of the provisions of this Act or of any regulation made thereunder, where a penalty for the offence is not hereinbefore provided, shall incur a penalty not exceeding \$10 for the first offence, not exceeding \$20 for the second offence, not exceeding \$30 for the third offence, and not exceeding \$50 for any subsequent offence.

30. Where a constable or other officer of a municipality is the prosecutor any penalty imposed under this Act shall, when received, be paid over by the convicting Police Magistrate or Justice of the Peace to the treasurer of the municipality.

31.—(1) Every police officer who, on reasonable and probable grounds, believes that an offence against any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, sections 12, 14 or 18, has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that

any person has committed that offence, may arrest such person without warrant, whether such person is guilty or not.

(2) Every person called upon to assist a peace officer in the arrest of a person suspected of having committed any such offence may assist, if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.

(3) Every person may arrest without warrant any person whom he finds committing any such offence.

32. A peace officer or other person making an arrest without warrant may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a Justice of the Peace.

33. A police officer or other person making an arrest without warrant shall, with reasonable diligence, take the person arrested before a Justice of the Peace, to be dealt with according to law.

34. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Section 285 of the Criminal Code reads as follows:

Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person.

REGULATIONS.

Respecting the Fees to be paid for Motor Vehicle Permits, etc., pursuant to the provisions of The Motor Vehicles Act.

1. The following fees shall be paid to the Department of the Provincial Secretary for Motor Vehicle Permits and Transfers:—

| | |
|---|--------|
| For motor vehicle permit, including two markers | \$4 00 |
| For motor bicycle permit, including one marker | 3 00 |
| For permit (including one set of markers) to dealers having second-hand motor vehicles only for sale.. | 5 00 |
| For permit (including two sets of markers) to manufacturers and dealers not using more than two sets of markers | 10 00 |
| For permit (including five sets of markers) to manufacturers and dealers using more than two sets of markers | 25 00 |
| For each additional motor vehicle marker | 1 00 |
| For each additional motor bicycle marker | 0 75 |
| For transfer of permit | 1 00 |

2. A permit shall remain in force only during the calendar year in which it is issued.

3. On a change of ownership of a registered motor vehicle, the permit and markers thereof shall go with the vehicle, and notice of such change of ownership shall within twenty-four hours be sent by the person to whom such permit was issued to the Department of the Provincial Secretary, together with the full name and address of the purchaser, and the purchaser shall forthwith pay the transfer fee.

4. A marker shall be exposed only upon the motor vehicle in respect of which it was issued.

5. A permit may be issued to a manufacturer of, or dealer in, motor vehicles, upon payment of the fee hereinbefore provided, which said permit shall apply to any motor vehicle which said manufacturer or dealer may from time to time during the term of said permit hold for sale and not for private use or hire. The marker issued with said permit shall bear a letter or other device to distinguish the same from markers issued to others than manufacturers or dealers.

REGULATIONS FOR CHAUFFEURS.

Pursuant to the Provisions of The Motor Vehicles Act.

1. Every person applying for a license under section 4 of The Motor Vehicles Act shall do so in writing on a form, which shall be in the form set out in Schedule A hereto.

2. A license shall remain in force only during the calendar year in which it is issued.

3. Every licensee shall notify the Department of the Provincial Secretary of every change of his employer, giving the name, address and description of his employer from time to time, and the number of the permit of the motor vehicle which he operates.

4. Each license as issued shall bear a distinguishing number, and the licenses shall be issued consecutively.

5. The Department of the Provincial Secretary shall issue to each licensee a metal badge, bearing thereon the words "Ontario," "Chauffeur," and the number of the license and the year of issue.

6. Every licensee, while driving a motor vehicle on a highway, shall wear such badge conspicuously displayed upon his person.

7. If any person other than a licensee to whom the same was issued shall wear a badge while driving a motor vehicle, the license issued therewith may be cancelled by the Provincial Secretary.

8. If a licensee shall at any time drive a motor vehicle without displaying his badge as aforesaid, or shall display any badge other than that issued with his license, his license may be revoked by the Provincial Secretary.

9. Each licensee shall pay a fee of \$2.00 for such license.

See also, R. S. M. c. 131; R. S. Sask. c. 132; Alb. Stat. 1911-12, c. 6; R. S. B. C. c. 169 and amendments of 1913-14-15.

Murder. C. C. s. 259.

Culpable homicide is murder in each of the following cases :

(a) If the offender means to cause the death of the person killed.

(b) If the offender means to cause to the person killed any bodily injury which is known to the offender to be likely to cause death, and is reckless whether death ensues or not.

(c) If the offender means to cause death, or, being so reckless as aforesaid, means to cause such bodily injury as aforesaid to one person, and by accident or mistake kills another person, though he does not mean to hurt the person killed.

(d) If the offender, for any unlawful object, does an act which he knows or ought to have known to be likely to cause death, and thereby kills any person, though he may have desired that his object should be effected without hurting any one.

260. Further: Culpable homicide is also murder in each of the following cases, whether the offender means or not death to ensue, or knows or not that death is likely to ensue :

(a) If he means to inflict grievous bodily injury for the purpose of facilitating the commission of any of the offences in this section mentioned, or the flight of the offender upon the commission or attempted commission thereof, and death ensues from such injury; or

(b) If he administers any stupefying or overpowering thing for either of the purposes aforesaid, and death ensues from the effects thereof; or

(c) If he by any means wilfully stops the breath of any person for either of the purposes aforesaid, and death ensues from such stopping of the breath.

The following are the offences in this section referred to: treason and other offences mentioned in Part II. of this Act, piracy and offences deemed to be piracy, escape or rescue from prison or lawful custody, resisting lawful apprehension, murder, rape, forcible abduction, robbery, burglary, arson.

When a murder has been committed, the high constable is to be communicated with at once, and immediate steps taken, and all possible enquiries made, to apprehend the perpetrator, and obtain all particulars for the information of the coroner or justice.

R. v. Mackequequonabe, 28 Ont. 309.

Neglecting to aid in Arresting Offenders. C. C. s. 167.

S. 167. Every one is guilty of an indictable offence and liable to six months' imprisonment who, having reasonable notice that he is required to assist any sheriff, deputy sheriff, mayor or other head officer, justice, magistrate or peace officer, in the execution of his duty in arresting any person, or in preserving the peace, without reasonable excuse omits to do so. See also C. C. s. 95.

Neglecting to provide for Wife, Child, Servant, etc. C.

C. ss. 241-243 and 242A, 242B added by Stat. 1913, c. 13, s. 14.

See also s. 240.

Nuisances. C. C. s. 221, defining a common nuisance, and s. 222, a criminal common nuisance, and s. 223 as to non-criminal common nuisances.

See Brothel, Gaming-house, Betting-house, Disorderly house.

Oath.

A person about to be sworn, if a Protestant or Roman Catholic, takes the Bible or Testament in his right hand, and attentively listens to the terms of the oath he is about to take; he then shews his willingness to fulfil them by pressing the book to his lips.

Jews are sworn on the Hebrew Bible, according to the formula of their faith.

The person addressed is called on to swear that, "in the matter in question, I will speak the truth, the whole truth, and nothing but the truth. So help me God."

A person who wilfully says upon oath that which is untrue commits perjury and is liable to severe punishment on indictment.

Obscene Matter. C. C. ss. 207, 209.

S. 207 as amended by 1909, c. 9, and 1913, c. 13, s. 8. Every one is guilty of an indictable offence and liable to

two years' imprisonment who knowingly without lawful justification or excuse—

(a) Makes, manufactures, or sells, or exposes for sale, or to public view, or distributes or circulates, or causes to be distributed or circulated, or has in his possession for sale, distribution or circulation, or assists in such making, manufacture, sale, exposure, having in possession, distribution or circulation any obscene book, or other printed, typewritten or otherwise written matter, or any picture, photograph, model or other object tending to corrupt morals, or any plate for the reproduction of any such picture or photograph; or

(b) Publicly exhibits any disgusting object or any indecent show; or

(c) Offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means or instructions or any medicine, drug or article intended or represented as a means of preventing conception or of causing abortion or miscarriage, or advertises or publishes an advertisement of any means, instruction, medicine, drug or article for restoring sexual virility or curing venereal diseases or diseases of the generative organs.

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done, and that there was no excess in the acts alleged beyond what the public good requires.

3. It shall be a question for the Court or Judge whether the occasion of the manufacture, sale, exposing for sale, publishing or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good required in the manner, extent or circumstances in, to or under which the manufacture, sale, exposing for sale, publishing or exhibition is made, but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the manufacturer, seller, exposor, publisher or exhibitor shall in all cases be irrelevant.

209. Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

(a) Any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral, or scurrilous character; or

(b) Any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(c) Any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretences.

Obtaining Money or Goods by False Pretences.

See False Pretences.

Open Air Preaching.

Is not an offence, unless the public thoroughfares are obstructed at the time, or some specific nuisance to the public or persons residing at the spot is thereby occasioned. If so, persons committing such offences are to be civilly requested to move away. (T. P. F. Reg.)

Passenger Steamers, for Keeping Order on Board. R.
S. C. c. 113, ss. 719-721.

719. If any person, being drunk or disorderly, has been on that account refused admission into a steamer by the owner or any person in his employment, and, nevertheless, persists in attempting to enter the steamer; if any person, being drunk or disorderly on board a steamer, is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably convenient place to leave the same, and does not comply with such request; if any person on board a steamer, after warning by the master or other officer of the steamer, molests, or continues to molest, any passenger; if any person, after having been refused admission into a steamer by the owner or any person in his employment, on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer; if any person on board a steamer, without reasonable excuse (proof whereof shall lie on him), fails, when requested by the master or other officer thereof, either to pay his fare, or exhibit such

ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by, and paying their fare on, steamers, he shall be liable to a fine for every such offence not exceeding \$10.

720. Any person injuring or obstructing any part of the machinery or tackle of a steamer, or obstructing, impeding or molesting the crew, or any of them, in the execution of their duty, shall, for every such offence, incur a penalty not exceeding \$100.

721. The master or other officer of any steamer may refuse to receive on board any person who is drunk or disorderly, or who causes, or is in a condition to cause, annoyance or injury to passengers on board, or if any such person be on board, the master or officer may put him on shore at any convenient place in Canada.

The master or other officer of any steamer and all persons called by him to his assistance, may detain any offender against any of the provisions of sections 719 and 720, whose name and address are unknown to him, and convey such offender with all convenient despatch before some justice or justices of the peace, and any such offender shall be dealt with as if arrested and brought before him or them on his or their warrant under Part XV. of the Criminal Code.

Pawnbrokers. R. S. O. c. 176, ss. 3, 7 and 30.

In case any pawnbroker neglects to take out or renew his license, he shall forfeit \$50 with costs for every pledge he takes without such license. In case any pawn-

broker neglects to have a sign placed over the door of his shop or other place in which he carries on his business, with his name and the word "pawnbroker," in large, legible characters thereon, or to post up a notice showing the rates of profit taken, he shall incur a penalty not exceeding \$40, recoverable under the Ontario Summary Convictions Act.

R. v. Munson, 4 Can. C. C. 351; R. v. Andrews, 25 U. C. Q. B. 196. See R. S. M. c. 133, s. 612 (n.); R. S. B. C. c. 176; R. S. N. B. c. 177; R. S. Sask. c. 89, s. 59 (59); c. 85, s. 169 (75).

Peace Officer, defined. C. C. s. 2 (26). See Stat. 1913, c. 13, s. 3.

The expression "peace officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace, and also the warden, deputy warden, instructor, keeper, guard or any other officer or permanent employee of a penitentiary and the gaoler or keeper of any prison, and any police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process.

Peace, Breach of. C. C. ss. 46, 47.

46. Every one who witnesses a breach of the peace is justified in interfering to prevent its continuance or renewal, and may detain any person committing or about to join in or renew such breach of the peace, in order to give him into the custody of a peace officer: if the person

interfering uses no more force than is reasonably necessary for preventing the continuance or renewal of such breach of the peace, or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of such breach of the peace.

47. Every peace officer who witnesses a breach of the peace, and every person lawfully assisting him, is justified in arresting any one whom he finds committing such breach of the peace, or whom he, on reasonable and probable grounds, believes to be about to join in or renew such breach of the peace.

2. Every peace officer is justified in receiving into custody any person given into his charge as having been a party to a breach of the peace by one who has, or whom such peace officer, upon reasonable and probable grounds, believes to have, witnessed such breach of the peace.

Peace, Sureties for keeping the. C. C. ss. 748, 1059.

Pedlars. R. S. O. c. 192, s. 416.

Authorizes councils of counties and towns and of cities having a population of less than 100,000 and the Police Commissioners of cities of 100,000 or more, to pass by-laws for licensing hawkers and pedlars. Pedlars are to produce their licenses on being required to do so by any constable. Persons who are peddling or disposing of goods manufactured or produced in Ontario by themselves, and the *bona fide* servants or employees of such persons having written authority to peddle the goods, are not subject to the above.

R. v. Smith, 31 Ont. 224, 3 Can. C. C. 383; *Virgo v. City of Toronto*, 20 A. R. 435, 22 S. C. R. 447, [1896] A. C. 88.

See R. S. M. c. 133, s. 612 (b); R. S. N. B. c. 175; B. C. Stat. 1914, c. 52, s. 54; R. S. N. S. c. 70, s. 134 (66); R. S. Sask. c. 131; Alberta Ord. 1915, c. 58.

Petty Sessions or Justices' Courts.

Constables are to observe the utmost attention and respect towards justices of the peace at all times. They are not to enter into conversations with, or make statements when before a justice, except as evidence, or respecting a case under investigation. They are to be punctual in their attendance at the hour for transacting business, decently dressed, clean and neat in appearance.

If a prisoner, prosecutor or material witness, through drunkenness or any other cause, is unfit to appear in court, a report to that effect is to be made to the presiding justice before the individual appears in court.

Strict order and decorum is to be observed at the court, and the passage and the street approaches are to be kept clear and free from obstructions. (T. P. F. Reg.)

Petty Trespasses. R. S. O. c. 111.

Any person who unlawfully enters into, comes upon, or passes through, or in any way trespasses upon, any land the property of another person which is wholly enclosed or is a garden or lawn, shall incur a penalty not less than one dollar, or more than ten dollars, whether

any damage has or has not been occasioned thereby, recoverable under the Ontario Summary Convictions Act; but nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any case within the meaning of C. C. s. 539.

See R. S. M. c. 199; R. S. B. C. c. 230,* and Stat. 1914, c. 77.

Pounds. R. S. O. c. 247, ss. 1, 25.

1. Ordains, "that this Act may be superseded by by-laws, under paragraphs 52 to 55 of section 399, of R. S. O. c. 192, which authorize the council of every township, city, town and village to pass them.

25.—(1) The penalties provided by this Act shall be recoverable under the Ontario Summary Convictions Act.

(2) One half of every penalty recovered under this Act shall be paid to the treasurer of the local municipality in which the offence was committed and one-half to the private prosecutor; but, when the information is laid by an officer of the municipality, the whole of the penalty shall be payable to the treasurer.

Pound Breach.

Is the forcible breaking of the pound, in which cattle have been put after being lawfully distrained, for the purpose of rescuing them. Pound breach is considered a greater offence at common law than even a rescue of the goods, distrained, and is no doubt an injury and

insult to public justice. It seems to be equally indictable as such at common law, for which a form is laid down in Chitty. (Keele.)

See R. S. N. S. 1900, c. 70, s. 134 (22) (26); R. S. M. c. 133, ss. 601-604; R. S. N. B. c. 187; B. C. Stat. 1914, c. 52, s. 54 (42-46); R. S. Sask. cc. 119, 85, 86, 87, 88; Alb. Ord. 1915, c. 79.

Preservation of the Peace near Public Works. C. C.
ss. 142-154.

POSSESSING WEAPONS NEAR.

146. Every one employed upon or about any public work, within any place in which the part of the Code respecting the Preservation of Peace in the vicinity of Public Works is in force, who, upon or after the day named in the proclamation by which such Part is brought into force, keeps or has in his possession, or under his care or control, within any such place, any weapon, is liable, on summary conviction, to a penalty not exceeding four dollars and not less than two dollars for every such weapon found in his possession or under his care or control.

147. Every one is liable, on summary conviction, to a penalty not exceeding one hundred dollars and not less than forty dollars who, for the purpose of defeating the enforcement of this Part, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed within any place in which this Part is in force,

any weapon belonging to or in custody of any person employed on or about any public work.

SALE, ETC., OF LIQUORS NEAR PUBLIC WORKS.

S. 150 as re-enacted by Stat. 1907, c. 9, s. 2.

Upon and after the day named in any proclamation putting in force in any place the Part respecting the Preservation of Peace in the vicinity of Public Works, and during such period as such proclamation remains in force, no person shall, at any place within the limits specified in such proclamation, sell, barter, or directly or indirectly, for any matter, thing, profit or reward, exchange, supply or dispose of or shall give, to any other person any intoxicating liquor, or shall expose, keep or have in his possession any intoxicating liquor intended to be dealt with in any such way.

2. The provisions of this section shall not extend to any person selling intoxicating liquor by wholesale and not retailing it, if such person is a licensed distiller or brewer, nor shall they apply where liquor is supplied for *bona fide* medicinal purposes upon the prescription of a duly qualified medical practitioner.

S. 151 as re-enacted by Stat. 1913, c. 13, s. 6.

151. Every one who, by himself, his clerk, servant, agent or other person, violates any of the provisions of section 150 is guilty of an offence against this Part and liable on summary conviction to a penalty of two hundred dollars and costs and, in default of payment, to imprison-

ment for a term not exceeding three months; and, upon any subsequent conviction, to a penalty of three hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both, and, in default of payment of such penalty, to imprisonment or to further imprisonment for a term not exceeding three months; and imprisonment in each case shall be either with or without hard labour.

152. Every clerk, servant, agent or other person who, being in the employment of, or on the premises of, another person, violates or assists in violating any of the said provisions for the person in whose employment or on whose premises he is, shall be equally guilty with such person and liable to the punishment mentioned in the last preceding section.

See also R. S. O. c. 36.

Prisoners. C. C. ss. 28-68.

In apprehending a person, and making him or her a prisoner, no more force is to be used than is absolutely necessary to overcome any force used in resisting such arrest, unless same can be done by reasonable means in a less violent manner. In conveying persons arrested, crowded thoroughfares are to be avoided as much as possible, where obstruction or annoyance is likely to be caused.

The usual plan is to seize the arm and keep hold to prevent the possibility of escape. When a prisoner is

once in custody, he is not to be released, except by direction of a justice of the peace according to law.

If the constable is likely to be overpowered, he may draw his baton and use it, taking care to avoid striking any one on the head; the arms and legs should be aimed at, to disable a prisoner, as parts of the frame least likely to suffer serious injury. But these extreme measures are only to be resorted to when all other attempts have failed.

Prisoners who are very violent, or who are charged with very serious offences, are, if necessary, to be handcuffed, to prevent danger, or the possibility of escape.

Prisoners are to be made as little uncomfortable as possible, safe-keeping and not punishment being the object during the time they are in custody of constables.

No conversation is to be held in the hearing of prisoners, nor is improper language or taunting remarks to be used towards them.

Prisoners, if not in an unfit state from drunkenness or other cause, are to be at once taken before the nearest justice, if within reasonable hours, if not, at the earliest opportunity.

Necessary refreshments for prisoners may be purchased out of money taken from them, provided the charge against them does not relate to the money. Beer or spirits are not to be given to prisoners getting refreshments, but only tea or coffee, except in very special cases.

Constables are to make a memorandum of these expenses, for reference, if required.

A solicitor, authorized to act for him, is allowed to communicate with a prisoner in custody. Facility, as far as practicable, is to be given, that the communication may not be overheard by any one; but care is to be taken that the prisoner shall not escape and, if necessary for that purpose, the constable may keep prisoner in view during the interview.

Any promise or inducement held out to a prisoner, by which he makes a statement to a constable or other person in authority, or to a person directly injured by the crime, renders the statement inadmissible as evidence against him. Any confession or statement, however, made by the accused to the constable or other person, without such promise or inducement, or to any person not in authority, under such promise or threat, is admissible as evidence against him, provided proper warning is given.

Any fact discovered in consequence of information obtained by a promise, threat, or inducement, may be given as evidence.

A statement made by a prisoner, charged with any serious offence, is to be as nearly as possible accurately written down by the constable, and communicated to the justice who hears the case.

Prisoners insensible through drink are to be occasionally visited by the constable, and spoken to and aroused each time.

Prisoners charged with indictable offences are to be searched with a view to discovering evidence bearing upon the charge.

Persons suspected of making, uttering, or having in their possession, counterfeit coin, should be searched immediately when taken into custody; persons reasonably suspected of having, or conveying in any manner, anything stolen or unlawfully obtained, may be searched.

Prisoners insensible from illness, drunkenness, or any other cause, are to be searched, solely for safe custody of their property and its return to them.

Prisoners who are drunk and riotous, or known or suspected to be dangerous, are to be searched for the purpose of depriving them of arms or weapons, by which they might make their escape, or inflict injury on themselves or those about them.

When prisoners are searched, it is to be done so effectually that all instruments or articles of property which they ought not to retain may be taken from them, and the constable will take an inventory in his notebook of the articles found, and the circumstances of the case.

Prize Fighting. C. C. s. 2 (31), ss. 104-107, 606, 627.

2. (31) Defines as follows:—"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.

104. The punishment for challenging to, or preparing for, a prize fight, or acting as trainer or seconder, is a fine of not less than \$100, nor more than \$1,000, or imprisonment of not more than six months, with or without hard labour, or both fine and imprisonment, in the discretion of the Court.

105. The punishment for engaging as a principal in a prize fight, on summary conviction, is from three to twelve months' imprisonment with or without hard labour.

106. Whoever is present at a prize fight, as an aid, second, surgeon, umpire, backer, assistant, or reporter, or advises, encourages or promotes such fight, is guilty of an offence; and, on summary conviction thereof, is liable to a fine of not less than \$50, nor more than \$500, or to imprisonment of not more than twelve months, with or without hard labour, or to both.

107. Orders that the punishment for any inhabitant or resident of Canada, leaving Canada to engage in a prize fight, without the limits, is a fine of not less than \$50, nor more than \$400, or imprisonment of not more than six months with or without hard labour, or both fine and imprisonment, in the discretion of the Court.

See also, s. 606, as to jurisdiction of judges, &c., in prize fight cases.

627. Directs that it shall be the duty of any constable, among others, when he has any reason to believe that any person within his jurisdiction is about to engage as principal in any prize fight within Canada,

forthwith to arrest such person, and conduct him before some person having authority to try offences against this Act, who, if satisfied that the person so brought before him was at the time of his arrest about to engage as a principal in a prize fight, shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not less than \$1,000, nor more than \$5,000, conditioned that he will not engage in any such fight within one year after the date of such arrest, or to remain in gaol until he give such recognizance.

Steele v. Maber, 19 Que. S. C. 392.

Prostitutes. See Vagrants.

Public Health. R. S. O. c. 218.

The penalty under the 100th section on owner at the time of exposing for sale, or in whose possession, or on whose premises diseased, unsound or unwholesome articles of food are found, is a fine not less than \$10 and not exceeding \$100 for every such article, unless he proves that he did not know, and had no means of knowing, the condition of such article.

To enforce regulations of Board of Health, all constables are subject to be called on by health officer to assist him. R. S. O. 218, s. 109.

OBSTRUCTING OR IMPEDING.

Penalties for hindering any health officer or sanitary inspector from entering premises and inspecting, fine not less than \$25 nor more than \$100. R. S. O. 218, s. 108.

R. v. Dungey, 2 O. L. R. 223; Blaker v. Tillstone, [1894] 1 Q. B. 345; Mallinson v. Carr, [1891] 1 Q. B. 48. See Vaccination, R. S. O. c. 219; R. S. N. S. 1900, c. 102; R. S. M., c. 159; R. S. N. B., c. 53; R. S. B. C., c. 98, and amendments of 1915; R. S. Sask., c. 16; Stat. Alb. 1910, c. 17.

Railways, Mischief on. C. C. s. 517.

Every one is guilty of an indictable offence and liable to five years' imprisonment who, in manner likely to cause danger to valuable property, without endangering life or person:

(a) places any obstruction upon any railway, or takes up, removes, displaces, breaks or injures any rail, sleeper or other matter or thing belonging to any railway; or

(b) shoots or throws anything at an engine or other railway vehicle; or

(c) interferes without authority with the points or signals or other appliances upon any railway; or

(d) makes any false signal on or near any railway; or

(e) wilfully omits to do any act which it is his duty to do; or

(f) does any other unlawful act.

Every one who does any of the acts above mentioned with intent to cause such danger is liable to imprisonment for life.

Rape. C. C. ss. 298, 299, 300.

Rape is the act of a man having carnal knowledge of a woman who is not his wife, without her consent, or with consent which has been extorted by threats or fear of bodily harm, or obtained by personating the woman's husband, or by false and fraudulent representations as to the nature and quality of the act.

No one under the age of fourteen years can commit this offence.

299. Every one who commits rape is guilty of an indictable offence and liable to suffer death, or to imprisonment for life.

300. Every one is guilty of an indictable offence and liable to seven years' imprisonment who attempts to commit rape.

R. v. Edwards, 29 Ont. 451; R. v. Riopel, 2 Can. C. C. 225, 8 Que. Q. B. 181.

Reasonable and Probable Cause. C. C., ss. 28, 30, 33, 34, 37, 44-50.

What constitutes a reasonable cause in such cases depends very much on the particular facts and circumstances in each instance, the general rule being that the grounds must be such that any reasonable person acting without passion or prejudice would fairly have suspected the party arrested of being the person who committed the offence. A bare surmise or suspicion is plainly insufficient. (Graves, p. 626.)

Refusing to Assist a Constable. See Peace Officer, and Neglecting to Aid. C. C., s. 31 and s. 167.

To suppress an affray or accomplish an arrest, a constable may call to his assistance any private person present, who will be bound to render aid under the penalty of severe punishment for refusal or neglect; but the constable must carry this in mind, that to warrant his interference there must be evident appearance that a felony or other crime against the King's peace has been committed or is on the point of being committed; and this caution also may be given as to threats, that mere rash words or abusive or violent language used to the constable or to any other person, unless calculated to deter the officer from doing his duty, or directly tending to a breach of the peace, would not of themselves form a sufficient ground for the arrest of the wrong doer. (Patton, 16.)

And on page 26, the same writer says: "I would reiterate that, whenever necessary, a constable may call upon any by-stander in the King's name to assist him in making an arrest, or securing an offender; and that private persons acting in aid of the officer are entitled to the same indemnity as the officer for their acts in his aid."

McGuinness v. Defoe, 27 Ont. 117, 23 A. R. 704.

Resisting or Obstructing Constable. See Aggravated Assault.

Riots and Unlawful Assemblies. C. C., ss. 87-97.

87. An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously.

2. Persons lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.

3. An assembly of three or more persons for the purpose of protecting the house of any one of their number against persons threatening to break and enter such house in order to commit any indictable offence therein is not unlawful.

88. A riot is an unlawful assembly which has begun to disturb the peace tumultuously.

89. Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment.

90. Every rioter is guilty of an indictable offence and liable to two years' imprisonment with hard labour.

Roads. See Furious Driving on.

Search for Woman in House of Ill-fame. C. C., s. 640.

Search in Gaming House. C. C. s. 641, as re-enacted by Stat. 1913, c. 13, s. 21.

Search for Vagrant. C. C., s. 643.

Search Warrant. C. C., ss. 629-643.

In executing a search warrant, the constable must be careful strictly to pursue its directions. The warrant (Form 2) of an ordinary search warrant commonly specifies the place to be searched, the goods to be seized, and the person to be taken. If the outer door of the house to be searched be shut, and upon demand not opened, the constable may break it open, as well as inner doors, boxes, etc., after the keys have been demanded and refused.

The constable should not take away any goods but those specified in the warrant, unless they are indispensable in substantiating the charge of stealing the goods specified. The constable should take with him materials for striking a light, if necessary, and he should take sufficient time to make a thorough search. The owner of the goods should, in all cases, accompany the constable to point out the goods, in order to prevent mistakes.

The constable, in accordance with the warrant, should have necessary and proper assistance to watch outside, to prevent the goods being taken away or the accused person escaping.

When the goods, or any portion of them, are found, the constable is to bring them and the person before the

justice, according to the directions of the warrant, subject to his order. If the accused be committed for trial, the constable should make an inventory of the goods in his memorandum book, and mark the exhibits so as to be identified by him. If a horse is the subject of the larceny, the best plan would be to hand him over for safe-keeping to the owner, on his entering into a recognizance to prosecute, and giving a guarantee that the horse shall be forthcoming.

629. Any justice who is satisfied upon oath that there is reasonable ground for believing that there is in any building, receptacle or place,

(a) anything upon or in respect of which any offence against this Act has been or is suspected to have been committed; or

(b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence; or

(c) anything which there is reasonable ground to believe is intended to be used for the purpose of committing any offence against the person for which the offender may be arrested without warrant:

may at any time issue a warrant under his hand authorizing some constable or other person named therein to search such building, receptacle or place for any such thing, and to seize and carry it before the justice issuing the warrant, or some other justice for the same territorial division, to be by him dealt with according to law.

S. 629A, added by Stat. 1909, c. 9, provides for the execution of a search warrant outside of the jurisdiction of the justice who issued it.

630. Every search warrant shall be executed by day, unless the justice shall by the warrant authorize the constable or other person to execute it at night.

2. Every search warrant may be in the form 2 in the schedule, or to the like effect.

631. When any such thing is seized and brought before a justice, he may detain it, taking reasonable care to preserve it till the conclusion of the investigation; and, if any one is committed for trial, he may order it further to be detained for the purpose of evidence on the trial.

R. v. Walker, 13 Ont. 83; Jones v. German, [1896] 2 Q. B. 418.

C. C. s. 636. Search for public stores.

C. C. s. 637. Search for gold, silver, etc.

C. C. s. 638. Search for timber, etc., unlawfully detained.

C. C. s. 639. Search for liquors near His Majesty's vessels.

C. C. s. 640. Search for women in house of ill-fame.

O'Neil v. Attorney-General, 26 S. C. R. 122.

Sheep. See Dogs.

Shows, Exhibitions of Wax Work, Menageries, Circus Riding, &c. R. S. O., c. 192, s. 420.

420. By-laws may be passed by the councils of townships, towns and villages and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:

(5) For prohibiting or regulating and licensing exhibitions of wax work, menageries, circus riding and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement and merry-go-rounds; switchback railways, carousals and other like contrivances; and for imposing penalties not exceeding the amount of the license fee, on offenders against the by-law; and for levying the same by distress and sale of the goods and chattels of the showman or proprietor or belonging to or used in such exhibition or show, whether owned by such showman or proprietor or not;

(a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, either on the grounds of such society or within the distance of 300 yards from such ground, or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in. R. v. Whitaker, 24 Ont. 437. See R. S. M. c. 133, s. 612 (i) as re-enacted by 1914, c. 66, s. 18; R. S. N. B. 165, s. 95 (35); R. S. Sask. c. 85, s. 169 (59); Alb. 1911-12, c. 2, s. 163 (58); B. C. Stat. 1914, c. 52, s. 290, s-s. (22) (25).

Strikes, Threats and Molestation. C. C. s. 501.

501. Every one is guilty of an offence punishable, at the option of the accused, on indictment or on summary conviction before two justices, and liable on conviction to a fine not exceeding one hundred dollars or to three months' imprisonment, with or without hard labour, who, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain,

(a) uses violence to such other person, or his wife or children, or injures his property; or

(b) intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property; or

(c) persistently follows such other person about from place to place; or

(d) hides any tools, clothes or other property owned or used by such other person, or deprives him of, or hinders him in, the use thereof; or

(e) with one or more other persons, follows such other person, in a disorderly manner, in or through any street or road; or

(f) besets or watches the house or other place where such other person resides or works, or carries on business or happens to be.

Attending at or near or approaching to such house or other place as aforesaid, in order merely to obtain or

communicate information, is not deemed a watching or besetting within the meaning of this section.

502. Intimidation of any person to prevent him from working at any trade.

503. Intimidation of any person to prevent him dealing in wheat, etc. Unlawfully preventing seamen from working.

504. Intimidation of any person to prevent him bidding for public lands.

Suicide, attempt to commit. C. C. ss. 269, 270.

269. Every one is guilty of an indictable offence and liable to imprisonment for life who counsels or procures any person to commit suicide, actually committed in consequence of such counselling or procurement, or who aids or abets any person in the commission of suicide.

270. Every one who attempts to commit suicide is guilty of an indictable offence and liable to two years' imprisonment.

Persons who attempt to commit suicide are to be arrested and charged before the nearest justice. If at the time of the arrest any serious injury has been inflicted, medical aid is to be obtained immediately. (From T. P. F. Reg.)

Summons and Subpoenas, Service of. C. C. ss. 658, 672.

658. Every summons issued by a justice under this Act shall be directed to the accused, and shall require him to appear at a time and place to be therein men-

tioned. Such summons may be in the form 5 given in the schedule hereto, or to the like effect. No summons shall be signed in blank.

Every such summons shall be served by a constable or other peace officer upon the person to whom it is directed, either by delivering it to him personally, or, if such person cannot conveniently be met with, by leaving it for him at his last or most usual place of abode with some inmate thereof apparently not under sixteen years of age.

The person by whom the summons is served as aforesaid should attend at the time and place specified therein for the appearance of the accused in order, if necessary, to prove the service.

The constable is expected to make an entry in his memorandum book of all the circumstances, and make no delay in serving the person named in the summons or subpoena, in order that he may be able to make oath or affirmation as to the service, either personally or otherwise, when served, and the hour and date of service as follows (Oke):—

County of {
 of the county of {
 The deposition of J.N., constable
 , taken upon oath before me, the
 undersigned, one of His Majesty's Justices of the Peace for
 said county, this day of , A.D. 19 , who
 saith that he served A.B., mentioned in the annexed (within)
 summons (or subpoena), with a duplicate thereof, on the
 day of last, personally (or by leaving the same for
 the said at his usual place of abode), with N.O.,
 an inmate thereof apparently not under sixteen years of age.

Before me,

J.S.

J.P.

} J.N.

R. v. Toronto Ry. Co., 30 Ont. 214.

Sunday. See Lord's Day Observance Act.

Suspected Persons.

Constables are expected to know all suspected persons in their neighbourhood, but are not to make charges or imputations against the character of any one, unless they have sufficient knowledge of the persons concerned to justify them in so doing.

See C. C. ss. 33, 34, 37.

Suspension from Office. R. S. O. c. 94.

S. 16. Enacts that the Judge of the county court or the Inspector of Legal Offices may suspend from office a High Constable or any County Constable for any period, not extending beyond one week after the time appointed for the next sittings of the General Sessions of the Peace; the suspension shall be by notice in writing; and, if the Judge or the Inspector considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case fully to the Clerk of the Peace for submission to the court of General Sessions of the Peace at its next sittings, and the court may dismiss such officer, or direct him to be restored to his office after the period of his suspension has expired, or after such further period as may be deemed proper.

29. The Justices who have appointed a special constable under this Act, or the Justices acting within the limits for which the special constable has been appointed, or a majority of them, may suspend or terminate the

service of the special constable so appointed; and notice of such suspension or termination shall be forthwith transmitted by the Justices to the Provincial Secretary.

Swearing, etc. C. C. s. 238 (b).

A person who causes a disturbance in or near any street, road, highway or public place by (among other things) swearing, may be prosecuted as a vagrant under section 238 of the Code.

R. S. O. c. 192, s. 399, s.-s. 66, authorizes the councils of townships, cities, towns, and villages, to pass by-laws to prevent profane swearing.

Constables making use of obscene, blasphemous, insulting language, or swearing, are to be reported to the high constable. Constables must govern themselves so as not to commit offences, the suppression of which is imposed upon them by law. (From T. P. F. Reg.)

Tariff of Fees of Constables. R. S. O. c. 96.

3. Subject to the said Rules the table of fees in the Schedule appended to this Act shall be and constitute the fees to be taken by Sheriffs, Coroners, Clerks of the Peace, Constables and Criers respectively, for the services therein mentioned in respect of any business transacted by them in all such prosecutions, matters, causes and proceedings as aforesaid, and in proceedings in the County Judge's Criminal Court and before Coroners, Police Magistrates or Justices of the Peace.

8. If any officer hereinbefore mentioned wilfully demands or receives any other or greater fee, percentage or allowance than the fee, percentage or allowance to which he is entitled under this Act, for any of the services performed by him (unless allowed by an Act of the Parliament of Canada, or of the Legislature of this Province, or by the Lieutenant-Governor in Council under section 5 of this Act), he shall, for every such offence, incur a penalty of \$60 recoverable under the Ontario Summary Convictions Act. *Lambton v. Poussett*, 21 U. C. Q. B. 472.

11. (1) Where, in the opinion of the Warden and Crown Attorney, special services, not covered by the ordinary tariff, are necessary for the detection of crime or the capture of a person who is believed to have committed a crime of a serious character, they may authorize any constable or other person to perform such service, and shall certify upon the account to be rendered by the constable or other person what they deem a reasonable allowance to be paid to the person employed, and the amount so certified shall be allowed to such person in the accounts in respect of the administration of justice, and shall be paid in the first instance by the county, and one-half thereof shall be repaid to the county by the province.

(2) The Warden and Crown Attorney may direct the treasurer of the county to advance to the constable or other person such sum as they may name, for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the

performance of such special services; and the Treasurer of the county shall pay such sum upon the written order of the Warden and Crown Attorney, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed.

(3) This section shall not apply to services in a city or separated town for which there is a staff of salaried police officers, and no allowance shall in any other case be made under sub-section (1) to any salaried constable or other officer unless he is entitled to receive for his own use, in addition to his salary, the fees earned by him.

See also s. 12 relating to advances to any high or county constable by the municipality in case of emergency on the order of the Reeve and the Crown Attorney.

Sills v. Lennox, 31 Ont. 512.

Tavern and Shop Licenses. R. S. O. c. 215.

129. Enacts that every policeman, or constable, or inspector of licenses, shall be deemed to be within the provisions of this Act; and when any information is given to any such policeman, constable, or inspector that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper Court, without communicating the name of the person giving such information.

130. (1) Any officer, policeman, constable, or inspector may, for the purpose of preventing or detecting the

contravention of any of the provisions of this Act, which it is his duty to enforce, at any time enter into any and every part of any inn, tavern or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for such purpose.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman or constable, or inspector demanding to enter, in pursuance of this section, in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, etc., on any such searches aforesaid, shall be liable to the penalty laid down by s. 65 of this Act, viz., \$100 to \$500 and costs or three months' hard labour, and the provisions of sub-section 2 of section 103 shall apply to offences under this section.

R. v. Ireland, 31 Ont. 267; R. v. Potter, 20 A. R. 516; R. v. Sloan, 18 A. R. 482; Duncan v. Dowding, [1897] 1 Q. B. 575; R. v. Hodge, 23 Ont. 450.

136. States that it is the duty of constables to prosecute offenders under this Act, and, in case of wilful neglect or default of so doing, a penalty of \$10 and costs for each and every such neglect and default is imposed.

(2) Any officer violating the provisions of the Act may be summarily dismissed.

See R. S. N. S. 1900, c. 100; R. S. M. c. 117; R. S. N. B. c. 22; R. S. B. C. c. 142; R. S. Sask. c. 130; Alb. C. O. 1915, c. 89.

Tax on Dogs. R. S. O. c. 246.

S. 3. Enacts that there shall be levied annually in every local municipality upon the owner of each dog therein, a tax of \$1 for a dog if only one, and \$2 for each additional dog owned by him, and \$3 for a bitch, if only one, and \$5 for each additional bitch owned by him, but the owner of a kennel of pure bred dogs registered in the "Canada Kennel Register" has only to pay \$10 per year for all his dogs.

For proceedings when dog tax not paid, see Dogs, *ante* p. 52.

See R. S. N. S. 1900, cc. 70, 71; R. S. M. c. 133, s. 601 (a); R. S. N. B. c. 165, s. 95 (22); B. C. Stat. 1914, c. 52, s. 54 (174); Alb. Stat. 1911-12, c. 2, s. 163 (56); R. S. Sask. c. 89, s. 59 (35).

Telegram, Arresting on.

The following is laid down for constables' guidance:

1. That, on the receipt of a telegram professing to be from some known responsible, respectable person, whether concerned in the administration of justice or not, but more particularly if he be, the constable may proceed to make the arrest.

2. On receipt of a telegram from some unknown party the constable should not arrest without advising

with the high constable or the nearest justice of the peace, as to how he should act. If he or they advise an arrest, the constable may then make it.

3. If he have no time to get such advice, he must proceed most warily.

4. In no case, however, should a telegram be acted upon if it be possible to test its genuineness by writing back or by telegram to the person professing to have sent it.

5. In no case should a telegram or letter from the United States, or from any country outside of Canada, be acted upon for an offence committed beyond the province, because the party complained of is not a criminal against our laws until proper information has been laid, and a warrant issued here for his apprehension; and then he may be proceeded against, either under an extradition treaty, or under the provisions of any of our own statutes.

See C. C. ss. 33, 34, 38, and R. v. Cloutier, 12 M. R. 153.

Temper.

A perfect command of temper is absolutely indispensable in the proper discharge of the duty of a constable.

Harsh language on the part of constables to the public and persons in custody is not to be permitted.

Constables, if rudely treated themselves, are not justified in retaliating. All duties must be performed with firmness, but at the same time with moderation. Words,

in themselves not objectionable, frequently give offence from the tone of voice in which they are uttered.

A constable must not allow himself to be moved or excited by any language or threats, however insolent. The cooler he keeps himself, the more power he will have over his assailant.

Idle or silly remarks are unworthy of notice and, if the persons making them see that they have no effect upon the constable, they will soon leave off.

Forbearance and moderation will always be appreciated by the public and county authorities. (From T. P. F. Reg.)

Theatre. C. C. s. 208.

208. Every person who, being the lessee, agent or person in charge or manager of a theatre, presents or gives or allows to be presented or given therein, any immoral, indecent or obscene play, opera, concert, acrobatic, variety or vaudeville performance, or other entertainment or representation, is guilty of an offence punishable on indictment or on summary conviction, and liable, if convicted upon indictment, to one year's imprisonment with or without hard labour, or to a fine of five hundred dollars, or to both, and, on summary conviction, to six months' imprisonment, or to a fine of fifty dollars, or to both.

2. Every person who takes part or appears as an actor, performer, or assistant in any capacity, in any such immoral, indecent or obscene play, opera, concert, perform-

ance, or other entertainment or representation, is guilty of an offence and liable, on summary conviction, to three months' imprisonment, or to a fine not exceeding twenty dollars, or to both.

3. Every person who so takes part or appears in an indecent costume is guilty of an offence and liable, on summary conviction, to six months' imprisonment, or to a fine of fifty dollars, or to both.

In this section the word "Theatre" includes any place open to the public, gratuitously or otherwise, where dramatic, musical, acrobatic or other entertainments or representations are presented or given: s. 197 (a).

Theft, Defined. C. C. s. 347.

Theft or stealing is the act of fraudulently and without colour of right taking, or fraudulently and without colour of right converting to the use of any person, anything capable of being stolen, with intent,—

(a) to deprive the owner, or any person having any special property or interest therein, temporarily or absolutely of such thing or of such property or interest; or

(b) to pledge the same or deposit it as security; or

(c) to part with it under a condition as to its return which the person parting with it may be unable to perform; or

(d) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion.

The taking or conversion may be fraudulent, although effected without secrecy or attempt at concealment.

It is immaterial whether the thing converted was taken for the purpose of conversion, or whether it was, at the time of the conversion, in the lawful possession of the person converting.

Theft is committed when the offender moves the thing or causes it to move or to be moved, or begins to cause it to become movable, with intent to steal it.

348. No factor or agent shall be guilty of theft by pledging or giving a lien on any goods or document of title to goods intrusted to him for the purpose of sale or otherwise, for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving a lien on the same, together with the amount of any bill of exchange accepted by him for or on account of his principal.

2. Any servant, contrary to the orders of his master, taking from his possession any food for the purpose of giving the same or having the same given to any horse or other animal belonging to or in the possession of his master, shall not be guilty of theft by reason thereof.

Theft of Cattle.

This is punishable with fourteen years' imprisonment. C. C. s. 369.

The fraudulent taking of cattle or fraudulent refusal to deliver them up is punishable as theft under section 392, which follows.

392. Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(a) without the consent of the owner thereof fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in the taking possession, concealing, appropriating, purchasing or selling of any cattle which are found astray; or (b) fraudulently refuses to deliver up any such cattle to the proper owner thereof, or to the person in charge thereof on behalf of such owner or authorized by such owner to receive such cattle; or (c) without the consent of the owner, fraudulently, wholly or partially obliterates, or alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand or mark on any cattle, or makes or causes or procures to be made, any false or counterfeit brand or mark on any cattle.

See, also, s. 953 of the Code, which provides that when an offence under s. 369 is charged and not proved, but the evidence establishes an offence under s. 392, the accused may be convicted of such latter offence and punished accordingly, and section 989 as to what shall be *prima facie* evidence of property in cattle and of the theft of cattle. *R. v. Hehir*, [1895] 2 Ir. 709; *McIntosh v. The Queen*, 23 S. C. R. 180.

Thieves.

Constables are to take a note of all known thieves and suspected persons in their neighbourhoods, and the number, dates and particulars of previous convictions of such thieves.

Thistles, Canada. See Weeds, Noxious.

Threats. See Intimidation and Strikes.

Threshing Machines, etc., to be Protected. R. S. O. cc. 238, 251, 278.

All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause the knuckles, couplings, joints and jacks, to be covered, to prevent injury to persons passing over or near such tumbling rod, etc., etc.: c, 238, s. 2.

Any person neglecting or refusing to comply with the provisions of this Act shall incur a penalty of not less than \$1, nor more than \$20, recoverable under the Ontario Summary Convictions Act, s. 3.

The complainant is entitled to half the fine, s. 4.

R. S. O. c. 251 provides a penalty of from \$5 to \$20 and costs against any manufacturer for each threshing machine engine he sells without an efficient spark arrester, and any person using or running such a machine shall be liable to the like penalty, half of fine to the informer in both cases, other half to municipality.

See R. S. M. c. 87 and c. 133, s. 589 (u).

Timber, appropriating, found adrift.

The section of the Code dealing with this crime is 394, as re-enacted by stat. 1912, c. 18, s. 1, and is as follows:

394. Every one is guilty of an indictable offence and liable to three years' imprisonment who,—

(a) without the consent of the owner thereof,

(i) fraudulently takes, holds, keeps in his possession, collects, conceals, receives, appropriates, purchases, sells or causes or procures or assists to be taken possession of, collected, concealed, received, appropriated, purchased or sold, any timber, mast, spar, sawlog, shingle bolt or other description of lumber which is found adrift in, or cast ashore on the bank or beach of, any river, stream, or lake, in Canada, or in the harbours or any of the coast waters (including the whole of Queen Charlotte Sound, the whole of the Strait of Georgia or the Canadian waters of the Strait of Juan de Fuca) of British Columbia, or,—

(ii) wholly or partially defaces or adds or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log, shingle bolt, or other description of lumber, or makes or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log, shingle bolt, or other description of lumber; or,—

(b) refuses to deliver up to the owner thereof, or to the person in charge thereof, on behalf of such owner,

or authorized by such owner to receive the same, any such timber, mast, spar, saw-log, shingle bolt, or other description of lumber.

As to evidence of ownership, see s. 790 as re-enacted by stat. 1912, c. 18, s. 2.

Trading Stamps.

These are defined by paragraph (u) of section 335 of the Code, sub-section 2 of which says that: "An offer printed or marked by the manufacturer upon any wrapper, box or receptacle, in which goods are sold, of a premium or reward for the return of such wrapper, box or receptacle to the manufacturer is not a trading stamp within the meaning of this Part. Here follow the sections of the Code as to offences relating to trading stamps.

505. Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding \$500, who, by himself or his employee or agent, directly or indirectly issues, gives, sells or otherwise disposes of or offers to issue, give, sell or dispose of trading stamps to a merchant or dealer in goods for use in his business.

506. Every one is guilty of an indictable offence and liable to 6 months' imprisonment and to a fine not exceeding \$200, who, being a merchant or dealer in goods, by himself or his employee or agent, directly or indirectly gives, or in any way disposes of, or offers to give,

or in any way dispose of, trading stamps to a purchaser from him of any such goods.

507. Any executive officer of a corporation or company guilty of an offence under the two last preceding sections who in any way aids or abets in or counsels or procures the commission of such offence, is guilty of an indictable offence and liable to the punishment stated in the said sections respectively.

508. Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$20, who, being a purchaser of goods from a merchant or dealer in goods, directly or indirectly receives or takes trading stamps from the vendor of such goods or his employee or agent.

Treason, High. C. C. s. 74.

Treason is

(a) the act of killing His Majesty, or doing him any bodily harm tending to death or destruction, maim or wounding, and the act of imprisoning or restraining him; or

(b) the forming and manifesting by an overt act an intention to kill His Majesty, or to do him any bodily harm tending to death or destruction, maim or wounding, or to imprison or to restrain him; or

(c) the act of killing the eldest son and heir apparent of His Majesty, or the Queen consort of any King of the United Kingdom of Great Britain and Ireland; or

(*d*) the forming and manifesting, by an overt act, an intention to kill the eldest son and heir apparent of His Majesty, or the Queen consort of any King of the United Kingdom of Great Britain and Ireland; or

(*e*) conspiring with any person to kill His Majesty, or to do him any bodily harm tending to death or destruction, maim or wounding, or conspiring with any person to imprison or restrain him; or

(*f*) levying war against His Majesty either—

(i) with intent to depose His Majesty from the style, honour and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland or of any other of His Majesty's dominions or countries;

(ii) in order, by force or constraint, to compel His Majesty to change his measures or counsels, or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of Canada; or

(*g*) conspiring to levy war against His Majesty with any such intent or for any such purpose as aforesaid; or

(*h*) instigating any foreigner with force to invade the said United Kingdom or Canada or any other of the dominions of His Majesty; or

(*i*) assisting any public enemy at war with His Majesty in such war by any means whatsoever; or

(*j*) violating, whether with her consent or not, a Queen consort, or the wife of the eldest son and heir apparent, for the time being, of the King or Queen regent.

2. Every one who commits treason is guilty of an indictable offence and liable to suffer death.

Trespass. R. S. O. c. 247.

2. This Act may be superseded by any by-laws enacted by a municipality under R. S. O. c. 192, s. 399 (52) to (55).

3. The owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws.

7. If not previously replevied, the poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or, if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises after notice in writing has been served upon him of their trespass, he shall incur a penalty not exceeding \$10.

Vaccination. R. S. O. c. 219.

Penalty of \$5 against parents not having children vaccinated, s. 10.

See R. S. N. S. 1900, c. 102; R. S. M. c. 159; R. S. N. B. c. 53, s. 39; R. S. B. C. c. 98; R. S. Sask. c. 16; Alb. Stat. 1910, c. 17.

Vagrants. C. C. ss. 238, 239.

IDLE AND DISORDERLY PERSONS.

238. Every one is a loose, idle or disorderly person or vagrant who,

(a) not having any visible means of subsistence, is found wandering abroad or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car, or in any railway building, and not giving a good account of himself, or who, not having any visible means of maintaining himself, lives without employment;

(b) being able to work and thereby or by other means to maintain himself and family, wilfully refuses or neglects to do so;

(c) openly exposes or exhibits in any street, road, public place or highway, any indecent exhibition;

(d) without a certificate signed, within six months, by a priest, clergyman or minister of the gospel, or two Justices, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wanders about and begs, or goes about from door to door, or places himself or herself in any street, highway, passage or public place to beg or receive alms;

(e) loiters on any street, road, highway or public place and obstructs passengers by standing across the footpath, or by using insulting language, or in any other way;

(f) causes a disturbance in any street, road, highway or public place by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers;

(g) by discharging firearms, or by riotous or disorderly conduct in any street or highway, wantonly disturbs the peace and quiet of the inmates of any dwelling house near such street or highway;

(h) tears down or defaces signs, breaks windows, or doors or door plates, or the walls of houses, roads or gardens, or destroys fences;

(i) being a common prostitute or night walker, wanders in the fields, public streets or highways, lanes or places of public meeting or gathering of people, and does not give a satisfactory account of herself; or

(l) having no peaceable profession or calling to maintain himself by, for the most part supports himself by gaming or crime, or by the avails of prostitution.

239. Every loose, idle or disorderly person or vagrant is liable, on summary conviction, to a fine not exceeding fifty dollars or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both. Provided that no aged or infirm person shall be convicted, for any reason within paragraph (a) of s. 238,

as a loose, idle or disorderly person or vagrant in the county of which he has for the two years immediately preceding been a resident.

See s. 197 (c), as to meaning of "Public Place."

Warrants, Arresting on. See Arrest under a Warrant.

When a warrant is placed in a constable's hands for execution, he should satisfy himself that it is under the hand and seal of the justice issuing same, that it is properly directed, viz.: "To all or any of the constables or other peace officers in the county of, etc., etc." (C. C. s. 659, form 6). It should state shortly the matter of the information or complaint on which it is founded.

It should name or otherwise describe the person against whom it has been issued.

It should order the constable to apprehend the defendant, and to bring him before the justice issuing the warrant, or some other justice, to answer the said charge.

It need not be made returnable at any particular time, but may remain in force until it is executed.

If the warrant is found deficient in any particular it should be taken to the justice who issued it to have its defects rectified. The constable should make an entry in his memorandum book of the time of its receipt, and the necessary particulars.

The warrant should be executed with secrecy and despatch, and after execution the constable should endorse it with the date of its execution.

The constable should also ascertain from the warrant the nature of the offence, whether he knows the party named in the warrant; if not he should find out from the complainant the description, personal appearance, manner, dress, or any peculiarity by which he may be recognized, and it would be advisable for the constable, if possible, to take the complainant or some person who could point out the accused.

An arrest may be made in the night as well as the day, also on Sunday. See ss. 661 and 711.

The accused should be brought without delay before the proper magistrate, and it is the duty of the magistrate to make such arrangements with the officer who is entrusted with the execution of the warrant, that the case be brought on to a hearing as speedily as possible after the arrest. To detain an accused person for an unreasonable time would be very improper, illegal and unjust.

S. 661. Every warrant may be executed by arresting the accused wherever he is found in the territorial jurisdiction of the justice by whom it is issued, or, in the case of fresh pursuit, at any place in an adjoining territorial division within seven miles of the border of the first mentioned division. Except in such a case, therefore, if the accused person escape, go into or reside in another county, it will be necessary for the constable to have the warrant endorsed by a justice having jurisdiction where the accused is. The constable, in that case, will wait upon a justice having such jurisdiction, who will endorse the warrant on the constable making oath as to the signa-

ture of the justice who issued the warrant (s. 662). Under C. C. 661, every warrant authorized by this Code may be issued and executed on a Sunday or statutory holiday, and this includes search warrants.

DUTY OF PERSONS ARRESTING. C. C. s. 40.

40. It is the duty of every one executing any process or warrant to have it with him, and to produce it if required.

2. It is the duty of every one arresting another, whether with or without warrant, to give notice, where practicable, of the process or warrant under which he acts, or of the cause of the arrest.

3. A failure to fulfil either of the two duties last mentioned shall not of itself deprive the person executing the process or warrant, or his assistants, or the person arresting, of protection from criminal responsibility, but shall be relevant to the inquiry whether the process or warrant might not have been executed, or the arrest effected, by reasonable means in a less violent manner.

ARRESTING THE WRONG PERSON. C. C. s. 28.

28. Every one duly authorized to execute a warrant to arrest who thereupon arrests a person, believing in good faith and on reasonable and probable grounds that he is the person named in the warrant, shall be protected from criminal responsibility to the same extent

and subject to the same provisions as if the person arrested had been the person named in the warrant.

2. Every one called on to assist the person making such arrest and believing that the person in whose arrest he is called on to assist is the person for whose arrest the warrant is issued, and every gaoler who is required to receive and detain such person, shall be protected to the same extent and subject to the same provisions as if the arrested person had been the person named in the warrant.

USE OF FORCE IN EXECUTING SENTENCE OR PROCESS
OR IN ARREST. C. C. ss. 39, 41-45, 52.

39. Every one executing any sentence, warrant or process, or making any arrest, and every one lawfully assisting him, is justified, or protected from criminal responsibility, as the case may be, in using such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, process or warrant can be executed or the arrest effected by reasonable means in a less violent manner.

41. Every peace officer proceeding lawfully to arrest, with or without warrant, any person for any offence for which the offender may be arrested without a warrant, and every one lawfully assisting in such arrest, is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by such flight, unless such escape can be prevented by reasonable means in a less violent manner.

42. Every private person proceeding lawfully to arrest without warrant any person for any offence for which the offender may be arrested without warrant, is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by flight, unless such escape can be prevented by reasonable means in a less violent manner if such force is neither intended nor likely to cause death or grievous bodily harm.

43. Every one proceeding lawfully to arrest any person for any cause other than such offence as in the last section mentioned, is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by flight, unless such escape can be prevented by reasonable means in a less violent manner; if such force is neither intended nor likely to cause death or grievous bodily harm.

44. Every one who has lawfully arrested any person for any offence for which the offender may be arrested without warrant, is protected from criminal responsibility in using such force in order to prevent the rescue or escape of the person arrested as he believes, on reasonable grounds, to be necessary for that purpose.

45. Every one who has lawfully arrested any person for any cause other than an offence for which the offender may be arrested without warrant is protected from criminal responsibility in using such force in order to prevent his escape or rescue as he believes, on reasonable grounds, to be necessary for that purpose, if such

force is neither intended nor likely to cause death or grievous bodily harm.

52. Every one is justified in using such force as may be reasonably necessary in order to prevent the commission of any offence for which, if committed, the offender might be arrested without warrant, and the commission of which would be likely to cause immediate and serious injury to the person or property of any one; or in order to prevent any act being done which he, on reasonable grounds, believes would, if committed, amount to any such offence.

Weapons. See Firearms.

Weapons, Having in Possession. R. S. O. c. 36.

(1) A justice of the peace or commissioner appointed under this Act 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 a weapon 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 a 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 such house or place.

(2) If admission to such house or place cannot otherwise be obtained after demand, the constable or peace officer, and person in his aid, may enter the same by force, by day or by night, and seize such weapon; and unless the person within whose possession or in whose

house or place the same is found, within four days next after the seizure, proves to the satisfaction of the justice or commissioner that the weapon so seized was not in his possession or in his house or place contrary to the provisions of this Act, such weapon shall be forfeited for the use of His Majesty. R. S. O. c. 36, s. 9.

See, also, R. S. M. c. 146.

Weeds, Noxious. R. S. O. c. 253.

3. Every occupant of land or, if the land is unoccupied, the owner, shall cut down or destroy all the Canada thistles, ox-eye daisy, wild-oats, rag-weed and burdock growing thereon, and all other noxious weeds growing thereon to which this Act may be extended by by-law as hereinafter provided, so often in every year as is sufficient to prevent the ripening of their seed, if such cutting or destruction does not involve the destruction of the growing grain.

11. Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock or wild mustard, shall for every such offence incur a penalty of not less than \$5 nor more than \$20.

Penalty for refusing or neglecting to comply after notice given. Fine, \$5 to \$20, s. 10.

Penalty on every inspector, overseer of highways, or other officer who refuses or neglects to discharge the duties imposed on him by this Act, \$10 to \$20, s. 13.

Patterson v. Central Canada, 20 Ont. 134; Osborne v. Kingston, 23 Ont. 382.

As to Com. Law, see Giles v. Walker, 24 Q. B. D. 656, 62 L. T. 933; R. S. M. c. 145; R. S. B. C. c. 240; R. S. Sask. c. 122; Alb. Stat. 1907, c. 15.

Witchcraft, Pretending to Practice. C.-C. s. 443.

443. Every one is guilty of an indictable offence and liable to one year's imprisonment who pretends to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult or crafty science, to discover where or in what manner any goods or chattels supposed to have been stolen or lost may be found.

R. v. Chilcott, 6 Can. C. C. 27; R. v. Marcott, 2 O. L. R. 105; 4 Can. C. C. 437.

Without Warrant, Arrest.

A constable may arrest for any indictable offence committed in his presence, and he is bound at all risks to use his best endeavours to do so. Nothing short of imminent danger to his life will excuse him for allowing the offender to escape.

He may also arrest on his own suspicion that an indictable offence has been committed, and that the party that he arrests is or was concerned in it.

When he arrests upon his own suspicion, it must not be upon any loose, vague suspicion, either of an offence

having been committed, or of its having been committed by the person arrested, but he must, in the language of the law, have reasonable and probable grounds for believing both of these facts. If he arrests without having reasonable and probable grounds for so doing, he will be liable to answer in damages to the aggrieved party for making the arrest; but, if he arrests under justifiable circumstances, he will not be liable for making the arrest, although the party taken was not concerned in the felony, nor will he be liable even although there was no felony at all committed. So, also, if a constable arrest one for an indictable offence upon information derived from another, he will be fully authorized in doing so, if he had reasonable and probable cause for believing the information he got to be correct, and he will not be liable, although, as before stated, no indictable offence, in fact, had been committed at all. (Wilson, 35.)

The constable, however, must be careful that he has such reasonable and probable grounds to justify his proceedings, for, if he have not, he will be liable, in like manner as any one else would be, for his malicious conduct. The constable then should consider—

1. Who it is that gives him information.
2. Who the person is who is alleged to have committed the offence.
3. The general probability of the facts narrated. For instance, a constable is not justified in apprehending a person as receiver of stolen goods, on the mere assertion of the thief.

So it also follows, if he arrests on his own suspicion of the party having committed an indictable offence, or upon information communicated to him by another, he should not detain the party arrested after his suspicions are, or ought to be, entirely removed, or if he discovers the information which was given him to be false or untrustworthy. (Wilson, 36.)

Thus, if a constable arrests on a suspicion of theft and, after searching the party, discover nothing, and the suspicion appears to be groundless, he may discharge the party out of his custody without taking him before a magistrate.

A constable may arrest on information of others that a party has committed an indictable offence. Thus, if a reasonable charge is made against a person who is given in custody to a constable, the constable is bound to take him, and he will be justified in so doing, though the charge may turn out to be unfounded.

A constable may justify an arrest on a reasonable charge without warrant, although it should afterwards appear that no indictable offence had been committed, but a private individual cannot.

A constable is justified in apprehending a person on suspicion, if he has reasonable or probable cause to believe that the party charged committed an indictable offence.

Section 646 of the Code, set out at pages 21-23 *supra*, gives a list of the offences for which any one who is *found* committing any of them may be arrested without

warrant by any one, and the next section 647 gives a list of additional offences for which any one *who has committed* any of them may be arrested without warrant by a *peace officer*. See page 24.

Sections 648-650, 652 and 652A dealing with this subject are given above at pages 24, 25.

S. 651. Any officer in His Majesty's service, any warrant or petty officer in the navy, and any non-commissioned officer of marines, may arrest without warrant any person found conveying any intoxicating liquor on board His Majesty's ships or vessels, or approaching or hovering about such ships or vessels for the purpose of conveying any such liquor on board thereof, or giving or selling to any man in His Majesty's service, on board any such ship or vessel, any intoxicating liquor. See s. 141.

Wolves. See The Wolf Bounty Act, R. S. O. c. 264.

S. 2. "Wolf" shall mean a grey timber wolf.

3. Where a person who has killed a wolf in any county, or within one mile of any actual settlement in a county, produces the skin of the wolf before the Sheriff or Treasurer of such county, or before a Police Magistrate, a Clerk of the Division Court, or before such officer as the Treasurer of Ontario may approve of, together with an affidavit in the form prescribed by the regulations, stating the place where and the date when the wolf was killed, with such other particulars as may be prescribed by the regulations, the Sheriff, Treasurer,

Police Magistrate, Clerk of the Division Court, or other Officer shall give to the person producing the skin a certificate in the form prescribed by the regulations.

4. Upon the delivery of such certificate by the person named therein to the Treasurer of the county, together with the skin of the wolf, the Treasurer shall pay to such person the sum of \$15 as a bounty upon the killing of the wolf.

See, also, R. S. Sask. c. 123; R. S. M. c. 207; Alb. Stat. 1909, c. 13.

**Writs, Misconduct of Officers entrusted with execution
of. C. C. c. 166.**

166. Every one is guilty of an indictable offence and liable to a fine and imprisonment, who, being a sheriff, deputy-sheriff, coroner, elisor, bailiff, constable or other officer entrusted with the execution of any writ, warrant or process, wilfully misconducts himself in the execution of the same, or wilfully, and without the consent of the person in whose favour the writ, warrant or process was issued, makes any false return thereto.

SCHEDULE "A."

CONSTABLES' TARIFF OF FEES.

R. S. O. c. 96, s. 3.

| | |
|--|--------|
| 1. Arrest of each individual upon a warrant (or by the party, as the case may be) | \$1 50 |
| 2. Serving summons or subpoena | 0 25 |
| 3. Mileage, to serve summons, subpoena or to make an arrest | 0 13 |
| 4. Mileage, when service cannot be effected upon proof of due diligence | 0 13 |
| 5. Mileage, taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance | 0 10 |
| 6. Returning with prisoner after arrest—conveyance or railway fare for prisoner. Only reasonable disbursements to be allowed, and public conveyance to be used when practicable. | |
| 7. Attending justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed in one or more cases | 1 50 |
| 8. Attending sittings of H.C.D. or General Sessions, each day | 2 00 |
| 9. Mileage, travelling to attend H.C.D. or G.S., or before justices (when public conveyance can be taken, only reasonable disbursements to be allowed) | 0 10 |
| 10. Summoning jury for coroner's inquest, including attending at inquest, and all services in respect thereof, if held on same day as jury summoned | 3 00 |
| 11. Attending each adjournment thereof | 1 50 |
| 12. Serving summons and subpoena to attend before coroner (subject to No. 10) | 0 25 |
| 13. Mileage, serving same | 0 13 |
| 14. Exhuming body under coroner's warrant | 4 00 |
| 15. Re-burying same | 2 00 |

| | |
|---|--------|
| 16. Serving distress warrant and returning same..... | \$1 50 |
| 17. Advertising under distress warrant | 1 00 |
| 18. Travelling to make distress or to search for goods to make distress when no goods are found | 0 13 |
| 19. Appraisements, whether by one appraiser or more, two cents in the dollar on the value of the goods. | |
| 20. Catalogue, sale and commission and delivery of goods, five cents in the dollar on the net produce of the goods. | |
| 21. Executing search warrant | 1 50 |
| 22. Serving notices on constable, when personally served.. | 50 |

EXPENSES OF ADMINISTRATION OF JUSTICE IN
CRIMINAL MATTERS.

R. S. O. c. 96 Schedule C.

CONSTABLES.

| | |
|---|--------|
| 1. Arrest of each individual upon a warrant (if pay- able by the Crown) | \$1 50 |
| 2. Serving summons or subpoena (if payable by the Crown) | 25 |
| 3. Mileage (if payable by the Crown) | 13 |
| 4. Mileage in going to serve summons or warrant when the service has not been effected; the Board of Audit being satisfied that due diligence was used (if payable by the Crown) | 13 |
| 5. Attending Assizes or Sessions each day | 1 50 |
| 6. Mileage travelling to attend Assizes, Sessions or before Justices | 10 |
| 7. Attending any Justice or summary trials or on the ex- amination of prisoners charged with any crime | 1 50 |
| 8. Mileage taking prisoners to gaol and disbursements necessarily expended in their conveyance | 10 |
| 9. Returning with prisoner after arrest, conveyance or railway fare for prisoner. Only reasonable disburse- ments to be allowed, and public conveyance to be used when practicable. | |

| | |
|---|--------|
| 10. Summoning jury for inquest and services at same... | \$3 00 |
| 11. Attending inquest, for each day other than the first .. | 1 50 |
| 12. Serving summons or subpoena to attend before coroner | 25 |
| 13. Mileage serving same | 13 |
| 14. Serving notice of appointment of constables, when personally served | 50 |

R. S. O. c. 96, s. 20.

1. Constables' accounts are to be sent in to the Clerk of the Peace on or before the first days of January, April, July and October.

2. Accounts for coroner's constables, and for services in which the defendant is committed to gaol to await trial, on an indictable offence, or on bail taken for his attendance at such court, are payable by the Crown, and must be rendered in duplicate to the Clerk of the Peace, on the days above stated, and Circular No. 9 says:—"That in future, constables will be required to state in every account for arrest, or conveyance of prisoners, the nature of the crime upon which the prisoners were arrested, and whether they have been tried, or held over for trial before the assizes, general sessions or other courts." It then directs the treasurer "to defer any accounts that may be deficient of the required information, and return them to the constables for correction."

3. Accounts for services held summary, before justices of the peace, and the prisoners committed to gaol, in default of paying fine and costs, are payable by the county, and are to be sent to the clerk of the peace in single form on the days above stated.

4. Accounts for services in cases where a prisoner is charged with an indictable offence, but has been dismissed by the justices, are payable by the county, and are to be rendered in single form to the clerk of the peace on the days above mentioned.

5. Circular No. 1 states:—"The fees for executing a search warrant, other than for the arrest, are payable by the county." If, however, the goods alleged to be stolen cannot be found, it has been considered the proper course to make the informant pay.

6. Accounts are to be certified by the coroner or justice, under whose direction the services charged for have been performed. The dates are to be placed in the proper column of the account. The accounts must be sworn to by constable before a justice of the peace.

7. Mileage, at ten cents per mile, going to arrest, covers hire of conveyance, and the account must show the names of places going from, and the place arrived at, to make such service or arrest. Going to make service or arrest, and returning, are covered by the charge, ten cents per mile, one way.

8. Mileage, taking prisoner to gaol, covers constable's fee; he will, however, be allowed for the hire of conveyance for prisoner, but must avail himself of the cheapest route, and will not be allowed the expense of a wagon, if he can travel by the railroad.

9. Should one constable be insufficient to effect an arrest, another constable or constables, or specials may be required to act, and conveyance employed by order of the justice or coroner; the accounts for such assistance are to be rendered as other constables' accounts, coroner or justice certifying the correctness of the charges, and that the assistance and conveyance were necessary.

10. A constable who pursues a criminal from county to county, under a warrant, properly endorsed, is entitled to mileage, as for arrest in his county. And where constables, under authority and by command of the Executive Government, pursue criminals beyond the limits of the province, a fair allowance ought to be given them to cover expenses, but in no other case is a constable entitled to any allowance for the pursuit of a prisoner beyond the limit of the province. (See circular No. 3).

11. Accounts, as audited, will be paid at once by the county treasurer, upon application to him.

12. R. S. O. c. 192, s. 405, provides for payment of a reward for apprehending a horse thief (on Judge's order).

13. A constable should be very particular in making up his costs correctly, and strictly in accordance with the law; any overcharge renders him liable to the penalty of forty dollars. If two or more cases are heard at the same time, he is entitled to

only one dollar and a half for the whole day; he must therefore divide the attendance fee equally among the parties. If there are two cases, he will charge 75 cents in each case; if four cases, 37½ cents in each case. In the service of summons, he is entitled only to his mileage for every mile necessarily travelled from the magistrate's office, till the last summons has been served, and not the mileage upon each summons, separately, from the magistrate's office. (McNabb's Magistrates' Manual, p. 192).

14. Constables who are summoned in their capacity as constables, to attend the Courts of Oyer and Terminer, General Sessions, and County Judge's Criminal Court, are entitled to receive witness fees.

15. Constables who find, or are given a dead body in charge, and on which the coroner declines to hold an inquest, are entitled to be paid by the township or village municipality, according to tariff, per diem, and other reasonable charges.

16. Constables who are called on by private persons to do watching at night, or other duties, expect to be paid by the parties so employing them, as the county will not pay for anything that is not brought before a justice of the peace, and proceedings commenced before him.

17. In dismissed cases before justices, the constable is entitled to receive his costs from the complainant, unless otherwise ordered by justice.

18. Court constables are paid one dollar and fifty cents per diem, and the like amount for attending at night will be allowed after 8 o'clock p.m.

TARIFF OF CONSTABLES' FEES UNDER THE CRIMINAL CODE, s. 770.

| | |
|--|--------|
| 1. Arrest of each individual upon a warrant | \$1 50 |
| 2. Serving summons | 0 25 |
| 3. Mileage to serve summons or warrant, per mile (one way) necessarily travelled | 0 10 |
| 4. Same mileage when service cannot be effected, but only upon proof of due diligence. | |

- | | |
|---|--------|
| 5. Mileage taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance..... | \$0 10 |
| 6. Attending justices on trial for each day necessarily employed in one or more cases, when engaged less than 4 hours | 1 00 |
| 7. Attending justices on trial for each day necessarily employed in one or more cases, when engaged more than 4 hours | 1 50 |
| 8. Mileage travelled to attend trial (when public conveyance can be taken only reasonable disbursements to be allowed) one way per mile | 0 10 |
| 9. Serving warrant of distress and returning same | 1 00 |
| 10. Advertising under warrant of distress | 1 00 |
| 11. Travelling to make distress or to search for goods to make distress, when no goods are found, one way per mile | 0 10 |
| 12. Appraisements, whether by one appraiser or more, 2 cents in the dollar on the value of the goods. | |
| 13. Commission on sale and delivery of goods, 5 cents in the dollar on the net proceeds. | |
- See R. S. O. c. 96, ss. 11, 12, as to extra expenses or disbursements.

SCHEDULE "B."

TABLE OF INDICTABLE AND OTHER OFFENCES MENTIONED IN THE CRIMINAL CODE, WITH NUMBERS OF SECTIONS, SHORT STATEMENT OF PUNISHMENTS PROVIDED AND ABBREVIATIONS IN CAPITAL LETTERS INDICATING TRIBUNAL HAVING JURISDICTION IN ONTARIO TO TRY OFFENCE.

PART II. OFFENCES AGAINST PUBLIC ORDER.

Treason and Other Offences against the King's Authority and Person.

74. Treason, H. C., death.
 75. Conspiracy, treasonable, H.C., death.
 75A. Assisting, etc., alien enemies to leave Canada, H.C., and G.S., 2 years.

76. Accessories to treason, H.C., 2 years.
77. Levying war by subjects of a state at peace with His Majesty—subjects assisting, H.C., death.
78. Treasonable offences, H.C., imprisonment for life.
79. Conspiracy to intimidate a legislature, H.C., 14 years.
80. Assaults on the King, H.C., 7 years and whipping.
81. Inciting to mutiny, H.C., imprisonment for life.
82. Enticing soldiers or sailors to desert, H.C., and G.S., fine and imprisonment: Sum, 2 J.P., \$80 to \$200 and costs, in default, not exceeding 6 months.
83. Resisting execution of warrant for arrest of deserters; Sum. 2 J.P., fine \$80.
84. Enticing militiamen or members of the N. W. M. police to desert, and accessories thereto: Sum. 1 J.P., 6 months imprisonment with or without hard labour.
85. Unlawfully obtaining and communicating official information, H.C., 1 year or fine not exceeding \$100, or both. If obtained for foreign state, H.C., and imprisonment for life.
86. Communicating information acquired by holding office made or attempted to be made to foreign state, H.C., imprisonment for life; in any other case, H.C., 1 year or not exceeding \$100 or both.

Unlawful Assemblies, Riots, Breaches of the Peace.

89. Unlawful assembly, H.C. and G.S., 1 year.
90. Riot, H. C. and G.S., 2 years.
92. Riot Act, oppose or hinder from being read, H.C. and G.S., imprisonment for life.
94. Neglect of peace officer to suppress riot, H.C. and G.S., 2 years.
95. Neglect to aid peace officer in suppressing riot, H.C. and G.S., 1 year.
96. Riotous destruction of buildings, H.C. and G.S., imprisonment for life.
97. Riotous damage to buildings, H.C. and G.S., 7 years.
98. Unlawful drilling, H.C. and G.S., 2 years.
99. Being unlawfully drilled, H.C. and G.S., 2 years.

100. Affray, H.C. and G.S., 1 year with hard labour.
101. Challenge to fight a duel, H.C. and G.S., 3 years.
103. Forcible entry and detainer, H.C. and G.S., 1 year.
104. Challenging to fight a prize fight, Sum. 1 J.P., \$100 to \$1,000 or not exceeding imprisonment for 6 months, or both, with or without hard labour.
105. Principal in prize fight, Sum. 1 J.P., imprisonment 3 to 12 months, with or without hard labour.
106. Attending or promoting prize fight, Sum. 1 J.P., \$50 to \$500, or 12 months, with or without hard labour or both.
107. Leaving Canada to engage in a prize fight, Sum. 1 J.P., \$50 to \$400, or imprisonment not exceeding 6 months with or without hard labour, or both.
108. Where the fight is not a prize fight, Sum. 1 J.P., \$50.
109. Inciting Indians to riotous acts, H.C. and G.S., 2 years.

Unlawful Use and Possession of Explosive Substances and Offensive Weapons.—Sale of Liquors.

111. Causing dangerous explosions, H.C. and G.S., imprisonment for life.
112. Attempt to destroy property with explosives, H.C. and G.S., 14 years.
113. Doing anything, or possessing explosive substances with intent to cause dangerous explosions, H.C. and G.S., 14 years.
114. Unlawfully making or possessing explosive substances, H.C. and G.S., 7 years.
115. Possession of arms for purposes dangerous to public peace, H.C. and G.S., 5 years.
116. Two or more persons openly carrying weapons so as to cause alarm, Sum. 2 J.P., \$10 to \$40, or imprisonment for 30 days.
117. Smugglers carrying offensive weapons, H.C. and G.S., 10 years.
118. Carrying dangerous weapon without permit, Sum. 1 J.P., \$100 or 3 months, or both.
119. Selling pistol or air gun to minor, Sum. 1 J.P., not exceeding \$50.
120. Having weapons on person when arrested, Sum. 2 J.P., \$20 to \$50, or 3 months, with or without hard labour.

121. Having weapons with intent to injure another, Sum. 2 J.P., \$50 to \$200, or not exceeding 6 months hard labour.
122. Pointing a firearm at any person, Sum. 2 J.P., \$10 to \$100, or 30 days with or without hard labour.
123. Carrying offensive weapon—(bowie knife, dagger, etc.), on person, Sum. 2 J.P., \$10 to \$50, or 3 months with or without hard labour, or to both and 3 months additional if fine not paid.
124. Carrying sheath knife (not required by his lawful calling), Sum. 2 J.P., \$10 to \$50, or three months or both fine and imprisonment, with or without hard labour.
126. Refusing to deliver weapon to J.P. at or on way to public meeting, H.C. and G.S., or 1 J.P., \$8.
127. Coming armed within one mile of public meeting, H.C. and G.S., \$100 or 3 mos., or both.
128. Lying in wait for persons returning from public meeting, H.C. and G.S., \$200 or 6 months, or both.

Seditious Offences.

129. Administers oath binding person to commit crime punishable by death or imprisonment, or for more than 5 years, H.C., 14 years.
130. Administers, etc., other unlawful oaths, H.C., 7 years.
134. Seditious language, H.C., 2 years.
135. Libels on foreign sovereigns, H.C., 1 year.
136. Spreading false news, H.C., 1 year.

Piracy.

137. Piracy by the law of nations, H.C., Imprisonment for life. Death.
138. Piratical acts, H.C., Imprisonment for life.
139. Piracy with violence, H.C., Death.
140. Not fighting pirates, H.C., 6 months and forfeits wages.
141. Intoxicating liquors on board His Majesty's ships, Sum. 2 J.P., \$50 or not exceeding 1 month, with or without hard labour.
146. Possessing weapons near public works, Sum. 1 J.P., \$2 to \$4 for each weapon.
147. Receiving or concealing any weapons near public works, Sum. 1 J.P., \$40 to \$100.

151. Sale of liquors near public work, Sum. 1 J.P., \$200 and costs, or 3 months with or without hard labour, or second offence \$300 and not exceeding 6 months additional, with or without hard labour or both fine and imprisonment.

PART IV.

*Offences against the Administration of Law and Justice.
Corruption and Disobedience.*

156. Judicial corruption, H.C., 14 years.
157. Corruption by justice of the peace, peace officer or public officer, H.C., 14 years.
158. Frauds upon government, H.C., \$100 to \$1,000 and to imprisonment from 1 month to 1 year, and in default of payment 6 months additional.
160. Breach of trust by public officer, H.C., 5 years.
161. Corrupt practices in municipal affairs, H.C., \$100 to \$1,000 and to imprisonment from 1 month to 2 years, and in default of payment 6 months additional.
162. Selling office, appointment, etc., or purchasing same, H.C., 5 years.
163. Rewards for corrupt municipal acts, H.C. and G.S., five years.
164. Disobedience to a statute, H.C. and G.S., 1 year.
165. Disobedience to orders of Court, H.C. and G.S., 1 year.
166. Misconduct of officer intrusted with execution of writs, H.C. and G.S. Fine and imprisonment for five years.
167. Neglect to aid peace officer in arresting offenders, H.C. and G.S., 6 months.
168. Obstructing public officer in execution of his duty, H.C. and G.S., 10 years.
- 169 (a). Obstructing peace officer in execution of his duty, H.C. and G.S., 2 years, or Sum. 2 J.P., 6 months hard labour or \$100.
- (b). Obstructing person in lawful execution of process against lands or goods, or in making lawful distress or seizure, H.C. and G.S., 2 years; Sum. 2 J.P., 6 months hard labour or \$100.
- 169A. Falsely representing himself to be a constable; Sum. 1 J.P., \$100, or 3 months, or both.

Misleading Justice.

174. Punishment of perjury, H.C. and G.S., 14 years or life.
175. False oaths, H.C. and G.S., 7 years.
176. False statements, H.C. and G.S., 2 years.
177. Fabricating evidence, H.C. and G.S., 7 years.
178. Conspiring to bring false accusations, H.C. and G.S., 10 to 14 years.
179. Administering oaths without authority, H.C. and G.S., \$50 or 3 months.
180. Corrupting juries and witnesses, H.C. and G.S., 2 years.
181. Compounding penal actions, H.C. and G.S., fine not exceeding penalty compounded.
182. Corruptly taking a reward for helping to recover stolen property without using diligence to bring offender to trial, H.C. and G.S., 7 years.
183. Unlawfully advertising a reward for return of stolen property, Court of competent jurisdiction, penalty \$250 and costs.
184. Signing false declaration respecting execution of judgment of death, H.C. and G.S., 2 years.

Escapes and Rescues.

185. Being at large while under sentence of imprisonment, H.C. and G.S., 2 years.
186. Assisting escape of prisoners of war, H.C. and G.S., 5 years.
187. Breaking prison, H.C. and G.S., 7 years.
188. Attempting to break prison, H.C. and G.S., 2 years.
189. Escape from custody after conviction or from prison, H.C. and G.S., 2 years.
190. Escape from lawful custody, H.C. and G.S., 2 years.
191. Assisting escape in certain cases, H.C. and G.S., 7 years.
192. Assisting escape in other cases, H.C. and G.S., 5 years.
- 192 (b). Officer aiding and permitting escape, H.C. and G.S., 5 years.
193. Escape by failure to perform legal duty, H.C. and G.S., 1 year.
194. Aiding escape from prison, H.C. and G.S., 2 years.
195. Unlawfully procuring discharge of prisoner, H.C. and G.S., 2 years.

PART V.

*Offences against Religion, Morals and Public Convenience.**Offences against Religion.*

- 198. Blasphemous libels, H.C. and G.S., 1 year.
- 199. Obstructing officiating clergyman, H.C. and G.S., 2 years.
- 200. Violence to officiating clergyman, H.C. and G.S., 2 years.
- 201. Disturbing public worship, Sum. 1 J.P., \$50 and costs or 1 month.

Offences against Morality.

- 202. Unnatural offence, H.C. and G.S., imprisonment for life.
- 203. Attempt to commit sodomy, H.C. and G.S., 10 years.
- 204. Incest, H.C. and G.S., 14 years and whipping.
- 205. Indecent acts, Sum. 2 J.P., \$50 or 6 months with or without hard labour.
- 206. Acts of gross indecency, H.C. and G.S., 5 years and whipping.
- 207. Publishing obscene matter, H.C. and G.S., 2 years.
- 208 (1). Giving immoral theatrical performance, H.C. and G.S., 1 year, or fine of \$500, or both, or Sum. 1 J.P., \$50 or 6 months, or both.
- 208 (2). Actor putting on immoral play, Sum. 1 J.P., 3 months or \$20, or both.
- 208 (3). Immoral costume, Sum. 1 J.P., 6 months or \$50, or both.
- 209. Posting immoral books, etc., H.C. and G.S., 2 years.
- 211. Seduction of girls under sixteen, H.C. and G.S., 2 years.
- 212. Seduction under promise of marriage, H.C. and G.S., 2 years.
- 213. Seduction of a ward, servant, etc., H.C. and G.S., 2 years.
- 214. Seduction of females who are passengers on vessels, H.C. and G.S., \$400 or 1 year.
- 215. Parent or guardian procuring defilement of a girl under fourteen, H.C. and G.S., 14 years, if girl over fourteen, 5 years.
- 216. Procuring girl for defilement or for prostitution, or enticing girl to house of ill-fame, H.C. and G.S., 5 years, with addition of whipping for second offence.

217. Householders permitting defilement of girl on their premises, H.C. and G.S., 10 years if girl is under 14; 2 years if girl is between 14 and 18.
218. Conspiracy to defile, H.C. and G.S., 2 years.
219. Carnally knowing idiots, H.C. and G.S., 4 years.
220. Prostitution of Indian women, H.C. and G.S., \$10 to \$100 or 6 months imprisonment.

Nuisances.

222. Common nuisances which are criminal, H.C. and G.S., 1 year.
224. Selling things unfit for food, H.C. and G.S., 1 year, 2nd offence 2 years.
228. Disorderly houses, H.C. and G.S., 1 year.
- 228A. Use of premises as disorderly house, Sum. 1 J.P., \$200 and costs, or 2 months, or both.
229. Being, without lawful excuse, in a disorderly house, Sum. 1 J.P., \$100 and costs or 2 months.
- 229A. Inmate of a bawdy house, H.C. and G.S., \$100 and costs or 2 months, or 12 months without option of fine.
230. Obstructing peace officer entering a gaming house, Sum. 2 J.P., not exceeding \$100 or 6 months with or without hard labour.
231. Gaming in stocks and merchandise, H.C. and G.S., 5 years and fine of \$500.
233. Habitually frequenting places where gaming in stocks is carried on, H.C. and G.S., 1 year.
234. Gambling in public conveyances, H.C. and G.S., 1 year.
Conductor, master, or superior officer on railroad car or steamboat who neglects his duty to have offenders punished, Sum. 1 J.P., \$20 to \$100.
Company or person failing to keep copy of s. 234 posted up in conspicuous place, Sum. 1 J.P., \$20 to \$100.
235. Betting and pool selling, H.C. and G.S., 1 year and fine not exceeding \$1,000.
236. Lotteries, H.C. and G.S., 2 years and fine not exceeding \$2,000.
Buying or receiving lottery ticket or other device, Sum. 1 J.P., \$20.
237. Misconduct in respect to human remains, H.C. and G.S., 5 years.

Vagrancy.

239. Idle and disorderly persons, Sum. 1 J.P., \$50 or not exceeding 6 months with or without hard labour, or both.

PART VI.

Offences against the Person and Reputation—Duties Tending to Preservation of Life.

244. Neglecting duty to provide necessaries, H.C. and G.S., 3 years.
 245. Abandoning children under two years of age, H.C. and G.S., 3 years.
 249. Causing bodily harm to apprentices or servants, H.C. and G.S., 3 years.

Murder and Manslaughter, etc.

263. Punishment of murder, H.C., death.
 264. Attempts to commit murder, H.C., for life.
 265. Threats in writing to murder, H.C., 10 years.
 266. Conspiracy to murder, H.C., 14 years.
 267. Accessories after the fact to murder, H.C., for life.
 268. Punishment of manslaughter, H.C., for life.
 269. Aiding and abetting suicide, H.C. and G.S., for life.
 270. Attempt to commit suicide, H.C., and G.S., 2 years.
 271. Neglecting to obtain assistance in childbirth, H.C. and G.S., for life or 7 years, depending upon the intent of the Act.
 272. Concealing dead body of child, H.C. and G.S., 2 years.

Bodily Injuries, and Acts and Omissions Causing Danger to the Person.

273. Wounding with intent, H.C. and G.S., for life.
 274. Wounding, H.C. and G.S., 3 years.
 275. Shooting at His Majesty's vessels—wounding customs or inland revenue officers, H.C. and G.S., 14 years.
 276. Disabling or administering drugs with intent to commit an indictable offence, H.C. and G.S., for life and whipping.
 277. Administering poison so as to endanger life, H.C. and G.S., 14 years.

278. Administering poison with Intent to injure, H.C. and G.S., 3 years.
279. Causing bodily injuries by explosives, H.C. and G.S., for life.
280. Attempting to cause bodily injuries by explosives, H.C. and G.S., with intent, for life, or 14 years.
281. Setting spring-guns and man-traps, H.C. and G.S., 5 years.
282. Intentionally endangering the safety of persons on railways, H.C. and G.S., life.
283. Negligently endangering the safety of persons on railways, H.C. and G.S., 2 years.
284. Negligently causing bodily injury to any person, H.C. and G.S., 2 years.
285. Injuring persons by furious driving, H.C. and G.S., 2 years.
- 285A. Driver of motor car not stopping after accident, Sum. 1 J.P., \$50 and costs or 30 days.
- 285B. Taking away motor car without leave, Sum. 1 J.P., \$50 and costs or 30 days.
286. Preventing the saving of the life of any person shipwrecked, H.C. and G.S., 7 years.
287. Leaving holes in the ice and excavations unguarded, Sum. 1 J.P., fine and imprisonment, or both.
288. Sending unseaworthy ships to sea, H.C. and G.S., 5 years.
289. Taking same to sea, H.C. and G.S., 5 years.

Assaults.

291. Common assault, H.C. and G.S., 1 year or \$100 fine, or Sum. 1 J.P., and fine \$20 or two months with or without hard labour.
292. Indecent or aggravated assaults on females, H.C. and G.S., 2 years and whipping.
293. Indecent assaults on males, H.C. and G.S., 10 years and whipping.
295. Assaults causing bodily harm, H.C. and G.S., 3 years.
296. Aggravated assault, H.C. and G.S., 2 years.
297. Kidnapping, H.C. and G.S., 25 years.

Rape and Abortion.

299. Punishment for rape, H.C., death or imprisonment for life.
300. Attempt to commit rape, H.C., 7 years.

- 301. Defiling children under fourteen, H.C. and G.S., imprisonment for life and whipping.
- 302. Attempt to commit such offence, H.C. and G.S., 2 years and whipping.
- 303. Attempt to procure abortion, H.C. and G.S., imprisonment for life.
- 304. Woman procuring her own miscarriage, H.C. and G.S., 7 years.
- 305. Supplying means to procure abortion, H.C. and G.S., 2 years.
- 306. Killing unborn child, H.C. and G.S., life.

Offences against Conjugal Rights—Bigamy—Unlawful Solemnization of Marriage—Abduction.

- 308. Punishment of bigamy, H.C. and G.S., 7 years, 2nd offence, 14 years.
- 309. Feigned marriages, H.C. and G.S., 7 years.
- 310. Punishment of polygamy, H.C. and G.S., 5 years and fine of \$500.
- 311. Solemnization of marriage without lawful authority, H.C. and G.S., 2 years or fine, or both.
- 312. Solemnization of marriage contrary to law, H.C. and G.S., 1 year or fine.
- 313. Abduction of a woman, with intent to marry, etc., H.C. and G.S., 10 years.
- 314. Abduction of an heiress, H.C. and G.S., 14 years.
- 315. Abduction of girl under sixteen, H.C. and G.S., 5 years.
- 316. Stealing children under fourteen, H.C. and G.S., 7 years.

Defamatory Libel.

- 332. Extortion by defamatory libel, H.C., 2 years or \$600, or both.
- 333. Punishment of defamatory libel known to be false, H.C., 2 years or \$400, or both.
- 334. Punishment of defamatory libel, H.C., 1 year or \$200, or both.

PART VII.

*Offences against Rights of Property and Rights Arising out of Contract and Offences Connected with Trade.**Punishment of Theft and Offences Resembling Theft.*

358. Thefts by persons required to account or holding power of attorney or moneys under direction, H.C. and G.S., 14 years.
359. By clerks and servants, cashiers or government employees, H.C. and G.S., 14 years.
360. By tenants and lodgers, H.C. and G.S., 2 years, if value exceeds \$25, 4 years.
361. Testamentary instruments, H.C. and G.S., imprisonment for life.
362. Document of title to lands or goods, H.C. and G.S., 3 years.
363. Judicial or official documents, H.C. and G.S., 3 years.
364. Stealing post letter bags, H.C. and G.S., imprisonment for life or not less than 3 years.
365. Stealing post letters, packets and keys, H.C. and G.S., from 3 to 7 years.
366. Stealing mailable matter other than post letters, H.C. and G.S., 5 years.
367. Election documents, H.C. and G.S., fine or 7 years, or both.
368. Railway tickets, H.C. and G.S., 2 years.
369. Cattle, H.C. and G.S., 14 years.
370. Dogs, birds, beasts and other animals, if value exceeds \$20, H.C. and G.S., fine \$50 over value, or 2 years, or both, and, if value not over \$20, Sum. 1 J.P., \$20 over and above value of animal, or 1 month with hard labour; 2nd offence, 3 months with hard labour.
371. Oysters, H.C. and G.S., 7 years.
Using dredge within limits of oyster-bed, H.C. and G.S., 3 months.
372. Things fixed to buildings or to land, H.C. and G.S., 7 years.
373. Trees in pleasure grounds, etc., of five dollars' value, H.C. and G.S., 2 years.
Trees elsewhere of twenty-five dollars' value, H.C. and G.S., 2 years.

374. Trees of the value of twenty-five cents or more, Sum. 1 J.P., \$25 over and above value of trees; 2nd offence, 3 months hard labour.
375. Roots, plants, etc., growing in gardens, etc., Sum. 1 J.P., \$20 over and above value, or 1 month with or without hard labour; 2nd offence indictable, 3 years.
376. Roots, plants, etc., growing elsewhere than in gardens, etc., Sum. 1 J.P., \$5 over and above value or 1 month hard labour; 2nd offence, 3 months hard labour.
377. Fences—stiles—gates, Sum. 1 J.P., \$20 over and above value; 2nd offence, 3 months hard labour.
378. Ores of metals, etc., H.C. and G.S., 2 years.
379. Stealing from the person, H.C. and G.S., 14 years.
380. Stealing in dwelling houses, H.C. and G.S., 14 years.
381. Stealing by picklocks, etc., H.C. and G.S., 14 years.
382. Stealing from ships, wharves, etc., H.C. and G.S., 14 years.
383. Stealing wreck, H.C. and G.S., 7 years.
384. Stealing on railways, H.C. and G.S., 14 years.
385. Stealing things deposited in Indian graves, Sum. 1 J.P., 1st offence, \$100 or 3 months; 2nd offence, \$100 or 6 months.
386. Stealing things not otherwise provided for, H.C. and G.S., 7 years; 2nd offence, 10 years.
387. If value of thing stolen exceeds \$200, two years may be added to punishment.
388. Stealing in manufactories, etc., H.C. and G.S., 5 years.
389. Fraudulently disposing of goods entrusted for manufacture, H.C. and G.S., 2 years.
390. Criminal breach of trust, H.C. and G.S., 7 years.
391. Public servants refusing to deliver up property lawfully demanded, H.C. and G.S., 14 years.
392. Fraudulently taking cattle, H.C. and G.S., 3 years.
393. Injuring or taking pigeons, Sum. 1 J.P., fine \$10 over value of bird.
394. Fraudulently taking, possessing, etc., drift timber, etc., H.C. and G.S., 3 years.
395. Possessing trees, etc., without being able to account for them. Sum. 1 J.P., \$10 above value of article.
396. Destroying, etc., documents, H.C. and G.S., 3 years.
397. Concealing same, H.C. and G.S., 2 years.
398. Bringing stolen property into Canada, H.C. and G.S., 7 years.

Receiving Stolen Goods.

399. Receiving property dishonestly obtained, H.C. and G.S., 14 years.
400. Receiving stolen post letter or post letter bag, etc., H.C. and G.S., 5 years.
401. Receiving property obtained by offence punishable on summary conviction, Sum. 1 J.P., as for stealing.

False Pretences.

405. Punishment of false pretence, H.C. and G.S., 3 years.
405A. Obtaining audit by false pretences, H.C. and G.S., 1 year.
406. Obtaining execution of valuable security by false pretence, H.C. and G.S., 3 years.
406A. False advertisements to promote sales, Sum. 1 J.P., \$200 or 6 months, or both.
407. Falsely pretending to enclose money in a letter, H.C. and G.S., 3 years.
407A. False statements in writing as to financial standing, H.C. and G.S., 1 year and fine of \$2,000.
407B. Fraudulently obtaining food or lodging, Sum. 1 J.P., \$100 and costs or 3 months.

Personation.

408. With intent fraudulently to obtain property, H.C. and G.S., 14 years.
409. Personation at examinations, H.C. and G.S., or Sum. 1 J.P., \$100 fine or 1 year's imprisonment.
410. Personation of owner of shares or stock or land grant or scrip, in order to obtain transfer, H.C. and G.S., 14 years.
411. Acknowledging instrument in false name, H.C. and G.S., 7 years.

Fraud and Fraudulent Dealing with Property.

412. Obtaining passage by false ticket, H.C. and G.S., 6 months.
413. Falsification of books, etc., by official, H.C. and G.S., 7 years.
414. False prospectus, etc., by directors, H.C. and G.S., 5 years.

415. False accounting by clerk, H.C. and G.S., 7 years.
416. False return by public officer, H.C. and G.S., 5 years and fine not exceeding \$500.
417. Disposal of property with intent to defraud creditors or not keeping books, H.C. and G.S., \$800 and 1 year.
418. Destroying or falsifying books with intent to defraud creditors, H.C. and G.S., 10 years.
419. Concealing deeds or encumbrances, or falsifying pedigree, H.C. and G.S., fine or 2 years, or both.
420. Frauds in respect to the registration of titles of land, H.C. and G.S., 3 years.
421. Fraudulent sales of property, H.C. and G.S., 1 year and fine not exceeding \$2,000.
422. Fraudulent hypothecation of real property, H.C. and G.S., 1 year and not exceeding \$100 fine.
423. Fraudulent seizures of land in Quebec, H.C. and G.S., 1 year.
424. Unlawful dealings with gold or silver mine, H.C. and G.S., 2 years.
- 424A. Unlawful possession of rock, ore or quartz containing gold or silver, H.C. and G.S., 2 years.
425. Warehousemen, etc., giving false receipts—knowingly using the same, H.C. and G.S., 3 years.
426. Owners of merchandise disposing thereof contrary to agreements with consignees who have made advances thereon, H.C. and G.S., 3 years.
427. Making false statements or receipts for property that can be used under "The Bank Act," fraudulently dealing with property to which such receipts refer, H.C. and G.S., 3 years.
429. Selling vessel or wreck not having title thereto, H.C. and G.S., 7 years.
430. Other offences respecting wrecks, H.C. and G.S., 2 years, or Sum. 2 J.P., \$400 or 6 months, with or without hard labour.
431. Dealers in old marine stores, buying them from person under sixteen, Sum. 1 J.P., \$4 first offence, \$6 each subsequent offence.

2. Such dealer taking into his shop such purchases, except between sunrise and sunset, Sum. 1 J.P., \$5 first offence, \$7 each subsequent offence.
3. Possession of secreted stolen marine stores, H.C. and G.S., 5 years.
433. Unlawfully applying marks to public stores, H.C. and G.S., 2 years.
434. Obliterating marks from public stores, H.C. and G.S., 2 years.
435. Unlawful possession, sale, etc., of public stores, H.C. and G.S., 1 year, or if value does not exceed \$25, Sum. 2 J.P., \$100 or 6 months with hard labour.
436. Not satisfying justices that possession of public stores is lawful, Sum. 1 J.P., \$25, or 3 months with or without hard labour.
- 436A. Fraud, etc., in connection with sale, etc., of military stores, H.C. and G.S., 2 years or \$5,000 fine, or both fine and imprisonment.
437. Searching for stores near H. M. vessels, Sum. 2 J.P., \$25 or 3 months.
438. Receiving regimental necessaries, etc., from soldiers or deserters, H.C. and G.S., 5 years; Sum. 2 J.P., \$20 to \$40 and costs or 6 months' imprisonment with or without hard labour.
439. Receiving, etc., necessaries from marines or seamen, H.C. and G.S., 5 years; Sum. 2 J.P., \$20 to \$120 and costs or 6 months.
440. Receiving, etc., a seaman's property, H.C. and G.S., 5 years, Sum. 1 J.P., \$100; 2nd offence, \$100 or 6 months with or without hard labour.
441. Not satisfying justice that possession of seaman's property is lawful, Sum. 1 J.P., \$25.
442. Cheating at play, H.C. and G.S., 3 years.
443. Pretending to practice witchcraft, H.C. and G.S., 1 year.
444. Conspiracy to defraud, H.C. and G.S., 7 years.

Robbery and Extortion.

446. Punishment of aggravated robbery, H.C. and G.S., imprisonment for life and whipping.
447. Punishment of robbery, H.C. and G.S., 14 years.

- 448. Assault with intent to rob, F.C. and G.S., 3 years.
- 449. Stopping the mail, H.C. and G.S., imprisonment for life or not less than 5 years.
- 450. Compelling execution of documents by force, H.C. and G.S., imprisonment for life.
- 451. Sending letter demanding property with menaces, H.C. and G.S., 14 years.
- 452. Demanding with intent to steal, H.C. and G.S., 2 years.
- 453. Extortion by certain threats, H.C. and G.S., 14 years.
- 454. Extortion by other threats, H.C. and G.S., 7 years.

Burglary and Housebreaking.

- 455. Breaking place of worship and committing offence, H.C. and G.S., 14 years.
- 456. Breaking place of worship with intent to commit offence, H.C. and G.S., 7 years.
- 457. Burglary, H.C. and G.S., imprisonment for life.
- 458. Housebreaking and committing an indictable offence, H.C. and G.S., 14 years.
- 459. Housebreaking with intent to commit an indictable offence, H.C. and G.S., 7 years.
- 460. Breaking shop and committing an indictable offence, H.C. and G.S., 14 years.
- 461. Breaking shop with intent to commit an indictable offence, H.C. and G.S., 7 years.
- 462. Being found in dwelling-house by night, with intent, etc., H.C. and G.S., 7 years.
- 463. Being armed with intent to break a dwelling-house, H.C. and G.S., 7 years.
- 464. Being disguised or in possession of housebreaking instruments, H.C. and G.S., 5 years.
- 465. Punishment after previous conviction, H.C. and G.S., 14 years.

Forgery and Preparation Therefor.

- 467. Uttering forged documents, H.C. and G.S. Same as forgery of the documents.
- 468. Forgery of any of the documents mentioned in this section, H.C. and G.S., imprisonment for life.

469. Forgery of any of the documents herein mentioned, H.C. and G.S., 14 years.
470. Forgery of any of the documents herein mentioned, H.C. and G.S., 7 years.
471. Preparation for forgery, H.C. and G.S., 14 years.
472. Counterfeiting government seals, H.C. and G.S., imprisonment for life.
473. Counterfeiting seals of courts, registry offices, etc., H.C. and G.S., 14 years.
474. Unlawfully printing counterfeit proclamation, etc., H.C. and G.S., 7 years.
475. Sending telegram in false name, with intent to defraud, H.C. and G.S., as for forgery.
476. Sending false telegram with intent to injure, etc., H.C. and G.S., 2 years.
477. Drawing document without authority, H.C. and G.S., as for forgery.
478. Using probate obtained by forgery or perjury, H.C. and G.S., 14 years.
479. Counterfeiting stamps, etc., H.C. and G.S., 14 years.
480. Falsifying registers, H.C. and G.S., 14 years.
481. Falsifying extracts from registers, and concealment of, H.C. and G.S., 10 years.
482. Uttering false certificates, H.C. and G.S., 7 years.
483. Falsifying certificates, H.C. and G.S., 2 years.
484. Making false entries in books relating to public funds, H.C. and G.S., 14 years.
485. Clerks issuing false dividend warrants, H.C. and G.S., 7 years.

Forgery of Trade Marks—Fraudulent Marking of Merchandise.

491. Forgery of trade marks, etc., in violation of ss. 488, 489 or 490, H.C. and G.S., 2 years, with or without hard labour or fine, or both; Sum, 1 J.P., 4 months imprisonment with or without hard labour, or fine not exceeding \$100, 2nd offence 6 months imprisonment with or without hard labour, or fine not exceeding \$250.

492. Falsely representing that goods are manufactured for His Majesty. Sum. 1 J.P., fine not exceeding \$100.
493. Unlawful importation of goods liable to forfeiture under this part, Sum. 1 J.P., \$200 to \$500.

Offences Connected with Trade and Breaches of Contract.

498. Conspiracy in restraint of trade, H.C., \$200 to \$4,000, or 2 years, if by a corporation, \$1,000 to \$10,000.
499. Criminal breaches of contract, H.C. & G.S., or Sum. 2 J.P., \$100 or 3 months, with or without hard labour.
If by corporation or company, fine of \$1,000, or by railway company in certain cases, \$100.
500. Not posting up copies of provisions respecting criminal breaches of contract, Sum. 1 J.P., \$20 for every day.
Defacing same, Sum. 1 J.P., \$10.
501. Intimidation, H.C. and G.S., or Sum. 2 J.P., \$100 or 3 months with or without hard labour.
502. Intimidation of any person to prevent him from working at any trade, H.C. and G.S., 2 years.
503. Intimidation of any person to prevent him dealing in wheat, etc. Unlawfully preventing seamen from working, H.C. and G.S., or Sum. 2 J.P., not exceeding \$100 or 3 months with or without hard labour.
504. Intimidation of any person to prevent him bidding for public lands, H.C. and G.S., \$400 or 2 years, or both.
505. Disposing of trading stamps to a merchant, H.C. and G.S., 1 year and \$500.
506. Merchant disposing of, to customer, H.C. and G.S., 6 months and \$200.
507. Executive officer of offending company liable to same punishment.
508. Purchaser receiving or taking same, Sum. J.P., \$20.
- 508A. Performing dramatic, etc., copyrighted works without consent of author. Sum, 1 J.P.. \$250: for 2nd offence same fine or 2 months, or both.
- 508B. Unauthorized changing title, etc., of copyrighted drama. Sum, 1 J.P., \$500; 2nd offence same fine or 4 months imprisonment, or both.

PART VIII.

*Wilful and Forbidden Acts in Respect of Certain Property—**Mischief.*

510. Wilful damage to property, H.C. and G.S. In Class A imprisonment for life. In Class B, 14 years. Class C, 7 years. Class D, 5 years. Class E, two years.
511. Arson, H.C. and G.S., imprisonment for life.
512. Attempt to commit arson, H.C. and G.S., 14 years.
513. Setting fire to crops, trees, timber, etc., H.C. and G.S., 14 years.
514. Attempt to set fire to crops, etc., H.C. and G.S., 7 years.
515. Recklessly setting fire to forest, etc., H.C. and G.S., 2 years, Sum. 2 J.P., \$50 or 6 months with or without hard labour.
516. Threats to burn, etc., H.C. and G.S., 10 years.
517. Mischief on railways, H.C. and G.S., 5 years.
518. Obstructing railways, H.C. and G.S., 2 years.
519. Injuries to packages in the custody of railways, or who unlawfully drinks or spills or allows to run waste any liquors, Sum. 1 J.P., \$20 over and above value, or 1 month with or without hard labour, or both.
520. Mischief to mines, H.C. and G.S., 7 years.
521. Injuries to electric telegraph, etc., H.C. and G.S., 2 years. Attempt to commit, Sum. 1 J.P., \$50 or 3 months with or without hard labour.
522. Wrecking, H.C. and G.S., imprisonment for life.
523. Attempting to wreck, H.C. and G.S., 14 years.
524. Preventing the saving of wrecked vessels, H.C. and G.S., 7 years.
 Wilfully prevents or endeavours to prevent saving wreck, H.C. and G.S., 2 years, or Sum. 2 J.P., \$400 or 6 months with or without hard labour.
525. Injuries to rafts of timber and works used for the transmission thereof, H.C. and G.S., 2 years.
526. Interfering with marine signals, H.C. and G.S., 7 years: mooring vessel to buoys, etc., Sum. 1 J.P., \$10 or 1 month.
527. Removing natural bar necessary for a harbour, Sum. 1 J.P., \$50.

528. Injuries to or erasures in election documents, H.C. and G.S., 7 years.
529. Injuries to buildings by tenants, H.C. and G.S., 5 years.
530. Injuries to fences, etc., Sum. 1 J.P., \$20 over and above damage; 2nd offence, 3 months with hard labour.
531. Injuries to landmarks indicating municipal divisions, H.C. and G.S., 7 years.
532. Injuries to other landmarks, H.C. and G.S., 5 years.
533. Injuries to trees, etc., wheresoever growing, amounting to 25 cents in the least, Sum. 1 J.P., \$25 over and above damages or 2 months; 2nd offence, \$50 or 4 months hard labour; 3rd offence, H.C. and G.S., 2 years.
534. Injuries to vegetable productions growing in gardens, etc., Sum. 1 J.P., \$20 over amount of the injury done, or 3 months imprisonment with or without hard labour; 2nd offence, indictable 2 years.
535. Injuries to cultivated roots and plants growing elsewhere, Sum. 1 J.P., \$5 over and above injury done, or 1 month with or without hard labour; 2nd offence, 3 months hard labour.
536. Attempting to injure or poison cattle, H.C. and G.S., 2 years.
537. Injuries to other animals, Sum. 1 J.P., \$100 over and above damage, or 3 months imprisonment; 2nd offence, indictable.
538. Threats to injure cattle, H.C. and G.S., 2 years.
539. Injuries not otherwise provided for, Sum. 1 J.P., \$20 and also not exceeding \$20 compensation with costs, or imprisonment not exceeding 2 months with or without hard labour.

Cruelty to Animals.

542. Cruelty to animals, Sum. 2 J.P., \$50 or 3 months with or without hard labour, or both.
543. Keeping cock-pit, Sum. 2 J.P., \$50 or 3 months with or without hard labour, or both.
544. Cruelties in the conveyance of cattle, Sum. 1 J.P., \$100.
545. Search of premises to ascertain breach of s. 544—Penalty for refusing admission to peace officer, Sum. 1 J.P., \$5 to \$20 or 30 days.

PART IX.

Offences Relating to Bank Notes, Coin and Counterfeit Money.

550. Purchasing, receiving or possessing forged bank notes, H.C. and G.S., 14 years.
551. Printing circulars, etc., in likeness of bank notes, Sum. 2 J.P., \$100 or 3 months.
552. Counterfeiting coins, etc., H.C. and G.S., imprisonment for life.
553. Dealing in and importing counterfeit coin, H.C. and G.S., imprisonment for life.
554. Manufacture of copper coin and importation of uncurrent copper coin, Sum. 1 J.P., \$20 for every lb. troy thereof.
555. Exportation of counterfeit coin, H.C. and G.S., 2 years.
556. Making instruments for coining, H.C. and G.S., life.
557. Bringing instruments for coining from mints into Canada, H.C. and G.S., life.
558. Clipping current gold or silver coin, H.C. and G.S., 14 years.
559. Defacing current coins, H.C. and G.S., 1 year.
560. Possessing clippings of current coin, H.C. and G.S., 7 years.
561. Possessing counterfeit coin, H.C. and G.S., 3 years.
562. Offences respecting copper coin, H.C. and G.S., 3 years.
563. Offences respecting foreign coins, H.C. and G.S., 3 years.
564. Uttering counterfeit gold or silver coins, H.C. and G.S., 14 years.
565. Uttering light coins, medals, counterfeit copper coins, etc., H.C. and G.S., 3 years.
566. Uttering defaced coin, Sum. 2 J.P., not exceeding \$10.
567. Uttering uncurrent copper coins, Sum. 1 J.P., fine twice the value of coin and in default 8 days.
568. Punishment after previous conviction, H.C. and G.S., imprisonment for life, 14 years, 7 years.
569. Advertising counterfeit money, etc., H.C. and G.S., 5 years.

PART X.

Attempts—Conspiracy—Accessories.

570. Attempting to commit certain indictable offences, H.C. and G.S., 7 years.

571. Attempting to commit other indictable offences, H.C. and G.S., one-half longest term for offences.
572. Attempting to commit statutory offences, H.C. and G.S., 1 year.
573. Conspiring to commit certain indictable offences, H.C. and G.S., 7 years.
574. Accessories after the fact to certain indictable offences, H.C. and G.S., 7 years.
575. Accessories after the fact to other indictable offences, H.C. and G.S., one-half longest term for offence.

NOTE.—If the offence charged is one of conspiring or attempting to commit, or being accessory after the fact to, any offence which could not itself be tried at General Sessions, then only the High or Superior Court can try it. C.C., s. 583 (i).

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