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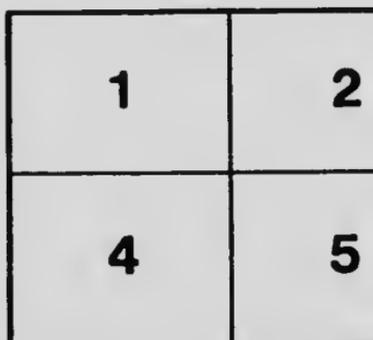
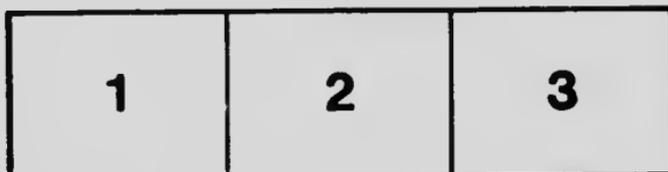
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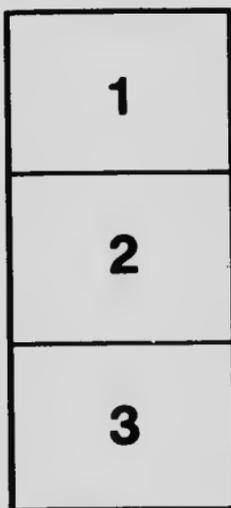
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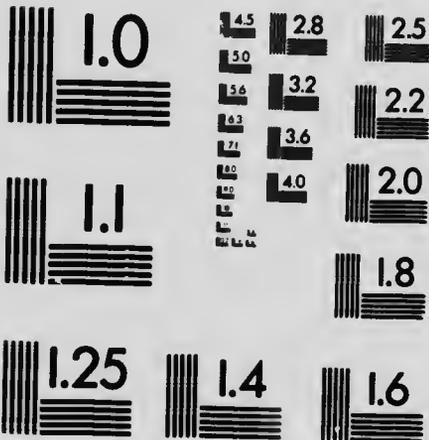
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General Rules, Regulations and Instructions

WITH EXTRACTS FROM THE "CRIMINAL CODE"

For the GOVERNMENT, GUIDANCE
AND INFORMATION of the
Vancouver Police Force



VANCOUVER, B. C.
"THE NEWS-ADVERTISER." PRINTERS
1910



**BOARD OF
POLICE COMMISSIONERS**

**CITY OF VANCOUVER
1910**

Chairman

HIS WORSHIP THE MAYOR, L. D. TAYLOR, ESQ.



Commissioners

**ALDERMAN JAMES WHITE
DONALD VON CRAMER, ESQ.**



Chief Constable

R. G. CHAMBERLIN



Inspector of Police

CHARLES MULHEEN

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Officers and Constables will carefully study these Rules and Regulations, as a guide to their duties.

In a body organized like the Vancouver Police Force, discipline must be enforced with unwavering certainty. Lack of enforcement of regulations on the part of superior officers, special exemptions towards particular persons or uncertainty of duty, are each and all calculated to undermine the efficiency of any body of men and destroy their usefulness; hence any lack of their duty on the part of officers will at once be visited by reduction of rank or dismissal, in the discretion of the Board of Police Commissioners.

INTRODUCTION

The Vancouver Police Force is placed under the control and government of a Board of Police Commissioners by Section 233, Chapter 144, of the Revised Statutes of British Columbia, by which the appointment of the Board is provided for, and their powers and authority defined.

224. The Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any Court of Law in civil cases. A notice to attend before the Board shall be sufficient, if signed by the Chairman of the Board or any one of the Commissioners; but no party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution. 1896, c. 37, s. 220.

225. All meetings of the Board of Police Commissioners shall be open to the press and the public, unless otherwise decided by the Board. 1896, c. 37, s. 221.

226. All By-laws of the Board of Commissioners of Police shall be deemed to be sufficiently authenticated when signed by the Chairman of the Board which passes the same; and a copy of such by-laws, written or printed and certified to be a true copy by any member of the Board, shall be deemed authentic, and be received in evidence in any Court of Justice, without proof of such signature, unless it is specially proved or alleged that the signature to such original by-law has been forged. 1896, c. 37, s. 222.

227. In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or under any other Act or law, they shall have power, in and by such by-laws, to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the city for which the same are passed, or in his absence before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of City or Town Councils may be enforced under

the authority of this Act; and the convictions in such proceedings may be in the form of convictions for breach of city or town by-laws. 1896, c. 37, s. 223.

228. The Police Force in cities and towns shall consist of a chief of police and as many constables and other officers and assistants as the Council may from time to time think necessary, such number not being less than that which the Board of Commissioners of Police may report to be absolutely required, and all the members of such police force shall be appointed by and hold their office at the pleasure of the Board. 1896, c. 37, s. 224.

229. The Board shall from time to time make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of its duties. 1896, c. 37, s. 225.

230. The chief of police and all constables shall obey the lawful directions and be subject to the government of the Board, and shall be charged with the special duties of preventing infractions of the by-laws of the municipality, preserving the peace, preventing crime and apprehending offenders, and shall have, generally, all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to constables. 1896, c. 37, s. 226.

231. The Board shall fix the remuneration of the police, and the Council shall, subject to an appeal to the Lieutenant-Governor in Council, pay such remuneration and shall provide all such clothing, accoutrements and other necessaries as may from time to time be deemed requisite for the accommodation and use of the force. 1897, c. 30, s. 23.

232. It is hereby declared to be the duty of all municipalities to maintain or provide for a sufficient permanent or special police force, and to bear the expense of policing the municipality and enforcing not only the municipal by-laws, but also the criminal law and the general laws of the Province, and of generally maintaining within the limits of the municipality law and order, and of administering justice therein, including the prosecution of offenders triable summarily, and also of offenders triable upon indictment up to committal for trial and delivery of the accused to the common gaol of the county. In order to carry out such duty, each city municipality shall provide a lock-up, and rural municipality shall either singly provide a lock-up, or two or more may unite to build and maintain a common lock-up and enter into all necessary agreements for sharing the cost of building and maintaining the same, or make arrangements for obtaining the use of a lock-up when required. A copy of any such agreement shall be filed with the Attorney-General. The Attorney-General, on behalf of the Province, may enter into an agreement with any municipality whereby any of above police duties of a municipality may be

done by Provincial officers, and any prisoners chargeable to the municipality detained in Provincial institutions on such terms as to reimbursement of expenses as may be mutually agreed upon. Similar agreements may be made for reimbursing municipalities for the expenses of detaining prisoners from without the limits of the municipality chargeable to the Province in a municipal lock-up. All such agreements shall, when duly entered into, be binding and valid, and officers and constables acting thereunder fully protected and empowered, and lock-ups and other institutions used thereunder lawful prisons for the purposes and locality specified in such agreements:

(1) Nothing in this Act contained shall affect the "Police and Prisons Regulation Act." 1897, c. 30, s. 30.

233. All taxes, fines, and penalties assessed, levied and collected in any municipality under or by virtue of any by-law, shall be paid over to the Treasurer or other proper financial officer of such municipality, to be applied to such special uses and accounted for by him in such manner as such by-law may direct; and in default of any direction respecting the same, shall be applied and accounted for by the officer to whom they are paid over as part of the revenue of such municipality. 1896, c. 37, s. 229.

234. The fees and costs of the Court, in or through which, or its officers, such taxes, fines, penalties or costs may be recovered, shall be paid and applied to the same uses and in the same manner as the ordinary fees and costs of the Court in which the same may be collected. 1896, c. 37, s. 230.

235. It shall be lawful for every municipality paying an annual salary of two hundred and fifty dollars or more to a Police Magistrate and maintaining the police force, to retain and use as part of the municipal revenues, all Police Court fines, fees and forfeitures incurred not only for breach of its by-laws, but for infraction of the laws of the Province made in relation to matters coming within the classes of subjects over which the Provincial Legislature has exclusive legislative authority. 1896, c. 37, s. 231.

222. All members of the police force shall take and subscribe the following oath before His Worship, The Mayor, or Police Magistrate for the City of Vancouver:

"I, A.B., do swear, that I will well and truly serve our Sovereign Lord the King in the office of Police Constable for the City of Vancouver, 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 preserved; and will 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." 1896, c. 37, s. 218.



DEPARTMENTAL REGULATIONS

CHIEF CONSTABLE.

1. The Chief Constable shall be the Chief Executive officer of the Department. He shall have the general government of the whole Force, subject to orders of the Board of Police Commissioners.

2. He shall be held responsible by the Commissioners for the good conduct, discipline, and general efficiency of the Force.

3. He shall obey, and strictly enforce observance of all Rules and Regulations made by the Board of Police Commissioners for the regulation and government of the Force.

4. He must at all times be strict, firm and just in enforcing discipline and must be particular that all orders given by him are strictly and intelligently carried out.

5. He is empowered to make such regulations and issue such orders as he may think necessary for the good government and discipline of the Force, where the same does not conflict with the orders of the Board of Commissioners, and the Police Force must implicitly obey such order or regulation.

6. He shall keep in his office a book to be known as a "Defaulter's Book," in which shall be kept a record of all offences registered against any member of the Force, with statement of the punishment awarded.

7. He shall at once investigate charges made against any member of the Force, and if of sufficient importance shall submit the matter in writing to the

Board of Commissioners, together with all the evidence bearing on the matter.

8. The Chief Constable may dismiss any member of the Force for a serious breach of discipline, such as drunkenness, disobedience of orders and like offences. He may also punish minor offences by the imposition of a fine or suspension, not exceeding ten days' pay, and he shall report the dismissal or imposition of fine to the Board of Police Commissioners at their next regular meeting.

9. He may in urgent cases suspend any member of the Force, but where the case is not urgent, it will be his duty to consult the Board of Commissioners or the Chairman of the Board, and act on his or their advice, and where he suspends a member of the Force on his own responsibility, he shall without delay report the matter to the Chairman of the Board, or in his absence to a member of the Board.

10. He will attend personally at all serious fires, riots, tumultuous assemblages, and shall take command of the Force present, and if found necessary shall appoint Special Constables, sufficient to cope with the situation.

11. The Chief shall be held responsible for the due enforcement of all laws coming within his jurisdiction.

12. He must be thoroughly familiar with all expenses incurred in connection with the Department, and no order or account is to be paid without his signature certifying same to be correct.

13. He must see that the Force is properly drilled, and that their discipline and efficiency can be depended upon in time of riot or urgent need.

14. He shall keep in his office a book of record to be known as the "Service Record" of the Vancouver Police Force, containing the names of all members of the Force, with the date of their enrolment.

15. He shall inspect from time to time and shall report to the Board of Commissioners all additions

or alterations required in Station houses or equipments for the use of the Force.

16. He will prepare the Estimates of Expenditure of the Department at the commencement of each year, for the examination and approval of the Board of Commissioners, before being submitted to the City Council.

17. It is not possible to precisely define the duties of the Chief Constable, or to appoint his regular hours of duty to be spent in the business of his office, but it is incumbent on him to visit the Stations frequently, and occasionally at night time for the purpose of seeing that his officers and men are performing their duties regularly and efficiently.

INSPECTOR OF POLICE.

1. The Inspector of Police shall be subordinate to the Chief Constable, and shall obey his orders, and shall cause the same to be intelligently observed by the members of the Force. In the absence of the Chief, he shall be responsible for the good government of the Force.

2. He shall have the full power and direction of the Force in the absence of the Chief, and during such absence shall exercise the same authority in all respects as is vested in the Chief Constable.

3. His office shall be at Headquarters, and he shall report to the Chief all violations of discipline or disobedience of orders.

4. He shall visit all Stations daily, and see that same are kept clean and orderly, and take cognizance of and remedy as far as possible any irregularity he may observe.

5. He shall attend the daily sittings of the Police Court, and submit a list of prisoners or accused persons for trial or examination, the nature of the charges, the names of the complainants, and of the arresting officers, with names of witnesses summoned or to be called.

6. He shall see that all accused persons are duly called in their turn and disposed of in accordance with the decision of the Court.
7. He shall be accountable for the good conduct and discipline of the Force, and may make minor regulations, not inconsistent with the regulations of the Chief, as he may deem necessary, which the Sergeants and men are to obey.
8. He shall frequently visit the Constables on their respective beats, to see that they are performing their duties properly, and shall at once report to the Chief Constable any dereliction of duty he may find.
9. He shall attend before the Chief Constable or Police Commissioners when a charge is brought against any member of the Force, and shall see that all witnesses in the case are in attendance.
10. He shall attend personally at all serious fires, riots, etc., and in the absence of the Chief Constable, shall take whatever action he deems necessary for the preservation of the peace, and of life and property.
11. He shall exercise general supervision over the Detective Department of the Force, and shall be responsible to the Chief Constable for the efficiency of the Department.
12. He shall be responsible for the proper keeping of the Criminal Records of the Department, and that the photos and records of criminals are not used for any improper purpose.
13. He shall see that the Books of the Department are properly kept, and that all property coming into the possession of the Department is properly accounted for.
14. He shall see that the public are afforded every facility for the transaction of any business that they may have with the Department.

DETECTIVE SERGEANT.

1. He shall be designated as Sergeant of Detectives, and shall be held responsible for the good conduct and efficiency of the men under him, and shall at once report to the Chief Constable or Inspector any carelessness, dereliction of duty, incivility or misconduct of any kind coming to his knowledge.

2. He shall be prepared at all times to furnish the Chief Constable with particulars of all cases engaging the attention of the Department, with full information of action taken.

3. He will attend the sittings of the Police Court, and will be responsible that the evidence in all cases in the hands of the Department is properly prepared for presentation before the Court.

4. He shall visit all secondhand stores and pawn shops at intervals, and shall see that they are visited daily by a member of the Department, and that the By-laws of the City governing them are strictly observed.

5. He will be responsible that all property coming into the possession of the Department is entered in the property book and properly accounted for, and that the books of the Department are kept in a proper manner.

6. He shall see that the offices of the Department are at all times kept clean and orderly. That no loitering is allowed in or about them by persons not connected with the Department. That no loud talking or unseemly conduct is allowed, and that the public are afforded every facility for the transaction of business with the Department.

7. He shall see that a daily report of the work done by each member of the Department is sent to the Chief Constable every morning.

DETECTIVES.

1. Detectives rank over all Constables of the Force, but may be sent back to patrol duty at any

DEPARTMENTAL REGULATIONS

time, should the character of their work, or conduct be unsatisfactory to the Chief Constable.

2. Considerable latitude must of necessity be allowed in work of this kind, and they are particularly cautioned against practices which may destroy or lessen the respect of the public, such as the use of "slang," smoking about the streets, especially in daytime, drinking, etc.

3. Each member will be provided with a badge inscribed "Vancouver Police Detective." This is his badge of authority whenever same is called in question, and he must wear it at all times in a concealed place.

4. The work of the Department will be allotted to the members by the Sergeant of Detectives personally, whose orders they are bound to obey. This rule, however, is not to stand in the way of Detectives taking prompt and immediate action in all matters coming to their attention where immediate action is required, nor are they to neglect to take immediate action in matters reported to them by the Sergeant in charge of the Station in the absence of the Detective Sergeant. They are to report action taken by them on all matters in their daily report to the Sergeant.

5. Their services will, as far as possible, be confined to legitimate detective work of the Department. Applications for assistance in all cases not strictly of that nature are to be referred to the Sergeant or Inspector of Police.

6. Members are forbidden to answer communications from parties outside the Force with reference to work of the Department. Communications of this kind must be referred to the Sergeant or Inspector of Police.

7. Detectives going out of the City on any business of the Department shall immediately on return furnish a detailed statement of all expenses incurred in connection with the business they are absent on.

8. Officers of other jurisdictions who come to the city, requiring the assistance of the Department, will be referred to the Sergeant, who will see that neces-

sary assistance is given. Detectives detailed for duty of this kind must keep the Sergeant informed of the progress they are making and report final results.

9. Members of the Department when about the streets must use the telephone frequently, communicating with the Station at least every hour, in order that they may receive prompt information of all important reports, also in case their services are required in a particular case.

10. Any Detective detailed to visit the pawn shops and secondhand stores must make himself familiar with the daily report of thefts and occurrences of lost and stolen property in order that he may recognize it if found. In his search of these places he must, while his search must be thorough, do so with as little inconvenience to the keepers as possible. He is authorized by the Chief Constable to receive daily reports of pawn brokers and secondhand keepers, and shall examine the books of all such dealers daily, and shall see that they conform to the By-laws of the City governing such keepers.

11. All property coming into possession of the Department must be promptly ticketed and handed over to the property clerk, who will enter same in the property book. The Detective who finds or recovers the property shall be responsible that this is done.

12. Each member of the Detective Staff shall not later than the fifth day of the month furnish the Chief Constable with a full report of their work during the preceding month, giving the number of arrests made, and the disposition of each case, together with a list of the property recovered and the estimated value thereof. He shall also make a daily report to the Sergeant, giving particulars of all matters upon which he is engaged.

13. Detectives must attend promptly and with energy on all cases to which they are assigned, bearing in mind that their individual reputation is at stake, as well as the reputation of the Department, and that their success and the esteem and respect of the public depends entirely upon the intelligence,

judgment and energy displayed by them in the performance of the duties assigned them.

14. Detectives having charge of cases coming before the Court must put the Prosecuting Attorney in possession of all information in their possession bearing on the case, and are responsible that all witnesses are in attendance.

15. Detectives are forbidden to give information to the press or reporters in connection with cases they are working upon, but when a case is finished, the Sergeant may give details to the press.

16. They are forbidden to recommend to, or for any prisoner, any particular member of the legal profession as counsel, nor directly or indirectly assist any member of the legal profession to procure any prisoner as a client, but the Sergeant shall promptly communicate by telephone or otherwise to any local legal gentlemen named by the prisoner or to the prisoner's known friends, such reasonable message as he desires, and he shall provide for a consultation between the prisoner and the lawyer named.

17. They must not be concerned directly or indirectly in any compromise arrangement or settlement, by or in behalf of any accused, suspected or convicted person, and if any member has knowledge of any such matter he must promptly report it to the Chief Constable.

18. They must not use their badge to procure a pass anywhere except on the street cars, nor a free entrance to any place of amusement, exhibition or entertainment except in pursuance of necessary Detective duty.

19. Detectives are not allowed to accept or demand from anyone any reward or gratuity in payment for services rendered, nor directly or indirectly accept compensation other than the salary paid by the Department, except only such rewards as may be paid through the Chief Constable, with the consent of the Board of Police Commissioners.

20. Every Detective must report to the Chief Constable, through the Sergeant, whenever there is good reason to believe, stating, the time, place and

circumstances, any house, room or premises is, or is to be, used for any illegal sale of liquor, for gambling, for lewd or obscene purposes, or amusements, or for any purpose contrary to good morals or injuries to public health.

21. Detectives must bear in mind the fact that a prisoner cannot be convicted without evidence; therefore, in making arrests it is essential to note carefully the actions and conversations of prisoners relative to the case but intimidation or abuse is prohibited, and promises of immunity must not be made. Information so obtained is not admissible as evidence. The proper practice is to first warn the prisoner that anything he says relative to the case will be used in evidence against him on his trial. After such warning is given, anything said by a prisoner is admissible as evidence. This rule must be strictly observed.

22. Constables detailed for Detective duty shall, while acting in that capacity, be governed by the rules and regulations governing the Detective Department.

23. A good general knowledge of criminal law is essential to the successful work of the Detective Department; therefore, it is necessary that Detectives make themselves familiar with all the provisions of the Criminal Code.

24. The hours of duty in the Detective Department will be governed largely by the work in hand, but the hours will as far as possible be appointed by the Chief Constable in the monthly detail of duty.

STATION SERGEANTS.

1. They shall promptly and cheerfully obey all orders received from their superior officers, set a proper example of sobriety, discretion, civility, promptness, and neatness in their dress, to the Constables under them.

2. During their tour of duty they shall be held responsible for the general good conduct and be-

haviour of the Constables under their charge, and they must report all cases of misconduct to the Chief Constable at the earliest opportunity. Failure to do so will be punished by fine or suspension, at the discretion of the Chief Constable.

3. They shall inspect at the Station the men detailed for patrol duty before sending them to their beats. They are to be responsible that each man is properly and cleanly dressed, is perfectly sober, and is provided with all his equipments. That they fully understand any special orders they may have given them, and is in fit condition for carrying out the duty required of them. They are to report all absentees at roll call, and ascertain the cause of such absence.

4. They are to detail Constables for the different beats, and are to read to them all orders and occurrences, being careful that same are understood by them.

5. They shall receive into custody and safely keep every person arrested for any criminal offence, who may be brought to the Station.

6. They are to give all assistance in their power to persons applying to the Police, and are expected to have a thorough general knowledge of Police duty and regulations, and are to carry them out effectively.

7. They shall make a report to the Chief Constable on going off duty of all occurrences during their tour of duty.

8. They are not to make themselves too familiar with Constables, and when giving them instructions individually they are to address them as "Constable," and generally to so conduct themselves as to command the respect of the members of the Force.

9. They must qualify for drill used in the Police Department, so as to able to give instructions in that capacity whenever required.

10. They are to call the roll of Constables going off duty, see that all accounted for are sober and in proper order, and if any are found intoxicated or

otherwise irregular in any way, they must so report to the Chief Constable at the earliest opportunity, and failure to do so will be punished by fine as the Chief Constable may think fit.

11. They may admit to bail in sums to be appointed by the Chief Constable, persons who have been detained at the Station for minor offences, such as drunkenness, but no person so detained is to be admitted to bail until perfectly sober and capable of taking care of himself or herself.

12. They are to come on duty alternately at hours to be appointed by the Chief Constable, always reporting for duty fifteen minutes before time of actually going on duty.

13. They are to see that a correct description of all persons brought to the Station is taken, and entered in the book kept for that purpose.

14. They are to see that all reports and complaints coming to the Station, whether made by Constables or other persons, are carefully entered in the books of the Department kept for that purpose.

15. They are responsible that all reports or complaints made to the Department are promptly attended to.

16. In the absence of the Inspector, it shall be the duty of the Sergeant in charge of the Station to suspend any Constable guilty of insubordination, neglect of duty, or being unfit for duty through drink. He shall notify the Constable to attend at the Chief Constable's Office the following morning to answer the charge, and he shall attend himself, together with the necessary witnesses.

17. Sergeants are responsible that all property taken from prisoners on being searched, be it ever so trifling, and is entered in the Charge Book and receipted for when returned.

18. Money or other property taken from a prisoner is not to be returned until the charge on which he has been arrested has been disposed of. This regulation, however, is not to prevent small sums being used to procure food during confinement, provided

the charge against the prisoner does not relate to the money, and other than Gaol food is allowed by the Chief Constable; but in no case will a prisoner be permitted to purchase intoxicants.

19. Persons who come to the Police Station complaining of the conduct of a member of the Force are to be heard by the Sergeant, who will note all circumstances, taking the names of the complainants, and any witnesses there may be, and report the matter fully to the Chief Constable. He shall also request the complainant to submit his complaint to the Chief in writing.

20. He must see that the public are afforded every facility for the transaction of business with the Department, and that persons not connected with the Department nor having business with the Police, are not allowed to loiter about the Station.

PATROL SERGEANTS.

1. The Patrol Sergeants are to act generally under the immediate orders of the Inspector or Station Sergeant on duty, and shall take charge of, and supervise the Constables in their respective reliefs.

2. They will report at the Station fifteen minutes before the hour of relief, and parade the men under them for inspection by the Sergeant in charge of the Station; they will then march the relief to their several beats and visit them at irregular intervals during their tour of duty.

3. They will be responsible that the men under them perform their duties properly, that no drinking, loitering, gossiping or irregularity is allowed. Any dereliction of duty of this kind is to be reported to the Chief Constable. Failure on their part to do so will be punished by fine or suspension in the discretion of the Chief Constable.

4. They are to note in memorandum books supplied for that purpose, the time, and place of meeting each Constable on their beats, and report same in their daily report.

5. They are to pay particular attention to licensed public houses, to see that they conform to the by-laws governing them, and must report any infraction of the law coming under their notice.

6. They are to communicate with the Sergeant in charge of Station at least once each hour, using the patrol box for that purpose, and shall notify him of any important occurrence coming under their notice.

7. They are to attend at fires occurring during their tour of duty, also any disturbance that may require their presence.

8. They must report all cases of misconduct on the part of the men under them, such as disobedience of orders, incivility, absence from beat, loitering, gossiping, smoking, intoxication, or any other irregularity coming under their notice.

9. They will be guided in their relations with the men while on duty, by instructions laid down for Sergeants, and will endeavor by every means in their power to assist senior officers in obtaining discipline in the force and the preservation of peace and good order in the City.

CONSTABLES.

Constables are divided into four classes, and the following periods of service are required in each advancement from one class to the other, but in all cases good conduct is essential to promotion:

Fourth Class—First year's service.

Third Class—Second year's service.

Second Class—Third year's service.

First Class—Fourth year's service.

But for special meritorious conduct a Constable may obtain promotion irrespective of length of service by order of the Board of Police Commissioners, and in like manner he may be reduced to a lower rank for misconduct.

DEPARTMENTAL REGULATIONS

1. All Constables must readily and strictly obey the orders of his superior officers in the Force.
2. He must be civil and respectful in his demeanor to the public, being particular to give the best information he can to the numerous applications which will be made to him for information, and showing a willingness at all times to oblige, consistent with the rules of the Department.
3. When called upon to give evidence in the Courts, he is to state everything he may know respecting the case, without fear or reservation, and without desire to influence the result either for or against the accused.
4. He will be supplied with a memo book, in which he shall jot down date, time and place and other particulars respecting arrests, accidents, occurrences, etc.; by reference to this book, he will be enabled to speak with confidence in giving evidence in Courts, and as this book is of the utmost importance, Constables cannot be too particular in keeping it properly.
5. When called upon to take a person into custody, he must be guided entirely by the circumstances of the case and nature of the offence, and where he is in doubt as to how he should act, the best course for him to pursue is, to ask all persons concerned, to go with him to the station, where the Sergeant in charge will determine whether the prisoner is to be charged or not; in this way the responsibility is taken off the Constable.
6. He must act with determination, promptness and energy when called upon to deal with criminals, for should he hesitate, the opportunity may be lost.
7. He is required to devote his whole time and ability to the service, and is at all times to appear neat and tidy, correctly dressed in uniform and respectful towards superior officers in the Force.
8. When reporting for duty, he must be at the Police Station fifteen minutes before the commencement of duties, and after inspection, receiving orders and hearing occurrences read, he must promptly proceed to his beat as instructed.

9. He is on no account to leave his beat if duties are conducted by relief until relieved by another Constable, except for the performance of duty; should he so leave his beat, he must note in his memo book the time of his leaving, the duty requiring him to leave his beat, and the time of his return.

10. He is to see every part of his beat in a given time, walking at a reasonable rate of speed. He must do this regularly so that any person requiring his assistance by remaining at any one place for a reasonable length of time will be sure of meeting him.

11. This regularity of patrolling his beat is not intended, however, to prevent his remaining at any particular place if he thinks his presence there is necessary for any good reason, but he must note in his memo book the time thus spent and must satisfy his officers of the reason for deviating from regular routine.

12. He is not to enter any house during his tour of duty except in the execution of duty. He must pay particular attention to all licensed public houses and must report any breach of the law governing them to the officer on duty.

13. He must return to his beat as speedily as possible after taking any person into custody, and when possible to do so, he must notify Constable on adjoining beat of his absence in order that the latter may have general supervision of both beats during such absence.

14. He will be held responsible for safety of life and property, the preservation of peace and good order on his beat during his tour of duty.

15. While on duty he must not enter into conversation with anyone, not even with other Constables, except on matters of duty. He is not to walk his beat in a slovenly manner, loiter or walk with hands in his pockets.

16. When taking persons into custody he must be careful not to use language calculated to provoke or offend, as such conduct often causes resistance on the part of prisoner and a hostile feeling among per-

sons present. He is to do only what is necessary for the prisoner while taking him to the Police Station.

17. Should a Constable see anything in the streets endangering public safety or convenience, such as reckless driving or anything which may appear offensive or dangerous to the public, he should caution the offender and report the matter to the Sergeant in charge in order that the offending party may be summoned to Police Court if the occasion requires.

18. The Constable may at all times enter on any licensed premises in the execution of his duty or in the enforcement of "Liquor License By-laws," but under no circumstances will he do so except accompanied by a Sergeant, a Detective or other officer of the Force.

19. The right to enter licensed premises is not to be demanded or acted upon unless the Constable has reasonable grounds for believing that a violation of the by-laws is going on at the time.

20. Constables are not allowed to attend a place of public amusement in uniform when off duty except when detailed for special duty, and no member of the Force, whether on or off duty is permitted to smoke in uniform in any public place.

21. Constables proceeding through the streets together are not to walk more than two abreast, whether on duty or off.

22. It is the duty of Constables to receive the orders of their superior officers without questioning them. To answer their questions respectfully, and to bear reproof patiently. He is cheerfully and promptly to obey all orders and instructions of his officers, and if they appear to him to be improper, he may report the circumstances in writing to the Chief Constable, but refusal to obey the order of his superior officer will be dealt with severely.

23. He is authorized to interfere when a crowd of people is standing together on the sidewalk, and must do all in his power to prevent the obstruction of streets and sidewalks.

24. He must enforce the provisions of the City By-laws governing traffic on the streets, and must

report all infractions of same coming under his notice.

25. He is not to take a drink of intoxicating liquor of any kind while on duty, nor to enter any place where liquors are dispensed or sold, except in the execution of his duty.

26. In making arrests he must not inflict any unnecessary indignity upon his prisoner. Unnecessary violence, abuse or maltreatment of prisoners under no circumstances will be allowed. The use of the baton is only justifiable in self defence or to prevent the escape of a prisoner, and experience has shown that its use should be directed to the arms and legs, rather than to the head.

27. As a matter of proper discipline and to maintain mutual respect, every member of the Force must properly salute when meeting or passing the Mayor or members of the Board of Police Commissioners, the Chief Constable and Inspectors. When in the ranks, they will not salute except when ordered by the officer in command.

28. The use of tobacco in any form is forbidden, while engaged in any march, drill, exercise or other duty requiring special decorum, so also is smoking in any public place when in uniform.

29. He must inform the Sergeant in charge, of his place of residence, and should he at any time change his address, he must at once report same to the Sergeant, together with the quickest means of reaching him by telephone or otherwise, should he be at any time required for extra Police duty.

30. Promotion is a matter of merit and not a right, and no Constable can be promoted whose name appears on the Defaulters' Book for a serious offence, and any member of the Force who attempts to bring interest to bear for the purpose of influencing his promotion will be disqualified for the promotion he seeks to obtain.

31. Constables attending before the Board of Commissioners or Chief Constable for any purpose, shall do so in uniform, unless otherwise ordered by the Chief.

32. Constables resigning from the Force must give thirty days' notice of their intention to do so, otherwise no certificate of conduct can be given.

33. Constables resigning without giving thirty days' notice may forfeit any or all of the salary then due, in the discretion of the Chief Constable.

34. Constables are responsible for the proper care of all clothing and equipments furnished them by the Department, and are liable to the Department for any unnecessary damage they may receive.

35. Upon a Constable being suspended, dismissed or otherwise leaving the Force, he must return all clothing, equipment and every article or property belonging to the Department to the Clerk, otherwise no salary due can be paid.

APPLICABLE TO THE POLICE FORCE GENERALLY.

1. The duties of the Police are:—

1st.—The special duty of preserving the peace and the protection of life and property.

2nd.—The preventing of robberies and other crimes and offences.

3rd.—The apprehending of offenders, and

4th.—Generally the powers and privileges, and the duties and responsibilities which by law belong to Constables.

2. They must at all times by day or night preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health as far as in their power, preserve order at Elections and assemblages, suppress disorderly houses, assist, advise, direct and protect strangers and travelers on the streets, at railway stations, boat landings, etc., and enforce all By-laws which may from time to time be passed by the City Council.

3. They are empowered and authorized to arrest and take into custody, without warrant, any person

whom they may find committing or attempting to commit any indictable offence.

4. Every member of the Force shall be deemed to be always available for Police duty, and the responsibility continually exists to prevent crime, preserve the peace, and to arrest offenders, and to enforce all the laws and by-laws, unless specially instructed otherwise by the Chief Constable.

5. Members of the Force must not accept from anyone any money or property as a gratuity or reward, if it may be possibly construed as in recognition of, or payment for the performance, or neglect of Police duty, or of something said or done, or left unsaid or undone, nor directly or indirectly accept compensation other than the salary paid by the Department, excepting only such reward or gift as may be tendered through the Chief after permission is granted by the Board of Commissioners of Police.

6. Members of the Force must live within their means, and any member who allows himself to be under pecuniary obligation to anyone, may be dismissed, as it is difficult for men under pecuniary obligations to others to conduct themselves independently, and with that impartiality which is required in the Department.

7. Members of the Force must so conduct themselves, whether on or off duty, in such a manner as will command the esteem and respect of the public. Misconduct on the part of a member of the Force often reflects on the whole body. This rule must be strictly observed. Violation of it may be punished by dismissal, deprivation of pay, or in any other manner the Chief Constable may think necessary.

8. The Chief Constable may dismiss any member of the Force for being drunk while on duty, or for being found asleep on his beat, but a member reported for being under the influence of liquor may be punished by fine or suspension, in the discretion of the Chief if for a first offence, but the practice of drinking is so disreputable and is calculated to lower the respectability of the Force so much that the Commissioners will dismiss any member of the Force brought before them for this vice.

DEPARTMENTAL REGULATIONS

9. Members of the Force found drinking or card playing in public houses are considered unfit to belong to the Force and may be dismissed.

10. Any member of the Force who is found entering public houses, unless his duty calls him there, or is found drinking in public houses or places where liquor is sold, may be dismissed.

11. A Discharge or Certificate of Good Conduct may be granted to a member leaving the Force, but not—

- (1) If the member is dismissed from the Force;
- (2) If the member has frequently been guilty of misconduct, although of a minor nature;
- (3) If the member has been guilty of any misconduct of a serious nature;
- (4) If the member has not given the required notice of his intention to resign;
- (5) If the member has served less than one year.

12. The Board of Police Commissioners may at any time, should they deem it necessary, dismiss any member of the Force for unfitness, negligence, or misconduct, and may, in their discretion, forfeit any or all of the salary then due.

13. A member of the Force, who, when charged with misconduct, absents himself from the Police Office or otherwise acts so as to avoid notice of the charge being promptly heard, or who, after receiving notice, refuses or neglects to appear in answer to the charge, will be dismissed and may forfeit any or all of the pay then due, at the discretion of the Chief Constable.

14. In case of suspension or dismissal, a member of the Force shall have the right of being heard in person by the Board of Police Commissioners, who shall deal with the matter as they think proper.

15. Any member of the Force wishing to apply for another situation must first obtain the sanction of the Chief Constable so to do. Should an application for another situation be made without any such action, the member will be liable to be required to

resign immediately and will be refused a certificate of good conduct.

5. Upon a Constable being suspended, dismissed leaving the Force for any cause, the Sergeant on duty must see that all clothing, equipments and property of the Department supplied him are at once delivered to the Clerk, who will receipt for the same.

17. Constables making application for leave of absence shall apply in writing direct to the Chief Constable.

18. Members of the Force other than Inspectors are not to give information relative to Police matters to any person connected with the press or to any person not connected with the Department, except by permission of the Chief Constable. Members of the press applying to them for information are to be referred to the Chief Constable or Inspectors, but there is no objection to the Sergeant in charge giving reporters for the press verbally a list of the arrests and the charges, unless the ends of justice are likely to be prejudiced by so doing.

19. A member of the Force complaining of any other member of the Force shall set out fully in writing his complaint, which shall be sent to the Chief Constable direct, who shall deal with it if he sees fit, or report same to the Board of Commissioners at their next regular meeting.

20. No member of the Force will be permitted to lodge in any public house, saloon, or tavern, or outside the limits of the City, without the consent of the Board of Police Commissioners, and any member found living in disreputable quarters may be dismissed from the Force.

21. It is the duty of the Sergeants of Police to report any member of the Force found living in disreputable quarters.

GENERAL INSTRUCTIONS AS TO CONDUCT.

1. As it is of the greatest importance that the conduct of the Police, both on and off duty, must be such as to command the respect and esteem of the

public, as well as those in authority over them. Every member of the Force must always bear in mind that they have not only their individual reputation to maintain, but also the reputation of the Force generally, and they must act in such a way as will bring neither into disrepute. Good conduct will be rewarded by advancement, and misconduct punished by dismissal, deprivation of pay, or in any other manner the Commissioners determine upon.

2. Every member of the Force must make himself thoroughly familiar with the Rules and Regulations of the Force as set out in this Manual; also with all By-laws of the City, and be prepared at all times to enforce them without fear or favor.

3. Punctual attendance, prompt obedience, civil and orderly conduct, decorum, attention, self-control, patience and discretion, are always required. Harsh, violent, coarse, profane or insolent language must never be used.

4. When reporting for duty, the dress and equipments must be neat, clean and correct, and if while in performance of duty, anything should become injured or lost, action must be taken to correct the loss or injury as soon as possible without neglecting duty.

5. Any member of the Force who does not pay his just debts will be dismissed as being unfit to remain on the Force.

6. A member of the Force must not in any way nor at any time manifest revenge, offence or temper at harsh, profane, indecent or abusive language applied to him or to other members of the Force; nor must he make arrests on his own quarrel, except under serious circumstances; nor can he apply for a warrant on his own quarrel, except with the approval and consent of his superior officer.

7. When duty requires any member of the Force to disperse a crowd, quell a disturbance, prevent a crime, or otherwise act, he must use discretion and caution, and an arrest should only be made when it is absolutely necessary; and in making an arrest, inflict no unnecessary indignity, but be determined in action and manner, and proceed kindly, quietly and

with self-control, and avoid violence whenever possible; under no circumstances abuse or maltreat a prisoner, and the use of the baton is justified only in self-defence or when necessitated by violence or forcible resistance.

8. Every member of the Force must bear in mind the fact, that not only the law and public policy, but every sense of right forbids the use of the revolver, except as a last resort in self defence. Never shoot to kill, however justifiable. It is laid down in the Criminal Code, as a rule, that only in the last extremity should a peace officer resort to such a dangerous weapon as the revolver in order to prevent the escape of an accused person who is attempting to escape by flight. *Rex vs. Smith* (1907), 7 Western L. R. 92, 95 per Perdue J. A.

9. The following instructions apply in most instances to all members of the Force, and are intended as illustrations rather than as a complete list of the varied duties indicated in the Rules and Regulations governing the Police Force. To-wit: Learn as thoroughly and quickly as practicable, without inconveniencing or disturbing anyone, the name, appearance and occupation of the people residing, or with a place of business on your beat, and endeavor to know by sight all such persons, and also those who frequently appear on your beat.

Observe particularly those passing who you do not know, so as to be able to identify such strangers again should they be of a suspicious or criminal character.

Examine at night time, as you pass, the doors and windows of stores, business places and residences (especially when unoccupied) convenient for entrance of thieves or other such characters, and report promptly those found open or insecure. Stay at your post or on your beat, and do not leave it except in the discharge of your duty, and always report promptly the time and circumstance if for any cause you should leave it.

Notice carefully during the night all hacks and vehicles acting in any way suspicious.

Do not walk or talk with any other member of the Force while on duty, unless Police duty requires you to do so, and do not walk nor talk with any one else while on duty, unless Police business requires it. If any one asks for information, give it if you can consistently with Police regulations, and if not, refer the questioner to the Police Station or other place where the information sought may be best obtained. Do not be rude, pert, rough nor abrupt; always speak cautiously and to the point, and never enter into unnecessary conversation. If a citizen or stranger desires it, tell him your name and your number on the Force.

If consistent with Police regulations, attend to any Police duty brought to your attention by citizens or strangers, and act civilly and promptly.

Observe carefully the sounds from within and the people entering or leaving places where liquor is sold, or where anything is being carried on likely to require the attention of the Police.

Note all places kept open during prohibited hours and all places suspected of being disorderly houses, or the resorts of suspicious or criminal characters, and report same to the officer in charge, giving full information.

Require all suspicious characters found wandering abroad at unreasonable hours to give a satisfactory account of themselves; if they cannot give a satisfactory account, send them to the officer in charge of the Station, who will determine whether or not they are to be charged.

Notice the condition of the streets, sidewalks and public places on your beat and report anything out of order, such as street lights not burning at night, obstructions on the streets at night without danger lights, water, gas or sewer connections broken or leaking, dangerous electric wires, nuisances, unsanitary conditions or other offences against the By-laws of the City, and where the offending condition is evident and readily abated, you must attend to it yourself or see that it is attended to at once, and be sure to report it to the officer in charge if not corrected.

Inquire for the permit when you see, along your beat, excavations, constructions, repairing, plumbing, erecting of poles, stringing wires or other things being done which require a permit, and if the proper permit is not shown, communicate at once to the Station by telephone or otherwise, giving full particulars of the case.

Disperse crowds loitering at corners, on the streets or in public places whenever they are found to obstruct travel or traffic.

Render immediate aid in case of accident or illness on the street when called therefor by anyone; ascertain particulars, if the circumstances suggest the possible need of it, take names of witnesses and report full particulars to the officer in charge of the Station.

Make yourself thoroughly familiar with the By-laws of the City and of the Rules and Regulations of the Department as set forth in this Manual, and adhere strictly to them.

Never lose control of your temper or become excited while in discharge of Police duty. Remember always that it is impossible to perform the duties of a peace officer while angered or excited, and anything done while in that condition will often result in more harm than good.

10. No Constable can be promoted who cannot write a good intelligent report, no matter how exemplary his conduct, and it is a duty you owe to yourself as well as to the Department to earn promotion. It is therefore to the interest of every Constable to devote as much time as he can, when not on actual duty, to the improvement of his education. Length of service unsupported by the requisite qualifications of intelligence and knowledge of Police duty cannot entitle members of the Force to promotion.

GAOLERS.

1. The Chief Constable shall be the Keeper of the Gaol, and all prisoners confined therein shall be

subject to the Rules and Regulations passed by the Board of Police Commissioners for the maintenance thereof.

2. Three Constables will be detailed as Gaolers. They will do duty in alternate shifts, one man coming on duty at 7 a.m. and remaining on duty until 3 p.m., when he will be relieved by another man, who will in turn be relieved at 11 p.m. by another Constable, who will remain on duty until relieved by the day Gaoler at 7 a.m. This rule is liable to be changed at any time the Chief Constable may deem it necessary.

3. The Day Gaoler will be held responsible that the food supplied for prisoners is that approved of by the Chief Constable from time to time. He will make out each day a list of the food required for the ensuing day, and when food is delivered will see that it is in quantity and quality as ordered, and report any discrepancy in that respect. His hours of duty will be permanently from 7 a.m. to 3 p.m.

4. Each Constable detailed for Gaol duty shall, during his tour of duty, receive all prisoners given into his charge by the Sergeant in charge. They must carefully search prisoners to see that no offensive weapon or any implement with which prisoners might do themselves an injury or effect an escape with, are taken into the Gaol.

5. They are responsible for the safe-keeping as well as the personal safety of all prisoners, and each Gaoler must visit all prisoners during his tour of duty at least once every half hour.

6. Gaolers must see that the Gaol is kept scrupulously clean, that all bedding and clothing used by the prisoners are washed regularly, that all prisoners bathe at least once each week, and that clean clothing is supplied.

7. Gaolers must be careful not to inflict unnecessary indignities upon prisoners, but each prisoner must readily and promptly obey the instructions of the Gaolers.

8. Gaolers are not to inflict punishment on prisoners for violation of the rules on their own responsi-

bility. Prisoners violating the rules are to be reported and brought before the Chief Constable, who will instruct the Gaoler how to act in the case.

9. Gaolers are responsible that no quarreling or fighting is allowed among prisoners, that no loud, boisterous, profane swearing or obscene language is made use of by the prisoners.

10. Prisoners are to be all locked in their cells at 8 p.m. All unnecessary light put out, and all prisoners must be released from cells at 6 a.m. for breakfast.

11. Prisoners awaiting trial are to be given an opportunity to communicate with any lawyer they may desire. Gaolers will at once make known their wants to the Sergeant in charge, who will communicate with the lawyer named, and provide for a consultation with such lawyer or the known friends of the prisoner.

12. The Gaolers must be particular not to suggest the name of any attorney to prisoners requiring legal assistance, but may direct their attention to a list of all the legal firms in the City; such printed list is to be kept in the Gaol office.

13. Prisoners committed to hard labor are to work from 8 a.m. to 5 p.m., one hour, from 12 noon to 1 p.m., being allowed for dinner.

14. Any prisoner who refuses to work will be put in solitary confinement for a period not exceeding 24 hours at any one time.

15. No convicted prisoner is to have any other food than the prison fare, except by the order of the Jail Surgeon, or by the permission of the Chief Constable.

16. Prisoners are not allowed to have pipes, tobacco or matches except by permission of the Chief Constable.

17. Prisoners are to be given only such food as may be approved of by the Chief Constable, and prisoners in solitary confinement are to receive one pint of water and eight ounces of bread per meal.

PATROL DRIVERS.

1. Two men will be detailed for duty permanently as patrol drivers, one for day time, and the other for night.

2. The tour of duty for day driver shall be from 8 a.m. to 7 p.m., and for night driver from 7 p.m. to 8 a.m.

3. The drivers shall do day duty and night duty alternately, changing from day to night on the first day of each month. During their tour of duty they are to remain in the wagon-house.

4. Each driver will be held responsible for the proper care of the patrol wagon. The day driver will be responsible for keeping always on hand the necessary gasoline, lubricating oil, etc., and that necessary repairs are attended to.

5. Every call must be answered with the utmost promptness, and drivers will reach point of call by the nearest possible route, and as quickly as is consistent with public safety, but excessive speed is not allowed, and every precaution must be observed to avoid accidents.

6. Each driver will be provided with a key to the patrol boxes, and they will, before leaving the box to which they have been called, report to the Station, using the patrol box for that purpose, in case the patrol wagon should be required at another point before returning to the Station.

7. The patrol drivers are to be under the control and government of the Sergeant in charge of the Station.

MEDICAL OFFICER.

1. The Surgeon or Physician appointed to the Department will examine all candidates selected for enrollment, and will report in writing whether or not, in his opinion, they are fit physically to be appointed as Constables. Great care must be taken in this

examination, as those physically weak are of no use for Police duty.

2. He will visit at their homes all members of the Force who are incapacitated for duty by sickness or accident, and issue a certificate stating the nature of illness or accident, the probable duration, and will give a certificate of health when the member is fit for duty.

3. He will report to the Chief Constable all cases of malingering, and report any men who are too frequently on the sick list. He will keep a record of all such cases in a book kept for that purpose.

4. He will attend and prescribe for all prisoners confined in the Police Jail whenever his services are required.

MATRON.

1. She must reside within convenient distance from the Police Headquarters, and will be in readiness to respond when required either day or night.

2. She shall search female prisoners arrested for theft or other offences as circumstances may require.

3. She shall have charge and care for all female prisoners confined either as prisoners or held as witnesses, runaways, etc., and will render such assistance to them as may appear necessary.

4. She shall be under the Sergeant in charge of the Station as far as caring for the female prisoners is concerned, but her services are to be available if required by the Detective Department.

CANDIDATES.

1. A man who wishes to join the Vancouver Police Force must apply personally through the Chief Constable to the Board of Police Commissioners.

2. The following qualifications are necessary, and no man can be enrolled who does not possess them:—

- (1) To be a British subject;
- (2) To be 21 and under 32 years of age;
- (3) To stand clear 5 feet 10 inches without shoes;
- (4) To have a fair education;
- (5) To be physically fit, in the opinion of the Police Surgeon;
- (6) To be generally intelligent, according to the judgment of the Chief Constable.

3. Persons who believe themselves laboring under any bodily imperfection or disease should not present themselves as candidates for the Force.

4. The Surgeon of the Police Force being responsible, according to his judgment, for the physical qualifications required for the duties of Constables, the certificate of any other Surgeon cannot be received, and the candidate may be unfit for the Force and be rejected without any reason being given, and every candidate must understand that any trouble or expense he may take is at his own risk.

5. The candidate must produce a testimonial from his last employer, also from two or more other respectable persons who have known him for a length of time.

6. If the candidate has been in any public service, he must produce a certificate of good conduct in that service.

7. The testimonials of character of men who leave the Force will be returned to them if the testimonials are of a period prior to their joining the Force and are not addressed to the Commissioners or Chief Constable.

8. The following are the conditions of service upon which every candidate is taken on the Force, and to which, before admission, is required to subscribe:—

"I hereby agree to abide by the following rules and regulations on being sworn in as a Constable on the Vancouver Police Force."

1. I hereby agree to inform myself of and observe all Rules and Regulations made for the government of the Force, and obey the same faithfully, also all lawful orders from persons in authority over me.

2. I will devote my whole time to the Police service and will not be concerned in any business or trade, either through my wife or any other way.

3. I will not concern myself with nor attempt in any way to influence an election, municipal or otherwise, and I will abstain from any expression of political or religious opinion which might give offence.

4. I will accept the pay of my rank in the Force in full compensation for service, and subject to deductions on account of sickness, fines for misconduct or deductions for any other purpose that may be required by regulations, or the Chief Constable or Commissioners direct.

5. I will not leave the Force without giving thirty days' notice, in default of which any pay then due may be forfeited.

6. I will be liable to dismissal at any time for misconduct, and the whole or any part of my pay may be forfeited and my services may be dispensed with at any time by the Board of Police Commissioners.

7. I will, on leaving the Force, at once deliver up to the Department every article of clothing and equipment furnished me by the Department, and will be responsible for any improper abuse or unnecessary damage they have received, and will be subject to deduction of pay sufficient to make good such damage.

DEFAULTERS' BOOK.

1. The Defaulters' Book is to be kept in the office of the Chief Constable, and is available only to the Board of Police Commissioners.

2. All reports for misconduct against a member of the Force are to be entered in the Defaulters' Book, together with an entry of the disposition made, whether dealt with by the Board of Commissioners or the Chief Constable.

3. Offences of a minor character are to be marked "minor offence," and those of a serious character are to be marked "serious offence."

4. Offences of a minor character will subject the defaulter to one month's loss of service time, and an offence of a serious nature to six months' time towards advancement from one class to another, or to dismissal, in the discretion of the Chief Constable.

5. The following shall be deemed to be serious offences:—

Disobedience of orders and insubordination.

Being drunk on duty.

Being found asleep on beat.

Absent from beat without cause.

Incivility to superior officers.

Entering places where liquor is sold, in uniform, except in execution of duty.

Neglect of duty.

Being frequently reported for loitering or gossiping on beat.

Frequenting disorderly houses or consorting with disorderly persons.

For being frequently reported for drinking while off duty.

6. The following shall be deemed minor offences:—

Drinking when off duty, if first offence.

Neglect of Departmental Regulations, first offence, such as being late for duty, drill or instructions.

Failing to notify office of inability to report for duty.

Failing to attend Court when required as witness.

Failure to keep himself neatly dressed, and clothing and equipment in proper order.

Failure to properly salute as required by Regulations, etc.

7. Minor offences may be punished by fine or suspension, in the discretion of the Chief Constable.

HOLIDAY LEAVE.

1. Annual leave will be allowed to each rank in the Force as follows:—

Sergeants and Patrol Sergeants, twenty-one days.

Constables of all ranks, fourteen days.

2. Full pay is granted during the above period, but if a man applies for a longer period, the Commissioners will decide whether it will be granted or not, and all cases of extended leave shall be without pay.

3. Leave will be granted only during Summer months, and in accordance with the holiday schedule prepared by the Chief Constable.

4. All applications for leave are to be submitted to the Chief Constable through the Inspector of Police, who will recommend or otherwise, as the circumstances will permit.

5. Before the Inspector recommends the granting of leave, he must ascertain whether there are any cases pending in which the applicant may be required as witness, or any other duty which would prevent the applicant leaving the City, and if so, the leave is not to be recommended.



1875

EXTRACTS FROM CRIMINAL CODE 1892 AND ACTS AMENDING THE SAME

ABANDONING CHILD.

Sec. 245. Every one is guilty of an indictable offence and liable to three years' imprisonment who unlawfully abandons or exposes any child under the age of two years whereby its life is endangered or its health is permanently injured.

NOTE.—Anyone leaving a child in such a way that it would be found by some person within a reasonable time would not come under this Section.

ABDUCTION DEFINED.

Sec. 313. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to marry or carnally know any woman, whether married or not, or with intent to cause any woman to be married to or carnally known by any other person, takes away or detains any woman of any age against her will.

ABDUCTION OR HARBOURING CHILD UNDER AGE OF FOURTEEN YEARS.

Sec. 316. Every one is guilty of an indictable offence and liable to seven years' imprisonment, who, with intent to deprive any parent or guardian of any child under the age of fourteen years, of the possession of such child, or with intent to steal any article about or on the person of such child, unlawfully—

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- (a) Takes or entices away or detains any child; or
- (b) Receives or harbours any such child, knowing it to have been unlawfully taken, enticed away or detained with intent aforesaid.

ABDUCTION OF GIRL UNDER SIXTEEN.

Sec. 315. Every one is guilty of an indictable offence and liable to five years' imprisonment who unlawfully takes or causes to be taken any unmarried girl, who is under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her.

2. It is immaterial whether the girl is taken with her own consent or at her own suggestion or not.

ABORTION, ADVERTISING MEANS OF PROCURING.

Sec. 207, Sub-sec. (c). Every one is guilty of an indictable offence and liable to two years' imprisonment who advertises or offers for sale any article or drug intended as a means of preventing conception or causing abortion.

ABORTION, ATTEMPT TO PROCURE.

Sec. 303. Every one is guilty of an indictable offence and liable to imprisonment for life, who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any drug or other noxious thing, or unlawfully uses on her any instrument or other means whatsoever with the like intent.

ABORTION, KILLING UNBORN CHILD.

Sec. 306. 1. Everyone is guilty of an indictable offence and liable to imprisonment for life who causes the death of any child which has not become a human being, in such a manner that he would have been guilty of murder if such child had been born.

2. No one is guilty of any offence who, by means which he in good faith considers necessary for the preservation of the life of the mother of the child, causes the death of any such child before or during its birth.

ABORTION, SUPPLYING DRUG TO PROCURE.

Sec. 305. Everyone is guilty of an indictable offence and liable to two year's imprisonment who unlawfully supplies or procures any drug or other noxious thing, or any instrument or thing whatsoever knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child.

ABORTION, WOMAN ATTEMPTING TO PROCURE.

Sec. 304. Every woman is guilty of an indictable offence and liable to seven years' imprisonment who, whether with child or not, unlawfully administers to herself or permits to be administered to her, any drug or other noxious thing, or unlawfully uses on herself or permits to be used on her any instrument or other means whatsoever with intent to procure miscarriage.

ACCESSORIES BEFORE THE FACT.

Sec. 69. Everyone 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.

NOTE.—These are all accessories before the fact and liable the same as principal offenders.

ACCESSORY AFTER THE FACT.

Sec. 71. 1. 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.

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

NOTE.—No other relationship than husband and wife will excuse the offence of accessory after the fact. It is necessary to prove—

- 1st. That the accessory knew that a crime had been committed.
- 2nd. That the person comforted, received and assisted had committed the crime.
- 3rd. That the person assisting knew that the person assisted had committed the crime, and that he assisted him to escape.

ACCESSORY BY COUNSELLING.

Sec. 70. Every one who counsels or procures another persons 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.

ACCOUNTING — OFFICIAL ALTERING BOOKS WITH INTENT TO DEFRAUD.

Sec. 415. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, being or acting in the capacity of an officer, clerk, or servant, with intent to defraud,—

- (a) Destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or document which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or concurs in the same being done; or,
- (b) Makes, or concurs in making, any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in any such book, paper, writing, valuable security or document.

ADVERTISING DRUGS TO PROCURE ABORTION.

Sec. 207. 1. Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

- (a) Manufactures, or sells, or exposes for sale or to public view, or distributes or circulates, or causes to be distributed or circulated, any obscene book, or other printed, typewritten or otherwise written matter, or any picture, photograph, model or other object tending to corrupt morals; 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 medicine, drug or article intended or represented as a means of preventing conception or of causing abortion or miscarriage.

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 required.

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.

ADVERTISING REWARD FOR RETURN OF STOLEN PROPERTY.

Sec. 183. Every one is liable to a penalty of two hundred and fifty dollars for each offence, recoverable with costs by any person who sues for the same in any Court of competent jurisdiction, who—

- (a) Publicly advertises a reward for the return of any property which has been stolen or lost, and in such advertisement uses any words purporting that no questions will be asked; or,
- (b) Makes use of any words in any public advertisement purporting that a reward will be given or paid for any property which has been stolen or lost, without seizing or mak-

ing any inquiry after the person producing such property; or,

- (c) Promises or offers in any such public advertisement to return to any pawnbroker or other person who advanced money by way of loan on, or has bought, any property stolen or lost, the money so advanced or paid, or any other sum of money for the return of such property; or,
- (d) Prints or publishes any such advertisement.

AFFRAYS AND DUELS DEFINED.

Sec. 100. 1. 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.

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

AFFRAYS AND DUELS—CHALLENGE TO FIGHT.

Sec. 101. Everyone is guilty of an indictable offence and liable to three years' imprisonment who challenges or endeavours by any means to provoke any person to fight a duel, or endeavours to provoke any person to challenge any other person so to do.

ARREST AFTER COMMISSION OF CERTAIN OFFENCES.

Sec. 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.

ARREST BY PEACE OFFICER.

Sec. 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.

ARREST BY PEACE OFFICER WHEN FOUND COMMITTING OFFENCE.

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

ARREST BY NIGHT OF PERSONS FOUND LOITERING.

Sec. 36. 1. Every one is justified in arresting without warrant any person whom he finds by night committing any offence.

2. Every peace officer is justified in arresting without warrant any person whom he finds lying or loitering in any highway, yard or other place 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.

ARREST DURING FLIGHT.

Sec. 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 DURING NIGHT.

Sec. 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

ARREST, FORCE IN MAKING.

Sec. 39. Every one executing any sentence, warrant or process, or in 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.

ARREST OF PERSON FOUND COMMITTING OFFENCE.

Sec. 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.

ARREST, PEACE OFFICER USING FORCE TO PREVENT ESCAPE FROM.

Sec. 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 warrant, and everyone 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.

**ARREST, PREVENTING ESCAPE OR RESCUE
OF PERSON.**

Sec. 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.

**ARREST, PRIVATE PERSON USING FORCE TO
PREVENT ESCAPE FROM.**

Sec. 42. Every private person proceeding lawfully to arrest without warrant any person for an 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.

ARREST, PRODUCTION OF WARRANT.

Sec. 40. 1. 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 fulfill 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.

ARREST WITHOUT WARRANT BY ANY PERSON.

Sec. 646. Any person may arrest without warrant any one who is found committing any of the offences mentioned in sections—

- (a) Seventy-four, treason; seventy-six, accessories after the fact to treason; seventy-seven, seventy-eight and seventy-nine, treasonable offences; eighty, assaults on the King; eighty-one, inciting to mutiny;
- (b) Ninety-two, offences respecting the reading of the Riot Act; ninety-six, riotous destruction of property; ninety-seven, riotous damage to property;
- (c) One hundred and twenty-nine, administering, taking or procuring the taking of oaths to commit certain crimes; one hundred and thirty, administering, taking or procuring the taking of other unlawful oaths;
- (d) One hundred and thirty-seven, piracy; one hundred and thirty-eight, piratical acts; one hundred and thirty-nine, piracy with violence;
- (e) One hundred and eighty-five, being at large while under sentence of imprisonment; one hundred and eighty-seven, breaking prison; one hundred and eighty-nine, escaping from custody or from prison; one hundred and ninety, escape from lawful custody;
- (f) Two hundred and two, unnatural offence;
- (g) Two hundred and sixty-three, murder; two hundred and sixty-four, attempt to murder; two hundred and sixty-seven, being accessory after the fact to murder; two hundred and sixty-eight, manslaughter; two hundred and seventy, attempt to commit suicide;
- (h) Two hundred and seventy-three, wounding with intent to do bodily harm; two hundred and seventy-four, wounding; two hundred and seventy-six, stupefying in order to commit an indictable offence; two hundred and seventy-nine and two hundred and eighty,

injuring or attempting to injure by explosive substances; two hundred and eighty-two, intentionally endangering persons on railways; two hundred and eighty-three, wantonly endangering persons on railways; two hundred and eighty-six, preventing escape from wreck;

- (i) Two hundred and ninety-nine, rape; three hundred, attempt to commit rape; three hundred and one, defiling children under fourteen;
- (j) Three hundred and thirteen, abduction of a woman;
- (k) Three hundred and fifty-eight, theft by agents and others; three hundred and fifty-nine, theft by clerks, servants and others; three hundred and sixty, theft by tenants and lodgers; three hundred and sixty-one, theft of a testamentary instrument; three hundred and sixty-two, theft of documents of title; three hundred and sixty-three, theft of judicial or official documents; three hundred and sixty-four, three hundred and sixty-five and three hundred and sixty-six, theft of postal matter; three hundred and sixty-seven, theft of election documents; three hundred and sixty-eight, theft of railway tickets; three hundred and sixty-nine, theft of cattle; three hundred and seventy-one, theft of oysters; three hundred and seventy-two, theft of things fixed to buildings or land; three hundred and seventy-nine, stealing from the person; three hundred and eighty, stealing in dwelling-houses; three hundred and eighty-one, stealing by picklocks, etc.; three hundred and eighty-two, stealing from ships, docks, wharfs or quays; three hundred and eighty-three, stealing wreck; three hundred and eighty-four, stealing on railways; three hundred and eighty-eight, stealing in manufactories; three hundred and ninety-one, public servant refusing to deliver up chattels, money valuables, security, books, papers, accounts or documents; three hundred and

ninety-eight, bringing stolen property into Canada;

- (l) Three hundred and ninety-nine, receiving property obtained by crime;
- (m) Four hundred and ten, personation of certain persons;
- (n) Four hundred and forty-six, aggravated robbery; four hundred and forty-seven, robbery; four hundred and forty-eight, assault with intent to rob; four hundred and forty-nine, stopping the mail; four hundred and fifty, compelling execution of documents by force; four hundred and fifty-one, sending letter demanding with menaces; four hundred and fifty-two, demanding with intent to steal; four hundred and fifty-three, extortion by certain threats;
- (o) Four hundred and fifty-five, breaking place of worship and committing an indictable offence; four hundred and fifty-six, breaking place of worship with intent to commit an indictable offence; four hundred and fifty-seven, burglary; four hundred and fifty-eight, housebreaking and committing an indictable offence; four hundred and fifty-nine, housebreaking with intent to commit an indictable offence; four hundred and sixty, breaking shop and committing an indictable offence; four hundred and sixty-one, breaking shop with intent to commit an indictable offence; four hundred and sixty-two, being found in a dwelling-house by night; four hundred and sixty-three, being armed, with intent to break a dwelling-house; four hundred and sixty-four, being disguised or in possession of housebreaking instruments;
- (p) Four hundred and sixty-eight, four hundred and sixty-nine and four hundred and seventy, forgery; four hundred and sixty-seven, uttering forged documents; four hundred and seventy-two, counterfeiting seals; four hundred and seventy-eight, using probate obtained by forgery or perjury; five hundred and fifty, possessing forged bank notes;

- (q) Four hundred and seventy-one, making, having or using instrument for forgery or having or uttering forged bond or undertaking; four hundred and seventy-nine, counterfeiting stamps; four hundred and eighty, injuring or falsifying registers;
- (r) One hundred and twelve, attempt to damage by explosives; five hundred and ten, mischief; five hundred and eleven, arson; five hundred and twelve, attempt to commit arson; five hundred and thirteen, setting fire to crops; five hundred and fourteen, attempting to set fire to crops; five hundred and seventeen, mischief on railways; five hundred and twenty, mischief to mines; five hundred and twenty-one, injuries to electric telegraphs, magnetic telegraphs, electric lights, telephone and fire alarms; five hundred and twenty-two, wrecking; five hundred and twenty-three, attempting to wreck; five hundred and twenty-six, interfering with marine signals;
- (s) Five hundred and fifty-two, counterfeiting gold and silver coin; five hundred and fifty-six, making instruments for coining; five hundred and fifty-eight, clipping current coin; five hundred and sixty, possessing clippings of current coins; five hundred and sixty-two, counterfeiting copper coins; five hundred and sixty-three, counterfeiting foreign gold and silver coin; five hundred and sixty-seven, uttering copper coin not current.

ARREST WITHOUT WARRANT BY PEACE OFFICER.

Sec. 647. A peace officer may arrest, without warrant, any one who has committed any of the offences mentioned in the sections in the last preceding section mentioned, or in sections—

- (a) Four hundred and five, obtaining by false pretence; four hundred and six, obtaining

execution of valuable securities by false pretence;

- (b) Five hundred and twenty-five, injuring dais, etc., or blocking timber channel; five hundred and thirty-six, attempting to injure or poison cattle;
- (c) Five hundred and forty-two, cruelty to animals; five hundred and forty-three, keeping cock-pit;
- (d) Five hundred and fifty-five, exporting counterfeiting coin; five hundred and sixty-one, possessing counterfeit current coin; five hundred and sixty-three, paragraph (b), bringing into Canada or possessing counterfeit foreign gold or silver coin; five hundred and sixty-three, paragraph (d), counterfeiting foreign copper coin.

ARRESTING WRONG PERSON.

Sec. 28. 1. 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.

ARSON DEFINED.

Sec. 511. Every one is guilty of the indictable offence of arson and liable to imprisonment for life who wilfully sets fire to any building or structure,

whether such building or structure is completed or not, or to any stack of vegetable produce or of mineral or vegetable fuel, or to any mine or well of oil or other combustible substance, or to any ship or vessel, whether completed or not, or to any timber or materials placed in any shipyard for building or repairing or fitting out any ship, or to any of His Majesty's stores or munitions of war

ARSON, THREATENING TO COMMIT.

Sec. 516. Every one is guilty of an indictable offence and liable to ten years' imprisonment who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any building, or any rick or stack of grain, hay or straw or other agricultural produce, or any grain, hay or straw or other agricultural produce in or under any building or any ship or vessel.

ASSAULT DEFINED.

Sec. 290. An assault is the act of intentionally applying force to the person of another, directly or indirectly, or attempting or threatening by any act or gesture, to apply force to the person of another, if the person making the threat has, or causes the other to believe, upon reasonable grounds, that he has present ability to effect his purpose, and in either case, without the consent of the other or with such consent, if it is obtained by fraud.

ASSAULT, AGGRAVATED.

Sec. 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 IN DEFENCE OF MOVABLE PROPERTY.

Sec. 56. 1. Every one who is in peaceable possession of any movable property or thing, and every one lawfully assisting him, is justified in resisting the taking of such thing by any trespasser, or in retaking it from such trespasser, if in either case he does not strike or do bodily harm to such trespasser.

2. If, after any one, being in peaceable possession as aforesaid, has laid hands upon any such thing, such trespasser persists in attempting to keep it or take it from the possessor, or from any one lawfully assisting him, the trespasser shall be deemed to commit an assault without justification or provocation.

ASSAULT IN DEFENCE OF REAL PROPERTY.

Sec. 61. 1. Every one who is in peaceable possession of any house or land or other real property, and every one lawfully assisting him or acting by his authority, is justified in using force to prevent any person from trespassing on such property, or to remove him therefrom, if he uses no more force than is necessary.

2. If such trespasser resists such attempt to prevent his entry or to remove him, such trespasser

shall be deemed to commit an assault without justification or provocation.

ASSAULT, INDECENT, ON FEMALE.

Sec. 292. Every one 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 a female, without her consent, which but for such consent would be an indecent assault, if such consent is obtained by false and fraudulent representations as to the nature and quality of the act.

ASSAULT, INDECENT, ON MALES.

Sec. 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.

ASSAULT OCCASIONING ACTUAL BODILY HARM.

Sec. 295. Every one who commits any assault which occasions actual bodily harm is guilty of an indictable offence and liable to three years' imprisonment.

ASSAULT, PENALTY FOR COMMON.

Sec. 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 one hundred dollars, and on summary conviction to a fine not exceeding twenty dollars and costs, or to two month's imprisonment, with or without hard labour.

ASSAULT, PREVENTION OF INSULTING.

Sec. 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.

ASSAULTED PERSON JUSTIFIED IN USING FORCE IN SELF DEFENCE.

Sec. 53. 1. Every one 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.

2. Every one 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.

ASSISTING PEACE OFFICER.

Sec. 31. Every one called upon to assist a peace officer in the arrest of a person suspected of having committed such offence, is justified in assisting, if he knows that the person calling on him for assistance is a peace officer, and does not know that there is no reasonable grounds for the suspicion.

**ATTEMPT TO COMMIT INDICTABLE OFFENCE,
PUNISHMENT FOR.**

Sec. 571. Every one who attempts to commit any indictable offence, for committing which the longest term to which the offender can be sentenced is less than fourteen years, and no express provision is made

by law for the punishment of such attempt, is guilty of an indictable offence and liable to imprisonment for a term equal to one-half of the longest term to which a person committing the indictable offence attempted to be committed may be sentenced.

ATTEMPT TO COMMIT OFFENCE.

Sec. 72. 1. Every one who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his object is guilty of an attempt to commit the offence intended, whether under the circumstances it was possible to commit such offence or not.

2. The question whether an act done or omitted with intent to commit an offence is or is not only preparation for the commission of that offence, and too remote to constitute an attempt to commit it, is a question of law.

BAWDY-HOUSE, COMMON, DEFINED.

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

BETTING-HOUSE, COMMON, DEFINED.

Sec. 22.. A common betting-house is a house, office, room or other place—

- (a) Open, kept or used for the purpose of betting between persons resorting thereto, and
 - (1) The owner, occupier or keeper thereof,
 - (2) Any person using the same,
 - (3) Any person procured or employed by, or acting for or on behalf of any such person,
 - (4) Any person having the care or management, or in any manner conducting the business thereof; or,
- (b) Open, 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—

- (1) For any assurance or undertaking, expressed or implied, to pay or give there-after any money or valuable thing on any event or contingency of or relating to any horse race or any other race, fight, game or sport, or,
 - (2) For securing the paying or giving by some other person of any money or valuable thing on any such event or contingency; or,
- (c) Open, or kept 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, game or sport, 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; or,
- (d) Open, 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.

Sec. 227a. An opium joint is a house, room or place to which persons resort for the purpose of smoking or inhaling opium.

BETTING AND POOL SELLING DEFINED.

Sec. 235. 1. Every one is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who—

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- (a) Uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool; or,
 - (b) Keeps, exhibits, or employs, or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control, any device or apparatus for the purpose of recording any bet or wager or selling any pool; or,
 - (c) Becomes the custodian or depository of any money, property or valuable thing staked, wagered or pledged; or,
 - (d) Records or registers any bet or wager, or sells any pool, upon the result—
 - (1) Of any political or municipal election,
 - (2) Of any race,
 - (3) Of any contest or trial of skill or endurance of man or beast.
2. The provisions of this section shall not extend to any person by reason of his becoming the custodian or depository of any money, property or valuable thing staked, to be paid to the winner of any lawful race, sport, game or exercise, or to the owner of any horse engaged in any lawful race, or to bets between individuals or made on the race course of an incorporated association during the actual progress of a race meeting.

BIGAMY DEFINED.

Sec. 307. 1. 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 the person who goes through a form of marriage with more than one person simultaneously, or on the same day.

2. The fact that the parties would, if unmarried, have been incompetent to contract marriage shall be no defence upon a prosecution for bigamy.

3. No one commits bigamy by going through a form of marriage—

- (a) If he or she in good faith and on reasonable grounds believes his wife or her husband to be dead; or,
- (b) If his wife or her husband has been continually absent for seven years then last past and he or she is not proved to have known that his wife or her husband was alive at any time during those seven years; or,
- (c) If he or she has been divorced from the bond of the first marriage; or,
- (d) If the former marriage has been declared void by a court of competent jurisdiction.

4. No person shall be liable to be convicted of bigamy in respect of having gone through a form of marriage in a place not in Canada, unless such person, being a British subject resident in Canada, leaves Canada with intent to go through such form of marriage.

5. Every form of marriage shall, for the purpose of this section, be valid, notwithstanding any act or default of the person charged with bigamy, if it is otherwise a valid form.

BIGAMY, PENALTY FOR.

Sec. 308. 1. Every one who commits bigamy is guilty of an indictable offence and liable to seven years' imprisonment.

2. Every one who commits this offence after previous conviction for a like offence shall be liable to fourteen years' imprisonment.

BREACH OF PEACE, ARREST TO PREVENT.

Sec. 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 com-

mitting or about to join in or renew such breach of 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 peace, or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of such breach of the peace.

BREACH OF PEACE, ARREST FOR.

Hec. 47. 1. 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.

BREAKING PRISON.

Sec. 187. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, by force or violence, breaks any prison with intent to set at liberty himself or any person confined therein on any criminal charge.

BREAKING PRISON, ATTEMPT TO.

Sec. 188. Every one is guilty of an indictable offence and liable to two years' imprisonment who attempts to break prison, or who forcibly breaks out of his cell or makes any breach therein with intent to escape therefrom.

BRIBE, OFFICER TAKING.

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

- (a) Being a justice, 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.

BUGGERY, DEFINED.

Sec. 202. Every one is guilty of an indictable offence and liable to imprisonment for life who commits buggery, either with a human being or with any other living creature.

BUGGERY, ATTEMPT TO COMMIT.

Sec. 203. Every one is guilty of an indictable offence and liable to ten years' imprisonment who attempts to commit the offence mentioned in the last preceding section.

BURGLARY DEFINED.

Sec. 457. 1. Every one is guilty of an indictable offence 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.

2. Every one convicted of an offence under this section who, when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.

NOTE.—Dwelling-house means a permanent building, the whole or any part of which is kept by the owner or occupier for the residence therein of himself, his family or servants, or any of them, although it may be unoccupied at intervals.

BURGLAR TOOLS IN POSSESSION.

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

CARNALLY KNOWING GIRL UNDER AGE OF FOURTEEN YEARS.

Sec. 301. Every one is guilty of an indictable offence and liable to imprisonment for life, and to be whipped, who carnally knows any girl under the age of fourteen years, not being his wife, whether he believes her to be of or above that age or not.

CARNALLY KNOW GIRL UNDER AGE OF FOURTEEN YEARS, ATTEMPT TO.

Sec. 302. Every one who attempts to have unlawful carnal knowledge of any girl under the age of fourteen years is guilty of an indictable offence and liable to two years' imprisonment, and to be whipped.

CHILD BETWEEN AGE OF SEVEN AND THIRTEEN YEARS NOT TO BE CONVICTED.

Sec. 18. No person shall be convicted of an offence by reason of an act or omission of such person when of the age of seven, but under the age of fourteen years, unless he was competent to know the nature and the consequence of his conduct, and to appreciate that it was wrong.

COMPOUNDING PENAL ACTION.

Sec. 181. Every one is guilty of an indictable offence and liable to a fine not exceeding the penalty compounded for who, having brought, or under color or bringing, an action against any person under any penal statute in order to obtain from him any penalty, compounds the said action without order or consent of the Court, whether any offence has in fact been committed or not.

CORRUPTING WITNESSES.

Sec. 180. Every one is guilty of an indictable offence and liable to two years' imprisonment who—

- (a) Dissuades or attempts to dissuade any person by threats, bribes or other corrupt means from giving evidence in any cause or matter, civil or criminal; or,
- (b) Influences or attempts to influence, by threats or bribes or other corrupt means, any jurymen in his conduct as such, whether such person has been sworn as a jurymen or not; or.

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- (c) Accepts any bribe or other corrupt consideration to abstain from giving evidence, or on account of his conduct as a jurymian; or,
- (d) Wilfully attempts in any other way to obstruct, pervert or defeat the course of justice.

CORRUPTLY TAKING REWARD FOR NOT PROSECUTING OFFENDERS.

Sec. 182. Every one is guilty of an indictable offence and liable to seven years' imprisonment who corruptly takes any money or reward, directly or indirectly, under pretense or upon account of helping any person to recover any chattel, money valuable, security or other property, which by any indictable offence, has been stolen, taken, obtained, extorted, converted or disposed of, unless he has used all due diligence to cause the offender to be brought to trial for the same.

COUNTERFEIT BANK NOTE, HAVING IN POSSESSION.

Sec. 550. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, without lawful authority or excuse, the proof whereof shall lie on him, purchases or receives from any person, or has in his custody or possession, any forged bank note, or forged blank bank note, whether complete or not, knowing it to be forged.

COUNTERFEIT COIN, MAKING.

Sec. 552. Every one is guilty of an indictable offence and liable to imprisonment for life who—

- (a) Makes or begins to make any counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or,
- (b) Glids or slivers any coin resembling or apparently intended to resemble or pass for, any current gold or silver coin; or,

- (c) Gilds or silvers any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or,
- (d) Gilds any current silver coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin; or,
- (e) Gilds or silvers any current copper coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold or silver coin.

COUNTERFEIT MONEY, ADVERTISING.

Sec. 569. Every one is guilty of an indictable offence and liable to five years' imprisonment who—

- (a) Prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet, handbill or any written or printed matter, advertising, or offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute, any counterfeit token of value, or what purports to be a counterfeit token of value, or giving or purporting to give, either directly or indirectly, information where, how, of whom or by what means any counterfeit token of value, or what purports to be a counterfeit token of value, may be procured or had; or,
- (b) In executing, operating, promoting or carrying on any scheme or device to defraud, by the use or by means of any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution or exchange of counterfeit tokens of value, uses any fictitious, false or

assumed name or address, or any name or address other than his own right, proper and lawful name; or,

- (c) In the execution, operating, promoting or carrying on, of any scheme or device offering for sale, loan, gift, or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, knowingly receives or takes from the mails, or from the post office, any letter or package addressed to any fictitious, false or assumed name or address, or name other than his own right, proper or lawful name; or,
- (d) Purchases, exchanges, accepts, takes possession of, or in any way uses, or offers to purchase, exchange, accept, take possession of, or in any way use, or negotiates or offers to negotiate with a view to purchasing or obtaining or using any such counterfeit token of value, or what purports so to be.

COUNTERFEITING, BEING IN POSSESSION OF IMPLEMENTS FOR.

Sec. 556. Every one is guilty of an indictable offence and liable to imprisonment for life who, without lawful authority or excuse, the proof whereof shall lie on him, makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession—

- (a) Any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, in or upon which there is made or impressed or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin, or of any coin of any foreign prince, state or country, or any part or parts of both or either of such sides; or,

- (b) Any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures apparently resembling those on the edges of any such coin, knowing the same to be so adapted and intended; or,
- (c) Any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin.

COUNTERFEITING FOREIGN COIN.

Sec. 563. Every one is guilty of an indictable offence and liable to three years' imprisonment who—

- (a) Makes, or begins to make, any counterfeit coin or silver coin resembling, or apparently intended to resemble or pass for, any gold or silver coin of any foreign prince, state or country, not being current coin; or,
- (b) Without lawful authority or excuse, the proof of which shall lie on him,
 - (1) Brings into or receives in Canada any such counterfeit coin, knowing the same to be counterfeit,
 - (2) Has in his custody or possession any such counterfeit coin, knowing the same to be counterfeit, and with intent to put off the same; or,
- (c) Utters any such counterfeit coin; or,
- (d) Makes any counterfeit coin resembling, or apparently intended to resemble or pass for, any copper coin of any foreign prince, state or country, not being current coin.

CRUELTY TO ANIMALS.

Sec. 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 labor, or to both, who—

- (a) Wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, 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.

CRUELTY TO ANIMALS, POWERS OF POLICE REGARDING.

Sec. 545. 1. Any peace officer or constable may, at all times, enter any premises where he has reasonable grounds for supposing that any car, truck or vehicle as to which any company or person has failed to comply with the provisions of the last preceding section, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has, on any occasion, so failed.

2. Every one who refuses admission to such peace officer or constable is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars and not less than five dollars, and costs, and in default of payment, to thirty days' imprisonment.

DEAD, NOT BURYING THE.

Sec. 237. Every one is guilty of an indictable offence and liable to five years' imprisonment who—

- (a) Without lawful excuse, neglects to perform any duty, either imposed upon him by law or undertaken by him with reference to the burial of any dead human body or human remains; or,
- (b) Improperly or indecently interferes with or offers any indignity to any dead human body or human remains, whether buried or not.

DEFENCE OF DWELLING-HOUSE.

Sec. 59. 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 either by night or day, by any person with the intent to commit any indictable offence therein.

DEFENCE OF DWELLING-HOUSE BY NIGHT.

Sec. 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 an indictable offence therein.

DEFILEMENT OF GIRL, HOUSEHOLDER PERMITTING.

Sec. 217. Every one who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl under the age of eighteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence, and is liable—

- (a) To ten year's imprisonment if such girl is under the age of fourteen years;
- (b) To two years' imprisonment if such girl is of or above the age of fourteen years.

DEFILEMENT OF WOMEN DEFINED.

Sec. 215. Every one who, being the parent or guardian of any girl or woman—

- (a) Procures such girl or woman to have carnal connection with any man other than the procurer; or,
- (b) Orders, is party to, permits or knowingly receives the avails of, the defilement, seduction or prostitution of such girl or woman, is guilty of an indictable offence, and liable to fourteen years' imprisonment, if such girl or woman is under the age of fourteen years, and if such girl or woman is of or above the age of fourteen years, to five years' imprisonment.

DEFILEMENT OF WOMEN OR GIRLS, PROCURING.

Sec. 216. Every one is guilty of an indictable offence and liable to two years' imprisonment with hard labour, who—

- (a) Procures, or attempts to procure, any girl or woman under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawfully carnal connection, either within or without Canada, with any other person or persons; or,
- (b) Inveigles or entices any such woman or girl to a house of ill-fame or assignation for the purpose of illicit intercourse or prostitution, or knowingly conceals in such house any such woman or girl so inveigled or enticed; or,
- (c) Procures, or attempts to procure, any woman or girl to become, either within or without Canada, a common prostitute; or,

- (d) Procures, or attempts to procure, any woman or girl to leave Canada with intent that she may become an inmate of a brothel elsewhere; or,
- (e) Procures any woman or girl to come to Canada from abroad with intent that she may become an inmate of a brothel in Canada; or,
- (f) Procures, or attempts to procure, any woman or girl to leave her usual place of abode in Canada, such place not being a brothel, with intent that she may become an inmate of a brothel, within or without Canada; or,
- (g) By threats or intimidation procures, or attempts to procure, any woman or girl to have any unlawful carnal connection, either within or without Canada; or,
- (h) By false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Canada; or,
- (i) Applies, administers to, or causes to be taken by any woman or girl any drug, intoxicating liquor, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawfully carnal connection with such woman or girl.

DESERTING, PERSUADING OR ASSISTING IN.

Sec. 84. Every one is guilty of an offence and liable, on summary conviction, to six months' imprisonment with or without hard labour, who—

- (a) Persuades any man who has been enlisted to serve in any corps of militia, or who is a member of or has engaged to serve in the Royal Northwest Mounted Police Force, to desert, or attempts to procure or persuade any such man to desert; or,
- (b) Knowing that any such man is about to desert, aids or assists him in deserting; or,

- (c) Knowing that any such man is a deserter, conceals him or aids or assists in his rescue.

DISORDERLY HOUSE DEFINED.

Sec. 228. 1. 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.

2. 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, 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.

DISTURBING RELIGIOUS MEETING FOR DIVINE WORSHIP.

Sec. 201. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars (\$50) and costs, and in default of payment to one month's imprisonment, who 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 or 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.

DUTY OF PERSON IN CHARGE TO PROVIDE NECESSARIES OF LIFE.

Sec. 241. Every one who has charge of any other person unable by reason either of detention, age, sickness, insanity or any other cause, to withdraw himself from such charge, and unable to provide himself with the necessaries of life, is, whether such charge is undertaken by him under any contract, or is imposed upon him by law, or by reason of his unlawful act, under a legal duty to supply that

person with the necessaries of life, and is criminally responsible for omitting, without lawful excuse, to perform such duty if the death of such person is caused, or if his life is endangered, or his health has been or is likely to be permanently injured, by such omission.

DUTY OF PERSON IN CHARGE OF DANGEROUS THINGS.

Sec. 247. Every one who has in his charge or under his control anything whatever, whether animate or inanimate, or who erects, makes or maintains anything whatever which, in the absence of precaution or care, may endanger human life, is under a legal duty to take reasonable precautions against, and use reasonable care to avoid, such danger, and is criminally responsible for the consequences of omitting, without lawful excuse, to perform such duty.

ESCAPE BY OFFICER FAILING TO PERFORM DUTY, PUNISHMENT FOR.

Sec. 193. Every one is guilty of an indictable offence and liable to one year's imprisonment who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom.

ESCAPE OF PRISONER, ABETTING.

Sec. 191. Everyone is guilty of an indictable offence and liable to seven year's 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 of-

keeper of any prison in which any such person is lawfully confined, voluntarily or intentionally permits him to escape therefrom.

ESCAPING FROM LAWFUL CUSTODY.

Sec. 190. Every one is guilty of an indictable offence and liable to two years' imprisonment who being in lawful custody other than as aforesaid on any criminal charge, escapes from such custody.

ESCAPING FROM LAWFUL PRISON.

Sec. 189. Every one is guilty of an indictable offence and liable to two years' imprisonment who,—

(a) Having been convicted of any offence, escapes from any lawful custody in which he may be under such conviction, or,

(b) Whether convicted or not, escapes from any prison in which he is lawfully confined on any criminal charge.

EVIDENCE, FABRICATION OF.

Sec. 177. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, with intent to mislead any court of justice or person holding any such judicial proceedings, fabricates evidence by any means other than perjury or subordination of perjury.

EXCESS OF FORCE IN EXECUTION OF WARRANT OR PROCESS.

Sec. 66. Every one authorized by law to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

EXPLOSION, CAUSING DANGEROUS.

Sec. 111. Every one is guilty of an indictable offence and liable to imprisonment for life who wilfully causes, by any explosive substance, an explos-

ion of a nature likely to endanger life or to cause serious injury to property, whether any injury to person or property is actually caused or not.

EXPLOSIVES, MAKING OR HAVING IN POSSESSION

Sec. 114. Every one is guilty of an indictable offence and liable to seven years' imprisonment who makes, or knowingly has in his possession, or under his control, any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it, or has it not in his possession or under his control, for a lawful object, unless he can show that he made it or had it in his possession or under his control for a lawful object.

EXTORTION BY, ACCUSATION OF CRIME.

Sec. 453. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to extort or gain anything from any person:—

- (a) Accuses or threatens to accuse either that person or any other person whether the person accused or threatened with accusation is guilty or not, of—
 - (1) Any offence punishable by law with death or imprisonment for seven years or more.
 - (2) An assault with intent to commit a rape, or any attempt or endeavor to commit a rape, or any indecent assault.
 - (3) Carnally knowing or attempting to know any child so as to be punishable under this Act.
 - (4) Any infamous offence, that is to say, buggery, an attempt or assault with intent to commit buggery, or any unnatural practice, or incest,
 - (5) Counselling or procuring any person to commit any such infamous offence, or,

- (b) Threatens that any person shall be so accused by any other person, or—
- (c) Causes any person to receive a document containing such accusation or threat, knowing the contents thereof;

Or who by any of the means aforesaid compels or attempts to compel any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security.

EXTORTION—COMPELLING EXECUTION OF DOCUMENT BY FORCE.

Sec. 450. Every one is guilty of an indictable offence and liable to imprisonment for life, who, with intent to defraud or injure, by unlawful violence to, or restraint of the person of another, or by the threat that either the offender or any other person will employ such violence or restraint, unlawfully compels any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix any name or seal upon any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security.

EXTORTION—DEMANDING BY MENACE.

Sec. 452. Every one is guilty of an indictable offence and liable to two years' imprisonment who, with menaces, demands from any person, either for himself or for any other person, anything capable of being stolen with intent to steal it.

FALSE PRETENCE, DEFINED.

Sec. 404. 1. 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.

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

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

FALSE PRETENCE, PENALTY FOR.

Sec. 405. Every one is guilty of an indictable offence and liable to three years' imprisonment, who with intent to defraud, by any false pretence, either directly or through the medium of any contract obtained by such false pretence, obtains anything capable of being stolen, or procures anything capable of being stolen to be delivered to any other person than himself.

FOOD, KNOWINGLY SELLING ARTICLES UNFIT FOR.

Sec. 224. Every one is guilty of an indictable offence and liable to one years' imprisonment, who knowingly and wilfully exposes for sale, or has in his possession with intent to sell, for human food articles which he knows to be unfit for human food.

2. Every one who is convicted of this offence after previous conviction for the same crime shall be liable to two years' imprisonment.

FORGERY DEFINED.

Sec. 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 whether within Canada or not, or that some person should be induced by the belief that it is genuine, to do or refrain from doing anything, whether within Canada or not.

FORGERY, UTTERING.

Sec. 467. Every one is guilty of an indictable offence who, knowing a document to be forged, uses, deals with, or acts upon it, or attempts to use, deal with, or act upon it, or causes or attempts to cause any person to use, deal with, or act upon it, as if it were genuine, and is liable to the same punishment as if he had forged the document.

2. It is immaterial where the document was forged.

FORTUNE TELLING—FORTUNES, PRETENDING TO TELL.

Sec. 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.

FRAUD—CHEATING AT PLAY.

Sec. 442. Every one is guilty of an indictable offence and liable to three years' imprisonment who, with intent to defraud any person, cheats in playing at any game or in holding the stakes, or in betting on any event.

FURIOUS DRIVING, CAUSING INJURY BY.

Sec. 285. 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.

GAMING HOUSE DEFINED, (COMMON).

Sec. 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 mixed game of chance and skill, in which,

(1) A bank is kept by one or more of the players exclusively of the others; or,

(2) Any game is played the chances of which are not alike favorable to all 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.

(3) 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 stakes played for, or any money, valuable, or property depending on such game, is in some other place, either in Canada or elsewhere.

GAMING HOUSE, PLAYING OR LOOKING ON IN.

Sec. 229. Every who plays or looks on while any other person is playing in a common gaming house is guilty of an offence and liable, on summary conviction before two Justices, to a penalty not exceeding one hundred dollars and not less than twenty dollars, and in default of payment to two months' imprisonment.

GAMING HOUSE, PREVENTING OFFICER ENTERING (With Warrant).

Sec. 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 labor who,—

EXTRACTS FROM CRIMINAL CODE

- (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.

 HOMICIDE DEFINED.

Sec. 250. Homicide is the killing of a human being by another directly or indirectly, by any means whatsoever.

 HOMICIDE WHEN CULPABLE.

Sec. 252. 1. Homicide may be either culpable or not culpable.

2. Homicide is culpable when it consists in the killing of any person, either by an unlawful act or by an omission, without lawful excuse, to perform or observe any legal duty, or by both combined, or by causing a person, by threats or fear of violence, or by deception, to do an act which causes that person's death, or by wilfully frightening a child or sick person.

3. Culpable homicide is either murder or manslaughter.

4. Homicide which is not culpable is not an offence.

 HOUSEBREAKING—BREAKING INTO DWELLING-HOUSE BY DAY.

Sec. 458. Every one is guilty of an indictable offence liable to fourteen years' imprisonment, who,—

- (a) Breaks and enters any dwelling-house by day and commits any indictable offence therein.
- (b) Breaks out of any dwelling-house by day, after having committed any indictable offence therein.

NOTE: To break means to break any part, internal or external, of a building, or to open by any means whatever, including lifting any door, window, shutter, cellarflap or other thing intended to cover openings to building, or to give passage from one part to another. Night means the interval between 9 p. m. and 6 a. m. Day means from 6 a. m. to 9 p. m.

HOUSEBREAKING, BEING ARMED BY DAY OR NIGHT WITH INTENT TO COMMIT.

Sec. 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.

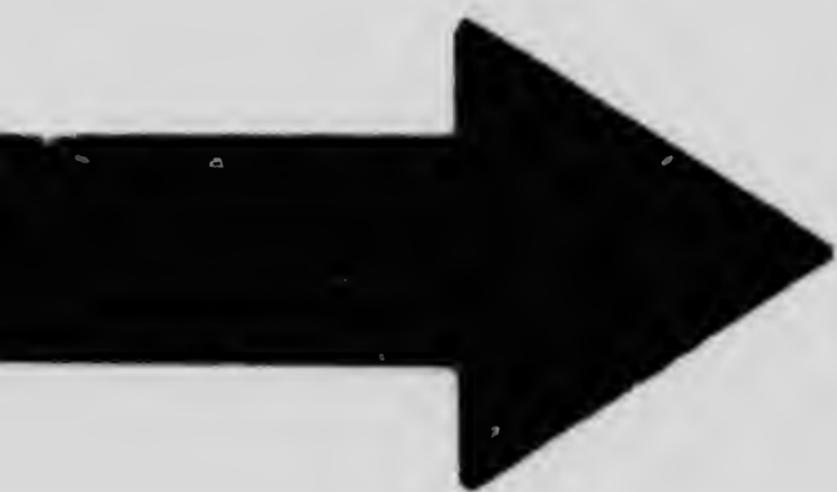
IGNORANCE OF LAW NO EXCUSE FOR OFFENCE.

Sec. 22. The fact that an offender is ignorant of the law is not an excuse for any offence committed by him.

INDECENCY, GROSS, BY MALE PERSON WITH MALE PERSON.

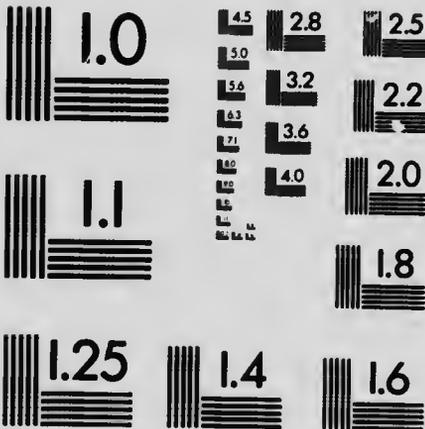
Sec. 206. Every male person is guilty of an indictable offence and liable to five years' imprisonment and to be whipped who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male per-





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son of, any act of gross indecency with another male person.

INDECENT ACT, DEFINED.

Sec. 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 any indecent act in any place intending thereby to insult or offend any person.

INDIAN ACT. SELLING OR GIVING INTOXICANTS TO INDIANS.

Sec. 135. 1. Every one who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another directly or indirectly on any pretense or by any devise,—

- (a) Sells, barter, supplies or gives to any Indian or non-treaty Indian, or to any person male or female who is reputed to belong to a particular band, or who follows the Indian mode of life, or any child of such person any intoxicant, or causes or procures the same to be done or attempts the same or connives therat; or,
- (b) Opens or keeps or causes to be opened or kept on any reserve, or special reserve, a tavern, house or building in which any intoxicant is sold, supplied or given; or,
- (c) Is found in possession of any intoxicant in the house, tent, wigwam, or place of abode of any Indian or non-treaty Indian or of any person on any reserve or special reserve, or on any part of any reserve or special reserve; or,

- (d) Sells, barter, supplies or gives to any person on any reserve or special reserve any intoxicant; shall on summary conviction before any Judge, police magistrate, stipendiary magistrate, or two justices of the peace, or Indian agent, be liable to imprisonment for a term not exceeding six months' and not less than one month, with or without hard labour, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or to both penalty and imprisonment in the discretion of the convicting judge, magistrate, justices of the peace or Indian agent.

2. A moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof to His Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members of which the offence was committed.

INDIAN WOMEN, KEEPING HABITATION FOR PROSTITUTION OF.

Sec. 220. Every one is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or six months' imprisonment,—

- (a) Who, being the keeper of any house, tent or wigwam, allows or suffers any unfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein; or,
- (b) Who, being an Indian woman, prostitutes herself therein; or,
- (c) Who, being an unfranchised Indian woman, keeps, frequents, or is found in a disorderly house, tent or wigwam used for any such purpose.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof.

INSANE PERSONS NOT TO BE CONVICTED.

Sec. 19. 1. No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such an act or omission was wrong.

2. A person labouring under specific delusions, but in other respects sane, shall not be acquitted on the ground of insanity, under the provisions hereinafter contained, unless the delusions caused him to believe in the existence of some state of things which, if it existed, would justify or excuse his act or omission.

3. Every one shall be presumed to be sane at the time of doing or omitting to do any act until the contrary is proved.

INTIMIDATION DEFINED.

Sec. 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 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.

KIDNAPPING.

Sec. 297. 1. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority,—

- (a) Kidnaps any other person with intent
 - (1) To cause such other person to be secretly confined or imprisoned in Canada against his will; or,
 - (2) To cause such other person to be unlawfully sent or transported out of Canada against his will; or,
 - (3) To cause such other person to be sold or captured as a slave, or in any way held in vice against his will; or,
- (b) Forcibly seizes or confines or imprisons any other person within Canada.

2. Upon the trial of any offence under this section the non-resistance of a person so unlawfully kidnapped or confined shall not be a defence unless it appears that it was not caused by threats, duress or force, or exhibition of force.

EXTRACTS FROM CRIMINAL CODE

LIBEL, BLASPHEMOUS.

Sec. 198. 1. Every one is guilty of an indictable offence and liable to one year's imprisonment who publishes any blasphemous libel.

2. Whether any particular published matter is a blasphemous libel or not is a question of fact: Provided that no one is guilty of a blasphemous libel for expressing in good faith and in decent language, or attempting to establish by arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject.

NOTE: This offence consists in speaking evil of the Deity, with the intention of alienating the minds of others from a reverence and love of God.

LIBEL PUBLISHING, DEFAMATORY.

Sec. 317. 1. A defamatory libel is matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person of or concerning whom it is published.

2. Such matter may be expressed either in words legibly marked upon any substance whatever, or by any object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

LIBEL, PUNISHMENT FOR DEFAMATORY.

Sec. 333. Every one is guilty of an indictable offence and liable to two years' imprisonment, or to a fine not exceeding four hundred dollars, or to both, who publishes any defamatory libel knowing the same to be false.

LIMITATION OF ACTIONS, TIME FOR COMMENCEMENT.

Sec. 1140. 1. No prosecution for an offence against this act, or action for penalties or forfeiture, shall be commenced,—

- (a) After the expiration of three years from the time of its commission if such offence be
- (1) Treason, except treason by killing His Majesty, or where the overt act alleged is an attempt to injure the person of His Majesty—section seventy-four.
 - (2) Treasonable offences—section seventy-eight.
 - (3) Any offence against Part VII, relating to the fraudulent marking of merchandise; or.
- (b) After the expiration of two years from its commission if such offence be
- (1) A fraud upon the government—section one hundred and fifty-eight;
 - (2) A corrupt practice in municipal affairs—section one hundred and sixty-one.
 - (3) Unlawfully solemnizing marriage—section three hundred and eleven; or.
- (c) After the expiration of one year from its commission if such offence be
- (1) Opposing reading of Riot Act and continuing together after proclamation—section ninety-two.
 - (2) Refusing to deliver weapon to justice—section one hundred and twenty-six.
 - (3) Coming armed near public meeting—section one hundred and twenty-seven.
 - (4) Lying in wait near public meeting—section one hundred and twenty-eight.
 - (5) Seduction of girl under sixteen—section two hundred and eleven.
 - (6) Seduction under promise of marriage—section two hundred and twelve.
 - (7) Seduction of a ward or employee—section two hundred and thirteen.
 - (8) Parent or guardian procuring defilement of girl—section two hundred and fifteen.
 - (9) Unlawfully defiling women, procuring girls on their premises—section two hundred and seventeen; or.

EXTRACTS FROM CRIMINAL CODE

- (10) Householders permitting defilement of etc.—section two hundred and sixteen,
- (d) After the expiration of six months from its commission if the offence be—
- (1) Unlawful drilling—section ninety-eight,
 - (2) Being unlawfully drilled—section ninety-nine,
 - (3) Having possession of offensive weapons for purposes dangerous to the public peace—section one hundred and fifteen,
 - (4) Proprietor of newspaper publishing advertisement offering reward for recovery of stolen property—section one hundred and eighty-three, paragraph (d); or,
- (e) After the expiration of three months from its commission if the offence be
- (1) Cruelty to animals—section five hundred and forty-two and five hundred and forty-three,
 - (2) Railways and vessels violating provisions relating to conveyance of cattle—section five hundred and forty-four,
 - (3) Refusing peace officer or constable admission—section five hundred and forty-five; or,
- (f) After the expiration of one month from its commission if the offence be in proper use of offensive weapons under sections one hundred and sixteen and one hundred and eighteen to one hundred and twenty-four inclusive.
2. No person shall be prosecuted, under the provisions of section seventy-four or seventy-eight of this Act, for any overt act of treason expressed or declared by open and advised speaking unless information of such overt act, and of the words by which the same was expressed or declared, is given to a justice within six days after the words are spoken and a warrant for the apprehension of the offender is issued within ten day after such information is given.

LOTTERIES DEFINED.

Sec. 236. Every one is guilty of an indictable offence and liable to two years' imprisonment and to a fine not exceeding two thousand dollars who,—

- (a) Makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of any property, by lots, cards, tickets, or any mode of chance whatsoever; or,
 - (b) Sells, barter, exchanges or otherwise disposes of, or causes or procures, or aids or assists in, the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device for advancing, lending, giving, selling or otherwise disposing of any property, by lots, tickets, or any mode of chance whatsoever; or,
 - (c) Conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, number or chances, are the winners of any property so proposed to be advanced, loaned, given, sold or disposed of.
2. Every one is guilty of an offence and liable upon summary conviction to a penalty of twenty dollars, who buys, takes or receives any such lot, ticket, or other device as mentioned in section 236.
3. Every sale, loan, barter or exchange of any property, by any lottery, ticket, card or other mode of chance depending upon or to be determined by chance or lot, is void, and all property so sold, lent, given, bartered or exchanged, is liable to be forfeited to any person who sues for the same by action or information in any Court of competent jurisdiction.
4. No such forfeiture shall affect any right or title to such property acquired by any bona fide purchaser for valuable consideration without notice.
5. This section includes the printing or publishing, or causing to be printed or published, of any advertise-

ment, scheme, proposal or plan of any foreign lottery, and the sale or offer for sale of any ticket, chance or share, in any such lottery, or the advertisement for sale of such ticket, chance or share, and the conducting or managing of any such scheme, contrivance or operation for determining the winners in any such lottery.

6. This section does not apply to,—

- (a) The division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (divisions) in any such property; or.
- (b) Raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained from the City or other Municipal Council, or from the Mayor Reeve or other Chief officer of the City, town or other municipality, wherein such bazaar is held, and the articles raffled for thereat have first been offered for sale and none of them are of a value exceeding fifty dollars.

MANSLAUGHTER DEFINED.

Sec. 262. Culpable homicide not amounting to murder, is manslaughter.

MANSLAUGHTER, PUNISHMENT FOR.

Sec. 268. Every one who commits manslaughter is guilty of an indictable offence and liable to imprisonment for life.

MISCHIEF DEFINED.

Sec. 510. Every one is guilty of the indictable offence of mischief who wilfully destroys or damages any of the property in this section mentioned, and is liable to the punishment in this section specified, that is to say:—

- (a) To imprisonment for life if the object damaged is—

- (1) A dwelling-house, ship or boat, and the damage is caused by an explosion, and any person is in such dwelling-house, ship or boat; and the damage causes actual danger to life; or,
 - (2) A bank, dyke, or wall of the sea, of any inland water, natural or artificial, or any work in, on, or belonging to any port, harbour, dock or inland water, natural or artificial, and the damage causes actual danger of inundation; or,
 - (3) Any bridge, whether over any stream of water or not, or any viaduct, or aqueduct, over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, and the damage is done with intent to render and does render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable; or,
 - (4) A railway damaged with the intent of rendering and so as to render such railway dangerous or impassable;
- (b) To fourteen years' imprisonment if the object damaged is—
- (1) A ship in distress or wreck, or any goods, merchandise or articles belonging thereto; or,
 - (2) Any cattle or the young thereof, and the damage is caused by killing, maiming, poisoning or wounding.
- (c) To seven years' imprisonment if the object damaged is—
- (1) A ship damaged with intent to destroy or render useless such ship; or,
 - (2) A signal or mark used for purposes of navigation; or,
 - (3) A bank, dyke or wall of the sea, or of any inland water or canal, or any materials fixed in the ground for securing the same, or any work belonging to any port,

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- harbour, dock or inland water or canal;
or,
- (4) A navigable river or canal damaged by interference with the flood gates or sluices thereof or otherwise, with intent and so as to obstruct the navigation thereof; or,
 - (5) The flood gate or sluice of any private water with intent to take or destroy, or so as to cause the loss or destruction of the fish therein; or,
 - (6) A private fishery or salmon river damaged by lime or other noxious material put into the water thereof with intent to destroy fish therein or to be put therein; or,
 - (7) The flood gate of any mill-pond, reservoir or pool cut through or destroyed; or,
 - (8) Goods in process of manufacture damaged with intent to render them useless; or,
 - (9) Agricultural or manufacturing machines, or manufacturing implements, damaged with intent to render them useless; or,
 - (10) A hop bind growing in a plantation of hops or a grape vine growing in a vineyard;
- (d) To five years' imprisonment if the object damaged is—
- (1) A tree, shrub, or underwood growing in a park, pleasure ground or garden, or in any land adjoining or belonging to a dwelling-house, injured to an extent exceeding in value five dollars; or,
 - (2) A post letter bag, or post letter; or,
 - (3) Any street letter box, or box or other receptacle established by authority of the Postmaster General for the deposit of letters or other mailable matter; or,
 - (4) Any parcel sent by parcel post, any packet or package or patterns or samples of merchandise or goods, or seeds, cut-

tings, bulbs, roots, scions or grafts, or any printed vote or proceeding, newspaper, printed paper or book or other mailable matter, not being a post letter, sent by mail; or,

(5) Any property, real or personal, corporal or incorporeal for damage to which no special punishment is by law prescribed, damaged by night to the value of twenty dollars;

(e) To two years' imprisonment if the object damaged is any property, real or personal, corporeal or incorporeal, for damage to which no special punishment is by law prescribed, damaged to the value of twenty dollars.

MISCHIEF--DAMAGE TO TELEGRAPH, TELEPHONE AND FIRE ALARMS.

Sec. 521. Every one is guilty of an indictable offence and liable to two years' imprisonment who wilfully,—

(a) Destroys, removes or damages anything which forms part of, or is used or employed in or about any electric or magnetic telegraph, electric light, telephone or fire-alarm, or in the working thereof, or for the transmission of electricity for other lawful purposes; or,

(b) Prevents or obstructs the sending, conveyance or delivery of any communication by any such telegraph, telephone or fire-alarm or the transmission of electricity for any such electric light, or for any such purpose as aforesaid.

2. Every one who wilfully, by any overt act, attempts to commit any such offence is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars, or to three months' imprisonment with or without hard labour.

MURDER DEFINED.

Sec. 259. Culpable homicide is murder,—

- (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.
-

MURDER, ATTEMPT TO COMMIT.

Sec. 264. Every one is guilty of an indictable offence and liable to imprisonment for life, who, with intent to commit murder,—

- (a) Administers any poison or other destructive thing to any person, or causes any poison or destructive thing to be so administered or taken, or attempts to administer it, or attempts to cause it to be so administered or taken; or,
- (b) By any means whatever wounds or causes any grievous bodily harm to any person; or,
- (c) Shoots at any person, or, by drawing a trigger or in any other manner attempts to discharge at any person any kind of loaded arms; or,
- (d) Attempts to drown, suffocate or strangle any person; or,
- (e) Destroys or damages any building by the explosion of any explosive substance; or,

- (f) Sets fire to any ship or vessel or any part thereof, or any part of the tackle, apparel or furniture thereof, or to any goods or chattels being therein; or,
 - (g) Casts away or destroys any vessel; or
 - (h) By any other means attempts to commit murder.
-

MURDER, CONSPIRING TO COMMIT.

Sec. 266 Every one is guilty of an indictable offence and liable to fourteen years' imprisonment, who,—

- (a) Conspires or agrees with any person to murder or to cause to be murdered any other person, whether the person intended to be murdered is a subject of His Majesty or not, or is within His Majesty's dominions or not; or,
 - (b) Counsels or attempts to procure any person to murder such other person anywhere, although such person is not murdered in consequence of such counselling or attempted procurement.
-

MURDER, PUNISHMENT FOR.

Sec. 263. Every one who commits murder is guilty of an indictable offence and shall, on conviction thereof, be sentenced to death.

NEGLECT OR OMISSION TO DO DUTY, CAUSING BODILY INJURY BY.

Sec. 284. Every one is guilty of an indictable offence and liable to two years' imprisonment who, by any unlawful act, or by doing negligently or omitting to do any act which it is his duty to do, causes grievous bodily injury to any other person.

**OBSCENE BOOKS AND FRAUDULENT SCHEME,
SENDING BY MAIL.**

Sec. 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.

OFFENSIVE WEAPON, CARRYING.

Sec. 123. Every one who carries about his person any bowie-knife, or any dagger, dirk, metal knuckles, skull cracker, slung shot, or other offensive weapon of a 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 fire-arms 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, and in default of payment thereof, to imprisonment for any term not exceeding thirty days, without hard labour.

**OFFENSIVE WEAPON, CARRYING PISTOL OR
AIR-GUN.**

Sec. 118. 1. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty-five dollars and not less than five

dollars, or to imprisonment for one month who, not being a justice or public officer, or a soldier, sailor, or volunteer in His Majesty's service, on duty, or a constable or other peace officer, and not having a certificate of exemption from the operation of this section as hereinafter provided for, and not having at the time reasonable cause to fear an assault or other injury to his person, family or property, has upon his person a pistol, or air-gun elsewhere than in his own dwellinghouse, shop, warehouse, or counting-house.

2. If sufficient cause be shown upon oath to the satisfaction of any justice, he may grant to any applicant therefor not under the age of sixteen years and as to whose discretion and good character he is satisfied by evidence upon oath, a certificate of exemption from the operation of this section, for such period, not exceeding twelve months, as he deems fit.

3. Such certificate, upon the trial of any 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 the provisions of the first and second subsections of this section respecting certificates of exemption, or exempt from such operation any particular part of Canada and in either case for such period, and with such exceptions as to the persons affected by this section as he deems fit.

OFFENSIVE WEAPON, HAVING PISTOL OR AIR-GUN WHEN ARRESTED.

Sec. 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.

OFFENSIVE WEAPON, POINTING.

Sec. 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 one hundred dollars and not less than ten dollars, or to imprisonment for any term not exceeding thirty days, with or without hard labour.

OFFENSIVE WEAPONS, POSSESSION OF.

Sec. 115. Every one is guilty of an indictable offence and liable to five years' imprisonment who has in his custody or possession, or carries any offensive weapon for any purpose dangerous to the public peace.

OFFENSIVE WEAPON, SELLING PISTOL OR AIR-GUN TO MINOR.

Sec. 119. 1. Every one is guilty of an offence and liable on summary conviction, to a penalty not exceeding fifty dollars, who sells or gives 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 endeavoring 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.

2. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty-five dollars, who sells any pistol or air-gun without keeping a record of such sale, the date therefor, and the name of the purchaser and of the maker's name, or other mark by which such arm may be identified.

OFFENSIVE WEAPON, SHEATH KNIFE CARRYING.

Sec. 124. Every one, not being thereto required by his lawful trade or calling, who is found in any town

or city carrying about his person any sheath-knife is liable, on summary conviction before two justices, to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment thereof, to imprisonment for any term not exceeding thirty days, with or without hard labour.

OFFENSIVE WEAPON, SMUGGLER CARRYING.

Sec. 117. Every one is guilty of an indictable offence and liable to imprisonment for ten years who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under any law relating to inland revenue, the customs, trade or navigation, knowing such goods to be so liable.

PEACE OFFICER, NEGLECT TO AID.

Sec. 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.

PEACE OFFICER, OBSTRUCTING IN DISCHARGE OF DUTY.

Sec. 169. Every one who resists or wilfully obstructs,—

- (a) Any peace officer in the execution of his duty or any person acting in aid of such officer;
- (b) Any person in the lawful execution of any process against any lands or goods or in making any lawful distress or seizure; is guilty of an offence punishable on indictment or on summary conviction and liable if convicted on indictment to two years' imprisonment and, on summary conviction before two justices, to six months' imprisonments with hard labour, or to a fine of one hundred dollars.

PERJURY AND SUBORDINATION OF PURJURY.

Sec. 170. 1. Perjury is an assertion as to a matter of fact, opinion, belief or knowledge, made by a witness in a judicial proceeding as part of his evidence upon oath or affirmation, whether such evidence is given in open court, or by a davit or otherwise, and whether such evidence is material or not, such assertion being known to such witness to be false, and being intended by him to mislead the court, jury or person holding the proceeding.

2. Subordination of perjury is counselling or procuring a person to commit any perjury which is actually committed.

3. Evidence in this section includes evidence given on the voir dire and evidence given before a grand jury.

PERJURY, PENALTY FOR.

Sec. 174. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who commits perjury or subordination of perjury.

2. If the crime is committed in order to procure the conviction of a person for any crime punishable by death, or imprisonment for seven years or more, the punishment may be imprisonment for life.

PRIZE FIGHTING DEFINED.

Sec. 104. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$1,000.00 and not less than \$100.00, or to imprisonment not exceeding six months, with or without hard labour, or to both, who sends or publishes, or causes to be sent or published or otherwise made known, any challenge to fight a prize fight, or accepts any such challenge, or causes the same to be accepted, or goes into training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize fight.

PRIZE FIGHT, ENGAGING AS PRINCIPAL IN.

Sec. 105. Every one is guilty of an offence, and liable, on summary conviction, to imprisonment for a

term not exceeding twelve months, and not less than three months, with or without hard labour, who engages as a principal in a prize fight.

RAILWAYS, ENDANGERING LIFE ON.

Sec. 282. Every one is guilty of an indictable offence and liable to imprisonment for life, who unlawfully, -

- (a) With intent to injury or to endanger the safety of any person travelling or being upon any railway.
 - (1) Puts or throws upon or across such railway any wood, stone or other matter or thing,
 - (2) Takes up, removes or displaces any rail, railway switch, sleeper or other matter injures or destroys any track, bridge, or injures or destroys any track, bridge, or fence of such railway, or any portion thereof,
 - (3) Turns, moves or diverts any point or other machinery belonging to such railway,
 - (4) Makes, or shows, hides or removes any signal or light upon or near to such railway,
 - (5) Does or causes to be done any other matter or thing with such intent; or,
- (b) Throws, or causes to fall or strike against, into or upon any engine, tender, carriage or truck used and in motion upon any railway, any wood, stone or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train of which such first mentioned engine, tender, carriage or truck forms part.

RAPE DEFINED.

Sec. 298. 1. Rape is the act of a man having carnal knowledge of a woman who is not his wife with-

out 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.

2. No one under the age of fourteen years can commit this offence.

RAPE, ATTEMPT TO COMMIT.

Sec. 300. Every one is guilty of an indictable offence and liable to seven years' imprisonment who attempts to commit rape.

RAPE, PENALTY FOR.

Sec. 299. Every one who commits rape is guilty of an indictable offence and liable to suffer death or to imprisonment for life.

RECEIVING CLOTHING, ETC., FROM SOLDIERS OR DESERTERS.

Sec. 438. Every one who,—

- (a) Buys, exchanges or detains, or otherwise receives from any soldier, militiaman or deserter any arms, clothing or furniture belonging to His Majesty, or any such articles belonging to any soldier, militiaman or deserter as are generally deemed regimental necessaries according to the custom of the army; or,
- (b) Causes the colour of such clothing or articles to be changed; or,
- (c) Exchanges, buys or receives from any soldier or militiaman, any provisions, without leave in writing from the officer commanding the regiment or detachment to which such officer belongs; is guilty of an offence punishable on indictment or on summary conviction, and liable on conviction on indictment to five years' imprisonment, and on summary conviction before two justices to a penalty not

exceeding forty dollars, and not less than twenty dollars and costs, and, in default of payment, to six months' imprisonment with or without hard labour.

RECEIVING PROPERTY OBTAINED BY OFFENCE PUNISHABLE ON SUMMARY CONVICTION.

Sec. 401. Every one who receives or retains in his possession anything, knowing the same to have been unlawfully obtained, the stealing of which is punishable on summary conviction, either for every offence, or for the first and second offence only, is guilty of an offence and liable on summary conviction, for every first, second or subsequent offence of receiving, to the same punishment as if he were guilty of a first, second or subsequent offence of stealing the same.

RECEIVING STOLEN GOODS.

Sec. 399. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment, who receives or retains in his possession anything obtained by any offence punishable on indictment, or L. any acts whatsoever committed, which, if committed in Canada would have constituted an offence punishable upon indictment, knowing such thing to have been so obtained.

RECEIVING STOLEN GOODS, WHEN OFFENCE COMPLETE.

Sec. 402. The act of receiving anything unlawfully obtained is complete as soon as the offender has, either exclusively or jointly with the thief or any other person, possession of or control over such thing, or aids in concealing or disposing of it.

RESCUE OF PERSON SENTENCED TO DEATH OR FOR LIFE.

Sec. 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 law-

ful 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.

RIOT, DEFINED.

Sec. 88. A riot is an unlawful assembly which has begun to disturb the peace tumultuously.

RIOT ACT, READING OF.

Sec. 91. It is the duty of every sheriff, deputy-sheriff, mayor or other head officer, and justice, of any county, city or town, who has noticed that there are within his jurisdiction persons to the number of twelve or more unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, to resort to the place where such unlawful, riotous and tumultuous assembly is, and among the rioters, or as near to them as he can safely come, with a loud voice to command or cause to be commanded silence, and after that openly and with loud voice, to make or cause to be made a proclamation in these words or to the like effect:—

“Our Sovereign Lord The King charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business, upon the pain of being guilty of an offence, on conviction of which they may be sentenced to imprisonment for life.”

“GOD SAVE THE KING.”

RIOT A. PREVENTING READING OF.

Sec. 92. All persons are guilty of an indictable offence and liable to imprisonment for life who,—

- (a) With force and arms wilfully oppose, hinder or hurt any person who begins or is about to make the said proclamation, whereby such proclamation is not made; or,
- (b) Continue together to the number of twelve for thirty minutes after such proclamation has been made, or if they know that its making was hindered as aforesaid, within thirty minutes after such hinderance.

RIOT, NEGLECT TO AID PEACE OFFICER IN SUPPRESSING.

Sec. 95. Every one is guilty of an indictable offence and liable to one year's 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 suppressing any riot, without reasonable excuse omits to do so.

RIOT, PENALTY FOR.

Sec. 90. Every rioter is guilty of an indictable offence and liable to two year's imprisonment with hard labour.

RIOT, SUPPRESSION OF.

Sec. 48. Every sheriff, deputy sheriff, mayor or other head officer or acting head officer of any county, city, town or district and every magistrate and justice of the peace, is justified in using, and ordering to be used, and every peace officer is justified in using, such force as he, in good faith, and on reasonable and probable grounds, believes to be necessary to suppress a riot, and as is not disproportioned to the danger which he, on reasonable and probable grounds, believes to be apprehended from the continuance of the riot.

RIOT, SUPPRESSION OF BY PERSONS COMMANDED BY AUTHORITIES.

Sec. 49. Every one, whether subject to military law or not, acting in good faith in obedience to or

ders given by any sheriff, deputy sheriff, mayor or other head officer or acting head officer of any county, city, town or district, or by any magistrate or justice, for the suppression of a riot, is justified in obeying the orders so given unless such orders are manifestly unlawful, and is protected from criminal responsibility in using such force as he, on reasonable and probable grounds, believes to be necessary for carrying into effect such orders.

2. It shall be a question of law whether any particular order is manifestly unlawful or not.

RIOTS AND UNLAWFUL ASSEMBLIES.

Sec. 97. 1. 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 neighborhood 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 an indictable offence therein is not unlawful.

RIOTOUS DAMAGE TO PROPERTY.

Sec. 97. 1. All persons are guilty of an indictable offence and liable to seven years' imprisonment who, being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injure or damage any of the things mentioned in the last preceding section.

2. It shall not be a defence to a charge of an offence against this or the last preceding section that the offender believed he had a right to act as he did, unless he actually had such a right.

ROBBERY DEFINED.

Sec. 445. Robbery is theft accompanied with violence or threats of violence to any person or property used to extort the property stolen, or to prevent or overcome resistance to its being stolen.

ROBBERY, ASSAULT WITH INTENT TO ROB.

Sec. 448. Every one who assaults any person with intent to rob him is guilty of an indictable offence and is liable to three year's imprisonment.

ROBBERY, STOPPING THE MAIL WITH INTENT TO ROB.

Sec. 449. Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than five years, who stops a mail with intent to rob or search the same.

ROBBERY WITH VIOLENCE, PENALTY FOR.

Sec. 446. Every one is guilty of an indictable offence and liable to imprisonment for life and to be whipped who,—

- (a) Robs any person and at the time of, or immediately before or immediately after, such robbery, wounds, beats, strikes, or uses any personal violence to such person; or,
- (b) Being together with any other person or persons, robs or assaults with intent to rob, any person; or,
- (c) Being armed with an offensive weapon or instrument robs, or assaults with intent to rob, any person.

SEARCH WARRANT, EXECUTION OF.

Sec. 630. 1. 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 form 2, or to the like effect.

NOTE: It is the duty of constables executing search warrants,

- (1) To have his warrant with him,
- (2) To have the owner of the goods with him if possible, as he must not seize goods unless satisfied they are the goods in question.

SEARCH WARRANT FOR GAMING HOUSE.

Sec. 641. 1. If the chief constable or deputy constable of any city, town, incorporated village or other municipality or district, organized or unorganized, or place, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or to the mayor or chief magistrate or to the police, stipendiary or district magistrate of such city, town, incorporated village or other municipality, district or place, or to any police stipendiary or district magistrate having jurisdiction there, or if there be no such mayor, or chief magistrate, or police stipendiary or district magistrate, to any justice having such jurisdiction, that there are good grounds for believing, and that he does believe that any house, room or place within the said city or town, incorporated village or other municipality, district or place, is kept or used as a common gaming or betting house as defined in sections two hundred and twenty-six and two hundred and twenty-seven, or is used for the purpose of carrying on a lottery, or for the sale of lottery tickets, or for the purpose of conducting or carrying on any scheme, contrivance or operation for the purpose of determining the winners in any lottery contrary to the provisions of section two hundred and thirty-six, whether admission thereto is limited to those possessed of entrance keys or other-

wise, such commissioner, mayor, chief magistrate, police, stipendiary or district magistrate or justice may, by order in writing, authorize the chief constable, deputy chief constable, or other officer as aforesaid, to enter any such house, room or place, with such constables as are deemed requisite by him, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who are found therein, and to seize, as the case may be, all tables and instruments of gaming or betting, and all moneys and securities for money, and all instruments or devices for the carrying on of such lottery, or of such scheme, contrivance or operation, and all lottery tickets found in such house or premises, and to bring the same before the person issuing such order, or any justice, to be by him dealt with according to law.

2. The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming or betting, or any instruments or devices for the carrying on of such lottery or of such scheme, contrivance or operation, or any lottery tickets, are concealed, and all persons whom he finds in such house or premises, and seize all tables and instruments of gaming or betting, or any such instruments or devices, or lottery tickets as aforesaid, which he so finds.

3. The person issuing such order or the justice before whom a person is taken by virtue of an order under this section, may direct any cards, dice, balls, counters, tables or other instruments of gaming or used in playing any game, or of betting, or any such instruments or devices for carrying on of a lottery, or for the conducting or carrying on of any such scheme, contrivance or operation, or any such lottery tickets, so seized, as aforesaid, to be forthwith destroyed, and any money or securities so seized shall be forfeited to the Crown for the public uses of Canada.

**SEDUCTION, GIRL ABOVE AGE OF FOURTEEN
AND UNDER AGE OF SIXTEEN.**

Sec. 211. Every one is guilty of an indictable offence and liable to two year's imprisonment who seduces or has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of sixteen years.

SEDUCTION OF WARD.

Sec. 213. Every one is guilty of an indictable offence and liable to two years' imprisonment,—

- (a) Who, being a guardian, seduces or has illicit connection with his ward; or,
- (b) Who seduces or has illicit connection with any woman or girl previously chaste and under the age of twenty-one years who is in his employment in a factory, mill, work-shop, shop or store, or who, being in a common, but not necessary similar, employment with him in such factory, mill, work-shop, shop or store, is, in respect of her employment or work in such factory, mill, work-shop, shop, or store, under or in any way subject to his control or direction, or receives her wages or salary directly or indirectly from him.

SEDUCTION UNDER PROMISE OF MARRIAGE.

Sec. 212. Every one, above the age of twenty-one years, is guilty of an indictable offence and liable to two year's imprisonment, who under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under twenty-one years of age.

SETTING SPRING-GUNS AND MAN-TRAPS.

Sec. 281. Every one is guilty of an indictable offence and liable to five years' imprisonment who sets or places, or causes to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same

may destroy, or inflict grievous bodily harm upon any trespasser or other person coming in contact therewith.

2. Every one who knowingly and wilfully permits any such spring-gun, man-trap or other engine which has been set or placed by some other person, in any place which is in, or afterwards comes into, his possession or occupation, to continue so set or so placed shall be deemed to have set or placed such gun, trap or engine with such intent as aforesaid.

3. This section does not extend to any gin or trap usually set or placed with the intent of destroying vermin or noxious animals.

SHOPBREAKING, DEFINED.

Sec. 30. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, either by day or night, breaks and enters and commits any indictable offence in a school house, shop, warehouse or counting-house, or any building within the curtilage of a dwelling-house, but not so connected therewith as to form part of it under the provisions hereinbefore contained.

STRANGLING. COMMITTING OFFENCE BY MEANS OF.

Sec. 276. Every one is guilty of an indictable offence and liable to imprisonment for life and to be whipped, who with intent thereby to enable himself or any other person to commit, or with intent thereby to assist any other person in committing, any indictable offence,—

- (a) By any means whatsoever, attempts to choke, suffocate or strangle any other person, or by any other means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious or incapable of resistance; or,
- (b) Unlawfully applies or administers to or causes to be taken by or attempts to apply or administer to or attempts or causes to be

EXTRACTS FROM CRIMINAL CODE

administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter or thing.

SUICIDE, ATTEMPT TO COMMIT.

Sec. 270. Every one who attempts to commit suicide is guilty of an indictable offence and liable to two years' imprisonment.

THEATRE PERFORMANCES IMMORAL.

Sec. 208. 1. 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, performance, 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.

THEFT DEFINED.

Sec. 347. 1. 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.

2. 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.

3. The taking or conversion may be fraudulent, although affected without secrecy or attempt at concealment.

4. 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 AGENT PLEDGING GOODS NOT UNDER CERTAIN CIRCUMSTANCES.

Sec. 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 entrusted 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, by reason thereof, be guilty of theft.

THEFT BY CLERK.

Sec. 359. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who,—

- (a) Being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, steals anything belonging to or in the possession of his master or employer; or,
- (b) Being a cashier, assistant cashier, manager, officer, clerk or servant of any bank, or savings bank, steals any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any money or effects of such bank, or lodged or deposited with any such bank; or,
- (c) Being employed in the service of His Majesty or of the Government of Canada or the Government of any Province of Canada, or of any municipality, steals anything in his possession by virtue of his employment.

HUSBAND CANNOT STEAL FROM WIFE, NOR
WIFE FROM HUSBAND WHILE LIVING
TOGETHER.

Sec. 354. 1. No husband shall be convicted of stealing during co-habitation, the property of his wife, and no wife shall be convicted of stealing, during co-habitation, the property of her husband; but while they are living apart from each other either shall be guilty of theft if he or she fraudulently takes or converts anything which is by law, the property of the other in a manner which, in any other person, would amount to theft.

2. Every one commits theft who, while a husband and wife are living together, knowingly,—

- (a) Assists either of them in dealing with anything which is the property of the other in a manner which would amount to theft if they were not married; or,
- (b) Receives from either of them anything, the property of the other, obtained from that other by such dealing as aforesaid.

THEFT OF POST LETTER.

Sec. 364. Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than three years, who steals,—

- (a) A post letter bag; or,
- (b) A post letter from a post letter bag or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail; or,
- (c) A post letter containing any chattel, money or valuable security; or,
- (d) Any chattel, money or valuable security from or out of a post letter.

NOTE: A letter is a post letter only while it is in possession and care of the Post Office Department and not after it has been delivered.

THEFT, STEALING FROM THE PERSON.

Sec. 379. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment, who steals any chattel, money or valuable security from the person of another.

THEFT, STEALING FROM DOCK OR WHARF.

Sec. 382. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who,—

- (a) Steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, in any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river, or canal; or,
- (b) Steals any goods or merchandise from any dock, wharf or quay, adjacent to any such haven, port, river, canal, creek or basin.

THEFT, STEALING IN DWELLING-HOUSE.

Sec. 380. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who,—

- (a) Steals in any dwelling-house any chattel, money, or valuable security to the value in the whole of twenty-five dollars or more; or,
- (b) Steals any chattel, money or valuable security in any dwelling-house, and by any menace or threats puts any one therein in bodily fear.

TRADING STAMPS, ISSUING.

Sec. 505. Every one is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding five hundred dollars 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 otherwise dispose of trading stamps to a merchant or dealer in goods for use in his business.

TRADING STAMPS, GIVING TO PURCHASER OF GOODS.

Sec. 506. Every one is guilty of an indictable offence and liable to six months' imprisonment and to a fine not exceeding two hundred dollars 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.

TREASON, OFFENCE OF.

Sec. 74. Treason is 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.

NOTE: Penalty for treason is death.

UNLAWFUL ASSEMBLY, PENALTY FOR.

Sec. 89. Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment.

EXPLOSIVE, CAUSING BODILY INJURY BY.

Sec. 279. Every one is guilty of an indictable offence and liable to imprisonment for life who unlawfully and by the explosion of an explosive substance burns, maims, disfigures, disables or does any grievous bodily harm to any person.

VAGRANCY DEFINED.

Sec. 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, willfully refuses or neglects to do so;
- (c) Openly exposes or exhibits in any street, road, highway or public place, 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 stand-

ing across the footpath, or by using insulting language, or in any other way;

- (f) Causes a disturbances in or near any street, road, highway, or public place, by screaming, swearing or slinging, 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;
- (j) Is a keeper or inmate of a disorderly house, bawdy-house or house of ill-fame, or house for the resort of prostitutes;
- (k) Is in the habit of frequenting such houses and does not give a satisfactory account of himself or 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.

VAGRANCY, PENALTY FOR.

Sec. 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 the last preceding section, 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.

WOUNDING, CAUSING GRIEVOUS BODILY HARM.

Sec. 274. Every one is guilty of an indictable offence and liable to three year's imprisonment who unlawfully wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument.

WOUNDING WITH INTENT.

Sec. 273. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, unlawfully by any means wounds or causes any grievous bodily harm to any person, or shoots at any person, or by drawing a trigger, or in any other manner, attempts to discharge any kind of loaded arms at any person.





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